Milford Township, Pike County, Pennsylvania
Ordinance No. 108

AN ORDINANCE OF THE SUPERVISORS OF MILFORD TOWNSHIP, PENNSYLVANIA, TO AMEND THE ZONING ORDINANCE AND ZONING MAP TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER RELATED USES.

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

WHEREAS, the Board of Supervisors deems it to be in the best interest and general welfare of the residents of the Milford Township to update and amend provisions of the Milford Township Zoning Ordinance and Zoning Map to provide for Data Centers and Data Center Related Uses; and

WHEREAS, the Board of Supervisors of Milford Township desires to add the following provisions to the Zoning Ordinance relating to Data Centers and Data Center Related Uses; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Supervisors of Milford Township as follows:

Part 1. Article II of the Milford Township Zoning Ordinance, entitled "Definitions," is amended to add the following definitions:

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 Related Uses.

Data Center Related 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; energy generation systems used or intended to be used to supply power to the Data Center during normal operations; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; fuel storage facilities; 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 related uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center.

Data Center Operator: The person or entity responsible for the post-construction operation of a data center.

Data Center Owner: The individual, person, corporation or other entity which

holds legal title to the property. Data Center Owner shall share in responsibility for any violations by Data Center Operator.

Sensitive Receptor: Any residential use, school, preschool, child or adult day-care center, hospital, assisted-living facility, long term care facility, nursing home, personal care home, retirement community, treatment center, community center, place of worship, park (excluding trails), campground, or dormitory.

Sustainable Yield: The amount of ground water that can be safely withdrawn from an aquifer annually without producing an undesirable result. Undesirable results include, but are not limited to, depletion of groundwater storage, the intrusion of water of undesirable quality, the contravention of existing water rights, excessive depletion of surface waters by induced infiltration, and land subsidence.

Part 2. Article III, Section 301, entitled "General Districts," is amended to add the DC – Data Center Overlay District and the following text:

> The DC - Data Center Overlay District shall be an optional zoning district that overlays the underlying zoning district, whereby an applicant shall have the option of developing property in accordance with either the DC - Data Center Overlay District standards or the underlying zoning district standards. In the case of an application for a Data Center, Data Center Related Use, or combination thereof, the regulations of the DC - Data Center Overlay District shall supersede the regulations of the underlying zoning district.

Part 3. Article III, Section 302, the Official Zoning Map of Milford Township is amended to establish the DC - Data Center Overlay District on the area indicated on the map attached hereto as Appendix A.

Part 4. Article III, Section 304 is amended to add a Schedule of District Regulations for the DC – Data Center Overlay District, which is attached hereto as Appendix B.

Part 5. Article III, Section 309.2, entitled "Height Limitations," is amended to delete the term "water towers." Accordingly, Section 309.2 is amended to read as follows:

> Height limitations specified by district shall not apply to church spires, belfries, cupolas, domes, monuments, chimneys, smokestacks, silos, flag poles, radio and TV towers, masts and aerials, public utility poles and towers, and parapet walls that extend not more than four feet (4') above the limiting height of the building.

Part 6. Article IV, Section 427, is amended to add supplementary regulations for Data Centers and Data Center Related Uses, as follows:

427 Data Centers and Data Center Related Uses.

427.1 Conflicts. Except as provided for in Section 301 (as amended herein by Part 2), where there is a conflict between the standards of this Section 427 and any other Section of the Milford Township Zoning Ordinance, the more restrictive standard shall apply.

427.2 Landowner affidavit. The applicant shall provide a notarized Affidavit or evidence of agreement between the landowner and Data Center Owner or Data Center Operator confirming the Data Center Owner and/or Operator has permission to apply for all necessary Permits, and Land Development Plan Approval for construction and operation of the Data Center and Data Center Related Uses.

427.3 Dimensional Standards. The dimensional standards of Data Centers and Data Center

Related Uses shall be as follows:

A. The minimum lot area shall be five (5) acres.

B. The maximum building height for a Data Center shall be forty-five (45) feet, plus up to fifteen (15) additional feet for roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers.

C. The maximum height of Data Center Related Uses shall be no greater than the height of the principal building, exclusive of roof-mounted equipment.

D. Data Centers and Data Center Related Uses shall be set back a minimum of one-hundred (100) feet from all adjoining property lines and street rights-of-way.

E. The maximum lot coverage shall be 25%. The maximum lot coverage may be increased to 65% for lots 50 acres or less and 50% for lots greater than 50 acres in accordance with Section 414, except that, notwithstanding the provisions of Section 414.4, the minimum setback in all cases shall be 100 feet from all adjoining property lines and street rights-of-way. In determining whether, or how much to increase the lot coverage, the Supervisors shall consider the health; safety; and welfare of the public, including quality of life; requests for increased buffers from sensitive receptors; environmental, traffic and community impact studies and historical and cultural resource assessment which the applicant shall conduct and provide; and the applicant's willing commitment to community benefits and to minimizing negative impacts to the community from the Data Center Use and Data Center project.

427.4 Landscape Buffer; Fencing. A landscape buffer shall be provided and maintained along all adjoining property lines and streets. The landscape buffer shall comply with the following requirements:

A. The landscape buffer may be part of the minimum set back distance specified in Section 427.3.

B. The landscape buffer shall be free of structures, dumpsters, storage or display areas, signs, materials, loading or unloading areas, and vehicle parking.

C. The minimum width of the landscape buffer shall be as follows:

1. Fifty-feet (50) where the property line of a Data Center or Data Center Related Use adjoins the property line of a sensitive receptor, any RD Residential District boundary, or any street. The landscape buffer shall include plantings to achieve a dense, opaque, four-season screen and shall consist of species planted as follows:

a. One (1) large evergreen tree per twenty-five (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 (1) deciduous canopy (shade) tree per one-hundred (100) linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2½ inch caliper at the time of planting.

c. One ornamental/flowering tree per fifty (50) linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2½ inch caliper at the time of

planting for single-stemmed varieties.

d. Five (5) shrubs per fifty (50) linear feet of buffer. The size of shrubs shall be fully branched and a 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.

