DAMASCUS TOWNSHIP
WAYNE COUNTY, PENNSYLVANIA

ORDINANCE NO. 5 - 2026

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF DAMASCUS TOWNSHIP, WAYNE COUNTY. PENNSYLVANIA TO DEVELOP DATA CENTER SYSTEMS AND ASSOCIATED SUPPLEMENTARY FACILITIES STANDARDS

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Damascus Township, Wayne County, Pennsylvania, by the authority of and pursuant to Act of 1968, P.L. 805, No 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," the Damascus Township Zoning Ordinance of August 4, 1997, as follows:

AMEND the Zoning Ordinance of Damascus Township by modifying Article II, Definitions, by adding definitions for Data Center Systems; by modifying Article III, Section 306 Development Standards by adding Data Centers as a Conditional Use; and by amending Article IV, Supplementary Regulations, by incorporating new section(s) to permit Data Centers in the Industrial Zone, and the Damascus Township Zoning Ordinance shall be amended as follows:

The following definitions shall be added to Article II – Definitions:

BACKUP GENERATORS: Natural Gas, diesel, hydrogen fuel cells UPC, Power Storage System or other non-coal equipment used to generate electricity during a power outage or similar emergency. Backup generators are only to be used during periods of outages, natural disasters or similar "emergency events" for power generation and for regular reliability testing and exercising.

BENEFICIAL OWNER: Any natural person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise, owns or controls 10% or more of the equity interests of an applicant, owner, or operator, or who otherwise exercises substantial control over such entity, regardless of whether that person's name appears on any formation or ownership document filed with a state or federal agency.

CONTROLLING OWNERSHIP: An ownership interest, whether direct or indirect, sufficient to direct or cause the direction of the management, policies, or operations of an applicant, owner, or operator, whether through ownership of voting securities, membership interests, contract, or otherwise.

DATA CENTER: A facility primarily used for housing and operating computer systems and associated equipment, including servers, data storage and processing systems, and accessory and auxiliary infrastructure such as cooling systems, backup generators, electrical substations, and network hardware.

DATA CENTER ACCESSORY USE: Ancillary uses or structures secondary and incidental to a Data Center Use. Accessory uses secondary and incidental to a Data Center are allowed, including but not limited to:

a) Administrative
b) Security
c) Fiber optic lines
d) Utility lines
e) Domestic and non-contact cooling water and wastewater treatment facilities

DATA CENTER AUXILIARY USE: Supportive uses or structures secondary, but necessary to a Data Center Use. Auxiliary uses secondary and incidental to a Data Center are allowed, including but not limited to:

a) Backup Energy Generation. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.
b) Electrical substations
c) Water towers
d) Pump stations
e) Heating, ventilation, air conditioning, and cooling towers

DATA CENTER CAMPUS: A Data Center campus includes all of the structures and real estate owned, controlled, leased or otherwise occupied primarily for the use and purpose as Data Center(s), including:

a) Data Center(s)
b) Data Center Accessory Uses
c) Data Center Auxiliary Uses
d) All other systems, equipment, piping, conduit and other ancillary equipment, structures, and other appurtenances that are incidental to and/or needed for the construction, support, operation, repair, maintenance, and/or protection of the Data Center(s) and/or the Data Center campus.

DATA CENTER EQUIPMENT ("DCE"): Equipment related to utilities, utility lines, power generation stations, electrical substations, pump stations, water towers, mechanical equipment, cooling systems, and sound control systems. Fire suppression systems, and environmental controls (emissions controls, noise pollution controls, environmental impact monitoring), redundant/backup power supplies, redundant data communications connections, and security operations when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Center.

ENERGY GENERATION SYSTEM: Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, fuel cells, or nuclear energy generating systems.

OPERATOR: Any person or entity responsible for the day-to-day operation, management, or maintenance of a Data Center facility, whether or not that person or entity holds an ownership interest in the facility.

OWNER: Any person or entity holding legal or equitable title to a Data Center facility or the real property on which it is located, including any parent company, subsidiary, or affiliated entity holding such title.

POWER STORAGE SYSTEMS: A power storage system and the infrastructure systems and processes used to efficiently store, distribute and manage the power generated within the Data Center Campus. Power Storage System may also include a BESS (Battery Energy Storage System), which provides support to the local, regional or overall power grid by storing energy during off-peak hours and releasing it back into the grid as demand warrants.

RESPONSIBLE PARTY: Any owner, operator, or other person or entity designated to or responsible for ensuring compliance with the requirements of this ordinance with respect to a Data Center facility, including compliance with disclosure, reporting, and operational standards.

SENSITIVE RECEPTOR: Buildings used for residences (including institutional uses with a residential component), schools, daycare centers, preschools, hospitals, community centers, and similar institutional uses, and agricultural livestock areas.

SHELL COMPANY: A business entity, including a corporation, limited liability company, partnership, or trust, that has no significant independent business operations or assets other than those related to the ownership, financing, or operation of a Data Center facility, and that is used, in whole or in part, to hold or obscure an ownership or financial interest in such facility.

SMALL MODULAR REACTOR: The small modular reactor (SMR) is a class of small nuclear fission reactors, designed to be built in a factory, shipped to operational sites for installation and then used to power buildings or other commercial operations. SMR designs include: pressurized water, generation IV, thermal -neutron reactors, fast-neutron reactors, molten salt, and gas-cooled reactor models, as examples. A SMR must be of a design fully licensed and permitted by NRC (Nuclear Regulatory Commission). Nuclear Reactors similar to Three-Mile Island and The Limerick Generating Stations are expressly excluded from the definition of a SMR and are not permitted on the Data Center Campus.

TELECOMMUNICATIONS EQUIPMENT SHELTER: Unstaffed buildings used only to house telecommunications switching and connections for wire and fiber optic lines; small, satellite buildings used in neighborhoods to handle lines closer to homes before connecting back to a main central office, and are not to be considered as Data Centers. Zoning District Minimum lot sizes are not applicable for telecommunications equipment shelters. The provisions of this ordinance shall not apply to the physical plant, equipment, facilities, and network infrastructure of a local exchange telecommunications company as that term is defined in 66 Pa C.S. §3012

The following shall be added to Article III – Basic Zoning Regulations:

AMEND Section 306 Development Standards, SCHEDULE OF DISTRICT REGULATIONS ID Industrial Conditional Use Column by **ADDING** #28 Data Centers.

The following shall be ADDED in Article IV – Supplementary Regulations:

435 Data Centers and Associated Supportive Facilities
The following requirements shall apply to all Data Centers. In the event that any of the following regulations are found to be in conflict with regulations found elsewhere in the Damascus Township Zoning Ordinance, the most restrictive regulations shall be applied, unless otherwise stated.

435.1. Zoning
A. Data Centers are allowed by conditional use in the industrial zoning districts.
B. Data Centers shall take access from a public road and shall have secondary access suitable for emergency response purposes.

435.2. Scale/Aesthetics
A. Primary building facades shall require a horizontal offset of at least ten feet at intervals of no more than 150 linear feet (measured horizontally) of primary building facade.
B. No more than 80 percent of a primary building facade may consist of one building material.
C. No more than 80 percent of a primary building facade may consist of one color, texture, or pattern.
D. Primary building facades shall require fenestration, step-back(s), cantilever(s), projection(s), or architectural elements extending horizontally across at least 60 percent of the facade.
E. Each primary 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.
F. Elevations/renderings of all primary building facades visible from off-site shall be submitted with the conditional use application.
G. Fencing: shall not include barbed or razor wire and shall be approved by the Board of Supervisors.

435.3. Dimensional Standards
A. Minimum Lot Size: Data Centers shall have a minimum lot area of 5 acres.
B. Maximum Height Data Centers and freestanding accessory uses may not exceed 35 feet in height. For Data Center primary buildings, the maximum height shall be inclusive of rooftop appurtenances and rooftop accessory uses.
C. Minimum Setbacks: Data Center principal buildings, accessory uses, and truck idling areas shall have a minimum setback from all property lines of 250 feet, with the exceptions of utility lines, fiber optic lines, and security stations.
D. Data Centers shall be a minimum of 1,000 feet from residential uses, residential districts, and/or other sensitive receptors. This distance may be reduced to a range of 500 - 999 feet if the applicant can successfully demonstrate how it will exceed other environmental performance standards including noise levels that do not exceed ambient noise for that area, visual screening and/or

aesthetic improvements that mask the Data Center use, and do not contribute to any thermal air changes that would affect the closest sensitive receptors.

E. Roof-mounted equipment shall be set back from the parapet at least as far as the equipment's height above the roof surface.
F. Maximum Building Coverage: 40%
G. Maximum Impervious Coverage: 50%

435.4. Energy Sources

A. Projects shall be designed and constructed to meet the current USGBC LEED BD+C: Data Centers rating system, or equivalent design standard, as approved by the municipal engineer.
B. The applicant for a Data Center shall provide an Energy Usage Plan with the Conditional Use application. The Energy Usage Plan shall provide or identify, at a minimum:
    1. Annual electricity demand
    2. Energy supply sources that will be utilized
    3. Energy storage capacity (if applicable)
    4. Proposed sources of back-up power
    5. Documentation of efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, including those to: Reduce the need for new electric generation by incorporating the best available energy efficiency into the design of Data Center servers, cooling units, and the building structure.
        a. Cover 50-80% of all unused roof space with solar arrays to offset a portion of the demand on the electric grid and reduce onsite emissions.
        b. Explore battery storage as a backup energy source for 50-100% of total onsite back-up energy needs to reduce or eliminate the pollution associated with diesel backup generators.
        c. Support off-site renewable energy generation through a power purchase agreement or other arrangement that will result in new renewable energy generation within the PJM region.
        d. Monitor and report energy efficiency and emissions data to the municipality quarterly.
    6. If interconnecting to the energy grid, documentation of the energy utility interconnection approval process with answers to the following:
        e. Documentation that an application for the project has been filed with the electric utility provider, and the required fee has been paid.
        f. Documentation that a transmission security agreement has been received by the applicant.
        g. Documentation that the transmission security agreement has been signed by all necessary parties.
        h. The date that the electric utility provider provided for the proposed energization of the Data Center.
    7. The Energy Usage Plan will be prepared and certified by a professional engineer. The plan shall be subject to review and comment by the municipality. The municipality shall have the right to require supplemental or amended plans based upon comments by the municipality prior to any zoning approval.

C. A proposed Data Center whose Energy Usage Plan shows power demand of over 50 megawatts (MW) and that proposes to connect to the power grid shall be required to procure a minimum of 10% of its power from renewable generation sources generated withing the PJM region, which include solar, wind, hydroelectric power, geothermal, and waste heat from Data Center cooling processes. Electricity supply shall be procured through a power purchase agreement or similar mechanism as opposed to purchasing renewable energy credits (RECs) only.

435.5. Power Lines and Co-Location of Energy Generation System

A. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, fuel cells, or nuclear energy generating systems (such as SMRs), shall not be considered part of the Data Center use but shall be subject to existing municipal or utility regulations. Such systems shall be considered a separate conditional use and shall be approved according to all applicable state and federal regulations along with municipal zoning regulations applicable to such use. The applicant shall select, design, and locate the energy generation systems to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible. Data Center primary buildings shall be located between energy generation systems and residential districts or any other sensitive receptors.

B. Electric Utility Substations on the same property as the Data Center they serve shall be located on the side or rear of a Data Center primary building so they are screened from public view and shall not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center primary building and the substation.

C. Data Center electric utility substations visible from a public road shall include a combination of year-round opaque landscaping and screening walls to minimize visual impact.

D. Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below shall be buried.

E. Proposed substations on a parcel that abuts a zoning district boundary other than industrial, and/or a boundary with a property with a sensitive receptor shall be set back a minimum of 800 feet from the property line. If abutting both another industrial-zoned parcel and use, substations shall meet the requirements for accessory uses in the underlying zoning district.

435.6. Backup Power

A. Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency.

B. Diesel generators shall undergo annual testing, and reports shall be provided to the municipality to ensure that Data Center equipment is performing as designed and that emissions from the Data Center do not exceed permitted limits.

C. Emergency energy generation that uses diesel, gasoline, or another fossil fuel shall be used only at the following times:

1. When the primary source of energy is not available due to an emergency outage.

2. During routine maintenance, or readiness testing for a short duration of time and capped at 100 hours per calendar year.
3. Routine maintenance testing of back-up fossil fuel-powered generators is restricted to the hours of 9 am through 3 pm Monday through Friday.

D. Use for peak shaving or supplying power to the grid is prohibited. The applicant shall design and locate emergency energy generation systems to limit noise and visual impact to neighboring properties and the community within its location.

435.7. Water Usage

A. No principal use on a Data Center site shall use private groundwater wells or direct withdrawals from surface watercourses as its primary source of water for cooling purposes if a public water source is available.
B. Data Centers shall be designed to include a closed-loop water circulation system to cool Data Center processing equipment. An applicant may propose an alternative cooling system that can be demonstrated to use less water and energy than closed-loop systems to the satisfaction of the municipal engineer.
C. If the proposed source is from a public system, the applicant shall submit certified documentation that the public authority has the capacity to supply the water needed.
D. If the Data Center will utilize nonpublic water sources, the applicant shall provide a water feasibility study, prepared by a qualified professional. The purpose of the water feasibility study is to determine if an adequate supply of water is present to support the proposed Data Center's water use and to evaluate the potential adverse effects on the quantity and quality of existing wells or nearby surface waters.
E. The water feasibility study shall include, at minimum, the following information:
    1. Calculations of the projected water needs for all internal, external, auxiliary and accessory uses , including seasonal fluctuations.
    2. A geologic map of the proposed project area within a radius of at least one mile from the site property boundary.
    3. The location of all existing and proposed wells within 1,000 feet of the site property boundary with a notation of the capacity of all high-yield wells.
    4. The location of all surface waters within 1,000 feet of the site property boundary and all known point sources of pollution.
    5. A determination of the long-term safe yield of the water source.
    6. A determination that the proposed water supply system poses no adverse impacts on the quantity and quality of water in nearby wells, streams, and the groundwater table
    7. Monitoring of aquifers and water resources and restoration of depleted water wells shall be in accordance with Pennsylvania Department of Environmental regulations.
    8. Identification of how water will be recycled, treated, or released into surrounding water bodies.
    9. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
F. No approvals shall be granted until all required state and regional permits have been obtained (i.e., PADEP, SRBS, DRBC).

G. The applicant shall provide a drought response plan to demonstrate compliance with state, water supplier, and local drought declaration requirements.
H. Wastewater disposal analysis:
    1. The applicant must provide testing results performed on disposal of wastewater is in conformance with Pennsylvania Department of Environmental Projection and Federal Environmental Protection regulations.
    2. The applicant shall submit an analysis of wastewater disposal needs to either a public sewer system or private system, indicating the quantity of wastewater generation expected. Wastewater shall include sewage and water discharged as part of the Data Center's HVAC system.
    3. Any untreated wastewater generated is prohibited to be discharged to stormwater systems or surface waters.
    4. If wastewater will be conveyed and/or treated by a public system, the applicant shall submit documentation certified by the public authority that the public authority can support the conveyance and treatment needed.
    5. If the Data Center is to rely upon a private system of wastewater disposal, a wastewater feasibility study shall be required. The purpose of the study is to determine if there is an adequate capacity to dispose of wastewater and that the disposal technique does not pose adverse impacts on surrounding water bodies. A wastewater feasibility study shall include the following information at a minimum:
        a. Calculations of the projected wastewater generation including the sources of wastewater.
        b. A geologic map of the area with a radius of at least one mile from the site property boundary.
        c. The location of all existing and proposed wells within 1,000 feet of the property boundary, with reference to the capacity of all high-yield wells.
        d. The location of all surface waters within 1,000 feet of the property boundary and all known point sources of pollution.
        e. Identification of the process by which water will be recycled or released into surrounding water bodies.
        f. A determination that the proposed wastewater disposal system has no adverse impact on the quantity and quality of water in nearby wells, surface waters, and the groundwater table.
        g. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

435.8. Thermal Impact

A Thermal Impact Mitigation Plan shall be submitted with the zoning application, including, at a minimum:

A. Identification of primary sources of waste heat (air- and water-based)
B. Evaluation of potential off-site thermal impacts (including plume/heat discharge and localized heat islands) under representative seasonal conditions.
C. Thermal impact on streams and means to mitigate.
D. Description of design measures to minimize heat impacts (e.g. equipment siting, shielding, landscaping, cool roofs/paving where applicable).

E. Evaluation of feasible opportunities for waste heat reuse. Where reuse is not feasible, the reason(s) why should be given, in which case alternative mitigation shall be identified (e.g., vegetative or green roof and/or site design modifications).
F. Inclusion of a monitoring/verification approach if required by conditions of approval based on proximity to sensitive receptors or site constraints.
G. The Plan shall be prepared and certified by a professional engineer.
H. The Thermal Impact Mitigation Plan shall be subject to review and comment by the municipality. The municipality shall have the right to require supplemental or amended plans based upon comments by the municipality prior to any zoning approval.

435.9. Noise/Vibrations

A. Noise Studies
    1. Pre-construction Noise Study. The applicant shall submit a pre-construction noise study prepared by an acoustical engineer establishing baseline ambient noise and vibration levels and shall include different times of day. The noise study shall include a narrative describing anticipated operational impacts to sound levels and it shall include an octave band analysis. The noise study shall account for any proposed electrical substations, onsite power generation facilities, and other Data Center accessory uses that may generate noise.
    2. In addition to dBA levels, the developer will need to be able to show that C-weighted noise (dBC) and Octave Bands (dBZ) will be maintained at pre-construction levels.
    3. Post-construction Noise Study. The applicant shall submit a noise study of existing operations within six (6) months of Certificate of Occupancy and again if any re-construction occurs, also within six (6) months of any change of ownership.
    4. Sound shall be measured at all property lines. The studies shall use full spectrum modeling to address low-frequency noise.
    5. If the pre-construction Noise Study establishes a baseline ambient noise level in excess of the maximum sound level permitted under this Chapter, the Post-Construction Study shall demonstrate that operations of the proposed use do not materially increase the baseline ambient noise level as measured at the property line. Any increase above the established baseline shall be deemed a violation unless specifically authorized as a condition of approval.
    6. Noise mitigation measures may be required by the zoning officer when noise studies show that the use is generating noise approaching established limits.

B. Sound level
    1. Sound levels at the property line shall not exceed 50 dB.
    2. Where baseline ambient noise measured for the pre-construction noise study exceeds that of the maximum sound level above, sound levels at the property line shall not exceed the baseline ambient noise levels for dBA, dBC and dBZ levels.

435.10. Lighting
The Data Center site shall be dark sky compliant under the most up to date industry standards, fully shielded, and there shall be no spillover of Lighting beyond the property line.

435.11. Parking

A. One parking space shall be required for each employee, based upon the number of employees projected to work during the largest shift, plus 5 spaces for visitors.
B. The municipality may ask for an additional 25 percent of required parking spaces to be held in reserve.

435.12. Negative Impacts
Any use or activity producing air, dust, smoke, glare, exhaust, heat, humidity, or vibrations in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.

435.13. Safety
The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.

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.

435.14. Emergency Services

A. An emergency response plan shall be required as part of the conditional use application and shall be prepared by a qualified professional. The Emergency Response Plan shall:

    1. Evaluate the impacts, both positive and negative, of the proposed Data Center upon emergency services and fire protection.
    2. Be reviewed by and acceptable to the local fire department and emergency management services as part of the conditional use process.
    3. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
    4. Ensure that all first responders receive adequate training specific to the installed system at the expense of the applicant.
    5. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center

B. Each Data Center shall provide 24-hour emergency contact signage that is visible at the main entrance. Such signage shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.
C. The applicant shall coordinate with the municipal emergency management coordinator to ensure there is adequate radio coverage for emergency responders within all on-site buildings and facilities, based upon existing coverage levels of the municipal public safety radio communications system exterior to on-site buildings. The applicant shall install enhancement systems, as needed, to achieve compliance.
D. Data Centers and any Data Center Accessory 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 shall include fire suppression systems designed specifically for battery storage.
E. 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.

435.15. Electronic Waste

An Electronic Waste Plan shall be submitted with the zoning application outlining procedures for safe removal and recycling and/ or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all state and federal requirements, which will apply in cases when the equipment within the Data Center is updated or decommissioned. The Report shall be subject to review and comment by the municipality. The municipality shall have the right to require supplemental or amended reports based upon comments by the municipality prior to any zoning approval.

435.16. Environmental and Community Impact Analysis

Prior to the commencement of the Conditional Use hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

A. A narrative description prepared by a professional engineer, ecologist, environmental planner or other qualified individual, of the proposed nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials, and the relationship to other projects or proposals. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships.
B. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth, and cultural and historic resources on the property and within 500 feet of the boundaries of the property, and the potential for public nuisance to residents resulting from operations.

C. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
D. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
    1. Emergency services and fire protection,
    2. Water supply,
    3. Sewage disposal,
    4. Solid waste disposal,
    5. School facilities and school district budget,
    6. Municipal revenues and expenses, and
    7. Stormwater.
E. Any environmental impacts that are likely to be generated (i.e.., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

F. The applicant shall identify all stationary and mobile sources of particulate matter (PM2.5) volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air polluting emissions at the site.
G. Consistency with the Damascus Township and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the analysis report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
H. Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.
    1. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acidic or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
    2. A statement of impact upon critical areas and of adverse impacts that cannot be avoided is required to be submitted with the analysis, along with proposed environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.
I. If modular, factory-built construction is proposed, details of its construction shall be provided to the Damascus Township for review/approval.

435.17. Cumulative Impact Analysis

A. In evaluating a Conditional Use application, the Township shall consider the cumulative impacts of the proposed Data Center in combination with:
    1. Existing Data Centers, power generation facilities, substations, or other high intensity industrial uses within a five (5) mile radius;

2. Other pending or approved projects under common ownership or control; and
3. Phased development or future expansion reasonably foreseeable based on property ownership, infrastructure capacity, or submitted plans

B. The Township may require additional studies or deny approval where cumulative impacts pose a risk to water supply, energy reliability, environmental resources, transportation systems, or community character.

435.18. Expansion, Intensification, and Change of Use

Any expansion, intensification, change in operational capacity, change in cooling technology, increase in water or energy demand, or addition of auxiliary and/or accessory infrastructure beyond what is approved shall require a new Conditional Use approval. Approval of a Data Center shall not create a vested right to expand or modify the use beyond the scope expressly authorized by the Township.

435.19. Decommissioning

A. A Decommissioning Plan prepared by a qualified professional shall be submitted. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and shall include an estimate of the cost of decommissioning.
B. An irrevocable letter of credit, or other financial guarantee approved by the Township Board of Supervisors, shall be required for the safe and proper removal of all components of the facility, to include proper handling of toxic materials, and to mitigate any environmental hazards due to damage or structural failure of the system, and to reclaim the land. The amount of the irrevocable letter of credit or other financial guarantee shall be determined by the Township Board of Supervisors prior to issuance of any permit.
C. The owner shall submit a notification of closure if operations are permanently ceased.
D. Decommissioning shall begin within 1 year of cessation of Data Center operations, or upon notice of abandonment by the operator, whichever occurs first.
E. Standards for Decommissioning:
    1. Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.
    2. Any utility connections shall be maintained in a safe condition.
    3. The site shall be maintained.

435.20. Public Engagement

A. The applicant shall hold a public meeting prior to the first planning commission meeting when the proposed land development or conditional use proposal is discussed. The purpose of the meeting shall be to inform the public about the nature of the proposed development, including the location, scale, and general characteristics. A representative(s) of the applicant with knowledge of the project and the ability to answer general questions from the public about the project's general location, scale, and parameters shall participate in the meeting. The public meeting shall be advertised consistent with "public notice" as defined by the Pennsylvania Municipalities Planning Code (PA Act 247).

B. The applicant shall create and maintain a project website for viewing by the general public. The site shall explain the project parameters, including maps and elevations/renderings, beginning at least two weeks prior to the meeting discussed above, and until the time of final land development approval. The site shall provide a description of the proposed use, construction timelines and phasing plans, dates of public meetings with municipal bodies, and status of permits.

435.21. Application Procedures

Data Center Conditional Use Applications shall be made with forms provided by the Township and shall include, at a minimum, the following information:

- Applicant Name & Mailing Address, e-mail & Phone number
- Site Location (9-1-1 address)
- Tax map parcel number
- Total tract Acreage
- Building(s) size (Square feet)
- Percent of lot coverage with building(s)
- Property Owner's Name & Mailing Address, e-mail & Phone Number
- Present Use(s) of Property
- Proposed Electrical Peak Power Requirement
- Is Battery Storage System / Uninterruptible Power Supply (UPS) proposed
- Acreage total inside fences
- Existing Ground Cover
- Max. Height of building above ground
- Type of Fencing and height proposed
- Notarized signature of both the property owner and the applicant

Application plans for Data Centers shall meet the following requirements and shall include the following information:

A. A site plan shall be prepared by the applicant which shall include property lines, buildings, proposed facilities, access drives, parking areas, and residential structures within one thousand (1000) feet of the property. The plan shall also include a screening plan. The Plan shall be clearly and legibly drawn, and shall be 24" x 36" in size and may be multiple numbered sheets as needed. In addition, the plan set and supporting documents shall also be provided to the Township in a digital .pdf format.

B. Seven (7) copies of a Data Center Conditional Use Application and Plans shall be required for proposed Data Center; and the copies shall be submitted to the Damascus Township Zoning Officer along with the required fees as specified in the most current Schedule of Fees adopted by resolution by the Board of Supervisors.

C. The application and plans shall be distributed to the Township Planning Commission, Township Engineer and the Township Stormwater Management Officer, and the Wayne County Department of Planning for reviews.

D. The Plans shall include, at a minimum, all the items listed in Section 608.4.E of this Ordinance.

E. Additionally, the plans shall include the following information and documentation:

1. Proposed name of the project. This name shall not duplicate in spelling or pronunciation of any recorded subdivision within Wayne County.
2. The names and addresses of the landowner and the developer shall also be provided.
3. Location by municipality, County and State. The plan shall also include tax map numbers for affected and adjacent parcels and a 1" = 2000' location map.
4. North point, date and graphic scale.
5. Boundaries of total tract and acreages contained within it plus deed book and tax map references.
6. Boundaries of project parcel including all systems and associated facilities and acreage contained within it.
7. Locations, names and widths of rights-of-way of all streets, widths of Utility rights-of-way, parks and public grounds, permanent buildings in, or adjacent to the subject property which will have an effect on the design, and all open space easements.
8. Approximate locations of existing sanitary sewers, public water mains, storm sewers, overhead and underground electric power and transmission lines, overhead and underground telephone lines, overhead and underground cable television lines, gas lines, culvert pipes and drainage ditches with direction of flow and pressure or hydraulic capacity, and any other items above or below ground.
9. Names of owners of abutting properties, and lines showing where they intersect.
10. Existing contours at intervals of at least every two feet. Available Wayne County GIS mapping may suffice for the basis of this requirement.
11. Proposed layout of streets, alleys, access roads and other rights-of-way, including widths and, if necessary to name, proposed names which shall not duplicate existing names by spelling or pronunciation. The street proposals shall be accompanied by a submission of plans as required by the Township Road Ordinance, and shall include profiles, cross-sections, and preliminary designs for stormwater management, swales, bridges and culverts.
12. The proposed layout of buildings, systems, parking areas, stormwater management facilities, security fencing, vegetative screening, acreage and approximate dimensions of the total system.
13. Land area under lease, with covenants and restrictions shall be shown and marked as such.
14. Setback lines for Data Center systems as specified in Section 435.3.D of this Ordinance.
15. All drainage easements shall be shown and marked as such.
16. Approximate final grades in areas of cut or fill shall be shown.
17. Any areas designated for access, turnarounds and parking shall be shown.
18. Location of any water wells or springs within one thousand (1000) feet of the project area.
19. The developer shall present a letter from each utility company servicing the area indicating that the utility company is aware of and will provide service to the proposed Data Center.

20. EIS (Environmental Impact Study) – including potential contamination by component failure
21. NPDES (National Pollutant Discharge Elimination System) Permit Application for earth disturbance over 1 acre for the entire project, including stormwater management plan and erosion and sediment control plan.
22. PNDI (Pennsylvania Natural Diversity Inventory) responses
23. Approved applications to Damascus Township and/or the Pennsylvania Department of Transportation for street encroachment or highway occupancy permit. Permit numbers shall be shown on the plan at the access points.
24. Floodplain boundaries, if applicable, and evidence of compliance with Township, State, and Federal floodplain management requirements.
25. Wetland boundaries, if applicable, and evidence of compliance with Township, State and Federal rules and regulations pertaining to such.
26. Emergency Action Plan, including damage to system components, containment of toxic chemicals in an instance of contamination as a result of damage to system components, access by emergency vehicles and personnel.
27. Training Plan and Specialized Equipment for Emergency Responders:
    a. A Training Session(s) shall be initiated no more than six (6) weeks prior to the completion of the facility, in addition to a "walk-through" training within two (2) weeks after the completion of the facility,
    b. The applicant shall provide a training plan curriculum and schedule for training emergency responders in safety precautions while operating within any area of the facility as part of this application
    c. The applicant shall provide a list of specialized equipment required for safe emergency operation at the facility as part of this application
    d. The applicant shall provide a schedule of delivery of specialized safety equipment to first-due emergency responders at no cost to the Township or the responding agencies. Any such equipment shall be updated as necessary at the expense of the site owners and/or system operators.
28. Proposed Maintenance Program to include the following:
    a. Vegetation control in and around the compound
    b. Stormwater control facilities
    c. Security systems
    d. Fencing
    e. Vegetative screening
    f. Winter plowing

APPLICATION PROCEDURES:

A. Pre-submission review:
    1. Applicants shall present the application, plans and supporting documents for a Pre-Submission Review by Township Officials to verify the completeness of the submission before acceptance of any application for any Conditional Use, Major Subdivision, or Land Development Plan. Any submission determined to be incomplete shall not be accepted as a complete application and shall not be processed.

2. Review fees as established by the Board of Supervisors by Resolution shall apply and be submitted for each Pre-Submission Review and re-review.

APPLICATION FILING:
Application and supporting documents shall be submitted together with professional services agreement, check for application fee, and check for initial escrow deposit.

435.22. Transparency and Ownership
Damascus Township finds that Data Centers, due to their scale, resource demands, and community impact, warrant a heightened standard of public disclosure regarding who owns, controls, and finances such facilities. Accordingly, the following requirements shall apply to all Data Center facilities subject to this section:

A. No applicant, owner, or operator shall require, request, or enter into a non-disclosure agreement, confidentiality agreement, or similar instrument with the Township restricting the disclosure of application materials, studies, reports, or correspondence related to a Data Center facility. All such materials shall constitute public records and shall be made available to the public in accordance with the Pennsylvania Right-to-Know Law, 65 P.S. § 67.101 et seq.

B. Where an applicant is a limited liability company, corporation, partnership, trust, or other business entity — including any shell company or special-purpose entity — the applicant shall disclose the ultimate beneficial owner(s) of the entity, defined as any natural person(s) who, directly or indirectly, own or control 10% or more of the entity or otherwise exercise substantial control over it.

C. The applicant shall disclose all sources of funding for the proposed facility, including but not limited to equity investors, debt holders and lenders, and any foreign capital or foreign-controlled entities with a financial interest in the project. Disclosures shall be made on a form prescribed by the Zoning Officer, submitted with the application, and updated as necessary to remain accurate throughout the review and permitting process.

D. Any change in controlling ownership, management, or responsible parties of a permitted Data Center facility shall be disclosed to the Township in writing within 30 calendar days of such change, including the identity, contact information, and beneficial ownership information for any new owner, operator, or responsible party.

E. The owner or operator of a Data Center facility shall keep the Township continuously informed of the current owner(s), operator(s), and responsible party(ies) for the facility throughout its operational life, including during any period of construction, operation, sale, transfer, or decommissioning.

F. All operational reports, environmental and resource-use monitoring results, and compliance filings submitted to the Township by a Data Center owner or operator shall be public record, available to the public upon request in accordance with the Pennsylvania Right-to-Know Law, and posted on the Township's official website where practicable.

G. No application for a Data Center facility shall be deemed complete, and no application shall be processed, reviewed, or scheduled for hearing before the Zoning Hearing Board, Board of Supervisors, or Planning Commission, until full beneficial ownership and

funding source disclosure required under this section has been submitted and verified by the Zoning Officer or Township Engineer.

SECTION XVII – SEVERABILITY
All clauses and provisions of this Ordinance are severable and if any clause or provision should be declared invalid, illegal or unconstitutional for any reason whatsoever, such decision shall not affect or impair the remaining clauses or provisions. It is hereby declared to be the intent that this Ordinance would have been adopted and such unconstitutional, illegal or invalid clauses or provisions been included herein and the clauses and provisions are declared to be severable.

SECTION XVIII – REPEALER
All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION XIX - EFFECTIVE DATE
This Ordinance shall be effective five (5) days after enactment hereof.

DULY ENACTED AND ORDAINED this 19 day of October 2026, by the Supervisors of Damascus Township, County of Wayne and Commonwealth of Pennsylvania, in lawful session duly assembled.

DAMASCUS TOWNSHIP, Wayne County, Pa.

Board of Supervisors:

Joseph K. Canfield, Chairman

Scott Rutledge, Vice-Chairman

Steven R. Adams, Member

ATTEST: Melissa Haviland, Secretary