

FALLS TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FALLS AT PART II [GENERAL LEGISLATION], CHAPTER 209 [ZONING], BY AMENDING AND RESTATING ARTICLE IV [DISTRICT REGULATIONS] TO PROVIDE FOR DATA CENTERS, AND TO CREATE ARTICLE XI [DATA CENTERS] TO PROVIDE REGULATIONS FOR DATA CENTERS

CERTIFICATION

I, JOHN SHEPHERD, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN FALLS TOWNSHIP, BUCKS COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. _____.

John Shepherd, Township Manager
_____, 2026

ENACTED: _____

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FALLS AT PART II [GENERAL LEGISLATION], CHAPTER 209 [ZONING], BY AMENDING AND RESTATING ARTICLE IV [DISTRICT REGULATIONS] TO PROVIDE FOR DATA CENTERS, AND TO CREATE ARTICLE XI [DATA CENTERS] TO PROVIDE REGULATIONS FOR DATA CENTERS

WHEREAS, Falls Township (“Township”) is a Second-Class Township duly organized and existing pursuant to the applicable laws of Pennsylvania; and

WHEREAS, pursuant to Section 66506 of the Second-Class Township Code of the Commonwealth of Pennsylvania (53 P.S. § 66506), the Board of Supervisors is empowered to adopt resolutions and ordinances prescribing the manner in which powers of the Township shall be carried out; and

WHEREAS, the Board of Supervisors of Falls Township has adopted a comprehensive zoning ordinance, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of Falls Township; and

WHEREAS, the Second Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Supervisors to make, amend and adopt amendments to the Falls Township Zoning Ordinance, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents; and

WHEREAS, the Board of Supervisors of Falls Township, pursuant to Resolution No. 2026-11, as adopted on July 27, 2026, has declared certain portions of the Zoning Ordinance may be considered substantively invalid and have resolved to avail themselves of the procedures set forth in Section 690.2 of the Municipalities Planning Code (53 P.S. § 10609.2) to pursue a curative amendment; and

WHEREAS, the Board of Supervisors of Falls Township have determined that this curative amendment to the Falls Township Zoning Ordinance, as amended, is required to provide for and make specific regulations for certain uses within Falls Township.

NOW THEREFORE, be it **ORDAINED AND ENACTED** by the Falls Township Board of Supervisors that the Township's Code is amended as follows:

SECTION 1. **Amendment to Chapter 209 [Zoning], Article IV [District Regulations], Section 30 [MPM Materials Processing and Manufacturing District], Subsection G [Conditional Uses] to provide for data centers.**

The Code of the Township of Falls, Part II [General Legislation], Chapter 209 [Zoning], Article IV [District Regulations], Section 30 [MPM Materials Processing and Manufacturing District], Subsection G [Conditional Uses (see § 209-50)] is hereby restated and amended with the underlined language (example) as follows:

G. Conditional uses. (See § 209-50.)

(1) The storage, utilization or manufacture of explosives as defined in this chapter.

(2) Data centers, subject to the provisions of Article XI.

SECTION 2. **Amendment to Chapter 209 [Zoning] to create Article XI [Data Centers].**

The Code of the Township of Falls, Part II [General Legislation], Chapter 209 [Zoning] is hereby amended to create Article XI [Data Centers] as follows:

§ 209-92. Legislative Intent.

In recognition of the scale and particular impact of the data center use, it is necessary to provide specific regulations for data center development within Falls Township to ensure orderly development, mitigation of impact on surrounding uses, and protection of the environment, and to ensure that such uses will only take place when served by adequate infrastructure. The protective standards in this Article are intended to minimize any unanticipated adverse impacts of data centers on nearby premises.

§ 209-93. Definitions.

DATA CENTER

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

DATA CENTER ACCESSORY USE

Ancillary uses or structures secondary and customarily incidental to a Data Center uses, including but not limited to: administrative, logistical, fiber optic, storage and security buildings or structures; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features; provided such data center accessory uses or structures are located on the same tract or assemblage of parcels developed as a unified development with a Data Center.

§ 209-94. Performance and Development Standards.

- A. Building height. The maximum building height shall be 80 feet, inclusive of any roof-top equipment and Data Center Accessory Uses, but shall be no more than two (2) stories of occupiable height.
- B. Yard requirements. The yard requirements of the underlying zoning district shall apply except that no yard shall be less than 100 feet.
- C. No portion of a Data Center containing mechanical or electronic improvements (e.g. servers, power generation, substations, mechanical support systems) and/or any equipment that may generate noise shall be located closer than 2,000 feet to any residential zoning district boundary line and/or property line of a property with a residential use.
- D. A minimum 100 foot planted buffer where abutting a residential zoning district and/or abutting a property with a residential use shall be maintained. For these purposes, abutting zones or properties shall include those on the opposite side of any right-of-way from parcel on which the Data Center is located. Such buffer shall be vegetated with both deciduous and evergreen trees and shrubbery, arranged in a manner to reduce both visual impact and mitigate sound, to the satisfaction of the Township.
- E. All features installed on the rooftop of the building(s) shall be screened by a parapet sound wall to mitigate the impact of any machinery so placed.

- F. All exterior light fixtures shall meet Township lighting standards.
- G. Data Centers shall demonstrate perpetual compliance with all of the following standards for the Data Center: LEED for Data Centers at Gold Level or higher; EPA Energy Star; GBI Green Globes; ISO 50001 Energy Management and ISO 14001 Standard for Environmental Management Systems; or other equivalent standards as approved by the Township for so long as the Data Center is operational.
- H. Noise, Vibration and Sound.
- (1) Pre-construction Noise and Vibration Study. A pre-construction noise and vibration study prepared, signed and sealed by a qualified, licensed acoustical engineer or other qualified acoustical professional establishing baseline ambient noise and vibration levels and shall include different times of day shall be required to be submitted to the Township for review and approval. The noise and vibration study shall include a narrative describing anticipated operational impacts to sound levels and it shall include an octave band analysis. The noise and vibration study shall account for any proposed electrical substations, on-site power generation facilities, back-up generators, and other data center accessory uses that may generate noise. The noise and vibration study shall account for all weather conditions and seasons. The vibration study shall be conducted following the guidelines in the Federal Transit Administration Noise and Vibration Assessment Impact Manual for a Detailed Vibration Analysis.
- (2) Post-construction Noise and Vibration Study. No sooner than 1 month but no more than 12 months after the issuance of the first Certificate of Occupancy a noise and vibration study of existing operations shall be required. The post-construction noise and vibration study shall be prepared, signed and sealed by a qualified, licensed acoustical engineer comparing baseline ambient noise and vibration levels, as represented in the pre-

construction study, and current operational levels and shall include different times of day shall be required to be submitted to the Township for review and approval. The noise and vibration study shall include a narrative describing actual operational impacts to sound levels and it shall include an octave band analysis. The noise and vibration study shall account for any electrical substations, on-site power generation facilities, back-up generators, and other data center accessory uses that generate noise. The noise and vibration study shall account for all weather conditions and seasons. The vibration study shall be conducted following the guidelines in the Federal Transit Administration Noise and Vibration Assessment Impact Manual for a Detailed Vibration Analysis.

- (3) Sound and vibration shall be measured at all property lines. The studies shall use full spectrum modeling to address low-frequency noise.
- (4) If the pre-construction Noise Study establishes a baseline ambient noise level in excess of the maximum sound level permitted under this Article, the Post-Construction Study shall demonstrate that operations of the proposed use do not materially increase the baseline ambient noise level as measured at the property line. Any increase above the established baseline shall be deemed a violation unless specifically authorized as a condition of approval.
- (5) Noise mitigation measures may be required by the zoning officer when noise studies show that the use is generating noise exceeding established limits.
- (6) At no time shall a Data Center exceed the sound levels established in Table 1 at any property line of the Subject Property.