2. Twenty-five (25) feet along all other property lines. The landscape buffer shall include plantings to achieve a dense, opaque, four-season screen and shall consist of species planted as follows:

a. One (1) large evergreen tree per fifteen (15) linear feet of buffer, planted in a staggered double row. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.

D. All plantings shall be approved by the Board of Supervisors upon recommendation by the Township Engineer, and/or Pennsylvania-registered landscape architect, or certified arborist.

E. A variety of species shall be used in order to prevent monocultural plantings. Weak-stem plants shall not be used to meet the buffer requirements. If more than 20 evergreen plants are proposed, no more than 50% shall be of one species.

F. Evergreen trees may include up to 50% species not native to North America. All other buffer plantings shall consist of native species.

G. 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.

H. The use of earth berms in combination with landscaping is encouraged within the buffer area to provide additional protection to the RD Residential District and sensitive receptors where determined by the Board of Supervisors to be feasible and appropriate. An earth berm may be required as a condition of a conditional use approval.

I. In the event that existing topography and/or vegetation is adequate to meet the intent of the required buffer to screen the Data Center and Data Center Related Uses from adjoining properties and streets, the Board of Supervisors, upon recommendation by the Township Engineer and/or Pennsylvania-registered landscape architect, and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer.

J. The applicant shall submit a plan showing:

1. The location and arrangement of each landscaped buffer area.

2. The placement, general selection of species, and size of all plant materials at the time of planting and at full maturity.

3. The placement, size, materials and type of all fences. No fence shall be placed within the buffer area. All fences shall be fully screened from view from all adjoining properties and streets by the landscaped buffer, in accordance with Subsection M, below.

K. All buffer yard plantings shall be perpetually maintained by the property owner. Any plant material that dies, is removed, is diseased, or is severely damaged shall

be replaced by the current property owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.

L. All buffer yard landscaping shall be assured by a performance guarantee in accordance with Section 410.7.

M. Fencing of the property is permitted, provided that all fencing shall be fully screened from view from all adjoining properties and streets by the landscaped buffer.

427.5 Equipment Enclosure. To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including backup power generation equipment, shall be fully enclosed.

427.6 Noise and Vibration

A. Noise producing/emitting equipment, such as HVAC systems, heat exchangers, and backup generators should be selected such that low noise units and effective engineering noise control methods are used to minimize noise emissions to meet the sound and vibration limits established by this Section 427.6.

B. No Data Center or Data Center Related Use, or any combination of Data Center and Data Center Related Uses developed as part of a unified development, shall exceed the sound levels established by this Section 427.6. Where there is a conflict between this Section and any other Section of this Zoning Ordinance, the provisions of this Section 427.6 shall apply.

C. Equivalent Continuous Sound Level Limits (5-minute L_{Aeq} and L_{Ceq}). The sound levels (5-minute, A and C weighted equivalent continuous sound levels, L_{Aeq} and L_{Ceq}) as measured at any location on a receiving property, shall not exceed the limits in the following table, as measured with a Type 1 sound level meter, and measured according to ANSI/ASA S1.13-2020 and ANSI/ASA S12.18-1994 (R2009) methodologies (or the most recent revisions). Sound levels shall be measured by an acoustical engineer. Regardless of the zoning classification of the noise source, the noise emitted by any source shall not exceed the limits for any property and corresponding zoning classification onto which it propagates, except as exempted by Section E, below.

Equivalent Continuous Sound Level Limits (5-minute L_{Aeq} and L_{Ceq})		
Zoning District of Receiving Land Use	**Day (7:00 a.m. to 9:00 p.m.)**	**Night (9:00 p.m. to 7:00 a.m.), Sundays and Holidays**
RD	50 dB(A) / 60 dB(C)	45 dB(A) / 55 dB(C)
LG	60 dB(A)	55 dB(A)
DD	65 dB(A)	60 dB(A)

D. Maximum Sound Level Limits (Slow Response L_{ASmax} and L_{CSmax}). The Maximum Sound Levels (Slow Response, A and C weighted maxima) as measured at any location on a receiving property, shall not exceed the limits in the following table, as measured with a Type 1 sound level meter, and measured according to ANSI/ASA S1.13-2020 and ANSI/ASA S12.18-1994 (R2009) methodologies (or the most recent

revisions). Sound levels shall be measured by an acoustical engineer. Regardless of the zoning classification of the noise source, the noise emitted by any source shall not exceed the limits for any property and corresponding zoning classification onto which it propagates, except as exempted by Section E, below.

Maximum Sound Level Limits (Slow Response L_{ASmax} and L_{CSmax})		
Zoning District of Receiving Land Use	**Day (7:00 a.m. to 9:00 p.m.)**	**Night (9:00 p.m. to 7:00 a.m.), Sundays and Holidays**
RD	60 dB(A) / 70 dB(C)	55 dB(A) / 65 dB(C)
LG	70 dB(A)	65 dB(A)
DD	75 dB(A)	70 dB(A)

E. Exceptions. The above sound level limits shall not apply to sound originating from:

1. Motor vehicles operated legally and in compliance with the noise regulations of the Pennsylvania Department of Transportation.
2. Safety and protective devices where noise suppression would defeat the safety intent of the device when being used for its intended purpose.
3. Any device intended to provide public warning of potentially hazardous, emergency, or illegal activities such as commercial, residential, or vehicle burglar alarms; back-up signals on regulated and licensed motor vehicles; fire alarms; law enforcement and fire vehicles, and similar devices.
4. Emergency equipment and emergency work necessary in the interest of public health, safety, or welfare or law enforcement.
5. Emergency standby generators during emergency use. Routine testing of generators in accordance with Section 427.12.D may exceed the sound level limits by no more than 20 dBA.
6. Construction noise, including site preparation, assembly, erection, demolition, substantial repair, maintenance, alteration or similar action for structures or other site improvements, provided that such construction occurs during the hours between 7:00 am and 6:00 pm on weekdays and that reasonable noise controls such as proper muffling of all engines, motors, or turbine-driven equipment, and pneumatic devices; noise enclosed air compressors and generators; sound barriers; and lagging are employed.

