

DRAFT

JMZO ORDINANCE NO. 2026-03

**AN ORDINANCE OF THE MUNICIPALITIES OF
NEWTOWN TOWNSHIP, WRIGHTSTOWN TOWNSHIP,
AND UPPER MAKEFIELD TOWNSHIP, AMENDING THE
NEWTOWN AREA JOINT MUNICIPAL ZONING
ORDINANCE TO CREATE A NEW G-17 DATA CENTER
USE WITH ATTENDANT REGULATIONS TO BE
ALLOWED AS A CONDITIONAL USE IN THE QA-A
QUARRY/AGRICULTURAL ZONING DISTRICTS**

WHEREAS, the Joint Municipal Zoning Council is empowered under the Pennsylvania Municipalities Planning Code to prepare, adopt, and maintain a Joint Municipal Zoning Ordinance governing land use within Newtown Township, Upper Makefield Township, and Wrightstown Township; and

WHEREAS, the participating municipalities recognize the need to proactively regulate emerging land uses, including large-scale data storage and processing facilities, to ensure compatibility with the character and infrastructure of the Jointure; and

WHEREAS, the Joint Municipal Zoning Council finds it necessary and appropriate to amend the Joint Municipal Zoning Ordinance to define “Data Center,” identify appropriate zoning districts for such use, and establish dimensional, design, operational, and environmental performance standards; and

NOW THEREFORE, The municipalities of Newtown Township, Upper Makefield Township, and Wrightstown Township, following review and comment by the municipalities individual planning commissions and the Bucks County Planning Commission hereby amend the Joint Municipal Zoning Ordinance as follows:

ARTICLE I.

Article VIII, §803 of the Newtown Area Joint Zoning Ordinance is hereby amended with the addition of a new subsection 803G.G-17 which shall read as follows:

G-17. Data Center. A facility whose principal use is the housing, operation, and management of computer servers, data storage equipment, network systems, or digital processing infrastructure, whether for the owner/operator’s use or for provision of services to third parties.

1. **Applicability of Regulations.** The Data Center Use is characterized by and differentiated from other uses which incorporate small scale computer or network functionalities by the following, instructive, non-exhaustive criteria:
 - a. Dedicated server halls or data halls exceeding 10,000 square feet in aggregate floor area.

- b. Electrical demand exceeding 30 kilowatt hours per square foot of building coverage or which requires redundant electrical feeds, substations, or multiple backup generators.
- c. Mechanical cooling systems devoted to computing operations.
- d. Twenty-four-hour operation, staffing, monitoring, or security associated with the around-the-clock computing infrastructure.
- e. Limited on-site employment density relative to building size.

2. Definitions.

- a. **Data Center Accessory Uses/Structures-** Ancillary uses or structures associated with data centers including but not limited to: utilities; utility lines; administrative, logistical, fiber optic, storage, and security buildings or structures; electrical substations; domestic and non-contact cooling water and waste-water treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); redundant data communications connections; and security features, provided such data center accessory uses/structures are located on the same tract.
- b. **Data Center Equipment -** Outdoor mechanical equipment adjacent to a data center that provides redundant power capacity to a data center.

3. Dimensional Requirements.

- a. **Maximum Height** – Data centers shall not exceed 45 feet in height. For purposes of determining the height of a data center or a building associated with data center accessory uses, projections through the roof of the building for items such as elevator towers, heating or cool units, parapet walls to screen rooftop equipment and protrusions, and other such items shall be counted.
- b. **Minimum lot size** – 25 acres
- c. **Setbacks to Residential Use or Zone** -- No data center building, structure, or associated Data Center Equipment, including but not limited to generators, cooling systems, substations, and rooftop or ground-mounted equipment, shall be located within one thousand (1,000) feet of any lot containing a residential use or zoned to allow uses permitted under §803.B of the Joint Municipal Zoning Ordinance, relating to Residential Uses. The required separation distance shall be measured in a straight line from the closest point of the data center building or Data Center Equipment to the nearest property line of the residential use or residential zoning district, as applicable.

