

COUNTY OF FAYETTE
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. _____ OF 2026

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF FAYETTE, PENNSYLVANIA, AMENDING CHAPTER 1000, ZONING, OF THE CODE OF ORDINANCES OF FAYETTE COUNTY TO ESTABLISH ZONING CLASSIFICATIONS, REGULATIONS, SPECIFICATIONS, STANDARDS, AND RESTRICTIONS GOVERNING THE SITING, DEVELOPMENT, CONSTRUCTION, EXPANSION, OPERATION, ABANDONMENT, AND DECOMMISSIONING OF HIGH-IMPACT DATA CENTERS AND RELATED FACILITIES WITHIN MUNICIPALITIES AND PORTIONS OF MUNICIPALITIES SUBJECT TO THE FAYETTE COUNTY ZONING ORDINANCE.

WHEREAS, the Pennsylvania Municipalities Planning Code authorizes Fayette County to enact and amend zoning regulations within municipalities and portions of municipalities that do not have a municipal zoning ordinance in effect; and

WHEREAS, the Board of Commissioners of the County of Fayette has determined that High-Impact Data Centers may create substantial land-use, electrical, water, noise, traffic, environmental, agricultural, emergency-response, infrastructure, and decommissioning impacts; and

WHEREAS, the Board of Commissioners finds that the scale, intensity, infrastructure demands, operating characteristics, and potential off-site impacts of High-Impact Data Centers distinguish such facilities from ordinary offices, warehouses, telecommunications facilities, utility installations, accessory server rooms, and light-industrial uses; and

WHEREAS, the Board of Commissioners finds that High-Impact Data Centers are high-impact heavy industrial uses that may be considered only on qualifying property located within the M-2 Heavy Industrial District, subject to conditional-use approval and all other applicable requirements; and

WHEREAS, the Board of Commissioners finds that High-Impact Data Centers should not be permitted within the M-1 Light Industrial District or within any agricultural, conservation, residential, commercial, or other zoning district in which the use is not expressly authorized; and

WHEREAS, the Board of Commissioners recognizes that agricultural land, prime agricultural soils, Agricultural Security Areas, preserved farmland, active farms, forests, conservation land, water resources, rural communities, and residential neighborhoods are important and limited resources deserving protection from unnecessary conversion to intensive industrial use; and

WHEREAS, a request to rezone agricultural, conservation, forested, rural, or residential land to the M-1 Light Industrial District, the M-2 Heavy Industrial District, or another industrial classification is a separate legislative request for which no applicant or landowner has an automatic right or entitlement; and

WHEREAS, the Board of Commissioners intends to direct High-Impact Data Centers and related industrial development toward suitable existing industrially zoned land, brownfields, former industrial properties, previously disturbed land, and other locations capable of accommodating the proposed use with fewer adverse impacts; and

WHEREAS, the availability of electricity, natural gas, water, sewer, telecommunications, highways, rail facilities, utility commitments, purchase agreements, or development options shall not, standing alone, establish that agricultural or other nonindustrial land is suitable for industrial rezoning; and

WHEREAS, the Board of Commissioners finds that strict siting, conditional-use, application, design, performance, monitoring, financial-security, decommissioning, and enforcement requirements are necessary to protect the public health, safety, and general welfare; and

WHEREAS, the Board of Commissioners intends that applicants, owners, and operators bear all lawful and reasonable project-specific costs associated with professional review, infrastructure analysis, mitigation, emergency-response planning, monitoring, inspection, enforcement, decommissioning, and site restoration; and

WHEREAS, this Ordinance is intended to impose strict, objective, measurable, and enforceable land-use standards addressing the actual impacts of High-Impact Data Centers and is not intended to create an unlawful total exclusion of a lawful land use; and

WHEREAS, nothing in this Ordinance shall be interpreted as creating a right or entitlement to rezoning, conditional-use approval, subdivision approval, land-development approval, utility approval, zoning approval, or any other governmental authorization.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the County of Fayette, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by authority of the same, as follows:

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SECTION 1. TITLE

An Ordinance of the Board of Commissioners of the County of Fayette, Pennsylvania, amending Chapter 1000, Zoning, of the Code of Ordinances of Fayette County and establishing zoning classifications, regulations, specifications, standards, and restrictions governing the siting, development, construction, expansion, operation, maintenance, abandonment, and decommissioning of High-Impact Data Centers and related facilities within municipalities and portions of municipalities subject to the Fayette County Zoning Ordinance.

SECTION 2. SHORT TITLE

This Ordinance shall be known and may be cited as the “Fayette County High-Impact Data Center Ordinance.”

SECTION 3. PURPOSE

The purpose of this Ordinance is to establish strict, objective, measurable, and enforceable standards governing the siting, development, construction, expansion, operation, maintenance, abandonment, and decommissioning of High-Impact Data Centers within municipalities and portions of municipalities subject to the Fayette County Zoning Ordinance.

This Ordinance is intended to:

- A. Classify High-Impact Data Centers as high-impact heavy industrial uses and limit their consideration to qualifying properties located within the M-2 Heavy Industrial District, subject to conditional-use approval and all other applicable requirements.
- B. Prohibit High-Impact Data Centers within the M-1 Light Industrial District and every agricultural, conservation, residential, commercial, or other zoning district in which the use is not expressly authorized.
- C. Protect public health, safety, and welfare; agricultural land and operations; prime agricultural soils; Agricultural Security Areas; preserved farmland; conservation land; forests; water supplies; natural resources; residential communities; public roads and infrastructure; electrical-grid reliability; emergency-response capacity; neighboring properties; and taxpayers.
- D. Discourage the unnecessary rezoning or conversion of agricultural, conservation, forested, rural, or residential land to industrial use when suitable existing industrially zoned, brownfield, former industrial, or previously disturbed land is reasonably available.
- E. Prevent applicants from avoiding these regulations by classifying a High-Impact Data Center or related facility as an office, warehouse, utility use, telecommunications facility, accessory use, light-industrial use, or separate phased development.

- F. Require applicants, owners, and operators to demonstrate adequate utility and infrastructure capacity, prevent or mitigate adverse impacts, maintain continuing compliance, provide adequate financial security, and bear all lawful and reasonable project-specific costs associated with professional review, monitoring, inspection, enforcement, decommissioning, and site restoration.

This Ordinance is not intended to facilitate, encourage, subsidize, or create an entitlement to High-Impact Data Center development. It is intended to regulate such development to the fullest extent permitted by Pennsylvania law without creating an unlawful total exclusion of a lawful land use.

SECTION 4. DEFINITIONS

Unless otherwise expressly stated, the following words and phrases shall have the meanings provided in this Section. Words and phrases not defined herein shall have the meanings provided in Chapter 1000, Zoning, of the Code of Ordinances of Fayette County or, if not defined therein, their commonly accepted meanings.

ABANDONMENT OR ABANDONED - The discontinuance of the approved use of a High-Impact Data Center or a material portion thereof for a continuous period of twelve months, or such shorter period established by a condition of approval, excluding a temporary interruption caused by maintenance, repair, casualty, declared emergency, or other event beyond the reasonable control of the owner or operator.

ACCESSORY DATA EQUIPMENT - Computer servers, networking equipment, telecommunications equipment, data-storage equipment, or similar electronic equipment that:

- A. Serves only the lawful principal use located on the same lot;
- B. Is clearly subordinate and incidental to that principal use;
- C. Occupies no more than ten percent of the gross floor area of the principal building;
- D. Is not operated as a commercial data-hosting, cloud-computing, artificial-intelligence-computing, cryptocurrency-computing, colocation, or third-party data-processing business;
- E. Does not require a dedicated electrical substation, switchyard, transmission facility, central cooling plant, cooling tower, bulk fuel-storage system, utility-scale battery-energy-storage system, or on-site power-generation facility; and
- F. Does not create noise, water demand, electrical demand, traffic, emissions, or other impacts materially different from those ordinarily associated with the principal use.

Accessory Data Equipment shall not be regulated as a High-Impact Data Center unless it is expanded, operated, or modified in a manner that satisfies the definition of a High-Impact Data Center.

AGRICULTURAL LAND - Land that satisfies one or more of the following conditions:

- A. Is located within an agricultural zoning district;
- B. Is actively used for crop production, livestock production, timber production, horticulture, aquaculture, or another lawful agricultural operation;
- C. Contains prime farmland soils, farmland soils of statewide importance, or other productive agricultural soils;
- D. Is located within an Agricultural Security Area;
- E. Is subject to an agricultural conservation easement or other farmland-preservation restriction;
- F. Is enrolled in the Clean and Green Program or another agricultural or forest preferential-assessment program; or
- G. Is reasonably necessary for the continued operation, access, drainage, irrigation, expansion, or economic viability of an existing agricultural operation.

