

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 27 OF THE TOWNSHIP CODE OF
ORDINANCES (ZONING) REGARDING
WAREHOUSNG, DISTRIBUTION FACILITIES, TRUCK
TERMINALS, OVERNIGHT TRUCK PARKING, DATA
CENTERS, AND SOUND LEVELS, AND AMENDING
CHAPTER 10 OF THE TOWNSHIP CODE OF
ORDINANCES (HEALTH AND SAFETY) REGADRING
SOUND LEVELS**

WHEREAS, Section 1516 (53 P.S. Section 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Solebury Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code”;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. Section 66601);

WHEREAS, the Board of Supervisors finds it to be in the best interests of the Township to the proposed ordinance amendments; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Municipalities Planning Code Section 609 (53 P.S. Section 10609);

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

I. Chapter 27 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. ADD the following new definitions to Section 27-202 as follows:

DATA CENTER

A commercial facility use designed and intended primarily for the housing, operation, and/or co-location of computer, networking and communication systems equipment for the operation that collects off-site, data for storage and that contains associated components such as telecommunications and computer storage systems. A data center may also include accessory uses and supporting public utilities (e.g., substations, switch stations, etc.), infrastructure systems, mechanical equipment, components and environmental controls (e.g., air conditioning or cooling towers, fire suppression, etc.),

redundant/backup power supplies, redundant data communications connections and enhanced security.

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, except for on-site solar energy.

DATA CENTER EQUIPMENT (DCE)

Any data center accessory uses which in an unmuffled state generate noise in excess of the permitted maximum dB(A) in Section 27-2512.5.B.(1) of Part 25 of this Chapter at the point of generation. DCE shall be accessory to the Data Center and be located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center.

DISTRIBUTION FACILITY

A building used for the temporary storage of products, merchandise, goods, materials, food stuffs or manufacture parts, which are intended to be repackaged, relabeled, assembled or moved from the premises soon thereafter, typically within 72 hours from the time the products arrive. A distribution facility may include a truck terminal, logistics center, and a parcel hub or fulfillment center.

TRUCK TERMINAL

An accessory facility to a Warehouse or Distribution Facility for the temporary transfer of goods, focusing on loading and unloading between trucks with little to no storage time, and/or a facility used to house, maintain or store equipment associated with the transportation of good within the facility.

OVERNIGHT TRUCK PARKING

An accessory facility to a Warehouse or Distribution Facility for the parking of commercial truck(s) for a period, typically overnight, for the purpose of rest and to comply with driving regulations of the Federal Motor Carrier Safety Administration.

WAREHOUSE

A building, or any part thereof, used for the commercial storage of products, merchandise, goods, materials, food stuffs, manufactured parts or documents. Up to 25% of the building may typically be used for ancillary, incidental, and accessory uses such as: office space; breakrooms; locker rooms; product display rooms; equipment storage;

equipment maintenance areas; product testing; repacking and relabeling areas; training areas; and customer showroom and demonstrate areas. A warehouse is not a distribution facility, a logistics center, a truck terminal, or a parcel hub or fulfillment center.

B. REPLACE Section 27-1702.4.A(5) (relating Permitted Principal Uses) in its entirety so that it now reads as follows:

(5) Mini-warehouse.

C. ADD new Sections 27-1702.4.C(13), (14) and (15) (Relating to Conditional Uses) as follows:

(13) Warehouse

(14) Distribution Facility.

(15) Data Center.

D. ADD new Section 27-1702.4.D as follows:

D. Accessory Uses by Conditional Use.

(1) Truck Terminal as an accessory use to Warehouse or Distribution Facility, in accordance with Part 26.

(2) Overnight Truck Parking as an accessory use to Warehouse or Distribution Facility, in accordance with Part 26.

E. ADD the words “and Part 26” to the end of Section 27-1703 (relating to Height Regulations) so that it now reads as follows:

The maximum height of buildings and other structures erected, enlarged, altered or used shall be 40 feet, except as provided in Part 25 and Part 26.

F. CHANGE the words from “§ 27-1704” to “§ 27-1702” in the introductory statement to Section 27-1704.B so that it now reads as follows:

B. All other uses set forth in § 27-1702, Subsection 4A, and C(3):

G. ADD new Section 27-1704.E as follows:

E. Warehouse, Distribution Facility, and Data Center.

(1) Minimum lot area: five (5) acres.

(2) Minimum lot width at building line: 250 feet.

(3) Minimum lot width at street line: 100 feet along a Major Collector or Principal Arterial road.

(4) Maximum impervious surface coverage: 60%.

(5) Maximum building coverage: 20%.

- (6) Minimum depth of front and rear yards: 200 feet.
- (7) Minimum width of side yards: 75 feet.

H. REPLACE the table in Section 27-2512.B(1) titled “Continuous Sound Levels Within Receiving District” in its entirety as follows:

Continuous Sound Levels Within Receiving District

Receiving Zoning District	From 7:00 a.m. to 7:00 p.m.	From 7:00 p.m. to 7:00 a.m.
RA, RB, RD and OR	55 dBA	45 dBA
VC, VR, R-1, VR-C and VC-C	65 dBA	55 dBA
Light Industrial and Quarry/Agricultural	65 dBA	55 dBA
Highway Commercial and Rural Commercial	65 dBA	55dBA

I. ADD new Section 27-2602.VV as follows

VV. Warehouse and Distribution Facility.

(1) Dimensional Requirements.

- (a) The maximum height of a Warehouse or Distribution Facility building shall be 40 feet, except the building may be increased in height by one (1) foot above 40 feet to a maximum of 55 feet for every additional five (5) feet the Warehouse or Distribution Facility building is setback from the minimum front yard setback.
- (b) The maximum building size of a Warehouse shall be 200,000 square feet of gross floor area for all buildings on a lot.
- (c) The maximum size of a Distribution Facility shall be 250,000 square feet of gross floor area for all buildings on a lot.
- (d) The maximum size of Warehouse and Distribution Facility buildings may be increased in accordance with the following.
 - 1) Teir 1. Based on the Energy Use Analysis and Solar Feasibility Study required per §27-2601.1.VV.(11), the building may be increased by 15,000 square feet if 70-80% of peak energy demand is met by on-site solar power.
 - 2) Teir 2. Based on the Energy Use Analysis and Solar Feasibility Study required per §27-2601.1.VV.(11), the

building may be increased by 25,000 square feet if 81-90% of peak energy demand is met by on-site solar power.

- 3) Teir 3. Based on the Energy Use Analysis and Solar Feasibility Study required per §27-2601.1.VV.(11), the building may be increased by 35,000 square feet if 91-100% of peak energy demand is met by on-site solar power.

(2) Screening and buffering for Warehouses and Distribution Facilities.

- (a) For Warehouse and Distribution Facilities up to 100,000 square feet, a 100 foot wide buffer area shall be located and maintained adjacent to residential, institutional, parks and open space uses and along road frontages. The buffer area shall be planted and designed as a Type 1 Buffer in accordance with §22-520 of the Subdivision and land development ordinance.
- (b) For Warehouse and Distribution Facilities over 100,000 square feet, a 150 foot wide buffer area shall be located and maintained adjacent to residential, institutional, parks and open space uses and along road frontages. The buffer area shall be planted and designed as a Type 1 Buffer in accordance with §22-520 of the Subdivision and land development ordinance.
- (c) A Type 4 Buffer shall be provided in order to screen any storage and maintenance activities in accordance with §22-520 of the Subdivision and Land Development Ordinance.
- (d) Any tractor trailer truck parking, outdoor storage, and loading/unloading areas that are located within 250 feet of the exterior lot lines of a Warehouse or Distribution Facility use shall be separated from such lot lines by an earthen berm in accordance with the following.
 - 1) The berm shall be a minimum of six (6) feet in height; or more, as required to be acceptable to the Township Engineer - above the average adjoining grade ground level (disregarding any drainage channel) on the outside of the berm.
 - 2) The berm shall have a maximum side slope of three (3) feet horizontal to one (1) foot vertical.
 - 3) The berm shall be covered by a well-maintained all season natural groundcover.

- 4) Required screen plantings shall be arranged on the outside and top of the berm or sound proof fencing on top of berm along with plantings.

(3) Landscaping.

- (a) Landscaping of Truck Parking. For each off-street loading space provided for truck parking one (1) evergreen tree eight (8) to 10 feet in height, and three (3) evergreen shrubs shall be provided. The plants shall be installed in close proximity to the perimeter of the parking area, and shall be in. Required plant material shall meet the genus, species and minimum size requirements as specified in the Township's Plant List contained in Appendix 22-D of the Subdivision and Land Development [Chapter 22].
- (b) Landscaping shall be provided in accordance with §22-520 of Subdivision Land Development Ordinance.

(4) Parking and loading.

- (a) One (1) parking space shall be provided for 2,000 square feet of gross floor area of building.
- (b) Ten (10) percent of passenger vehicle parking spaces shall be electric vehicle (EV) ready, and at least five (5) percent installed with charging facilities.
- (c) One (1) 12 foot by 80 foot off-street loading space shall be provided for each trucking dock.
- (d) No loading docks shall face frontage roads, and other roads that are visible from a public street.
- (e) Landscaping for off-street parking shall comply with §22-520 of Subdivision Land Development Ordinance. Landscaping for truck parking shall comply with §27-2602.1.VV.(3).
- (f) All parking and loading shall comply with Part 23.

(5) Traffic regulations.

- (a) A traffic study shall be prepared and submitted, and include the following:

- 1) Ingress and egress to and from the site with a study of turning movements of different sized vehicles.
 - 2) Should a traffic signalized intersection be warranted, the applicant shall cover the cost of securing the appropriate Pennsylvania Department of Transportation permit and pay for the installation as part of the overall project development.
 - 3) The traffic study shall be prepared by a Professional Engineer licensed in Pennsylvania.
- (6) Lighting. All lighting shall be designed to minimize off-site glare and light pollution, in accordance with §27-2513. All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.
- (7) Architectural design regulations. These regulations are intended to ensure that the size, proportions, and design of new or substantially improved buildings deemphasize the visual mass of buildings through the use of architectural elements, including building form, architectural features, materials and colors, in order to reduce their bulk and volume, to enhance their visual quality, and to contribute to human scale development.
- (a) Buildings shall provide articulation of the exterior of any wall surface in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long monotonous building wall and roof. Blank facades facing a street or adjacent to residential zoning districts, without windows or architectural elements to create interest, shall be prohibited.
 - (b) Exterior walls of buildings shall contain architectural features, materials and colors that are consistent throughout the building and facade. The street-facing building walls along the front yard of a lot shall have windows or panels that emulate windows. Those portions of the walls without windows shall consist of architectural elements that help to add diversity to the appearance of the building wall. These elements shall consist of: projections or recesses, decorative brick or tile, piers or pilasters or other articulation. The design shall provide for architectural details that provide visual interest to the building facades that face streets.

- (c) Principal buildings shall have a vertical bay structure, whereby pilasters, painted facades in lieu of pilasters, or panels shall be installed and maintained, at a minimum of sixty-foot intervals, in order to reduce the horizontality of large buildings.
 - (d) Variations in building and rooflines shall be achieved with parapet walls, crenelation, or other like-type roofline variations.
 - (e) No building shall be white in color. Building materials, including siding, garage doors, and the like, shall be tan, beige, sand, light grey, light brown, or like-type color, so as not to reflect light and cause glare.
 - (f) Rooftop HVAC units shall be screened where buildings with rooftop HVAC units abut residential districts. Such screening shall be achieved with fencing, parapet walls, and the like.
 - (g) Roofs of buildings shall be solar ready.
 - (h) Architectural elevations shall be submitted with all applications for approval of any proposed use(s) and building(s). The elevations shall demonstrate compliance with the above regulations.
- (8) Signage.
- (a) A Master Signage Plan shall be prepared and submitted, and include the following:
 - 1) Signs shall be installed at all truck exit driveways directing truck drivers to the truck route as indicated in the truck routing plan.
 - 2) Interior and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations, shall be posted.
 - 3) Facility operators shall post signs in prominent locations inside and outside of the building indicating that off-site parking for any employee, truck, or other operation related vehicle is strictly prohibited. The Township may require the facility operator to post signs on surface residential streets

indicating that off-site truck parking is prohibited by municipal ordinance and/or the truck routing plan.

- 4) Signs shall be installed in public view with contact information for a local designated representative who works for the facility operator and who is designated to receive complaints about excessive dust, fumes or odors, and truck and parking complaints for the site. Any complaints made to the facility operator's designee shall be answered within 72 hours of receipt.
- 5) All signs under this section shall be reflective, legible, durable, and weather-proof.
- 6) Signage shall also comply with the provisions of Part 24.

(9) Environmental Controls.

- (a) Noise Impact. In addition to the Environmental Control provisions of Part 25, a Noise Impact Assessment shall be conducted in order to assess and analyze the pre-construction existing conditions and the post-construction potential noise levels. The Assessment shall be conducted by a qualified Acoustics Consultant hired by Solebury Township, and the Applicant shall reimburse the Township for associated fees and expenses. The study shall measure, model and/or predict the noise emissions from the proposed use to demonstrate that the noise will not exceed the limits set forth in the Part 25.

(10) An Environmental Impact Assessment Report shall be prepared in accordance with Part 26.

(11) An Energy Use Analysis shall be provided and shall include:

- 1) the anticipated power usage, including the amount of power expected to be used on average and at times of peak usage;
- 2) the proposed supply sources, including the proposed amount of power expected to be generated by on-site renewable energy and energy storage capacity (if applicable);
- 3) estimated impacts on electric rates or power availability for other uses directly attributable to the Warehouse/Distribution Facility project. If the assessment identifies a detrimental impact or threshold where utility

capacity is not sufficient, the Applicant shall provide, at their expense, the 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;

4) documentation from the applicable electric service provider certifying that the necessary capacity is available and that electric service provider will service the Warehouse/Distribution Facility; and

5) a Solar Feasibility Study.

(12) Outdoor Storage.

(a) All outdoor storage facilities for fuel, flammable or explosive materials and raw materials shall be enclosed by a fence adequate to prevent the access of children and other members of the general public.

(b) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

(c) All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, sealed containers.

(d) All outdoor stage areas shall comply with the setback requirements for parking, driveways and loading areas.

(e) A Type 4 Buffer shall be provided in order to screen any storage and maintenance activities in accordance with §22-520 of the Subdivision and Land Development Ordinance.

(f) Fencing around outdoor storage areas shall be determined and established during the Conditional Use process.

(g) All outdoor storage areas shall be designated on the Land Development Plans.

(13) Community Benefits Agreement.

- (a) ~~Unless otherwise agreed by the Township,~~ Applicant ~~shall~~may enter into one (1) or more written agreements with the Township for the benefit of the community, subject to approval by the Board of Supervisors (hereinafter, individually and collectively, “CBAs”) which are intended to offset the impacts of the Warehouse or Distribution Facility development(s) on local resources and infrastructure including, but not limited to, environmental resources, historical resources, emergency responders (fire, emergency medical services and police), roads, sanitary sewer and local government administration, ~~the cost of which shall be borne by the Applicant.~~
- (b) To that end, the terms of the CBAs may include, but are not limited to:
- 1) preservation of one (1) or more historic structures and historic artifacts within the Township;
 - 2) creation of, or improvements to, public park and recreation facilities;
 - 3) first responder equipment and training;
 - 4) protection or preservation of natural resources (including, but not limited to, farmland, woodlands and waterways);
 - 5) independent or Township monitoring of environmental conditions on and around the Warehouse or Distribution Facility tract at the cost and expense of the Warehouse or Distribution Facility Owner or, as the case may be, the Owner/Operator;
 - 6) stream bank restoration;
 - 7) public infrastructure improvements or restoration thereof; and
 - 8) mitigating impacts to the community identified in the studies required herein, or any other studies conducted in connection with the special exception application; and/or fees in lieu thereof.

J. ADD new Section 27-2602.WW as follows

WW. Data Centers.

(1) Dimensional Requirements.

- (a) The maximum height of a Data Center building shall be 40 feet, except the building may be increased in height by one (1) foot above 40 feet to a maximum of 55 feet for every additional five (5) feet the Data Center Facility building is setback from the minimum front yard setback.
- (b) The maximum building size of a Data Center shall be 250,000 square feet of gross floor area for all buildings on a lot.
- (c) The maximum size of Data Center buildings may be increased in accordance with the following.
 - 1) Teir 1. Based on the Energy Use Analysis and Solar Feasibility Study required per §27-2601.1.WW.(15), the building may be increased by 15,000 square feet if 40-50% of peak energy demand is met by on-site solar power.
 - 2) Teir 2. Based on the Energy Use Analysis and Solar Feasibility Study required per §27-2601.1.WW.(15), the building may be increased by 25,000 square feet if 51-60% of peak energy demand is met by on-site solar power.
 - 3) Teir 3. Based on the Energy Use Analysis and Solar Feasibility Study required per §27-2601.1.WW.(15), the building may be increased by 35,000 square feet if 61-70% of peak energy demand is met by on-site solar power

(2) Screening and buffering.

- (a) A 150 foot wide buffer area shall be located and maintained adjacent to residential, institutional, parks and open space uses and along road frontages. The buffer area shall be planted and designed as a Type 1 Buffer in accordance with Part 5 of the Subdivision and land development ordinance.
- (b) A Type 4 Buffer shall be provided in order to screen any maintenance activities in accordance with §22-520 of the Subdivision and Land Development Ordinance.

(3) Landscaping.

(a) Landscaping shall be provided per Part 5 of Subdivision Land Development Ordinance.

(4) Parking and loading.

(a) One (1) parking space shall be provided for 8,000 square feet of gross floor area of building.

(b) Landscaping for off-street parking shall comply with §22-520 of Subdivision Land Development Ordinance.

(c) All parking and loading shall comply with Part 23.

(5) Traffic regulations.

(a) A traffic study shall be prepared and submitted, and include the following:

1) Ingress and egress to and from the site with a study of turning movements of different sized vehicles.

2) Should a traffic signalized intersection be warranted, the applicant shall cover the cost of securing the appropriate Pennsylvania Department of Transportation permit and pay for the installation as part of the overall project development.

3) The traffic study shall be prepared by a Professional Engineer licensed in Pennsylvania.

(6) Lighting. All lighting shall be designed to minimize off-site glare and light pollution, in accordance with §27-2513. All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.

(7) Security. Adequate security measures, including fencing, lighting, and surveillance, shall be implemented to ensure the safety of the facility and surrounding structures.

(8) Fencing. A security fence shall be installed and maintained at a minimum of 30 feet from all adjacent residential property lines, and a minimum of 15 feet from property lines adjacent to nonresidential properties. The fence shall be constructed of commercial -grade, anti -climb chain link, ornamental steel, or similar material designed, as approved by the Township, to provide security while minimizing visual obtrusiveness, and comply with the following:

- (a) The fence shall be a minimum of 6 feet in height, unless a different height is required by state or federal regulation applicable to the use.
 - (b) The fence shall include features such as closed vertical pickets or mesh with openings no larger than 2 inches to deter climbing, and may include additional security enhancements (e. g., angled tops, tamper-resistant fasteners).
 - (c) The design and placement of the fence shall not create a nuisance or safety hazard to adjacent residential uses
- (9) Architectural design regulations. These regulations are intended to ensure that the size, proportions, and design of new or substantially improved buildings deemphasize the visual mass of buildings through the use of architectural elements, including building form, architectural features, materials and colors, in order to reduce their bulk and volume, to enhance their visual quality, and to contribute to human scale development.
- (a) Buildings shall provide articulation of the exterior of any wall surface in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long monotonous building wall and roof. Blank facades facing a street or adjacent to residential zoning districts, without windows or architectural elements to create interest, shall be prohibited.
 - (b) Exterior walls of buildings shall contain architectural features, materials and colors that are consistent throughout the building and facade. The street-facing building walls along the front yard of a lot shall have windows or panels that emulate windows. Those portions of the walls without windows shall consist of architectural elements that help to add diversity to the appearance of the building wall. These elements shall consist of: projections or recesses, decorative brick or tile, piers or pilasters or other articulation. The design shall provide for architectural details that provide visual interest to the building facades that face streets.
 - (c) Principal buildings shall have a vertical bay structure, whereby pilasters, painted facades in lieu of pilasters, or panels shall be installed and maintained, at a minimum of sixty-foot intervals, in order to reduce the horizontality of large buildings.
 - (d) Variations in building and rooflines shall be achieved with parapet walls, crenelation, or other like-type roofline variations.

- (e) No building shall be white in color. Building materials, including siding, garage doors, and the like, shall be tan, beige, sand, light grey, light brown, or like-type color, so as not to reflect light and cause glare.
- (f) Rooftop HVAC units shall be screened where buildings with rooftop HVAC units abut residential districts. Such screening shall be achieved with fencing, parapet walls, and the like.
- (g) Architectural elevations shall be submitted with all applications for approval of any proposed use(s) and building(s). The elevations shall demonstrate compliance with the above regulations.

(10) Signage.

- (a) A Master Signage Plan shall be prepared and submitted, and include the following:
 - 1) Signs shall be installed at all truck exit driveways directing truck drivers to the truck route as indicated in the truck routing plan.
 - 2) Interior and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations, shall be posted.
 - 3) Facility operators shall post signs in prominent locations inside and outside of the building indicating that off-site parking for any employee, truck, or other operation related vehicle is strictly prohibited. The Township may require the facility operator to post signs on surface residential streets indicating that off-site truck parking is prohibited by municipal ordinance and/or the truck routing plan.
 - 4) Signs shall be installed in public view with contact information for a local designated representative who works for the facility operator and who is designated to receive complaints about excessive dust, fumes or odors, and truck and parking complaints for the site. Any complaints made to the facility operator's designee shall be answered within 72 hours of receipt.
 - 5) All signs under this section shall be reflective, legible, durable, and weather-proof.
 - 6) Signage shall also comply with the provisions of Part 24.

(11) Outdoor Storage.

- (a) All outdoor storage facilities for fuel, flammable or explosive materials and raw materials shall be enclosed by a fence adequate to prevent the access of children and other members of the general public.
- (b) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
- (c) All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, sealed containers.
- (d) All outdoor stage areas shall comply with the setback requirements for parking, driveways and loading areas.
- (e) A Type 4 Buffer shall be provided in order to screen any storage and maintenance activities in accordance with §22-520 of the Subdivision and Land Development Ordinance.
- (f) Fencing around outdoor storage areas shall be determined and established during the Conditional Use process, and may not be required depending upon the adequacy of the security fencing.
- (g) All outdoor storage areas shall be designated on the Land Development Plans.

(12) Environmental Controls.

(a) Noise.

1) Maximum Permissible Sound Levels.

- i) In addition to the Environmental Control provisions of Part 25, a Noise Impact Assessment shall be conducted in order to assess and analyze the pre-construction existing conditions (baseline) and the post-construction potential noise levels. The 30-day baseline study shall include the quietest hour of the night (typically 3:00AM), as the baseline. Baseline measurements shall exclude atypical or anomalous noise events, including aircraft overflights, construction activity,

emergency vehicle sirens, or metrological conditions exceeding Beaufort Scale Level 3 wind speeds or measurable precipitation. The Assessment shall be conducted by a qualified Acoustics Consultant hired by Solebury Township, and the Applicant shall reimburse the Township for associated fees and expenses. The study shall measure, model and/or predict the noise emissions from the proposed use to demonstrate that the noise will not exceed the pre-construction ambient noise level, as determined by the baseline study, per subsection 5), by more than 3 dbA at any property line of a Sensitive Receptor. the limits set forth in the Part 25.

2) Character of Sound.

- i) Pure Tone Definition: A pure tone exists if any one-third octave band sound pressure level exceeds the arithmetic average of the two (2) contiguous bands by 3 dB.
- ii) Penalty: If a Data Center produces a Pure Tone, impulsiveness, or low-frequency modulation, the allowable sound levels in Section 1) shall be reduced by an additional 5 dBA.

3) Low-Frequency Noise (dBC Weighting).

- i) dBC Cap: To mitigate ground-borne "thrum" and low-frequency vibration not captured by A-weighting, the sound level shall not exceed 65 dBC at any residential property line.

4) Vibration.

- i) No sustained or recurring vibration shall be perceptible to the human sense of feeling at or beyond the property line, when assessed under normal operating conditions, as determined by Township-approved testing, instrumentation, or direct observation. In no event, including during emergency operations or equipment testing, shall ground-borne vibration exceed the pre-construction baseline ambient vibration levels by more than 0.001g at the property line of any Sensitive Receptor, measured in accordance with a methodology approved by the Township Engineer.
- ii) Mandatory Isolation: All mechanical equipment (fans, chillers,

generators, transformers, and rotating electrical equipment) shall be mounted on high- efficiency spring-isolated inertia bases with a minimum static deflection of not less than two (2) inches, designed by a Licensed Professional Engineer to achieve compliance with the vibration limits of this Section under worst-case operating conditions.

5) Testing and Auditing Requirements.

- i) **Baseline Study:** Prior to Approval, the Applicant shall fund a 30-day baseline ambient noise study performed by a Township-approved third-party acoustical Engineer. Measurements must be taken at the property lines of all adjacent Sensitive Receptors. The baseline study shall be completed prior to any land disturbance, tree removal, or construction activity on the site.
 - ii) **Post-Construction "As-Built" Audit:** Within 30 days of the commencement of operations, and again at 6 months, a full-scale sound and vibration audit must be conducted. If a violation of noise or vibration caps is detected, the owner shall, within 48 hours, submit a Mitigation Plan to the Zoning Officer and commence good-faith efforts to remediate the violation. If the violation exceeds the Hard Caps by more than 5db, the non-compliant equipment shall be deactivated until repairs are complete. Complete facility shutdown shall only be ordered if the noise level constitutes a Public Nuisance or an Imminent Health Hazard.
 - iii) **Annual Compliance Certification:** The owner shall submit an annual report, certified by a third-party engineer, proving ongoing compliance. Real-time data shall be accessible to the Township Engineer. A summary compliance report shall be posted to the Township website on a quarterly basis.
 - iv) **Continuous Monitoring:** For facilities exceeding 25 MW of installed peak electrical capacity, the Township shall require the installation of permanent, real-time noise monitoring stations at the property line.
- 6) **Maintenance of Mitigation.** All noise and vibration mitigation measures, including silencers, baffles, and spring isolators, shall be maintained in “as-new” condition. The Township may require the immediate

replacement of any mechanical component that, through wear or lack of maintenance, causes a sound or vibration increase of more than 2 dBA above the initial “As-Built” audit levels, even if the facility remains within the hard caps.

(b) Heat Mitigation.

- 1) In addition to the Environmental Control provisions of Part 25, a Thermal Impact Mitigation Plan shall be submitted with the zoning application, including, at a minimum, strategies for waste heat reuse or dissipation and vegetative or green roof and/or site design to offset urban heat island effects. The Plan will be prepared and certified by a Professional Engineer, and shall be subject to review by the Township.

(c) Air & Odor Quality.

- 1) Diesel/Fuel Exhaust: The release of odors from backup generator testing or operation shall not be sustained or recurring, and shall not be perceptible beyond the property line under normal operating conditions, as determined by Township-approved observation or air quality testing.
 - 2) Mandatory Tier 4: All backup generators must utilize EPA Tier 4 Final engines with integrated Selective Catalytic Reduction (SCR) and Diesel Particulate Filters (DPF) to eliminate soot and nitrogen oxide (NOx) smells.
 - 3) All on-site generation shall comply with all applicable Federal and Commonwealth air quality requirements, including plan approval and operating permit obligations, and shall be installed and operated in accordance with manufacturer specifications and applicable permit conditions.
- (13) An Environmental Impact Assessment Report shall be prepared in accordance with Part 26.
- (14) Water and Sewer.
- (a) Data Center buildings shall be served by public sewer and water. The Applicant shall demonstrate the anticipated water usage and demonstrate that sufficient capacity currently exists (or will exist) to serve the needs of the proposed Data Center. The Data Center shall not be designed or operated (including cooling systems) to draw on private wells.
 - (b) 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.

(15) Energy Use/Power Supply.

- (a) Data centers shall make good faith efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, either through on-site generation or verifiable Power Purchase Agreements (PPAs).
- (b) An Energy Use Analysis shall be provided and shall include:
 - 1) the anticipated power usage, including the amount of power expected to be used on average and at times of peak usage;
 - 2) the proposed supply sources, including the proposed amount of power expected to be generated by on-site renewable energy and energy storage capacity (if applicable);
 - 3) estimated impacts on electric rates or power availability for other uses directly attributable to the Data Center project. If the assessment identifies a detrimental impact or threshold where utility capacity is not sufficient, the Applicant shall provide, at their expense, the 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;
 - 4) documentation from the applicable electric service provider certifying that the necessary capacity is available and that electric service provider will service the Data Center; and
 - 5) a Solar Feasibility Study.
- (c) Battery storage systems shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and shall include fire suppression systems designed specifically for battery storage, be UL-certified and follow hazardous material handling protocols.
- (d) Electrical power. Every use shall be designed and operated so that the service lines, substation, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed,

etc., as to be an integral part of the architectural features of the plant or, if visible from abutting residential properties, shall be concealed in accordance with the landscaping requirements herein.

(16) Backup Generator Use and Testing.

- (a) EPA Tier 4 Final (or the most current stringent EPA standard) diesel generators shall be utilized for all standby power. All generators must be housed within Level 3 Sound-Attenuated Enclosures (the highest industry rating for noise dampening). Notwithstanding the engine tier, the total noise output from the generator yard shall not exceed the maximum sound levels per §10-203 during testing or emergency operation. Routine maintenance testing shall be limited to the hours of 10:00 AM to 4:00 PM, Monday through Friday, excluding federal holidays.
- (b) Backup Generators shall be limited to emergency use and limited testing and maintenance consistent with Federal and State Air Quality Law and regulations.
- (c) Backup Generators and other back-up power systems that generate noise in excess of the sound limits set forth in in the Part 25 as measured from the tract property line may be used only during periods of outages, natural disasters or similar "emergency events" for power generation and for regular reliability testing and mechanical exercising.
- (d) Backup Generators and other back-up power systems shall not be tested between 7:00 PM and 7:00 AM.
- (e) In the event of a power outage that require use of Backup Generators that generate noise exceeding the sound limits set forth in in the Part 25 as measured from the tract property boundary, the Owner or, as the case may, the Owner/Operator shall attempt to reestablish compliance with the requirements set forth in in the Part 25 within one (1) hour of the restoration of power to the Data Center and, in any event, shall re-establish compliance therewith within three (3) hours of the restoration of power to the Data Center.

(17) Emergency Response Plan.

(a) The Applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional, and shall be reviewed by the Township Fire Marshal and at a minimum the ERP shall:

- 1) Include detailed procedures for fire suppression, containment, ventilation and evacuation;
- 2) Include detailed procedures for emergencies resulting from flood, fire, explosion and catastrophic weather events;
- 3) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
- 4) Ensure that all first responders receive adequate training specific to the installed system; and
- 5) Include detailed provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center

(18) Community Benefits Agreement.

(a) ~~Unless otherwise agreed by the Township,~~ Applicant shall ~~may~~ enter into one (1) or more written agreements with the Township for the benefit of the community, subject to approval by the Board of Supervisors (hereinafter, individually and collectively, “CBAs”) which are intended to offset the impacts of the Data Center development(s) on local resources and infrastructure including, but not limited to, environmental resources, historical resources, emergency responders (fire, emergency medical services and police), roads, sanitary sewer and local government administration; ~~the cost of which shall be borne by the Applicant.~~

(b) To that end, the terms of the CBAs may include, but are not limited to:

- 1) preservation of one or more historic structures and historic artifacts within the Township;
- 2) creation of, or improvements to, public park and recreation facilities;

- 3) first responder equipment and training;
- 4) protection or preservation of natural resources (including, but not limited to, farmland, woodlands and waterways);
- 5) independent or Township monitoring of environmental conditions on and around the Data Center tract at the cost and expense of the Data Center Owner or, as the case may be, the Owner/Operator;
- 6) stream bank restoration;
- 7) public infrastructure improvements or restoration thereof;
- 8) mitigating impacts to the community identified in the studies required herein, or any other studies conducted in connection with the special exception application; and/or fees in lieu thereof;
- 9) use of non-lithium ion battery back-up power systems in lieu of natural gas generators to maintain operation of the Data Center during power failures (for example but not limited to nickel zinc and flow batteries) together with a recycling and disposal therefor;
- 10) development of a thermal energy network to support heating needs of nearby use;
- 11) Data Center design standards to meet or exceed the Uptime Institute Tier 4 or equivalent standards;

~~12) Data Center decommissioning procedures and assurances; and,~~

~~13)~~12) in the event Applicant (or, as the case may be, the Owner or Owner-Operator) negotiates and obtains an electric rate that is lower than the rates charged to residential customers within the Township, to the maximum extent permitted by law, Applicant (or, as the case may be, the Owner or Owner- Operator) ~~shall~~ may negotiate and use its best efforts to obtain the same rate for the residents of the Township and the Township, itself.

(19) Other Development Standards.

(a) Data Center Equipment (DCE).

- 1) DCE shall not be located between the principal building and the street of an arterial road or a collector street.
- 2) DCE shall be separated from any adjacent residential uses by a principal building.
- 3) Ground-mounted DCE shall not be located in any front yard.

(b) Electronic Waste. The Applicant shall provide procedures for safe removal and recycling or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products, which will apply in cases when the data center is updated or decommissioned.

(20) Decommissioning.

(a) At the time of issuance of a building permit for the construction of a Data Center building, the Owner or, as the case may be, the Owner/Operator of the Data Center shall enter into a written decommissioning agreement with the Township which shall obligate the Owner or, as the case may be, the Owner/Operator of the Data Center to:

- 1) notify the Township at least three (3) months prior to the discontinuation or cessation of the use of a Data Center;
- 2) complete the removal of all servers, electronic data storage devices, and batteries (including universal power supplies and battery backup systems) from the DCC within 18 months (as may be extended for good cause shown) from the date of discontinuation or cessation of use of the Data Center;
- 3) provide a certification, in writing, to the Township certifying removal all servers, electronic data storage devices, and batteries (including universal power supplies and battery backup systems) from the Data Center within 10 days of said removal; and, arrange for the Township to enter the Data Center and its buildings to confirm such removal.

(b) If a Data Center Owner or, as the case may be, Owner/Operator fails to remove all servers, electronic data storage devices, and batteries (including universal power supplies and battery backup systems) from the Data Center, the Township shall have option (but not the obligation) to enter the Data Center and complete the removal of the all servers, electronic data storage devices, and batteries (including universal power supplies and battery backup systems) from the Data

Center at the Owner's or, as the case may be, the Owner/Operator's expense, and lien the Data Center tract for the cost therefore.

K. ADD new Section 27-2603.1.P as follows:

P. Truck Terminal.

- (1) A Truck Terminal may be an accessory use to a Warehouse or Distribution Facility when the purpose of the Truck Terminal is to facilitate the transport of goods in and out of the principal facility, and/or a facility used to house, maintain or store equipment associated with the transportation of good within the facility, and not as a separate stand-alone hub, and shall comply with the following requirements.
 - (a) The Applicant shall demonstrate that the proposed Truck Terminal is clearly incidental to the principal Warehouse use in terms of scale, size, identity and function.
 - (a) Screening and buffering for Truck Terminals shall comply with the provisions of § 27-2602.1.VV.(2).
 - (b) Truck Terminals shall comply with the area and bulk regulations for Warehouses per § 27-1704.E.
 - (c) The Traffic Study required for the principal Warehouse use shall include the Truck Terminal accessory use, and demonstrate that the design and layout of the site provides adequate space for maneuvering and on-site stacking areas for trucks waiting to enter/exit the site, in order to prevent blocking access or creating safety hazards.
 - (d) Lighting shall be designed to minimize off-site glare and light pollution, in accordance with §27-2513. All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.
 - (e) Landscaping shall comply with the landscaping requirements for Warehouses per § 27-2602.VV.(3).
 - (f) Incidental services proposed to be part of a Truck Terminal accessory use such as repair, washing or refueling, or the like, shall be addressed during the Conditional Use process.

L. ADD new Section 27-2603.1.Q as follows:

Q. Overnight Truck Parking.

- (1) Overnight Truck Parking may be an accessory use to a Warehouse or Distribution Facility, and shall comply with the following requirements.
 - (b) The amount of Overnight Truck Parking shall not exceed 10% of the truck parking spaces required for a Warehouse or Distribution Facility principal use.
 - (c) Screening and buffering for Overnight Truck Parking shall comply with the provisions of § 27-2602.1.VV.(2).
 - (d) Overnight Truck Parking shall comply with the area and bulk regulations for Warehouses per Section 27-1704.E.
 - (e) Lighting shall be designed to minimize off-site glare and light pollution, in accordance with §27-2513. All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.
 - (f) Landscaping of Truck Parking. For each off-street loading space provided for truck parking one (1) evergreen tree eight (8) to 10 feet in height, and three (3) evergreen shrubs shall be provided. The plants shall be installed in close proximity to the perimeter of the parking area.
 - (g) Trucks shall not idle between the hours of 11PM and 7AM.
 - (h) Amenities for truck drivers using the facilities shall be provided, at a minimum, as follows:
 - 1) A unisex restroom with a sink.
 - 2) Drinking water.
 - 3) Additional amenities shall be determined during the Conditional Use process and may include facilities such as: a lounge, including a minimum of five (5) seats for drivers/operators, vending machines, and WiFi access.
 - (i) Incidental services proposed to be part of an Overnight Truck Parking accessory use such as laundry facilities, repair, washing or refueling, or the like, shall be addressed during the Conditional Use process.

II. Chapter 10 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. **REPLACE** the table in Section 10-203.1.A(1) titled “Continuous Sound Levels Within Receiving District” in its entirety as follows:

Continuous Sound Levels Within Receiving District

Receiving Zoning District	From 7:00 a.m. to 7:00 p.m.	From 7:00 p.m. to 7:00 a.m.
RA, RB, RD and OR	55 dBA	45 dBA
VC, VR, R-1, VR-C and VC-C	65 dBA	55 dBA
Light Industrial and Quarry/Agricultural	65 dBA	55 dBA
Highway Commercial and Rural Commercial	65 dBA	55dBA

III. Partial Repealer

All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

IV. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

V. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 2026.

Mark Baum Baicker, Chair

Christy Cheever, Vice-Chair

Kevin Morrissey, Member

John Francis, Member

Rickie Yudin, Member

Attest:

Catherine Cataldi, Township Secretary