- d. **Setbacks to Non-Residential Use or Zone** – No data centers, Data Center Equipment, nor data center accessory uses and structures except for parking shall be located within 300 feet from a property line shared with a non-residential use.
 - e. Where the regulations applicable to this use do not provide for dimensional regulations, the dimensional regulations of the underlying zoning district shall apply.
4. **Utility Review.** As part of the conditional use application, the applicant shall provide the Township:
- a. Demonstration of ability to provide on-lot production of water and on-lot sewage disposal methods in compliance with applicable laws and ordinances.
 - b. A will-serve letter by a public utility provider and/or a written assessment by a certified professional in the field of engineering and utility design has been made of the potential electrical consumption of the proposed use which ensures that there is sufficient capacity available to serve the proposed use as well as the projected service needs for future growth.
 - c. If the above-mentioned assessment identifies a detrimental impact or threshold where utility capacity is not sufficient, the applicant shall provide, at their own expense, the necessary system improvements necessary to mitigate any limits or system constraints to accommodate the proposed use. The necessary system improvements shall conform to all specifications, procedures, and timelines required for the public utility such as the relevant provisions of the municipal codes.
 - d. **Water Impact Assessment.** When on-site water production is utilized for a site, the Applicant shall submit as part of its conditional use application a Water Resources Impact Study in compliance with [§26-251 of the Wrightstown Township Code](#). The Applicant shall, further, comply with all provisions of [Chapter 26, Part 2, Section G, relating to Protection Against Depletion of Existing Wells](#). The aforementioned regulations shall apply regardless of jointure municipality in which the Data Center is located.
 - e. The applicant shall provide proof of review and approval from the Delaware River Basin Commission for water withdrawals from ground water, impoundments, or running streams of 10,000 gallons per day or more over a 30-day average and for importation of water into or exportation of water out of the Delaware River Basin whenever the design capacity is 10,000 gallons per day or more.
5. **Utility Lines.** To the extent practical, utility lines, including but not limited to electronic, fiber optic, cable, and telephone lines, from substations to a data center shall be placed underground. This requirement shall not apply if the

utility company requires above-ground lines, or the placement of under-ground lines is not feasible. Utility lines to the substations from off-site may be placed above ground.

6. Emergency Access and Planning.

- a. As part of the conditional use application, the applicant shall submit a safety plan to the satisfaction and approval of the Township Fire Marshal in consultation with the Fire Chief of jurisdiction. The property owner shall annually recertify the safety plan and allow for a site inspection by the Fire Marshal or his designee to identify any emergency response vulnerabilities and to identify compliance with the safety plan.
- b. The safety plan provided for in this section must include all of the elements provided for in the safety plan template attached hereto and incorporated herein as *Exhibit "A."*

7. Outdoor Lighting.

- a. All lighting shall conform to provisions of this section, unless regulations for lighting included in the host municipality's stand-alone lighting ordinance are more stringent, in which case the more stringent regulations will apply.
- b. The maximum height of all parking lot and street lighting shall be 15 feet.
- c. All lighting shall be a fully shielded with zero up-light design. All non-LED lights shall be full cutoff. All lighting shall meet the Illuminating Engineering Society (IES) standards, except where those standards are in conflict with this Ordinance.
- d. A lighting plan shall be submitted with the conditional use plan.
- e. All luminaires shall be shielded, controlled and appropriately oriented so that the light levels shall not exceed 0.2 footcandles as measured at grade at the common property line of a nonresidential property, and the intensity illumination projected onto a residential property or use shall not exceed 0.1 footcandles, measured at grade at the common property line. The intensity of illumination onto adjoining public roadways shall not exceed 0.5 footcandles, except within the pavement of an ingress/egress driveway where light levels shall be permitted up to a maximum of five footcandles.
- f. Lighting shall be dimmed to 50% no later than one hour past the close of business unless the use is a twenty-four-hour-per-day operation.

8. Noise.

- a. **Residential Adjacent.** The soundproofing must ensure that any site adjacent to an existing residential use or a zoning district which allows a residential use under §803.B of the Joint Municipal Zoning District does not exceed 50 dB(A) at the parcel line.
- b. **Non-Residential Adjacent.** The soundproofing must ensure that any site adjacent to any other use or zoning district does not exceed 62 dB(A) at the parcel line.
- c. **Pre-Construction Study.** As part of the Conditional Use application, the applicant shall supply a noise study of existing conditions at the time of a submission of the Conditional Use application. The study is used to determine a baseline decibel level from the parcel and surrounding parcels and must include different times of day.
- d. **Post-Construction Study.** If approved as a conditional use, the Board of Supervisors may condition approval upon submission of a noise study of existing conditions at the time of operations, submitted to the Zoning Official at least 1 month but no more than 12 months after the issuance of the first Certificate of Occupancy.
- e. **Noise Mitigation.** If the Post-Construction Study does not meet the applicable maximum sound level, noise mitigation measures are required to verify conformance with the limit. Mitigation measures must be shown on a site plan and must be designed in compliance with all mitigation measures identified by the noise study. The Zoning Officer has the authority to interpret and enforce the post-construction study and any necessary noise mitigation measures. Applicant shall be required to upgrade its noise mitigation measures as new technologies become available to ensure further reduction in sound levels.

9. Parking.

- a. Parking for data centers shall be calculated as one (1) space per 10,000 square feet, based on the gross floor area of the principal structure, inclusive of all data halls, equipment rooms, and support spaces.
- b. Any portion of a data center devoted to administrative offices, training rooms, or similar office functions shall provide parking at a rate of four (4) spaces per 1,000 square feet of gross leasable office area, in addition to the parking required under subsection (a).

10. Reserve Parking. In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of the Data Center Use, the Board of Supervisors may permit a reduction of parking spaces to be built if the following conditions are satisfied:

- a. The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirements of this chapter. The plan shall also illustrate the layout for the total number of parking spaces.
- b. The reduction shall provide for the establishment of not less than 60% of the required number of parking spaces, as specified in this chapter. This initial phase of the parking provision shall be clearly indicated on the plan.
- c. The balance of the parking area reserved shall not include areas for required buffer yards, setbacks, or areas that would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this chapter. The parking area that is reserved shall be located and have characteristics so as to provide amenable open space should it be determined the additional parking spaces are not required. The developer shall provide a landscaping plan for the reserved area with the land development plan. The area reserved shall be graded as if parking were to be built, and seeded.
- d. The developer shall enter into a written agreement with the Board of Supervisors that the additional parking spaces shall be provided at the developer's or owner's expense should it be determined that the required number of parking spaces are necessary to satisfy the need of the particular use or establishment. The developer shall post financial security in a form acceptable to the Township and such security shall remain in place for five years following the certificate of occupancy issuance.
- e. Land which has been determined and designated by the Board of Supervisors to remain as open space rather than as required parking shall not be used to provide parking spaces for any addition or expansion but shall remain as open space and shall be shown on the record plan as land reserved for parking.

11. Buffer.

- a. Buffer Yards shall be provided in a manner compliant with §1003 of the Joint Municipal Zoning Ordinance.
- b. Buffer Yards shall incorporate landscaped earthen berms of at least six feet in height.

12. Decommissioning.

- a. **Financial Security.** Prior to the issuance of any zoning permit or land development approval for a Data Center, the applicant shall post financial security in a form acceptable to the municipalities, including a bond, irrevocable letter of credit, or escrow, to guarantee full decommissioning in accordance with this section.

- i. The amount of financial security shall be based on a decommissioning cost estimate prepared by a qualified professional and reviewed and approved by the municipalities. The estimate shall include the cost of removing all computing equipment; removing backup generators, fuel tanks, switchgear, and electrical infrastructure; removing cooling systems, chillers, and Data Center Equipment; removing specialized structural components; disposing of hazardous materials; and restoring and stabilizing the site.
 - ii. At the discretion of the municipality, the cost estimate and security shall be updated every three years to reflect inflation, changes in equipment, or changes in the facility's configuration.
- b. **Abandonment.** A Data Center shall be presumed abandoned if the facility ceases operations for a period of twelve consecutive months, or if electrical demand falls below twenty-five percent of the facility's designed operational load for twelve consecutive months, unless the owner demonstrates ongoing bona fide operations. Upon determination of abandonment, the municipalities shall provide written notice to the property owner requiring submission of a Decommissioning Plan within ninety days.
- c. **Decommissioning Plan.**
 - i. Within ninety days of abandonment or as otherwise required by the municipalities, the owner shall submit a Decommissioning Plan prepared by a qualified professional.
 - ii. The Decommissioning Plan shall include an inventory of all computing, electrical, and Data Center Equipment; a plan for removal and disposal of equipment, including hazardous materials; a plan for removal of backup generators, fuel tanks, and associated piping; a plan for removal of cooling systems, chillers, and refrigerants; a plan for removal of specialized structural elements; a plan for restoration of the site, including grading, stabilization, and removal of impervious areas if required; and an estimated timeline for completion.
 - iii. The municipalities shall review and approve, conditionally approve, or reject the Decommissioning Plan within sixty days.
- d. **Removal Requirements.**
 - i. **Equipment Removal.** All computing equipment, servers, racks, cabling, switchgear, UPS systems, batteries, generators, fuel tanks, cooling systems, and Data Center Equipment shall be completely removed from the site.