AMBIENT SOUND LEVEL - The existing sound level at a location before construction or operation of a proposed High-Impact Data Center, excluding sound generated by the proposed development and excluding unusual or temporary sound events.

APPLICANT - Any person, landowner, developer, equitable owner, option holder, lessee, operator, utility provider, corporation, partnership, limited-liability company, affiliate, subsidiary, agent, successor, or other entity submitting, participating in, or benefiting from an application involving a High-Impact Data Center or related facility.

BATTERY-ENERGY-STORAGE SYSTEM - One or more devices, units, buildings, containers, or installations capable of receiving, storing, and subsequently discharging electrical energy, including associated batteries, inverters, transformers, controls, fire-suppression equipment, cooling equipment, and related infrastructure. A Battery-Energy-Storage System principally serving a High-Impact Data Center shall be considered part of the integrated development for cumulative-impact review but shall not automatically qualify as a permitted accessory use.

CAMPUS DEVELOPMENT OR HIGH-IMPACT DATA CENTER CAMPUS - A High-Impact Data Center consisting of, or proposed to consist of, one or more buildings, facilities, parcels, phases, utility connections, energy facilities, cooling facilities, or related improvements that are physically, operationally, functionally, contractually, financially, or commonly connected. A Campus Development may include contiguous or noncontiguous parcels and may involve different applicants, owners, operators, affiliates, subsidiaries, utility accounts, permits, applications, or phases. The presence of a public road, railroad, stream, utility corridor, separate parcel, separate ownership entity, or separate development phase shall not prevent related facilities from being treated as one Campus Development.

CLOSED-LOOP COOLING SYSTEM - A cooling system designed to recirculate cooling fluid through a substantially closed circuit rather than continuously withdrawing and discharging water. A system shall not be considered closed-loop merely because some water is recirculated if the system requires substantial continuing withdrawals for evaporation, blowdown, replacement, or other operational losses.

DATA CENTER - A building, facility, room, structure, compound, or development used for the storage, management, processing, hosting, transmission, mining, generation, or distribution of digital data or computational workloads through computer servers, networking equipment, electronic equipment, artificial-intelligence systems, cloud-computing systems, cryptocurrency-computing systems, colocation equipment, or similar technology.

DATA CENTER ELECTRICAL SUBSTATION - An electrical facility principally intended to transform, regulate, transmit, switch, or distribute electricity for a High-Impact Data Center or High-Impact Data Center Campus, including associated transformers, switchgear, control buildings, transmission equipment, distribution equipment, security improvements, and related infrastructure. A Data Center Electrical Substation shall be included in cumulative-impact review but shall not automatically qualify as an accessory use or receive approval solely because the principal data-center use has been approved.

DATA CENTER PRINCIPAL BUILDING - A building containing computer servers, electronic data-processing equipment, data halls, artificial-intelligence-computing equipment, cryptocurrency-computing equipment, networking equipment, storage systems, control rooms, or other equipment performing the principal functions of a High-Impact Data Center.

DEDICATED ENERGY FACILITY - An electrical-generation, cogeneration, natural-gas-generation, fuel-cell, battery-storage, renewable-energy, or other energy facility constructed, expanded, or operated principally to supply, support, stabilize, supplement, or replace utility service to a High-Impact Data Center. A Dedicated Energy Facility shall not automatically be considered an accessory use and shall obtain all separate zoning, conditional-use, subdivision, land-development, environmental, utility, and other approvals required by applicable law.

EXPANSION OR MATERIAL MODIFICATION - Any physical, operational, technological, or functional change that may increase or materially alter the impacts of a High-Impact Data Center, including:

- A. Construction of an additional building or development phase;
- B. Enlargement of a building, equipment yard, substation, cooling system, or other facility;
- C. Increased electrical demand, contracted electrical capacity, water consumption, wastewater discharge, generator capacity, fuel-storage capacity, battery-storage capacity, or computing capacity;

- D. Installation or replacement of materially different cooling, generation, electrical, battery, or data-processing equipment;
- E. Increased operating intensity or generator-testing frequency;
- F. Addition of a new parcel or related facility; or
- G. Any change that may materially affect noise, emissions, traffic, stormwater, emergency response, water resources, neighboring properties, or public infrastructure.

HIGH-IMPACT DATA CENTER - A Data Center that constitutes a principal use of land or a building, or any Data Center that includes or requires one or more of the following:

- A. A dedicated or substantially upgraded electrical substation, transmission facility, switchyard, or utility feeder;
- B. A central mechanical cooling plant, exterior cooling tower, industrial chiller system, or other large-scale heat-rejection equipment;
- C. A Dedicated Energy Facility;
- D. A Battery-Energy-Storage System other than a limited building-level emergency system;
- E. Multiple emergency or backup generators, bulk fuel storage, or substantial generator-testing operations;
- F. Significant water withdrawal, consumption, storage, treatment, or discharge;
- G. One or more buildings principally containing servers, data halls, artificial-intelligence-computing equipment, cryptocurrency-computing equipment, cloud-computing equipment, colocation equipment, or similar electronic systems; or
- H. Operational, infrastructure, noise, water, electrical, traffic, environmental, or emergency-response impacts materially greater than those associated with an ordinary office or permitted light-industrial use.

A use satisfying this definition shall be regulated as a High-Impact Data Center regardless of its size, business name, ownership structure, utility classification, industry code, marketing description, or characterization by the applicant.

INTEGRATED DEVELOPMENT - All parcels, buildings, phases, facilities, equipment, utilities, and infrastructure that are physically, operationally, functionally, contractually, financially, or commonly connected to a High-Impact Data Center. The County may consider the cumulative impacts of the entire Integrated Development and shall not be required to review each parcel, building, phase, applicant, affiliate, or facility as an unrelated development.

LOW-FREQUENCY NOISE - Sound energy concentrated within the lower-frequency portion of the audible spectrum, including sound from cooling systems, fans, transformers, generators, pumps, compressors, and similar equipment that may cause disturbance, vibration, rattling, or adverse effects beyond those reflected by an A-weighted sound measurement alone.

NATIONAL FIRE PROTECTION ASSOCIATION OR NFPA - The National Fire Protection Association and its applicable codes, standards, and recommended practices, as adopted or incorporated by applicable law or expressly required by this Ordinance.

OWNER OR OPERATOR - Any person or entity having legal, equitable, possessory, managerial, or operational control over a High-Impact Data Center, related facility, parcel, building, equipment, or portion of an Integrated Development.

PRIME AGRICULTURAL SOIL - Soil classified by the United States Department of Agriculture Natural Resources Conservation Service as prime farmland, farmland of statewide importance, unique farmland, or another agriculturally productive soil classification recognized by the County.

QUALIFIED PROFESSIONAL - A person possessing the education, training, professional license, certification, and demonstrated experience necessary to prepare or review the applicable technical study. The County may reject a study prepared by a person who lacks relevant qualifications or where the methodology, data, assumptions, or conclusions are incomplete, unsupported, or unreliable.

RELATED FACILITY OR INFRASTRUCTURE - Any building, structure, equipment, improvement, or land use that principally serves, supports, supplies, protects, cools, powers, connects, operates, or is functionally integrated with a High-Impact Data Center, including:

- A. Electrical substations, transformers, switchyards, transmission facilities, and distribution facilities;
- B. Dedicated Energy Facilities;
- C. Emergency and backup generators;
- D. Battery-Energy-Storage Systems;
- E. Fuel tanks and fuel-delivery systems;
- F. Cooling towers, chillers, pumps, heat exchangers, air handlers, and central cooling facilities;
- G. Water-supply, water-storage, water-treatment, wastewater, and pump facilities;
- H. Telecommunications, fiber-optic, security, administrative, maintenance, and storage facilities;
- I. Roads, bridges, parking areas, loading areas, security gates, fences, lighting, and stormwater facilities; and
- J. Any other structure, equipment, or use principally associated with the High-Impact Data Center.

Classification as a Related Facility or Infrastructure shall not establish that the facility is permitted as an accessory use.

SENSITIVE RECEPTOR - A property, building, facility, use, or outdoor area where occupants, residents, patients, students, visitors, animals, or users may be particularly affected by noise, vibration, lighting, emissions, traffic, emergency hazards, or other impacts from a High-Impact Data Center.

Sensitive Receptors include:

- A. Lawfully occupied dwellings, regardless of zoning classification;
- B. Schools, preschools, childcare centers, and in-home childcare facilities;
- C. Hospitals, medical facilities, rehabilitation facilities, nursing homes, assisted-living facilities, personal-care homes, and retirement communities;
- D. Places of worship, community centers, libraries, and similar assembly uses;
- E. Parks, playgrounds, recreational facilities, campgrounds, and public open space;
- F. Dormitories, correctional institutions, and group residential facilities;
- G. Active farm dwellings, agricultural employee housing, livestock barns, animal-confinement areas, and veterinary facilities; and
- H. Any other use determined under the express standards of this Ordinance to involve comparable sensitivity.

TONAL NOISE - Sound containing a prominent, identifiable, or recurring tone, hum, whine, buzz, drone, or narrow-frequency component that is distinguishable from surrounding ambient sound.

UTILITY-SCALE FACILITY - A facility whose size, capacity, output, electrical connection, storage capability, or principal function exceeds that ordinarily necessary to serve a single conventional commercial or industrial building and that principally serves a High-Impact Data Center or Integrated Development.

ZONING MAP AMENDMENT OR REZONING - A legislative amendment changing the zoning classification of one or more parcels on the Official Fayette County Zoning Map. Approval of a Zoning Map Amendment shall not constitute conditional-use approval, land-development approval, or approval of a High-Impact Data Center.

SECTION 5. SPECIFIC USE CRITERIA

The requirements of this Section constitute zoning classifications, use restrictions, conditional-use standards, and continuing performance standards under Chapter 1000, Zoning. They shall not be treated as subdivision or land-development design standards subject to modification under Section 512.1 of the Pennsylvania Municipalities Planning Code.

Nothing in this Section shall limit the jurisdiction of the Fayette County Zoning Hearing Board to consider a variance request under the standards established by the Pennsylvania Municipalities Planning Code.

The following requirements shall apply to every High-Impact Data Center, High-Impact Data Center Campus, and Related Facility or Infrastructure. Where a requirement of this Section conflicts with another provision of the Fayette County Zoning Ordinance or Fayette County Subdivision and Land Development Ordinance, the more restrictive lawful requirement shall apply.

Compliance with this Section shall not excuse compliance with any other applicable federal, Commonwealth, County, municipal, utility, building, fire, environmental, subdivision, land-development, or zoning requirement.

A. Zoning Classification and Approval

- i. The applicant shall bear the burden of demonstrating compliance with every express standard and criterion applicable to the proposed conditional use.

The Board of Commissioners shall deny the application when the applicant fails to demonstrate compliance with one or more applicable standards or when the information submitted is insufficient to determine compliance.

The Board may impose reasonable conditions and safeguards necessary to ensure continuing compliance with the express standards and criteria of this Ordinance.

Any denial shall identify the specific ordinance provision relied upon and the facts supporting the determination.

- ii. A High-Impact Data Center is classified as a high-impact heavy industrial use.
 - a. A High-Impact Data Center shall be considered only within the M-2 Heavy Industrial District as a conditional use approved by the Fayette County Board of Commissioners.
 - b. A High-Impact Data Center shall be prohibited within:
 - i. The A-1 Agricultural Rural District;
 - ii. The R-A Low Density Residential District;
 - iii. The R-1 Moderate Density Residential District;

- iv. The R-2 High Density Residential District;
 - v. The C Conservation District;
 - vi. The B-1 and B-2 Business and Commercial Districts;
 - vii. The M-1 Light Industrial District; and
 - viii. Every other zoning district in which the use is not expressly authorized.
 - c. Section 1000-203, Table 1, shall be amended by adding “High-Impact Data Center” as a conditional use in the M-2 Heavy Industrial District only.
 - d. The Table shall use the letter “C” to designate a conditional use requiring approval by the Board of Commissioners pursuant to Article VII of the Fayette County Zoning Ordinance.
 - e. A High-Impact Data Center shall not be approved or established as:
 - i. An office;
 - ii. A warehouse;
 - iii. A distribution center;
 - iv. A manufacturing facility;
 - v. A research, testing, or development facility;
 - vi. A telecommunications facility;
 - vii. An essential service;
 - viii. A public or private works facility;
 - ix. An accessory use;
 - x. A utility use;
 - xi. A flex-space use;
 - xii. An “all other use”; or
 - xiii. Any substantially similar use.
 - f. Listing a High-Impact Data Center as a conditional use shall not create an entitlement to approval. The applicant shall demonstrate compliance with every applicable express standard and criterion.
 - g. Conditional-use approval shall be obtained before subdivision or land-development approval. A land-development application may be processed concurrently at the applicant’s risk, but no final land-development approval shall be issued before conditional-use approval becomes final.
- I. Integrated Development and Project Segmentation
- a. All parcels, buildings, phases, substations, generators, cooling systems, battery systems, water facilities, utility connections, and Related Facilities or Infrastructure shall be reviewed as one Integrated Development when they are physically, operationally, functionally, contractually, financially, or commonly connected.
 - b. Separate ownership entities, corporate affiliates, utility accounts, permits, applications, tax parcels, development phases, roads, railroads, streams, or

rights-of-way shall not prevent the County from considering the cumulative size and impacts of the development.

- c. All minimum tract-area, setback, noise, water, traffic, infrastructure, environmental, emergency-response, and financial-security requirements shall be calculated based upon the entire Integrated Development.
- d. An applicant shall disclose all affiliated persons and entities having an ownership, leasehold, contractual, financial, operational, or utility interest in the proposed development.

J. Minimum Tract Area

- a. A High-Impact Data Center Campus shall contain a minimum gross tract area of two hundred acres under unified ownership or control.
- b. Land located within a floodway, wetland, required riparian buffer, required setback, conservation easement, agricultural conservation easement, or other area legally unavailable for development shall not be counted toward satisfying more than twenty-five percent of the minimum tract area.
- c. The applicant shall demonstrate continuing control of the entire tract through deeds, recorded leases, agreements of sale, options, easements, or other legally enforceable instruments.
- d. No portion of the minimum tract area may be separated, conveyed, or released from unified control if such action would cause the development to violate this Ordinance.

K. Zoning-Map Amendments and Agricultural-to-Industrial Rezoning

- a. Nothing in this Ordinance shall rezone any property or create a right to an M-1 or M-2 zoning classification.
- b. An application requesting the rezoning of A-1 Agricultural Rural, C Conservation, residential, forested, actively farmed, or other nonindustrial land to M-1 or M-2 shall constitute a separate legislative request.
- c. No application for conditional-use approval of a High-Impact Data Center shall be accepted for property that is not already zoned M-2 unless the requested zoning-map amendment has first been finally enacted.
- d. A zoning-map amendment associated with a High-Impact Data Center shall include:
 - i. An agricultural-impact study;
 - ii. A soil survey identifying prime farmland soils, farmland soils of statewide importance, hydric soils, and highly erodible soils;
 - iii. Identification of Agricultural Security Areas, preserved farmland, Clean and Green enrollment, agricultural conservation easements, and active agricultural operations;

- iv. An analysis of effects upon farm access, drainage, irrigation, livestock, equipment movement, field configuration, and continued agricultural viability;
 - v. A countywide alternatives analysis identifying existing M-2 land, brownfields, former industrial properties, mined lands, and previously disturbed sites reasonably capable of accommodating the development;
 - vi. A transportation and infrastructure-capacity analysis;
 - vii. A utility-capacity analysis;
 - viii. A fiscal-impact analysis;
 - ix. An environmental and water-resource analysis;
 - x. An analysis of consistency with the County Comprehensive Plan and applicable municipal comprehensive plans; and
 - xi. A written explanation of why retaining the existing zoning classification would be inconsistent with sound land-use planning.
- e. The existence of a utility commitment, interconnection request, option agreement, purchase agreement, transmission line, pipeline, public road, railroad, water supply, or sewer service shall not establish that industrial rezoning is appropriate.
 - f. The Board of Commissioners may consider whether existing industrially zoned or previously disturbed land provides a more appropriate location.
 - g. Rezoning to M-1 shall not authorize a High-Impact Data Center.
 - h. Rezoning to M-2 shall not constitute conditional-use approval, land-development approval, or a determination that the property is suitable for a High-Impact Data Center.
- L. Building Placement and Orientation
- a. All buildings and equipment shall be located to minimize impacts upon Sensitive Receptors, agricultural operations, public roads, natural resources, historic resources, and adjoining properties.
 - b. Buildings shall be oriented so that loading areas, mechanical equipment, cooling equipment, transformers, substations, generators, fuel storage, and service entrances face away from Sensitive Receptors.
 - c. Larger and taller buildings shall be placed toward the interior of the tract.
 - d. No principal building, mechanical equipment yard, substation, generator yard, cooling facility, or battery facility shall be placed on a prominent ridgeline or in another location where it would create an unreasonable visual impact.
 - e. The site shall provide at least two independent points of emergency access unless the County's emergency-response consultant determines that additional access is required.
 - f. All internal roads shall provide continuous emergency access around each principal building.
- M. Maximum Height

- a. The maximum height of a Data Center Principal Building shall be thirty-five feet.
 - b. Rooftop cooling, electrical, mechanical, screening, and related equipment shall be included when measuring total building height.
 - c. A Data Center Principal Building shall not receive the additional height allowance otherwise available under Section 1000-208.
 - d. The height requirement shall not be modified or waived through subdivision or land-development review.
 - e. Any requested relief shall be pursued only through the variance procedures and legal standards established by the Pennsylvania Municipalities Planning Code.
- N. Setbacks and Separation Distances
- a. Except as expressly provided in this subsection, every Data Center Principal Building, cooling facility, mechanical equipment yard, generator, fuel-storage facility, Battery-Energy-Storage System, Data Center Electrical Substation, parking area, loading area, security facility, and Related Facility or Infrastructure shall maintain the following minimum setbacks and separation distances:
 - i. One thousand feet from every external property line of the Integrated Development;
 - ii. One thousand feet from every public road right-of-way;
 - iii. One thousand feet from every lawfully occupied dwelling located outside the Integrated Development;
 - iv. One thousand feet from every Sensitive Receptor;
 - v. One thousand feet from every residential, agricultural, or conservation zoning district;
 - vi. One thousand feet from every active livestock barn, animal-confinement area, agricultural employee dwelling, veterinary facility, or other agricultural structure regularly occupied by persons or animals;
 - vii. Five hundred feet from every perennial or intermittent stream, river, spring, lake, pond, reservoir, wetland, floodplain, or other body of water; and
 - viii. One thousand feet from every public water-supply well, public water intake, reservoir used for public water supply, or source-water protection area.
- O. The required setback shall be measured as the shortest horizontal distance between the applicable property line, road right-of-way, dwelling, Sensitive Receptor, zoning-district boundary, agricultural structure, water resource, or water-supply feature and the nearest exterior wall, equipment pad, containment area, fence, parking area, loading area, access-control area, or other component of the High-Impact Data Center.
- P. Where two or more setback or separation requirements apply, the greatest distance shall govern.

- Q. Internal parcel lines located entirely within the Integrated Development shall not constitute external property lines. However, all parcels within the Integrated Development shall remain under unified ownership or legally enforceable unified control for the duration of the approved use.
- R. No principal building, accessory structure, equipment, parking area, loading area, stormwater-management facility, impervious surface, material-storage area, generator, substation, battery facility, fuel tank, cooling facility, or other Related Facility or Infrastructure shall be located within a required setback.
- S. The following may cross a required setback only where the applicant demonstrates that no practicable alternative exists:
 - a. A site-access driveway;
 - b. An emergency-access road;
 - c. An underground utility crossing;
 - d. A stormwater conveyance serving only the required setback area; or
 - e. Security fencing located along the external boundary of the Integrated Development.
- T. An authorized crossing shall be designed and located to minimize disturbance and shall not reduce required landscaping, screening, noise protection, water-resource protection, or emergency access.
- U. Required setback areas shall remain permanently open and shall be maintained as undisturbed vegetation, forest, landscaped buffer, agricultural land, or other County-approved open space.
- V. A required setback shall not be used to create a separate buildable lot, support an unrelated industrial use, or satisfy the setback requirements of another development.
- W. The applicant shall establish the location of every dwelling, Sensitive Receptor, zoning-district boundary, agricultural structure, water resource, public road, and external property line within at least one mile of the Integrated Development.
- X. The locations and measurements required by this subsection shall be certified by a Pennsylvania-licensed professional land surveyor and shown on the conditional-use and land-development plans.
- Y. The setbacks and separation distances established by this subsection shall not be reduced or waived by the Planning Commission, Zoning Officer, County staff, or through subdivision and land-development approval.
- Z. Nothing in this subsection shall limit the jurisdiction of the Fayette County Zoning Hearing Board to hear a variance request under the Pennsylvania Municipalities Planning Code. The applicant shall bear the burden required by applicable law and shall not be entitled to a variance merely because compliance would increase project costs, reduce development capacity, or make the proposed development financially undesirable.
- AA. Parking, Loading, and Internal Circulation

- a. The development shall provide one parking space for each employee and contractor present during the largest shift, plus visitor, emergency-response, and service-vehicle parking.
 - b. Parking shall be based on the maximum anticipated staffing during routine operations, maintenance periods, equipment replacement, and emergency conditions.
 - c. Loading areas shall be located at least five hundred feet from an external residential property or Sensitive Receptor.
 - d. All loading and truck-maneuvering activities shall occur entirely within the development.
 - e. No vehicle may back onto or queue upon a public road.
 - f. Fire lanes and emergency access shall remain unobstructed at all times.
 - g. Employee and visitor parking may not be counted toward required landscaping, setbacks, buffers, or open space.
- T. Public Safety, Emergency-Service, Communications, and Infrastructure Mitigation
- a. Public-Safety Impact Assessment

The applicant shall submit a Public-Safety and Emergency-Services Impact Assessment addressing the entire Integrated Development and all proposed phases.

The assessment shall be prepared by qualified independent professionals selected or approved by the County. The applicant shall reimburse the County for all lawful and reasonable costs of preparing, reviewing, and updating the assessment.

The assessment shall evaluate the additional demands created by the High-Impact Data Center upon:

- i. Fire suppression;
- ii. Emergency medical services;
- iii. Law enforcement;
- iv. Hazardous-material response;
- v. Technical rescue;
- vi. Battery thermal-runaway response;
- vii. High-voltage electrical incident response;
- viii. Fuel-spill and fire response;
- ix. Emergency communications;
- x. Public-safety radio coverage;
- xi. Water supply and fire flow;
- xii. Emergency access;
- xiii. Roads, bridges, culverts, and turning areas used by emergency apparatus;

- xiv. Emergency-service stations and equipment-storage facilities;
- xv. Training and staffing;
- xvi. Mutual-aid agencies; and
- xvii. Emergency planning, drills, inspections, and incident command.

2. Existing Capability Analysis

The assessment shall identify:

- a. Existing fire, emergency medical, law-enforcement, hazardous-material, rescue, and communications capabilities;
- b. The capabilities required to respond safely to the proposed development;
- c. Any capability, equipment, apparatus, facility, infrastructure, staffing, or training deficiency directly created or materially increased by the proposed development;
- d. The estimated cost of addressing each project-related need;
- e. The anticipated useful life of each required item;
- f. The governmental or emergency-service entity that will own, operate, maintain, or use each item; and
- g. The portion of each cost reasonably attributable to the proposed development.

The assessment shall distinguish project-related needs from deficiencies that existed before the application was filed.

3. Required Project-Specific Mitigation

Before final land-development approval, the applicant shall provide or fund all public-safety equipment, apparatus, facilities, infrastructure, communications systems, training, and other mitigation demonstrated by the assessment to be directly attributable and roughly proportional to the impacts of the Integrated Development.

Required mitigation may include, where supported by the assessment:

- a. Fire engines;
- b. Aerial ladder trucks;
- c. Tankers or water tenders;
- d. Heavy-rescue vehicles;
- e. Hazardous-material response vehicles;
- f. Foam, dry-chemical, battery-fire, or other specialized suppression equipment;
- g. Ambulances and advanced-life-support vehicles;
- h. Police patrol vehicles;
- i. Mobile command vehicles;
- j. Emergency generators;
- k. Self-contained breathing apparatus;

- l. Protective clothing and specialized personal protective equipment;
 - m. Thermal-imaging equipment;
 - n. Gas, chemical, heat, and electrical monitoring equipment
 - o. Battery thermal-runaway response equipment;
 - p. Rescue, extrication, and high-voltage safety equipment;
 - q. Radio repeaters, antennas, towers, distributed antenna systems, fiber connections, mobile-data equipment, and public-safety broadband equipment;
 - r. Fire-station, emergency-medical-station, law-enforcement, or equipment-storage additions reasonably necessary to house project-required apparatus;
 - s. Emergency-access roads, stabilized access surfaces, bridges, culverts, gates, turning areas, and apparatus staging areas;
 - t. Fire hydrants, water mains, pumps, tanks, cisterns, and other fire-flow infrastructure;
 - u. Initial and recurring project-specific responder training;
 - v. Preincident planning, inspections, emergency exercises, and response-plan updates; and
 - w. Other equipment or improvements determined through the assessment to be necessary to protect responders, employees, neighboring properties, and the public from risks created by the development.
4. Public-Safety Mitigation Agreement

Before final approval, the owner and operator shall enter into a Public-Safety Mitigation Agreement with the County and, where applicable, the municipality, fire department, emergency-medical provider, law-enforcement agency, hazardous-material response team, or other responding organization.

The agreement shall identify:

- a. Each required item or improvement;
- b. The factual basis demonstrating its relationship to the development;
- c. The proportion of the cost attributable to the development;
- d. The party responsible for purchasing, constructing, installing, owning, operating, maintaining, repairing, replacing, and insuring the item;
- e. The schedule for delivery or completion;
- f. Required financial security;
- g. Inspection and acceptance procedures;
- h. Continuing training and operational obligations;
- i. Procedures following expansion or operational changes;
- j. Remedies for noncompliance; and
- k. Any credit due for equipment or improvements provided directly by the applicant.

Proportionality and Written Findings

The Board of Commissioners shall make written findings identifying the relationship between each required contribution or improvement and the public-safety impact created by the Integrated Development.

No required contribution shall exceed the amount reasonably necessary to address the development's proportionate share of the identified impact.

The applicant shall not be required under this subsection to correct a preexisting public-safety or infrastructure deficiency that is unrelated to or not materially increased by the development.

Where the development creates the entire need for an apparatus, facility, communication system, or improvement, the applicant may be required to provide or fund the entire cost.

6. Restricted Public-Safety Fund

Any monetary contribution shall be deposited into a separate restricted account and shall be used only for the project-related equipment, facilities, infrastructure, training, communications, maintenance, or replacement identified in the approved assessment and agreement.

The County shall maintain an accounting of all deposits, expenditures, interest, credits, and remaining balances.

Unused funds shall be handled in accordance with the agreement and applicable law.

7. Ownership and Public Use

Unless otherwise provided in the mitigation agreement, equipment and infrastructure funded under this subsection shall be owned by the appropriate County, municipality, authority, fire department, emergency-medical provider, law-enforcement agency, or other public or nonprofit emergency-service entity.

The fact that equipment may also be used during unrelated emergencies shall not invalidate the requirement where the need for obtaining or upgrading the equipment was directly created by the High-Impact Data Center.

8. Timing

Required apparatus, equipment, communications systems, station improvements, access improvements, water-supply improvements, and initial training shall be delivered, constructed, installed, tested, and accepted before:

- a. Issuance of a certificate of occupancy;
- b. Energization of the applicable phase;
- c. Introduction of batteries, fuels, hazardous materials, or high-voltage equipment;
or
- d. Commencement of operations creating the identified need.

The Board may establish an earlier deadline where required for construction-phase emergency protection.

9. Continuing Costs

The Public-Safety Mitigation Agreement may require the owner or operator to reimburse lawful and reasonable continuing costs directly attributable to the development, including:

- a. Specialized annual training;
- b. Emergency exercises;
- c. Equipment testing;
- d. Communications-system testing;
- e. Inspection and plan-review costs;
- f. Replacement of consumable project-specific materials;
- g. Maintenance of project-specific equipment; and
- h. Updating emergency-response plans following an Expansion or Material Modification.

Continuing payments shall be based upon documented project-related costs and shall not constitute a general tax or unrestricted contribution.

10. Expansion and Updated Assessment

The Public-Safety and Emergency-Services Impact Assessment shall be updated:

- a. Before each additional development phase;
- b. Before an Expansion or Material Modification;
- c. Following a material change in battery, fuel, generator, electrical, cooling, or fire-suppression technology;
- d. Following a material change in emergency-response risk;

- e. Following an emergency incident demonstrating an unaddressed response need; and
- f. At least once every five years during operation.

The owner or operator shall provide additional mitigation when an updated assessment demonstrates that the development creates an additional project-related need.

11. Public-Safety Communications

The applicant shall provide and maintain all communication infrastructure necessary to ensure reliable emergency communications throughout the Integrated Development.

This requirement may include:

- a. In-building public-safety radio coverage;
- b. Distributed antenna systems;
- c. Radio repeaters;
- d. Fiber-optic connections;
- e. Redundant 911 connectivity;
- f. Public-safety broadband connectivity;
- g. Mobile-data coverage;
- h. Emergency responder location systems; and
- i. Other communication systems required by the County Department of Public Safety.

The systems shall be interoperable with County and responding-agency networks and shall be installed, tested, and accepted before occupancy.

12. No Limitation on On-Site Requirements

The mitigation required by this subsection is in addition to all on-site fire suppression, emergency access, water supply, communications, safety, building-code, and operational requirements imposed elsewhere in this Ordinance or by applicable law.

U. Transportation and Construction Traffic

- a. The applicant shall submit a transportation-impact study prepared by a qualified professional traffic engineer.
- b. The study shall address:
 - i. Normal employee and delivery traffic;
 - ii. Construction traffic;
 - iii. Oversized and overweight loads;
 - iv. Emergency access;
 - v. Bridge and roadway capacity;

- vi. Railroad crossings;
 - vii. Intersection safety;
 - viii. School-bus routes;
 - ix. Agricultural-equipment routes; and
 - x. Cumulative traffic from all proposed phases.
- c. Construction and operational truck routes shall avoid residential streets, school zones, village centers, weight-restricted bridges, and roads incapable of safely accommodating the traffic.
 - d. The applicant shall prepare a preconstruction roadway-condition report.
 - e. The applicant shall enter into all lawful road-use, maintenance, repair, bonding, or improvement agreements required by the governmental entity having jurisdiction.
 - f. County approval shall not obligate Fayette County or another public entity to construct or fund project-specific road or bridge improvements.

V. Noise and Vibration

- a. The applicant shall submit a baseline sound study based upon at least seven consecutive days of monitoring under representative conditions.
- b. The applicant shall submit predictive acoustical modeling addressing all buildings, cooling systems, fans, transformers, substations, generators, pumps, battery systems, traffic, and other sound sources.
- c. Sound from the Integrated Development shall not exceed the following limits when measured at an external property line or Sensitive Receptor:
 - i. Daytime, 7:00 a.m. to 9:00 p.m.: forty-five dBA;
 - ii. Nighttime, 9:00 p.m. to 7:00 a.m.: forty dBA;
 - iii. Fifty dBC at any time; and
 - iv. The preconstruction ambient sound level by more than three dBA.
- d. Where two standards apply, the stricter standard shall govern.
- e. A five-decibel penalty shall be applied to sound containing a prominent tone, recurring impulse, cycling characteristic, or other readily identifiable acoustic character.
- f. No equipment shall create perceptible vibration, rattling, shaking, or structural resonance beyond the property containing the Integrated Development.
- g. The applicant shall install permanent real-time noise-monitoring stations at locations approved by the County's acoustical consultant.
- h. Noise data shall be retained for at least five years and made available to the County upon request.
- i. Post-construction testing shall occur:
 - i. Before issuance of final occupancy approval;
 - ii. Within thirty days after full operation begins;
 - iii. Annually thereafter;
 - iv. Following each Expansion or Material Modification; and

- v. Following a credible noise complaint when directed by the County.
 - j. Noise barriers and mitigation measures shall be installed before occupancy when modeling indicates potential noncompliance.
 - k. Compliance shall be based upon actual measured sound, not solely upon manufacturer specifications or predictive modeling.
 - l. No noise standard may be waived by the Planning Commission or County staff.
- W. Air, Dust, Smoke, Exhaust, Heat, Glare, and Humidity
- a. No use shall produce visible dust, smoke, particulate matter, condensation plume, glare, exhaust, heat, or humidity that creates an unsafe condition or unreasonable interference beyond the property line.
 - b. Generator exhaust shall be directed away from Sensitive Receptors and air intakes.
 - c. Cooling and heat-rejection systems shall be designed to prevent icing, fogging, condensation, excessive humidity, and thermal impacts upon adjoining properties or public roads.
 - d. Construction areas shall employ enforceable dust-control and anti-idling measures.
 - e. Exterior materials shall be nonreflective and shall not produce glare affecting roads, aircraft, residences, farms, or Sensitive Receptors.
- X. Fire Protection and Safety
- a. The applicant shall submit a fire-protection and life-safety analysis prepared by a qualified fire-protection engineer.
 - b. The analysis shall address:
 - i. High-voltage electrical equipment;
 - ii. Transformers and substations;
 - iii. Battery-energy-storage systems;
 - iv. Thermal runaway;
 - v. Fuel storage;
 - vi. Generator fires;
 - vii. Hazardous materials;
 - viii. Cooling chemicals;
 - ix. Confined spaces;
 - x. Fire flow;
 - xi. Fire-department access;
 - xii. Water supply;
 - xiii. Automatic suppression;
 - xiv. Smoke control;
 - xv. Emergency shutdown; and
 - xvi. Mutual-aid needs.

- c. Battery-energy-storage systems shall comply with NFPA 855, applicable fire and building codes, and successor standards adopted by the Commonwealth.
 - d. Emergency and standby power systems shall comply with applicable NFPA standards and the Pennsylvania Uniform Construction Code.
 - e. The applicant shall disclose all chemicals, fuels, batteries, fire suppressants, and hazardous materials stored or used on the property.
 - f. A current safety data sheet inventory shall be provided to County emergency services and responding fire departments.
 - g. No certificate of occupancy shall be issued until the fire-protection engineer, County emergency services, and applicable code official confirm that required systems are complete and operational.
- Y. Electrical Demand and Utility Capacity
- a. The applicant shall disclose:
 - i. Initial and maximum projected electrical demand;
 - ii. Requested interconnection capacity;
 - iii. Contracted electrical capacity;
 - iv. Anticipated peak load;
 - v. Power demands for each phase;
 - vi. Required substations, transmission lines, transformers, and utility upgrades;
 - vii. Anticipated construction dates; and
 - viii. The party responsible for paying each required upgrade.
 - b. The applicant shall provide written documentation from the electric utility addressing whether:
 - i. Adequate generation, transmission, and distribution capacity exists;
 - ii. Required upgrades have been identified;
 - iii. The project may impair reliability or normal projected load growth;
 - iv. The development may create voltage fluctuations or electrical interference; and
 - v. The utility can serve all proposed phases.
 - c. A preliminary utility statement shall not constitute proof of final capacity.
 - d. Before final land-development approval, the applicant shall provide evidence of an executed interconnection or service agreement sufficient for the approved phase.
 - e. County approval shall not constitute a commitment to finance, construct, guarantee, condemn property for, or otherwise support electrical infrastructure.
 - f. An increase in approved electrical demand shall constitute an Expansion or Material Modification requiring additional County review.
- Z. Electrical Substations and Power Lines

- a. Every Data Center Electrical Substation shall be included in the conditional-use and land-development applications.
 - b. A substation located on a separate parcel or across a road shall remain part of the Integrated Development.
 - c. Substations shall be located toward the interior of the Campus and at least:
 - i. One thousand feet from a Sensitive Receptor;
 - ii. Five hundred feet from an external property line; and
 - iii. Five hundred feet from a public road right-of-way.
 - d. Substations shall be screened by an earthen berm, year-round landscaping, and an opaque wall designed to reduce noise and visual impacts.
 - e. All on-site electrical-distribution lines of 34.5 kilovolts or less shall be underground.
 - f. An applicant seeking relief from underground installation shall demonstrate through an independent engineering study that underground installation is technically infeasible, not merely more costly or less convenient.
 - g. Any transmission facility subject to federal or Commonwealth jurisdiction shall be disclosed and shown on the development plan to the fullest extent permitted by law.
- AA. Backup Generators and On-Site Power Generation
- a. Emergency and standby generators shall be permitted only for emergency power, required maintenance, and limited testing.
 - b. Emergency generators shall not be used for routine operations, economic dispatch, peak shaving, participation in an electricity market, demand-response generation, or avoidance of utility charges unless separately approved as a power plant or other principal use.
 - c. Routine generator testing shall occur only between 10:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.
 - d. Routine testing shall not exceed two hours per generator per calendar month unless a longer period is required by an applicable government regulation or manufacturer safety directive.
 - e. All generators shall meet the most stringent emissions tier applicable to newly manufactured stationary engines at the time of installation.
 - f. Generators shall be equipped with hospital-grade or equivalent sound attenuation sufficient to comply with the noise limits of this Ordinance.
 - g. The owner or operator shall maintain a generator log recording:
 - i. Date;
 - ii. Start and stop time;
 - iii. Generator identification;
 - iv. Reason for operation;
 - v. Fuel consumed; and

- vi. Whether the operation was an emergency, maintenance event, or test.
 - h. Generator logs shall be submitted annually and upon County request.
 - i. A Dedicated Energy Facility, including a natural-gas generating plant, fuel-cell plant, cogeneration facility, or utility-scale battery facility, shall not be considered an accessory use.
 - j. A Dedicated Energy Facility shall obtain all separate zoning and governmental approvals applicable to that use.
- BB. Lighting and Security
- a. Exterior lighting shall be fully shielded and directed downward.
 - b. No direct light source shall be visible from an external property line or Sensitive Receptor.
 - c. Lighting shall not interfere with motorists, aircraft, residences, farms, or neighboring properties.
 - d. Security lighting shall use motion activation or reduced overnight illumination where consistent with safety requirements.
 - e. The development shall be enclosed by a minimum eight-foot security fence.
 - f. Chain-link fencing visible from a public road or Sensitive Receptor shall be screened by landscaping and an opaque architectural treatment.
 - g. Security gates shall provide sufficient on-site queuing so that vehicles do not stop or queue on public roads.
- CC. Buffer Yards, Berms, Landscaping, and Screening
- a. A landscaped buffer yard shall be provided along every external property boundary.
 - b. A minimum three-hundred-foot enhanced buffer shall be provided adjacent to a Sensitive Receptor, residential district, agricultural operation, or public road.
 - c. The enhanced buffer shall include:
 - i. An earthen berm at least twelve feet in height;
 - ii. A staggered double row of evergreen trees;
 - iii. Canopy trees;
 - iv. Native shrubs;
 - v. An opaque sound wall where required by the acoustical study; and
 - vi. Preservation of existing mature vegetation where healthy and appropriate.
 - d. Plantings shall provide year-round screening and shall consist primarily of native, noninvasive species.
 - e. Required plantings shall meet the following minimum standards:
 - i. One large evergreen tree for each twenty linear feet;
 - ii. One canopy tree for each fifty linear feet; and
 - iii. Five shrubs for each twenty linear feet.
 - f. Evergreen trees shall be at least ten feet tall when planted.
 - g. Canopy trees shall have a minimum caliper of three inches when planted.

- h. At least fifty percent of shrubs shall be evergreen.
 - i. Wetlands, floodplains, riparian buffers, steep slopes, stormwater facilities, utility easements, and other environmentally constrained land shall not be counted toward required buffer width.
 - j. Dead, diseased, or damaged landscaping shall be replaced during the next appropriate planting season.
 - k. The applicant shall provide financial security for landscaping installation, maintenance, and replacement.
 - l. Buffer and screening standards shall not be waived by the Planning Commission.
- DD. Environmental and Community Impact Analysis
- a. The applicant shall submit an Environmental and Community Impact Analysis prepared by qualified professionals.
 - b. The analysis shall address:
 - i. The full nature and scope of operations;
 - ii. Maximum electrical demand;
 - iii. Water demand;
 - iv. Wastewater generation;
 - v. Cooling technology;
 - vi. Generator use;
 - vii. Battery storage;
 - viii. Fuel storage;
 - ix. Employment;
 - x. Construction and operational traffic;
 - xi. Noise and vibration;
 - xii. Air emissions;
 - xiii. Light and glare;
 - xiv. Heat-island effects;
 - xv. Stormwater;
 - xvi. Solid and electronic waste;
 - xvii. Emergency services;
 - xviii. Public infrastructure;
 - xix. Agricultural operations;
 - xx. Natural and historic resources;
 - xxi. Municipal and County revenues and expenses; and
 - xxii. Cumulative impacts from all phases and Related Facilities.
 - c. The analysis shall separately identify:
 - i. Impacts that will be avoided;
 - ii. Impacts that will be mitigated;
 - iii. Impacts that cannot be fully mitigated; and

- iv. The person responsible for implementing and funding each mitigation measure.
 - d. The County may require independent verification of any assumption, methodology, projection, or conclusion.
 - e. The application shall not be approved where the applicant fails to demonstrate compliance with an express standard of this Ordinance.
- EE. Water Supply, Cooling, and Wastewater
- a. Every applicant shall submit a water-supply and wastewater-impact study, regardless of whether service will be provided by a public authority or private source.
 - b. The study shall identify:
 - i. Average and peak daily water demand;
 - ii. Annual water demand;
 - iii. Maximum buildout demand;
 - iv. Water demand for each phase;
 - v. Cooling-water demand;
 - vi. Domestic demand;
 - vii. Fire-suppression demand;
 - viii. Water sources;
 - ix. Safe yield;
 - x. Drought capacity;
 - xi. Wastewater generation;
 - xii. Blowdown and cooling discharge;
 - xiii. Recycled-water use; and
 - xiv. Effects upon existing users.
 - c. The study shall evaluate effects upon:
 - i. Residential wells,
 - ii. Public water supplies;
 - iii. Agricultural irrigation;
 - iv. Livestock water supplies;
 - v. Springs;
 - vi. Streams;
 - vii. Wetlands;
 - viii. Aquifers;
 - ix. Groundwater recharge; and
 - x. Future community water needs.
 - d. Public water service documentation shall identify available capacity and all required improvements.
 - e. A commitment by a water supplier shall not substitute for the independent impact study.

- f. Once-through cooling shall be prohibited.
 - g. Water-based cooling shall use a closed-loop system.
 - h. The applicant shall demonstrate that air cooling, dry cooling, reclaimed water, or other lower-consumption technology was evaluated.
 - i. Potable groundwater shall not be used as the primary source of cooling water unless the applicant demonstrates that no feasible alternative exists and that the withdrawal will not adversely affect existing users or natural resources.
 - j. The applicant shall submit a drought and emergency-curtailement plan.
 - k. The owner or operator shall install separate water meters for cooling, domestic use, fire protection, and other major uses.
 - l. Water use and wastewater discharge shall be reported quarterly to the County.
 - m. An increase exceeding ten percent of approved peak or annual water demand shall constitute an Expansion or Material Modification.
- FF. Emergency Responders
- a. The applicant shall coordinate with:
 - i. The Fayette County Department of Public Safety;
 - ii. The Fayette County 911 Coordinator;
 - iii. The fire department having primary jurisdiction;
 - iv. Emergency medical services;
 - v. The applicable hazardous-material response team;
 - vi. Law enforcement; and
 - vii. Mutual-aid agencies identified by the County.
 - b. The applicant shall submit an Emergency Response Plan addressing:
 - i. Fire;
 - ii. Explosion;
 - iii. Battery thermal runaway;
 - iv. Electrical hazards;
 - v. Fuel spills;
 - vi. Hazardous-material releases;
 - vii. Cooling-system failures;
 - viii. Water-supply failures;
 - ix. Utility outages;
 - x. Cyber or physical security incidents affecting public safety;
 - xi. Evacuation;
 - xii. Shelter in place;
 - xiii. Emergency shutdown; and
 - xiv. Communication with nearby residents and businesses.
 - c. The applicant shall demonstrate adequate public-safety radio coverage throughout all buildings and below-grade areas.
 - d. Required radio-enhancement systems shall be installed before occupancy.

- e. The applicant shall conduct at least one coordinated emergency exercise annually.
 - f. The applicant shall provide lawful reimbursement for project-specific training, planning, specialized equipment, inspections, and emergency-preparedness costs through an agreement approved by the County.
 - g. No occupancy approval shall be issued until emergency-service agencies confirm that required plans, access, communications, equipment, and training are complete.
- GG. Environmental Impact Assessment
- a. An Environmental Impact Assessment shall be prepared by qualified professionals.
 - b. The assessment shall identify existing environmental conditions and the probable effects of the entire Integrated Development.
 - c. At a minimum, the assessment shall address;
 - i. Air quality;
 - ii. Fine particulate matter;
 - iii. Nitrogen oxides;
 - iv. Volatile organic compounds;
 - v. Greenhouse-gas emissions;
 - vi. Noise and vibration;
 - vii. Streams and wetlands;
 - viii. Floodplains;
 - ix. Groundwater;
 - x. Aquifer recharge and discharge;
 - xi. Steep slopes;
 - xii. Highly erodible and hydric soils;
 - xiii. Mine features and subsidence;
 - xiv. Sinkholes and unstable geology;
 - xv. Mature forests;
 - xvi. Wildlife habitat;
 - xvii. Threatened and endangered species;
 - xviii. Historic and archaeological resources;
 - xix. Stormwater;
 - xx. Heat-island effects; and
 - xxi. Cumulative regional effects.
 - d. The assessment shall include an alternatives analysis addressing other sites, layouts, cooling systems, power sources, and development intensities.
 - e. Unavoidable adverse impacts shall be separately identified.
 - f. Proposed mitigation shall be specific, measurable, enforceable, funded, and assigned to a responsible party.

HH. Agricultural-Land Protection

- a. No High-Impact Data Center building, substation, generator yard, battery facility, cooling facility, parking area, or Related Facility shall be located upon land subject to an agricultural conservation easement.
- b. No High-Impact Data Center shall be located within an Agricultural Security Area unless expressly permitted by applicable law and the applicant demonstrates that the development will not interfere with the continuity or viability of agricultural operations.
- c. Disturbance of prime farmland soils and farmland soils of statewide importance shall be avoided to the maximum extent practicable.
- d. The applicant shall demonstrate that the development will not unreasonably interfere with:
 - i. Agricultural equipment movement;
 - ii. Farm access;
 - iii. Livestock operations;Crop production;
 - iv. Drainage systems;
 - v. Irrigation;
 - vi. Agricultural water supplies;
 - vii. Farm-support businesses; or
 - viii. Reasonable future expansion of existing farms.
- e. The applicant shall maintain fencing, drainage, access, and setbacks necessary to protect adjoining agricultural operations.
- f. The applicant shall acknowledge in writing that normal agricultural activities may create noise, dust, odors, traffic, chemical applications, and other conditions associated with lawful farming.
- g. The owner or operator shall not seek to restrict a preexisting lawful agricultural operation based upon ordinary farming impacts.

II. Sustainable Site and Resource Standards

- a. The development shall minimize impervious coverage, land disturbance, tree removal, grading, and alteration of natural drainage.
- b. Buildings shall be designed to permit future installation of rooftop solar equipment where structurally and legally feasible.
- c. The applicant shall submit an energy-efficiency and resource-use plan identifying:
 - i. Projected power usage effectiveness;
 - ii. Projected water usage effectiveness;
 - iii. Heat-recovery opportunities;
 - iv. Renewable-energy use;
 - v. Waste-heat reuse;
 - vi. Water recycling;
 - vii. Electronic-waste management; and

viii. Energy and water conservation measures.

- d. Approval shall not authorize a separate solar, wind, battery, or generation use that otherwise requires zoning approval.
- e. Electronic equipment, batteries, cooling fluids, and other materials shall be reused, recycled, or lawfully disposed of.

JJ. Threatened and Endangered Species

- a. The applicant shall submit a Pennsylvania Natural Diversity Inventory receipt dated within two years of the first County application.
- b. All required agency reviews and clearance letters shall be provided.
- c. The applicant shall comply with all applicable avoidance, minimization, and mitigation requirements.
- d. Approval shall not authorize disturbance inconsistent with federal or Commonwealth species-protection requirements.

KK. Riparian Forest Buffers

- a. The stricter of this subsection or an applicable federal, Commonwealth, County, or municipal riparian-buffer requirement shall apply.
- b. A minimum riparian forest buffer of one hundred feet shall be maintained on each side of every perennial or intermittent stream, river, lake, pond, reservoir, wetland, spring, or other regulated waterbody.
- c. The following additional buffer widths shall apply based upon slope measured within the buffer:
 - i. Ten additional feet for slopes of ten percent through fifteen percent;
 - ii. Twenty additional feet for slopes of sixteen percent through seventeen percent;
 - iii. Thirty additional feet for slopes of eighteen percent through twenty percent;
 - iv. Fifty additional feet for slopes of twenty-one percent through twenty-three percent;
 - v. Sixty additional feet for slopes of twenty-four percent through twenty-five percent; and
 - vi. Seventy additional feet for slopes exceeding twenty-five percent.
- d. An additional twenty-five feet shall be added where a wetland, vernal pool, floodplain, or similar sensitive feature is present.
- e. No building, equipment, impervious surface, earth disturbance, material storage, stormwater basin, or utility facility shall be located within the required riparian buffer, except for an unavoidable crossing approved by all agencies having jurisdiction.
- f. Existing native vegetation shall be preserved.
- g. Areas lacking an adequate riparian forest shall be planted with native trees, shrubs, and groundcover.

- h. Riparian buffers shall be permanently protected through recorded easements, deed restrictions, plan notes, or other County-approved instruments.

LL. Continuing Monitoring and Reporting

- a. The owner or operator shall submit an annual compliance report addressing:
 - i. Electrical demand;
 - ii. Water use;
 - iii. Wastewater discharge;
 - iv. Generator operation;
 - v. Fuel use and storage;
 - vi. Noise monitoring;
 - vii. Emergency incidents;
 - viii. Fire-system testing;
 - ix. Equipment changes;
 - x. Environmental compliance;
 - xi. Landscaping and buffer maintenance; and
 - xii. Decommissioning security.
- b. Reports shall be certified as accurate by an authorized representative;
- c. The County may inspect the development at reasonable times upon reasonable notice, except that immediate access may be required during an emergency or suspected serious violation.
- d. Monitoring equipment shall be maintained and calibrated according to manufacturer and professional standards.
- e. Failure to submit a required report or provide required data shall constitute a violation.

MM. Expansion and Material Modification

- a. Conditional-use approval shall be limited to the buildings, phases, electrical demand, water demand, generators, cooling systems, battery systems, fuel storage, and equipment expressly approved.
- b. An Expansion or Material Modification shall require additional zoning and land-development review.
- c. An applicant may not reserve unlimited future capacity through conceptual plans.
- d. Each phase shall independently satisfy applicable infrastructure, emergency-response, noise, water, environmental, and financial-security requirements.
- e. Replacement of equipment with equipment having greater capacity or materially different impacts shall require prior County approval.
- f. A change in ownership or operator shall be reported to the County at least sixty days before transfer.
- g. No transfer shall release the prior owner from outstanding violations or obligations.

- NN. Independent Professional Review and Escrow
- a. The County may retain qualified independent professionals to review any application, study, plan, test, monitoring report, or compliance issue.
 - b. Independent reviewers may include:
 - i. Land-use planners;
 - ii. Civil engineers;
 - iii. Traffic engineers;
 - iv. Electrical and utility consultants;
 - v. Acoustical consultants;
 - vi. Hydrogeologists;
 - vii. Environmental consultants;
 - viii. Fire-protection engineers;
 - ix. Emergency-response professionals;
 - x. Agricultural consultants;
 - xi. Fiscal-impact consultants; and
 - xii. Legal counsel.
 - c. The applicant shall deposit funds into an escrow account sufficient to reimburse the County for lawful and reasonable professional review costs.
 - d. The applicant shall replenish the escrow when the remaining balance falls below the amount established by County resolution.
 - e. No final approval or permit shall be issued while required fees or escrow amounts remain unpaid.
 - f. Applicant-prepared studies shall not substitute for independent County review.
- OO. Conditions, Waivers, and Continuing Compliance
- a. The Board of Commissioners may impose reasonable conditions and safeguards authorized by the Pennsylvania Municipalities Planning Code.
 - b. Core requirements concerning zoning classification, setbacks, noise, water, emergency access, fire protection, agricultural conservation easements, riparian buffers, continuing monitoring, and financial security shall not be waived through subdivision or land-development review.
 - c. A modification expressly authorized by this Ordinance may be granted only upon written findings that:
 - i. Strict compliance is technically infeasible due to a unique physical condition of the property;
 - ii. The condition was not created by the applicant;
 - iii. Cost, convenience, or development preference is not the basis for the request;
 - iv. The modification will provide equal or greater protection; and

- v. The modification will not increase adverse impacts upon Sensitive Receptors, agricultural operations, natural resources, roads, utilities, or public services.
- d. Compliance with a federal, Commonwealth, utility, or other outside approval shall not establish compliance with this Ordinance.
- e. Conditional-use approval and land-development approval shall remain subject to continuing compliance throughout construction, operation, expansion, abandonment, and decommissioning.
- f. A violation of an approval condition or requirement of this Section shall constitute a violation of the Fayette County Zoning Ordinance.

SECTION 6. DECOMMISSIONING, SITE RESTORATION, AND FINANCIAL SECURITY

A. Decommissioning Plan

The applicant shall submit a decommissioning and site-restoration plan as part of the conditional-use application. The plan shall be prepared by qualified professionals and shall address the entire Integrated Development, including every approved parcel, phase, building, structure, utility facility, and Related Facility or Infrastructure.

No conditional-use, subdivision, land-development, zoning, building, or occupancy approval shall be issued until the decommissioning plan and required financial security have been approved by the County.

B. Events Requiring Decommissioning

Decommissioning shall be required following:

- i. Abandonment of the entire High-Impact Data Center;
- ii. Abandonment of an individual building, phase, parcel, or Related Facility;
- iii. Permanent discontinuance of the approved use;
- iv. Failure to commence operation within the period established by the approval;
- v. Revocation or expiration of a required approval when continued operation is not authorized;
- vi. Destruction or damage that is not repaired and returned to lawful operation within twelve months; or
- vii. Written notice from the owner or operator that the use or any material portion thereof will be permanently discontinued.

Temporary interruptions caused by maintenance, repair, casualty, utility failure, or a declared emergency shall not constitute abandonment when the owner demonstrates a continuing intent and ability to resume lawful operation.

C. Abandonment Determination

The Zoning Officer may determine that a High-Impact Data Center or material portion thereof has been abandoned after providing notice and an opportunity to respond in accordance with the Pennsylvania Municipalities Planning Code and the Fayette County Zoning Ordinance.

The owner or operator shall bear the burden of demonstrating that the facility remains in active lawful use or that a temporary interruption qualifies for an exception under this Section.

D. Decommissioning Schedule

Following a final determination of abandonment or permanent discontinuance:

- i. Decommissioning shall begin within ninety days;
- ii. Removal and restoration shall be completed within twelve months;
- iii. The County may approve a written extension only upon proof that additional time is reasonably necessary due to circumstances beyond the owner's control; and
- iv. No extension shall release or reduce the required financial security.

E. Required Removal

Unless the County approves continued use for another lawful purpose, decommissioning shall include removal of:

- i. Data Center Principal Buildings;
- ii. Accessory and administrative buildings;
- iii. Servers, racks, electronic equipment, and data-processing equipment;
- iv. Cooling towers, chillers, pumps, piping, air handlers, and heat-rejection equipment;
- v. Generators, turbines, fuel cells, and other generation equipment;
- vi. Battery-Energy-Storage Systems;
- vii. Fuel tanks, fuel lines, and containment systems;
- viii. Transformers, substations, switchgear, electrical equipment, and utility equipment serving only the development;
- ix. Telecommunications and fiber-optic equipment serving only the development;
- x. Fencing, gates, lighting, signs, parking areas, loading areas, and internal roads;
- xi. Stormwater facilities that have no continuing lawful purpose;

- xii. Wastewater, water-storage, and treatment facilities serving only the development;
- xiii. Concrete pads and foundations; and All other buildings, equipment, materials, waste, and infrastructure having no continuing lawful purpose.

F. Underground Facilities

Foundations, conduits, pipes, cables, fuel lines, and other underground improvements shall be removed to a minimum depth of four feet below finished grade.

The County may require complete removal where necessary to address contamination, drainage, agricultural restoration, future development, public safety, or environmental protection.

The County may permit an underground facility to remain only where:

- i. The facility is not contaminated;
- ii. Its continued presence will not interfere with drainage, agriculture, utilities, environmental restoration, or future lawful use;
- iii. A continuing lawful use has been established; and
- iv. The facility is accurately shown on a recorded plan or instrument.

G. Environmental Testing and Remediation

Before final site restoration, the owner or operator shall complete soil and groundwater testing for fuels, oils, cooling chemicals, fire suppressants, battery materials, metals, hazardous substances, and other potential contaminants associated with the development.

Testing shall be performed by a qualified independent environmental professional under a scope approved by the County.

All contamination shall be reported and remediated in accordance with applicable law. County acceptance of decommissioning shall not relieve any person of environmental liability imposed by federal or Commonwealth law.

H. Site Restoration

The property shall be restored to a stable, safe, useful, and environmentally sound condition. Restoration shall include, as applicable:

- i. Removal of debris and waste;
- ii. Backfilling and grading;
- iii. Decompaction of disturbed soils;
- iv. Replacement of suitable topsoil;
- v. Restoration of natural drainage;
- vi. Stabilization against erosion and sedimentation;

- vii. Restoration of streams, wetlands, riparian buffers, and stormwater features;
- viii. Revegetation using native, noninvasive species;
- ix. Restoration of roads, bridges, culverts, and adjoining public improvements damaged by decommissioning;
- x. Restoration of agricultural soils, drainage, access, and productive capability where agricultural land was disturbed; and
- xi. Completion of any additional work reasonably required to eliminate unsafe or unlawful conditions created by the development.

I. Decommissioning Cost Estimate

The County shall retain an independent qualified professional to prepare or verify the estimated cost of decommissioning and site restoration. The applicant, owner, or operator shall reimburse the County for the lawful and reasonable cost of that review.

The estimate shall be based upon the gross cost to the County of completing the work through independent contractors and shall include:

- i. Labor and equipment;
- ii. Demolition;
- iii. Transportation;
- iv. Recycling and disposal;
- v. Hazardous-material handling;
- vi. Environmental testing and remediation;
- vii. Underground-facility removal;
- viii. Site restoration;
- ix. Engineering and professional services;
- x. Legal and administrative expenses;
- xi. Prevailing market costs;
- xii. Inflation through the next required review date; and
- xiii. A contingency allowance of not less than twenty percent.

No deduction shall be made for anticipated salvage, resale, scrap, recycling, tax, or insurance value.

J. Amount of Financial Security

The owner or operator shall continuously maintain financial security equal to at least one hundred twenty-five percent of the County-approved gross decommissioning and restoration cost.

The County may require a greater amount where justified by the approved estimate, site conditions, contamination risks, project phasing, market conditions, or the complexity of the development.

K. