BOROUGH OF JIM THORPE
CARBON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2026 _____

AN ORDINANCE OF THE BOROUGH COUNCIL OF JIM THORPE BOROUGH TO AMEND THE JIM THORPE BOROUGH ZONING ORDINANCE TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, *et seq.*, authorizes the Borough Council to enact, amend and repeal Zoning Ordinances within the Borough of Jim Thorpe; and

WHEREAS, the Borough Council deems it to be in the best interest and general welfare of the residents of the Borough of Jim Thorpe to update and amend provisions of the Borough of Jim Thorpe Zoning Ordinance to provide for Data Centers and Data Center Accessory Uses; and

WHEREAS, the Borough Council of the Borough of Jim Thorpe desires to add provisions to the Zoning Ordinance relating to Data Centers and Data Center Accessory Uses;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of Jim Thorpe as follows:

Section 1. Section 500-12 of the Jim Thorpe Brough Zoning Ordinance, entitled Definitions, is amended to add the following definitions:

Closed-loop cooling system. A cooling system that circulates a single contained coolant or fluid that is not discharged to the environment as a normal part of operation (may include plate-and-frame heat exchangers, rear-door heat exchangers, immersion, or other sealed liquid cooling approaches).

Data Center: A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. 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. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

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); 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. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Section 2. Data centers and Data Center Accessory uses shall be listed as a special exception use in the Industrial zone. Data centers and Data Center Accessory uses shall be listed as not permitted in all other zones.

Section 3. Article VIII (Standards for Specific Uses) is amended to add Section 500-103, Data Centers and Data Center Accessory Uses:

500-103 — **Data Centers and Data Center Accessory Uses**

A. Data Centers shall be permitted by special exception in the Industrial Zoning District when approved in compliance with the procedures, standards, and criteria contained in this section.

B. For purposes of this section, sensitive receptors shall be defined as residential uses, schools, preschools, daycare centers, in-home daycares, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, prisons, and dormitories.

C. **Dimensional Standards.** The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with Section 500-26 (D) 2 with the following exceptions:

1. The maximum building height for a Data Center shall be 50 feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.

2. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.

3. Data Centers and Data Center Accessory Uses shall be set back 200 feet from the boundary of the R1, R2, R3, R4, C1, C2, C3 and/or S zones or the lot line of any property developed with a sensitive receptor.

D. **Landscape Buffer.** A landscape buffer is required between Data Centers and Data Center Accessory uses and any adjoining R1, R2, R3, R4, C1, C2, C3 and/or S zones, sensitive receptor, or public roadway. The landscape buffer shall comply with the following requirements:

1. The landscape buffer shall be at least 25 feet in width and may be part of the minimum setback distance.

2. Buffer plantings shall consist of native species planted as follows:

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

   b. One (l) deciduous canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2% inch caliper at the time of planting.

   c. One (1) ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for mutistemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.

   d. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three 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.

   e. All planting shall be approved by the zoning hearing board upon recommendation by the Borough engineer and/or a Pennsylvania registered landscape architect, or certified arborist. A variety of species shall be used in order to prevent monocultural planting. American arborvitae and similar weak-stemmed plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species shall not be permitted. A more naturalistic form of planting with a mix of species shall be provided. If more than 20 evergreen plants are purposed, no more than 50% shall be of one species.

3. In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the Data Center and Data Center Accessory Uses from adjoining R1, R2, R3, R4, C1, C2, C3 and/or S zoning districts, sensitive receptors, and public roadways, Zoning Hearing Board, upon recommendation by the Borough Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.

E. **Screening and Fencing**

1. To provide visual screening and reduce noise levels, ground-mounted and roof mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within 300 feet of a public roadway, the R1, R2, R3, R4 , C1, C2, C3 and/or S zones or the lot line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:

   a. The landscape buffer required by subsection (D) above.

b. By existing vegetation that will remain on the property.

c. By the principal Data Center building or an accessory building

d. A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3: l, provided that the berm shall be covered by a well-maintained all season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.

e. A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.

2. Fencing of the property is permitted, provided that fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one or more of the means identified in subparagraph I above.

F. **Noise and Vibration**

1. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI Sl.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:

   a. A preliminary study shall be conducted as part of the special exception/land development process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.

   b. An interim sound study shall be conducted during the building permit approval Process based on the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.

   c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. As-built sound studies may also be required thereafter by the Borough of Jim Thorpe. If it is determined by the as-built sound study(s) that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.

2. Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

3. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration front the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

G. **Water and Sewer**

1. If the use will be served by a publicly owned or other existing centralized water supply and/or sewage disposal system, the applicant shall submit a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and include a verification that the necessary capacity is available to serve the proposed development. This letter shall be supplied with the special exception application. The complete design of the water supply system showing connection to the existing system shall also be provided and approved by the public authority.

2. If an approved public water supply is not accessible and water is to be furnished on a project basis, the applicant shall, upon submission of the special exception application, submit written evidence that they have complied with all Borough and state regulations, and that the proposed system to be installed meets the requirements of the PAPUC, PADEP, DRBC, and any other applicable regulations.

3. If the use is to rely upon a nonpublic source of water, the applicant shall provide, with the special use application, a water feasibility study in accordance with the provisions below. However, the use of a closed loop water circulation system for cooling equipment, or in the alternative, such other technology and systems to minimize the use of water and sound emissions from cooling equipment, that is acceptable to the Borough Zoning Hearing Board, is strongly encouraged. Use of such system that results in an average water supply demand of less than 10,000 gallons per day (GPD) over any consecutive 30 day and discharges of less than 10,000 GPD during any consecutive 30 days period to and from the watershed in which the data center is located, shall exempt the Data Center use from the water feasibility study requirements set forth below, except that the Zoning Hearing Board may require a well depletion agreement, or other data or information as a condition of approval. The aforesaid 10,000 GPD threshold shall apply to all buildings and structures on a cumulative/ aggerate basis and shall not be constructed to mean 10,000 GPD per building or per structure.

4. The use of reclaimed or recycled waste water for cooling and/or other mechanical operations is strongly encouraged.

5. If the use is to rely upon nonpublic 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 or 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 I ,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. A 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.

6. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection. If capacity does not exist in the Borough's sanitary sewer system, the Applicant/Developer will be responsible for upgrading the necessary system components for the project to proceed. This shall include all costs associated with design, permitting, construction, etc.

H. **Power Supply**

1. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that that the necessary capacity is available and that electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.

2. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.
3. The applicant shall provide with the special use application documentation prepared by a qualified professional, such as Pennsylvania licenses professional engineer, detailing at a minimum the following:

   a. The amount of power expected to be used by the Data Center and the Data Center accessory uses, on average, and at times of peak usage at maximum capacity, upon completion of each Data Center and at maximum capacity after full build out of the Data Center property;

   b. Power supply sources that will be utilized;

   c. Energy storage capacity and type of energy storage equipment or systems that will be utilized (if applicable);

   d. Estimated impacts on electric rates and on power availability for other uses directly attributable to the Data Center development.;

   e. Professional credentials, training and experience of the person that prepared the documentation required by this subsection.

4. All generators, whether portable or fixed/permanent, shall be equipped with functioning mufflers and enclosures to comply with the noise limits and all other applicable noise restrictions contained within the Jim Thorpe Borough Zoning Ordinance.

5. Non-residential or non-light commercial portable or backup generators shall not be operated between 8:00 p.m. and 8:00 a.m. except during emergencies.

I. **Emergency Management**

l. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

   a. Be reviewed and accepted by the local fire department and the borough emergency management coordinator as part of the special exception/land development process;
   b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
   c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
   d. Ensure that all first responders receive adequate training specific to the installed system;

e. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional, such as a certified fire inspector, on behalf of the Data Center;
f. Include contract information for facility representatives available 24 hours per day;
g. Include detailed procedures for fire suppression, containment, ventilation and evacuation.

2. 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.

3. No Data Center shall be approved unless the applicant demonstrates that procedures for this Subsection I regarding emergency management are sufficiently protective of public health, safety and welfare.

4. A campus security plan should be prepared in consultation with police and local emergency officials.

J. **Aesthetics**

1. Any Data Center and Data Center Accessory Use building facade that faces a road, R1, R2, R3 or R4 , C1, C2, C3 and/or S zones or existing residential use must incorporate at least two of the following design elements every 150 horizontal feet:

   a. A change in building material, pattern, texture, or color;

   b. A change in building height;

   c. Building step-backs or recesses having a minimum depth of five (5) feet;

2. On all four sides of each building, roof-mounted equipment shall be screened with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to conceal the equipment from off-site view and to buffer sound generated by such equipment.

3. 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.

K. **Parking**

1. Data Centers are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser.

2. All facilities with gated entrances shall provide for an on-site queuing area for the stacking of a minimum of one tractor trailer. The gated entrances shall also be provided with a knox-box type devise dictated by the Jim Thorpe Fire Department.

3. No parking or loading/unloading shall be permitted on or along any public road. A minimum of one (1) off street loading/unloading space/dock shall be provided for each Data Center.

L. Decommissioning

1. A decommissioning plan shall be required at the time of application for all proposed data centers under the jurisdiction of this zoning ordinance that establishes detailed inventory, timelines, management and removal of physical equipment, disposal of recycling materials, and plans for future use or restoration of the site.

2. Decommissioning must begin within one (1) year of discontinuation of Data Center operations, or upon notice of abandonment by the operator, which ever occurs first. Decommissioning shall be completed within (18) months thereafter unless extended by the Borough in writing for good cause.

3. Standards for Decommissioning:

   a. Hazardous materials, including, but not limited to, batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.

   b. Disturbed soils shall be stabilized and revegetated.

   c. All utility providers must be notified of the discontinuation of operations.

M. Utility Lines

1. To the extent practical, utility lines, including but not limited to electronic, fiber optic, cable, and telephone lines, from substations to a Data Center and/or Data Center Campus shall be placed underground. The requirement shall not apply if the utility company requires above-ground lines, or the placement of under-ground lines is not feasible.

N. Outdoor Lighting.

1. A photometric plan shall be provided showing all exterior lighting for the Data Center. The plan shall be designed so as to not produce more than .25 foot-candles at any abutting lot line or right-of-way line.

2. Exterior lighting shall not be mounted higher than 38 feet on a standard or other freestanding support or the exterior of a structure from the lowest adjacent grade. The fixture shall be fully shielded or cutoff so as to direct light at a downward angle and towards the interior of the lot and not equal to or higher than the horizontal plane of the bulb, bulb enclosure, or light shielding.

O. Construction Hours.

Construction and related operation of heavy machinery, operating or permitting the operation of any tools, equipment or heavy machinery used in construction, drilling, or demolition work associated with or for a Data Center and/or Data Center Campus may only occur between the hours 7:00 a.m. and 6:00 p.m. The Borough may permit additional construction hours by administrative modification upon request by the Applicant.

P. Facility Operator.

The facility operator is required to maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints through the life of the project. The facility operator should be required to make reasonable effort to respond to the public's inquiries and complaints.

Q. Mandatory Cooling System Requirements.

A. Closed-Loop Required. All new data centers and qualifying expansions must employ closed-loop cooling for server racks and IT equipment. Use of open, evaporative cooling towers for facility heat rejection is prohibited unless an applicant demonstrates by clear and convincing evidence that closed-loop technology is infeasible for the specific project and the applicant obtains a conditional exemption under this Section and all applicable state permits. (Many recent model ordinances and drafts require closed-loop systems as a standard.)

B. Conditional Exemption. An exemption may be granted by the County body upon a written request made at the time of land development or permit application and must include:

1. Detailed engineering documentation prepared by a licensed professional engineer demonstrating that closed-loop technology is infeasible for the specific project.
2. Proposed alternative technologies such as geothermal, air -cooled, direct-to-chip liquid cooling, or waste-heat recovery systems so long as they meet water-use, noise, and environmental standards set forth herein.
3. The County may impose reasonable conditions or any exemption.

C. Prohibition on private well dependency. Data centers may not be designed to draw primary cooling make-up water from private portable wells.

Section 4: Severability. If any sentence, clause, section, or part of this Ordinance or of the Zoning 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 hereof. It is hereby declared as the intent of the Borough Council that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. It is hereby further declared that should a court find or determine that the Zoning Ordinance is exclusionary, that shall not affect the remaining provisions of this Ordinance. The remaining provisions would be applicable to any use contained herein.

Section 5. Repealed. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 6. Effective Date. This Ordinance was adopted this _____ day of _____2026 and in lawful session to the assembled.

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CONNOR RODGERS, President

ATTESTED BY:

_____

BROOKE KLOTZ, SECRETARY

EXAMINED AND APPROVED BY:

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ERIC M. CINICOLA