TABLE 1 - MAXIMUM PERMISSIBLE SOUND LEVELS (Leq)

Abutting Zoning District Classification	Maximum dBA Daytime	Maximum dBA Nighttime
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Residential	60	55
Mixed Use District	60	55
Commercial	65	60
Office	65	60
Industrial	79	72

(7) Steady Tonal Sound

- (a) No source of steady tonal sound may exceed the limits established in Table 2 when measured at any location at or within a residential property boundary.

TABLE 2 -MAXIMUM PERMISSIBLE OCTAVE BAND SOUND PRESSURE LEVELS ABUTTING RESIDENTIAL ZONING DISTRICTS (dBZ, L50, 30 sec)

Octave Band (Hz)	Daytime Maximum dBZ	Nighttime Maximum dBZ
31.5	65	60
63	60	55
125	55	50
250	50	45
500	45	40
1000	41	36
2000	38	33
4000	36	31
8000	35	30

- (b) The Table 2 limits may not be exceeded during any three (3) or more sampling intervals, the duration of which shall be no less than 30 seconds, within any 1-hour period.

(8) A Data Center shall not generate vibration in excess of the following:

- (a) Exceed Peak Particle Velocity (PPV) of 0.02 inches per second at any property

line based on a low dominant frequency (4-8 Hz).

- (b) A Vibration Velocity Level of 50 VdB at any residential property line based on a low dominant frequency (4-8 Hz).
 - (c) Cause any perceptible vibration level causing the recurring rattling of windows, walls, floors, ceilings or household contents.
 - (d) Cause any vibration level that interferes with the reasonable use and enjoyment of any neighboring property.
- (9) All proposed generators shall be positioned in a manner to limit noise from leaving the site.

I. Thermal Impact Mitigation Plan.

A Thermal Impact Mitigation Plan shall be provided including the following:

- (1) Identification of primary sources of waste heat (air- and water-based).
- (2) Evaluation of potential off-site thermal impacts at property boundaries and nearby sensitive receptors, including plume/heat discharge and localized heat islands, under representative seasonal conditions.
- (3) Description of design measures to minimize heat impacts (e.g., equipment siting, shielding, landscaping, cool roofs/paving where applicable).
- (4) Evaluation of feasible opportunities for waste heat reuse. Where reuse is not feasible, the reason(s) why should be given, in which case alternative mitigation shall be identified (e.g., vegetative or green roof and/or site design modifications).
- (5) Demonstrate the thermal readiness of the building design to capture and share waste heat in a future thermal energy network (e.g. dedicated, insulated pipe along the perimeter,

capped and metered, to enable connection to a future network).

- (6) Inclusion of a monitoring and verification approach, where required by the Township as a condition of approval based on proximity to sensitive receptors or site constraints.
- (7) The Thermal Impact Mitigation Plan shall be prepared and certified by a professional engineer licensed in the Commonwealth of Pennsylvania.
- (8) The Thermal Impact Mitigation Plan shall be subject to review and comment by the Township. The Township and its consultants shall have the right to require supplemental or amended plans based on comments by the Township prior to issuance of the building permits.
- (9) If the final design or operation of the facility materially change from the approved Thermal Impact Mitigation Plan, including but not limited to changes in cooling technology, cooling equipment capacity, equipment location, or heat mitigation measures, an amended Thermal Impact Mitigation Plan shall be submitted for Township review and approval prior to installation or operation of such modifications.
- (10) An annual report shall be provided to the Township including summaries, data, and other relevant information regarding:
 - (a) The facility's annual electrical consumption;
 - (b) Any waste heat recovery systems installed and operated during the reporting period;
 - (c) Estimated quantity of waste heat beneficially reused, if any;
 - (d) Any modifications made to thermal mitigation measures; and

- (e) Any thermal-related complaints received, and if so, actions taken to address such complaints.
- J. An Environmental Impact Study evaluating the predicted impact on wildlife habitats, scenic areas, and the general amenity for the community and providing a mitigation strategy for any impacts identified shall be provided. All Data Centers shall provide an annual report on any environmental impacts and the success of mitigation strategies. The Township may require additional study should it identify any potential additional environmental impacts.
- K. All electric and/or electronic equipment shall be shielded in a manner that no interference of radio, television, or other broadcast transmission shall be discerned at the property boundary.
- L. Documentation shall be provided by an electrical engineer, licensed in the Commonwealth of Pennsylvania, certifying compliance with IEEE 519 for maximum levels of THD and TDD at the point of common coupling with the utility provider and that this level is acceptable to the utility provider. This evaluation shall be conducted annually and a certification shall then be provided to the Township unless required more frequently by the utility provider.
- M. A Data Center shall utilize a closed-loop/closed-circuit cooling system. Such coolant shall be delivered to the site from other sources or be recycled water drawn from any public wastewater treatment system and treated to the appropriate standards for use in cooling the Data Center. Such coolant shall not be discharged into a watercourse, wetland sewer system or in a manner that could contaminate the groundwater, as provided herein. A filling and discharge plan shall be provided to the Township prior to the issuance of any permits.
- N. An estimated annual water consumption report, including the source of water to be used for consumption shall be provided to the Township. The report shall confirm a net zero draw from the potable water reserved for use in cooling operations. After the issuance of a Certificate of Occupancy and for as long as the Data Center is operational, an annual

water consumption report shall be provided to the Township.

- O. No water shall be drawn from any watercourse nor wetland nor groundwater source nor from any public water system except potable water for human consumption and/or use in human-serving facilities (i.e. restrooms, kitchens, etc.) in excess of any existing permit.
- P. Discharge into any watercourse, wetland or groundwater source shall not be permitted at any time unless a plan and permit are provided in accordance with the receiving authority's requirements.
- Q. Flow Identification and Controls: All project flows shall be quantified, and where deemed to be appropriate in the sole discretion of the Township, be subject discharge limitations and metering requirements, as determined by the Township Engineer and/or any authority or other entity having jurisdiction.
- R. Discharge Quality and Pretreatment:
 - (1) All applicable pretreatment standards shall be followed for any proposed discharge from the Data Center.
 - (2) The introduction of process wastewater, cooling system fluids or other industrial discharges, as designated by the Township and/or any authority or other entity having jurisdiction, absent express permission from the appropriate authority, shall be prohibited.
- S. Wastewater Discharge Plan
 - (1) A Wastewater Discharge Plan for review and approval shall be provided. Once approved, a Data Center shall remain in compliance with such Wastewater Discharge Plan perpetually. The wastewater discharge plan shall consider:
 - (a) Estimated wastewater disposal volumes, including sewage and water discharged from the Data Center's HVAC and coolant systems.

- (b) Confirmation from an applicable wastewater authority that there is treatment capacity for such proposed discharge in the public system.
- (c) If the Data Center is to rely on private wastewater disposal, the Wastewater Discharge Plan shall study the feasibility of private disposal as to not adversely affect surrounding water bodies. At a minimum, such study shall include:
 - i. Calculations of the projected wastewater generation including the sources of wastewater, as mentioned above;
 - ii. A geologic map of the area with a radius of at least one (1) mile from the boundary of the property;
 - iii. Location of all existing and proposed wells within 1,000 feet of the boundary of the property with reference to the capacity of all high-yield wells;
 - iv. Location of all surface waters and wetlands within 1,000 feet of the boundary of the property and all known point sources of pollution;
 - v. Identification of the process by which water will be recycled or released into surrounding water bodies;
 - vi. Determination that the proposed wastewater system has no adverse impact on the quantity and quality of water in nearby wells, surface waters, wetlands and the groundwater table; and
 - vii. Statement of the qualifications and the signature(s) and, if

applicable, seal(s) of the person(s) preparing the study.

- T. Monitoring and Enforcement: A dedicated sampling location, as designated by the Township and/or any authority or other entity having jurisdiction, shall be provided and shall permit the applicable authority unimpeded access for inspection, monitoring, and enforcement at all times.
- U. Change-in-Use/System Modifications: No modification of the use or operation of the Data Center shall be undertaken that would result in an increase in sanitary flow or change in discharge characteristics without review by and express approval from the Township and/or any authority or other entity having jurisdiction.
- V. The Data Center shall attempt to utilize renewable power generation technology, with a preference for solar power, to the greatest extent possible. Documentation of all efforts to utilize renewable power generation shall be provided prior to issuance of a Certificate of Occupancy and on an annual basis after issuance.
- W. Any excess on-site generated power shall be offered back to the utility grid, as possible. However, the primary purpose of any on-site generated power shall be for the Data Center and shall not be intended to exceed the needs of the Data Center for off-site power provision or use.
- X. Should the Data Center utilize battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, for any purpose, compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards shall be demonstrated and shall include fire suppression systems designed specifically for battery storage.
- Y. Procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare shall be demonstrated.
- Z. A clean air micro-grid or a CHP system to address emissions and pollution generated shall be utilized;

all emission levels shall be in accordance with the highest standards promulgated by the United States Environmental Protection Agency (EPA) or the Pennsylvania Department of Environmental Protection (DEP). All generators shall meet or exceed Tier 4 emissions standards and operational practices shall be optimized to reduce generator runtime and include enhanced emission controls.

- AA. A Traffic Impact Study (TIS) for both construction-phase and operational traffic, in accordance with the standards of the Pennsylvania Department of Transportation (PennDOT), shall be provided.
- BB. The Data Center shall not adversely affect the level of service on surrounding roadways.
- CC. All access points and on-site circulation shall be designed to prevent queuing or operational impacts on public roadways.
- DD. Signage at the entrance to the property containing 24-hour emergency contact information, including property owner name, operator name, telephone number, and e-mail address; signage shall also include contact information for any third-party service providers, shall be conspicuously posted.
- EE. An Emergency Response Plan shall be prepared by a qualified professional and maintained with the Township and all emergency services entities primarily serving the property. The Emergency Response Plan shall:
 - (1) Evaluate the impacts, both positive and negative, of the proposed data center upon emergency services and fire protection.
 - (2) Be reviewed by and acceptable to the local fire department and emergency management services prior to building permits.
 - (3) Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
 - (4) Ensure that all first responders receive adequate training specific to the installed system at the expense of the applicant.

- (5) Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the data center.
- FF. All applicable provisions of the Emergency Response Plan shall be implemented as required by the Township's Fire Marshall, including but not limited to fire suppression containment, alarms, and any other warning or emergency management systems.
- GG. The applicant shall coordinate with the municipal emergency management coordinator to ensure there is adequate radio coverage for emergency responders within all on-site buildings and facilities, based upon existing coverage levels of the municipal public safety radio communications system exterior to on-site buildings. The applicant shall install enhancement systems, as needed, to achieve compliance.
- HH. An Electronic Waste Plan shall be reviewed and approved prior to the issuance of building permits for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all state and federal requirements, for all equipment within the data center for replacement or decommissioning.
- II. A Decommissioning Plan, prepared by a qualified professional, to the satisfaction of the Township, shall be provided. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration.
- JJ. Within sixty (60) days after the end of each calendar year, the Township shall be provided with an annual report prepared by a qualified professional on behalf of the owner and/or operator of any Data Center which details energy consumption, emissions output, water intensity, use of renewable energy resources, and any other operational or environmental factors as requested by the Township.
- KK. All Data Centers shall provide a protocol for Township inspection of the Data Center, subject to review and approval by the Township, that permits the Township reasonable access to the Data Center

without substantial advance notice to ensure perpetual compliance with the provisions of this Article.

SECTION 3. Repeal and Ratification.

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

SECTION 4. Severability.

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

SECTION 5. Effective Date.

This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED this _____ day of _____ 2026, by the Falls Township Board of Supervisors.

**FALLS TOWNSHIP
BOARD OF SUPERVISORS**

[Seal]

JEFFRY E. DENCE, *Chair*

Attested by:

BRIAN M. GALLOWAY, *Secretary*