- ii. **Hazardous Materials.** All hazardous materials, including batteries, refrigerants, fuels, and electronic waste, shall be removed and disposed of in accordance with federal and state law.
- iii. **Structural Elements.** Specialized structural components installed solely for data center operations, such as raised floors, containment aisles, reinforced pads for generators, or specialized cooling infrastructure, shall be removed unless the municipalities approve their retention.
- e. **Site Restoration.**
 - i. The property shall be restored to a condition that is safe, stabilized, free of abandoned equipment, and suitable for future permitted uses.
 - ii. Decommissioning and restoration shall be completed within twelve months of approval of the Decommissioning Plan, unless extended by the municipality.
- f. **Municipal Rights.**
 - i. If the owner fails to complete decommissioning in accordance with the approved plan, the municipalities may draw upon the financial security, enter the property, and complete the decommissioning and restoration.
 - ii. Any costs exceeding the posted security shall be the responsibility of the property owner and may be collected as a municipal lien.

ARTICLE II. ZONING DISTRICTS PERMITTED

A. Article VII, Section 700-A.5.A.2, relating to Uses Permitted by Conditional Approval in the QA-A Quarry/Agricultural Zoning District is amended with the addition of subsection "d.1" which shall read as follows:

d.1 . Data Center, use G-17

B. The Table of Use Regulations, attached to the Joint Municipal Zoning Ordinance as Appendix "C" shall be updated to reflect the G-17 Data Center Use permitted as a conditional use in the QA-A Zoning Districts and not permitted in any other zoning district.

ARTICLE III. REPEALER

Any provisions of the Newtown Area Joint Municipal Zoning Ordinance, as amended, inconsistent herewith are hereby repealed.

ARTICLE IV. SEVERABILITY

If any provision of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Newtown Area Joint Municipal Zoning Ordinance, as amended.

ARTICLE V. **EFFECTIVE DATE**

This Ordinance shall go into effect immediately upon all three municipalities enacting it.

[Remainder of Page Left Intentionally Blank]

DRAFT

JMZO ORDINANCE NO. 2026-03

NEWTOWN ORDINANCE NO. ____

UPPER MAKEFIELD ORDINANCE NO. ____

WRIGHTSTOWN ORDINANCE NO. ____

SIGNATURE PAGE

AN ORDINANCE OF THE MUNICIPALITIES OF NEWTOWN TOWNSHIP, WRIGHTSTOWN TOWNSHIP, AND UPPER MAKEFIELD TOWNSHIP, AMENDING THE NEWTOWN AREA JOINT MUNICIPAL ZONING ORDINANCE TO CREATE A NEW G-17 DATA CENTER USE WITH ATTENDANT REGULATIONS TO BE ALLOWED AS A CONDITIONAL USE IN THE RI RURAL INDUSTRIAL, RI-A RURAL INDUSTRIAL-AGRICULTURAL, AND THE QA QUARRY/AGRICULTURAL ZONING DISTRICTS

ENACTED AND ORDAINED this day of 2026.

Attest:

NEWTOWN TOWNSHIP

Micah Lewis, Manager

By: _____
Edward Merriman, Chairperson

Date: _____

Attest:

UPPER MAKEFIELD TOWNSHIP

Gregg Schuster, Manager

By: _____
Ben Weldon, Chairperson

Date: _____

Attest:

WRIGHTSTOWN TOWNSHIP

Stacy Crandell, Manager

By: _____
Chester S. Pogonowski, Chairperson

Date: _____