F. Vibration. No source of mechanical vibration or acoustically induced vibration shall cause or induce vibration on any property (ground-borne vibration) or in any structure that exceeds the ISO Residential Day Vibration curve (defined as an amplitude in any one-third octave frequency band of 200 um/s).

G. Sound and vibration study. The applicant shall demonstrate through a sound study and vibration study conducted by a professional acoustical expert that the sound and vibration generated by a Data Center and/or Data Center Related Uses comply with the requirements of this Section 427.6. The sound and vibration studies shall be conducted using generally accepted methodology in the following phases:

1. A sound modeling study shall be conducted to demonstrate that the proposed use will comply with applicable noise requirements this Section 427.6 and that the cumulative/aggregate noise emission from the proposed development, including all noise emitting sources, will not emit noise beyond the development boundaries or any property line of the proposed use that is in excess of the limits specified in this Section 427.6. The sound modeling shall be performed according to ISO 9613-2 series methods and standards. The sound modeling study shall be submitted with the conditional use application.

2. An as-built sound study and vibration 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. If it is determined by the as-built sound study or vibration study that there is a violation of the aforesaid noise or vibration limits, it shall be considered a violation of this Ordinance.

3. For any required sound or vibration study, the Township may select an entity to conduct a study to verify that the sound or vibration does not exceed the aforesaid limits. The cost of such study shall be borne solely by the applicant or the Data Center Owner or Data Center Operator, as applicable.

4. At any time when the Township has reasonable cause to believe that the sound or vibration limits are being violated, the Township may conduct its own as-built study to ascertain compliance with such limits. If the study finds a violation, then the cost of such study shall be borne solely by the Data Center Owner or Data Center Operator. If the study does not find a violation, then the Township shall be responsible to pay for the costs of such Township-sponsored study.

427.7 Water Supply – Water Feasibility Study. No Data Center or Data Center Related Use shall be approved unless the applicant demonstrates that there is an adequate supply of water for the proposed use and that proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity.

A. Public water supply. If the use will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.

B. River basin commission approval. If the use is to rely upon nonpublic sources of water and satisfies either of the below conditions, the applicant shall provide proof of review and approval from the Delaware River Basin Commission.

1. Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Delaware River Basin; or

2. Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.

C. Water Feasibility Study. The applicant shall provide a water feasibility study. The purpose of the water feasibility 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 of the proposed use.

D. Contents of water feasibility study. The water feasibility study shall include the

following information at a minimum:

1. The projected water demands of the Data Center, including both average and peak daily consumption;
2. The source of water to be used;
3. 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);
4. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means and at what temperature;
5. A topographic map of the area with a radius of at least one-half mile from the perimeter of the site including;
    a. The location of all existing and proposed wells within 3,000 feet of the property boundary, or, in the case of an assemblage of parcels, 3,000 feet of the exterior lines of the assemblage of parcels, including test wells and monitoring wells, with a notation of the capacity of all high-yield wells. This distance shall be increased to encompass the diversion and recharge areas of the proposed groundwater source if the hydrological setting analysis required by Subsection E.1. below indicates either area will extend beyond 3,000 feet from the property boundary;
    b. The location of all existing and proposed on-lot sewage disposal systems as well as all sewage treatment system surface water discharges;
    c. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries and the use classification thereof (Cold Water Fishes, High Quality, Exceptional Value, etc.), if applicable, as set forth in Chapters 93 and 105 of Title 25 of the Pennsylvania Code;
    d. Any known or potential habitats for threatened or endangered species;
    e. The information applicable to groundwater withdrawals or surface water withdrawals, as appropriate, as required by Sections E and F, below; and
    f. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

E. Groundwater withdrawals. For groundwater sources, the water feasibility study shall include a hydrogeologic report prepared by a Pennsylvania-licensed professional geologist experienced in the performance of groundwater investigations for water supply wells analyzing the long-term sustainable yield of the water source. The hydrogeologic report shall include:

1. A hydrological setting analysis which includes a hydrogeologic cross section, delineation of the portion of the aquifer through which water is diverted to the well (area of diversion), delineation of the area providing groundwater recharge to the diversion area (recharge area), and identification of water resources located within the diversion and recharge areas.
2. The results of an aquifer test conducted in accordance with Pennsylvania

Department of Environmental Protection, Bureau of Safe Drinking Water, Document No. 394-2125-001, *Aquifer Testing Guidance for Public Water Systems*, or other generally accepted methodology. Data shall include, at a minimum, precipitation data, static water levels immediately prior to yield testing, linear hydrographs of water levels and test responses of all monitoring points through background, testing, and recovery monitoring periods, residual drawdown graphs and logarithmic hydrographs of the production well and any monitoring points that had observable drawdown as a result of operating the production well. Field notes showing original observations, water levels and flow readings and the time readings were taken shall be included.

3. Analysis and interpretation of the aquifer test data, including a determination of the aquifer's hydraulic conductivity and specific capacity; aquifer transmissivity and storage coefficient; estimation of the horizontal extent of the cone of depression; and determination of a safe yield for the well, including analysis of the effects of 180 days of pumping with no recharge; and a groundwater availability analysis providing potential availability in a one-in-ten year drought.
4. Test results from any wells tested in accordance with Section 427.8, below.
5. A determination of the effects of the proposed withdrawal on the quantity and quality of water in wells, surface waters, and the groundwater table within the horizontal extent of the cone of depression and how those impacts will be mitigated or remediated.

F. Surface water withdrawals. For surface water sources, the water feasibility study shall demonstrate that withdrawals will comply with the standards set forth in Table 1:

Table 1

Parameter	**Drainage area of stream at point of withdrawal**		
	<10 sq. mi.	**10–200 sq. mi**	**> 200 sq. mile**
Floods	Maintain magnitude and frequency of 20-year, 5-year, and 2-year floods		
Monthly high flow	No greater than 10% change in magnitude in any month		
Monthly median flow	No change	No greater than 10% change in magnitude in any month	
Monthly low flow	No change	No greater than 10% change in magnitude in any month	
Upper monthly flow range	No greater than 20% change in magnitude in any month		
Middle monthly flow range	No change	No greater than 10% change in magnitude in any month	No greater than 15% change in magnitude in any month
Lower monthly flow range	No change	No greater than 10% change in magnitude in any month	

1. Terms used in Table 1 shall have the following meanings:

a. **20-year flood**: Peak streamflow level having a 5% chance of occurrence in any given year.

b. **5-year flood:** Peak streamflow level having a 20% chance of occurrence in any given year.

c. **2-year flood:** Peak streamflow level having a 50% chance of occurrence in any given year.

d. **Percent exceedance value.** The probability that a given flow will be equaled or exceeded in the stream at the point of withdrawal within a given month, expressed as Px. For example, the probability that the P75 flow for a given month will be exceeded at some point during the month is 75%.

e. **Monthly flow duration curve**: a cumulative curve showing percent exceedance values for flows over a calendar month.

f. **Monthly high flow:** flow having a percent exceedance value of P10.

g. **Monthly median flow:** flow having a percent exceedance value of P50

h. **Monthly low flow:** For streams with drainage areas less than 10 miles, flow having a percent exceedance value of P75, for all other streams, flow having a percent exceedance value of P90.

i. **Upper monthly flow range:** The area under the stream's monthly flow duration curve between P10 and P50.

j. **Middle monthly flow range:** The area under the stream's monthly flow duration curve between P50 and P75.

k. **Lower monthly flow range:** The area under the stream's monthly flow duration curve between P75 and P99.

2. Baseline streamflow calculation. Baseline streamflow statistics and flow duration curves shall be calculated using generally accepted methodology based on a minimum of ten (10) recent years of record, with representative wet, normal, and dry periods sufficiently represented.

3. Use of reference stream gage. Where data does not exist for the location from which withdrawal is proposed, data from an appropriate USGS reference stream gage shall be used to calculate baseline flow statistics. The reference stream shall be unregulated and of a similar drainage area size, physiographic province and geology, and mean annual precipitation and evapotranspiration, and ideally located on the same stream or on a nearby stream. Best professional judgment shall be used in selecting a reference stream that best represents the project site. Flow statistics from the reference gage shall be transferred to the project site using the drainage area ratio method.

4. De minimis withdrawals. An applicant is exempt from the requirement to demonstrate compliance with Table 1 if the feasibility study demonstrates that withdrawals will be *de minimis*. A withdrawal is *de minimis* if it does not exceed 5% of P95 for any calendar month for streams having a drainage between 10 and 1,000 square miles at the point of withdrawal or 10% of P95 for any calendar month for streams having a drainage area greater than or equal to 1,000 square miles at the point of withdrawal. No withdrawal shall be considered *de minimis* for streams

having a drainage area less than 10 square miles at the point of withdrawal.

427.8 Water Supply – Pre-construction well testing

A. If the use is to rely upon a nonpublic groundwater source, the applicant shall notify each property owner within 3,000 feet of the property boundary of the proposed project, or, in the case of an assemblage of parcels, within 3,000 feet of the exterior lines of the assemblage of parcels, or within the horizontal extent of any production well's cone of depression, as determined by the hydrogeologic study, whichever is greater, and shall offer to test the owner's well for baseline water quality, total depth of the well, static water level and operating pumping water level.

B. If the property owner grants permission to allow for water quality and well testing, the applicant shall hire and pay the full cost of a certified lab and Pennsylvania-licensed professional geologist experienced in the performance of groundwater investigations for water supply wells to collect the laboratory samples and well information. Alternatively, the property owner may elect to hire a certified lab and professional geologist of his own choosing to collect the laboratory samples and well information, in which case the applicant shall pay the full cost of such services.

C. Notifications shall be sent to the property owners via certified mail, shall include the name and contact information of the person to whom to respond, and shall allow sufficient time for property owners to respond and for testing to be conducted prior to commencement of the constant-rate aquifer test.

D. The applicant shall include all test results obtained pursuant to this Section 427.8 in the water feasibility study.

427.9 Water Supply – Post-construction monitoring and reporting

A. For purposes of this Section 427.9, area of influence (AOI) shall mean the greater of the horizontal extent of the production well(s)' cone of depression, as determined by the hydrogeologic report, or the area within 3,000 feet of the property boundary of the proposed project, or, in the case of an assemblage of parcels, within 3,000 feet of the exterior lines of the assemblage of parcels.

B. Groundwater monitoring plan. The applicant shall submit a Groundwater Monitoring Plan prepared by a professional Pennsylvania-licensed geologist with expertise in groundwater resource planning and management or another qualified professional or professionals approved by the Township. The Groundwater Monitoring Plan shall include:

1. An inventory of existing wells, springs, and other groundwater resources within the AOI, including information on the location, ownership, depth to water, and usage for all wells;

2. Description of a groundwater monitoring system that ensures accurate characterization of groundwater flow, groundwater quantity and quality, and flow systems within the AOI. The system shall consist of the following at a minimum:

a. At least one monitoring well at a point hydraulically upgradient from the point(s) of withdrawal in the direction of increasing static head that is capable of providing representative data of groundwater not affected by the facility, except when the facility occupies the most upgradient position in the flow

system. In that case, sufficient downgradient monitoring wells shall be placed to determine the extent of adverse effects on groundwater from the facility; and

b. At least three monitoring wells at points hydraulically downgradient in the direction of decreasing static head from the point(s) of withdrawal.

3. Benchmark data collected prior to commencement of water withdrawal against which the impact of the water withdrawal may be compared in the future. Benchmark data shall include groundwater levels in all monitoring wells recorded as a distance from the elevation at the well head referenced to mean sea level based on United States Geological Survey datum.

4. Any additional information the Township deems necessary to effectively assess the impact of the proposed development on groundwater supplies.

C. Inspection of wells. The Data Center Operator shall inspect monitoring wells, including water level loggers, at least monthly to ensure that they are not damaged and are functioning properly. If a damaged or malfunctioning well is identified, the Township shall be contacted immediately in writing, and the well shall be restored to its design specifications within two weeks, unless weather conditions do not permit and/or this period is extended in writing by the Township. In the event that the water table falls below the bottom of a monitoring well and the water level logger in that well becomes inoperable, the well shall be inspected at a minimum of once every two weeks and the data logger shall be re-installed once the water table is again observed in the well.

D. Reporting. The Data Center Operator shall submit to the Township quarterly reports on forms and in a manner prescribed by the Township. Reports shall include the following:

1. The quantity of all withdrawals, measured by means of a continuous-recording device, flow meter, or other method accurate to within 5% of actual flow, on a daily basis or such other frequency as may be approved by the Township;

2. Groundwater levels at all monitoring wells; measured on a daily basis or such other frequency as may be approved by the Township;

3. Precipitation data, measured on a daily basis or such other frequency as may be approved by the Township;

4. Certification of the accuracy of all measuring devices and methods to within 5% of actual flow;

5. Any loss of measuring or recording capabilities that occurred during the reporting period;

6. A running comparison of monitoring data comparing the data for the recording period to the data for the same period in each of the previous five years; and

7. Any additional information the Township deems necessary to determine whether the Data Center's water withdrawal adversely impacts water supply.

427.10 Water Supply - Adverse Groundwater Impacts

A. Adverse Impacts. No Data Center or Data Center Related Use shall cause an adverse

impact to the water rights or water supply of others, including, but not limited to, by reducing the existing rate of flow of wells, causing contamination of wells, or depleting surface water resources of surrounding properties.

B. Process for Complaints.

1. Any owner of a well or other person who believes a Data Center or Data Center Related Use in the Township has caused an adverse impact to such person's water rights or water supply may file a complaint in writing with the Township on a form prescribed by the Township.

2. Upon receiving a complaint pursuant to Subsection B.1, the Township shall notify the Data Center Owner and Data Center Operator in writing within five (5) business days.

3. Within 60 days from the date of receipt of the complaint, the Township shall decide whether the Data Center or Data Center Related Use has caused the alleged adverse impact unless the complainant has agreed in writing to an extension of time or a hearing has been requested pursuant to Subsection D, below, in which case the timelines set forth in Subsection D shall govern.

C. Presumptions; burdens. A Data Center Owner and Data Center Operator shall be presumed to be responsible for any adverse impacts to any water supply well within the AOI that occurs following the date any production well is put into full production and shall have the burden of proving otherwise.

D. Hearing.

1. A Data Center Owner or Data Center Operator who asserts that an alleged adverse impact is not caused by the Data Center or Data Center Related Use, any owner of a well outside the AOI who alleges an adverse water supply impact, and any owner of a well within the AOI who alleges an adverse impact, may request a hearing to be held before the Board of Supervisors pursuant to the Pennsylvania Local Agency Law, 2 Pa. C.S.A. § 551, et seq., to overcome the presumption(s) set forth in Subsection C, above, by offering such evidence as they believe rebuts the presumption(s).

2. If the complainant requests a hearing, such request shall be made at the time of the filing of the complaint. If the Data Center Owner or Data Center Operator alleged to have caused the adverse impact requests a hearing, the request shall be made within 30 days of the mailing of the notice required by Section 427.10.B.2. The hearing request shall include proof of service thereof on either the Data Center Owner or Data Center Operator or upon the complainant, as the case may be.

3. The Board of Supervisors shall schedule and conduct a hearing and make a decision in accordance with, and pursuant to the timeline set forth in, Section 908 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10908, except references therein to the zoning hearing board shall be construed as references to the Board of Supervisors.

E. Decision.

1. The Board of Supervisors shall decide, based on presumptions set forth in Section 427.10.C, and the testimony and evidence presented at any hearing conducted

pursuant to Section 427.10.D, whether the Data Center or Data Center Related Use has caused the alleged adverse impact.

2. Each decision shall be accompanied by written findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

F. Remediation. In the event that the Board of Supervisors determines pursuant to the provisions of this Section 427.10 that a Data Center or Data Center Related Use is responsible for an adverse impact to the water supply of others, the Data Center Owner and Data Center Operator shall alleviate the adverse impact, at no expense to the affected property owner(s), so as to furnish reasonable quantity and quality of water. Remediation may include deepening the impacted well, drilling a new well, connecting the affected property to a public water supply, or any other measures as the Township may approve as just and equitable under the individual circumstances.

G. Enforcement. In the event that that the Data Center Owner and Data Center Operator do not commence to remedy the adversely impacted water supply within five (5) days of when the Board of Supervisors finally determines that the Data Center or Data Center Related Use is responsible for an adverse impact, the Township may draw down the financial security posted pursuant to Section 427.12 and apply such security as the Township deems necessary to cure the problem. In the event that the financial security is not sufficient to cure the problem, the Data Center Owner and Data Center Operator and Data Center property owner shall be responsible for any additional expense, including, but not limited to, legal, engineering and administrative costs, which are incurred in curing the problem.

427.11 Water Supply – Financial Security

A. The Applicant shall deposit with the Township at the time of land development approval financial security in an amount determined by a professional Engineer and accepted by the Township Engineer as an estimate for repair or replacement of groundwater wells, which may be adversely affected within the Hydrologic Environment. The security shall be in the form of a Bond or an Escrow Account in a reputable banking institution. Any form of financial security must be acceptable to the Board of Supervisors and counsel. Said estimate shall be updated and submitted to the Township Engineer after the first year of issuance of a Certificate of Occupancy and every other year thereafter and shall be reviewed by the Township Engineer, and said financial security shall be reset to an amount equal to 110% of the cost estimate submitted at such interval. If the Board of Supervisors upon the recommendation of the Township Engineer believes that such estimate is insufficient, the Board may refuse to accept such estimate. If the Data Center Owner or Data Center Operator and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another professional engineer licensed in Pennsylvania and chosen mutually by the Township and the Data Center Owner or Data Center Operator. Whichever of the first two estimates is closest in value to the third estimate shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of such engineer shall be paid by the Data Center Owner or Data Center Operator.

B. All financial security posted in accordance with Section 427.11 shall remain with the Township as security for future viable claims for damages which may be a result of the Data Center or Data Center Related Use operation to groundwater systems and wells.

427.12 Power Supply.

A. 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, that the electric service provider will serve the Data Center, and that electric rates and availability for existing users will not be affected by the Data Center Project.

B. The applicant shall provide with the conditional use application documentation prepared by a qualified professional, such as a Pennsylvania-licensed professional engineer, detailing at a minimum the following:

1. The amount of power expected to be used by the Data Center and Data Center Related Uses, on average and at times of peak usage at maximum capacity upon completion of each Data Center building and at maximum capacity after full build-out of the Data Center property(s).
2. Power supply sources that will be utilized.
3. Energy storage capacity and type(s) of energy storage equipment or systems that will be utilized (if applicable).
4. Estimated impacts on electric rates and on power availability for other uses directly attributable to the Data Center development.
5. The professional credentials, training, and experience of the person that prepared the documentation required by this Section 427.12.

C. All new or upgraded power transmission lines serving a Data Center or Data Center Related Use shall be designed and constructed to minimize visual impact on surrounding properties and public rights-of-way. The Township shall require the undergrounding of such lines where feasible and appropriate, at the applicant's expense. The applicant shall demonstrate that the proposed power transmission infrastructure will not place an undue burden on existing electrical supply infrastructure serving the community.

D. If the Data Center Operator intends to use backup power generators, the Operator shall maintain a public website announcing the times when the generators will be in operation. Any routine operation of the backup generators, including for testing purposes, shall be announced on the website at least 24 hours in advance. The Operator shall also notify the Township at least 24 hours in advance of a test. Unless the generators are supplying backup electrical supply during a power outage, backup generators shall only operate for a maximum total of 30 minutes on any day and only between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays. Upon request by the Township, the Data Center Operator shall provide the address of the website where the notices required by this Subsection D are published.

E. All emissions from backup generators, and all fuel storage facilities associated with backup generators, shall comply with all applicable federal, state, and local

regulations, including but not limited to those pertaining to air quality, hazardous materials, and environmental protection.

F. All proof of compliance, necessary permits and renewals from relevant federal, state and local regulatory agencies shall be provided to the Township within 30 days of receipt.

427.13 Emergency Management

A. The applicant shall demonstrate that there is an adequate means of ingress and egress suitable for emergency access to the site. The Board of Supervisors may require additional means of ingress and egress to provide adequate emergency access.

B. A Knox-type box shall be installed on all access gates for emergency access by the Township Fire Company and other emergency responders.

C. The applicant shall ensure there is adequate radio coverage for emergency responders at and within the Data Center property(s) and within the interior of buildings, and shall install enhancement systems if needed to meet compliance.

D. The applicant shall submit with the conditional use application an Emergency Response Plan (ERP) prepared by a qualified professional with Pennsylvania Emergency Management (PEMA) professional-level certification, Emergency Planning Professional (EPP) certification, or other recognized professional-level emergency planning certification. The ERP shall:

1. Be reviewed by the local fire department and emergency management services as part of the conditional use process.
2. Identify the location of all hydrants and other on-site and off-site firefighting equipment.
3. Identify all potential hazards on the site and their locations.
4. Include contact information for facility representatives available 24 hours per day.
5. Include notification protocols for local emergency services, municipal officials, and regulatory agencies.
6. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
7. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
8. Ensure that all first responders receive adequate training specific to the installed system.
9. 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.
10. Include provisions for an annual tour of the property(s) on which the Data Center and Data Center Related Uses are located, with Township officials and local fire department and emergency management personnel.

E. 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.

F. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare. This analysis may be performed by an outside expert hired by the Township with costs to be borne by the applicant.

G. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide and fund specialized training, and is strongly encouraged to provide and fund necessary equipment, for the Township's fire department and other relevant emergency responders regarding the unique hazards and operational characteristics of the Data Center and Data Center Related Uses. This training shall cover, but not be limited to, emergency shutdown procedures, hazardous materials handling (if applicable), access points, and specific fire suppression system operations. Ongoing training shall be provided by the Data Center Operator periodically thereafter as deemed necessary by the Board of Supervisors and authority(s) having jurisdiction to ensure continued preparedness.

427.14 Architectural and Design Standards

A. Leadership in Energy & Environmental Design (LEED) Certification for buildings is strongly encouraged.

B. Any Data Center or Data Center Related Use building façade that faces a street, RD Residential District boundary line, or sensitive receptor shall incorporate at least two of the following design elements every 150 horizontal feet or such distance approved by the Board of Supervisors based on the building dimensions:

1. A change in building material, pattern, texture, or color.
2. A change in building height.
3. Building step-backs or recesses having a minimum depth of five (5) feet.

C. Fenestration (windows) shall be installed on a minimum of 30% of the building façade surface area located in separated individual placements or clustered bays and distributed horizontally and vertically across the façade. All fenestration shall be designed to prevent bird collisions.

D. 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.

E. Each principal building shall include an articulated main entrance. This entrance shall be differentiated from the rest of the building with a change in building material, pattern, texture, color, or architectural accent. It shall also either project or be recessed from the adjoining building plane and shall be landscaped.

F. Elevations/renderings of all principal building facades visible from off-site shall be submitted with the conditional use application.

427.15 Parking. Data Centers shall be provided with 1.5 parking spaces for every one employee,

based upon the maximum number of employees on site during the largest shift.

427.16 Electronic and other waste. Documentation shall be provided with the conditional use application detailing procedures for safe removal and recycling or disposal of electronic waste and other waste including but not limited to, computers, computer servers, server infrastructure, batteries, hazardous substances, and related materials.

427.17 Decommissioning.

A. Decommissioning Agreement.

1. The Data Center Owner and/or Data Center Operator shall execute a Decommissioning Agreement, to be approved by the Township pending the review of the Township Solicitor, prior to conditional use approval. Said agreement shall contain all terms and conditions for decommissioning requirements.

2. Terms and conditions of the decommissioning agreement shall include, but not be limited to:

a. If the Data Center Owner or Data Center Operator ceases operation of the facility, or begins, but does not complete, construction of the project, the Data Center Owner and/or Data Center Operator shall decommission and restore any affected area of the site to its condition prior to any disturbance related to the Data Center or Data Center Related Uses. The site shall be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:

i. Removal of all computer servers and other computer equipment; hazardous substances; structures or equipment which contain any hazardous substance; and all other structures, excluding principal buildings.

ii. Restoration of the surface grade and soil after removal of structures and equipment.

iii. Revegetation of restored soil areas with native seed mixes and native plant species suitable to the area under the direction of a Pennsylvania-registered landscape architect.

iv. The decommissioning plan shall provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.

v. The decommissioning plan shall include a schedule for completion of site restoration work.

B. If a Data Center or any Data Center Related Use has not been in operation for a period of six consecutive months, the Data Center Owner or Data Center Operator shall notify the Township in writing with the reason(s) for inoperability and their intentions to re-establish operations or plans for decommissioning. The Data Center Owner or Data Center Operator shall notify the Township immediately upon cessation or abandonment of the operation. The Data Center or Data Center Related Use shall be presumed to be discontinued or abandoned if it has not been in use or operational for a period of 12 continuous months.

C. The Data Center Owner and/or Data Center Operator shall, at its expense, have twelve months from cessation or abandonment in which to decommission the site and shall re-vegetate disturbed earth back to its predevelopment condition in accordance with Subsection A.2, above.

D. Decommissioning Cost. An independent professional engineer licensed in Pennsylvania shall be retained by the Data Center Owner or Data Center Operator to estimate the total cost of decommissioning and revegetation without regard to salvage value of the Data Center equipment or Data Center Related Uses. Said estimate shall be updated and submitted to the Township Engineer after the first year of issuance of a Certificate of Occupancy and every other year thereafter and shall be reviewed by the Township Engineer. If the Board of Supervisors upon the recommendation of the Township Engineer believes that such estimate is insufficient to Decommission the project, the Board may refuse to accept such estimate. If the Data Center Owner or Data Center Operator and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another professional engineer licensed in Pennsylvania and chosen mutually by the Township and the Data Center Owner or Data Center Operator. Whichever of the first two estimates is closest in value to the third estimate shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of such engineer shall be paid by the Data Center Owner or Data Center Operator.

E. Decommissioning Financial Security. The Data Center Owner or Data Center Operator, prior to final land development plan approval, shall provide financial security with the Township as payee in an amount equal to 110% of the total Cost Estimate approved by the Board of Supervisors in Subsection D, in a form and content acceptable to the Board of Supervisors to insure decommissioning and re-vegetation as set forth herein. Such financial security shall be reset after the first year of issuance of a certificate of occupancy and every other year thereafter, to an amount equal to 110% of the Cost Estimate submitted at such interval in accordance with Subsection D, above. The security shall remain in place for as long as the Data Center or Data Center Related Use(s) exist at the site and until restoration of the site is satisfactorily completed. The Data Center Owner or Data Center Operator shall be responsible to have the financial security certificate holder describe the status of the bond in an annual report submitted to the Township. The financial security shall not be subject to revocation, reduction or termination unless and until approved by the Board of Supervisors based upon the Township Engineer's and Solicitor's recommendation that decommissioning and re-vegetation have been satisfactorily completed.

F. Landowner Responsibility. If the Data Center Owner or Data Center Operator fails to complete decommissioning and re-vegetation within the time period stated herein, then decommissioning and re-vegetation in accordance with this chapter shall become the responsibility of the landowner, and such landowner shall have 12 months to complete decommissioning and re-vegetation.

G. Township Intervention. If neither the Data Center Owner or Data Center Operator, nor the landowner completes decommissioning and re-vegetation within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning and re-vegetation. The submission of evidence of the

landowner agreement and the decommissioning agreement in accordance with 427.2 and 427.17A, respectively, to the Township shall constitute agreement and consent of the parties to the agreements, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning and re-vegetation plan.

Part 7. 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 hereof.

Part 8. Penalties. Any violation of this Ordinance by the Data Center Owner or Data Center Operator shall be punishable by a civil fine at the maximum amount allowed by law. Each day shall constitute a separate violation. The Board of Supervisors expressly reserves the right to bring an action with a Court of competent jurisdiction to enjoin the operation of the Data Center if the provisions of this Ordinance are not being complied with. If such injunction is levied by the Court of competent jurisdiction, all costs and attorney's fees shall be paid by the property owner, Data Center Owner and/or Data Center Operator.

Part 9. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Part 10. Codification. Pursuant to the Municipalities Planning Code, the Zoning Ordinance shall be codified to incorporate the above-captioned amendments.

Part 11. Effective Date. This Ordinance shall take effect five (5) days after its adoption.

ORDAINED AND ENANCTED by the Board of Supervisors of Milford Township, Pike County, PA, this 16th day of November, 2026.

MILFORD TOWNSHIP SUPERVISORS:

Gary M. Williams, Chairperson

Rachel Hendricks, Vice-Chairperson

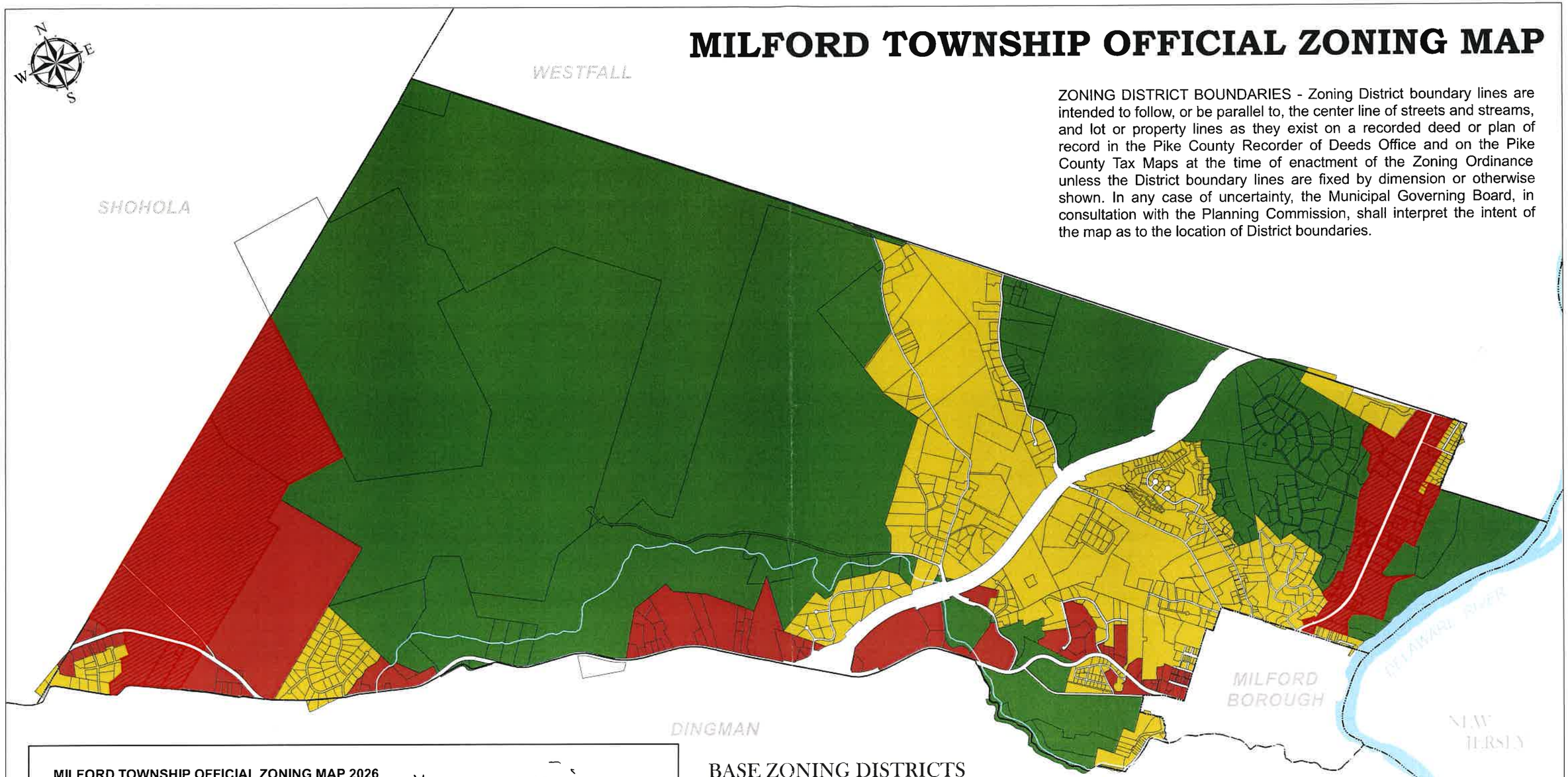
Robert DiLorenzo, Supervisor

Appendix B

Milford Township Zoning Ordinance – Schedule of District Regulations				
District Intent	**Principal Permitted Uses**	**Conditional Uses**	**Accessory Uses**	**Development Standards**
DC Data Center Overlay District: This district is intended to provide for the orderly development of Data Centers and Data Center Related Uses and to protect the public health, safety, and welfare of residents by establishing environmental, performance, and other standards, including, but not limited to, standards for noise, vibration, water use, and energy use.	N/A	Data Centers Data Center Related Uses	N/A	See Section 427.

MILFORD TOWNSHIP OFFICIAL ZONING MAP

ZONING DISTRICT BOUNDARIES - Zoning District boundary lines are intended to follow, or be parallel to, the center line of streets and streams, and lot or property lines as they exist on a recorded deed or plan of record in the Pike County Recorder of Deeds Office and on the Pike County Tax Maps at the time of enactment of the Zoning Ordinance unless the District boundary lines are fixed by dimension or otherwise shown. In any case of uncertainty, the Municipal Governing Board, in consultation with the Planning Commission, shall interpret the intent of the map as to the location of District boundaries.



MILFORD TOWNSHIP OFFICIAL ZONING MAP 2026
THIS IS TO CERTIFY THAT THIS OFFICIAL ZONING MAP SUPERCEDES AND REPLACES ANY OFFICIAL ZONING MAPS PRIOR, AND IS PART OF THE TOWNSHIP ZONING ORDINANCE.

ADOPTED IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE THIS 16th DAY OF November, 2026 AT A DULY CONVENED MEETING OF THE BOARD OF SUPERVISORS OF MILFORD TOWNSHIP, PIKE COUNTY, PENNSYLVANIA.

Gary Williams, Chair

Rachel Hendricks, Vice-Chair

Robert L. DiLorenzo, Supervisor

ATTEST: Shahana Shamim, Secretary

BASE ZONING DISTRICTS

- DD Development District
- LG Limited Growth
- RD Residential District

Overlay Districts

- DC Data Center Overlay District

0 1,500 3,000 6,000

FEET

Prepared by: Pike County Planning (JRY) - May 2026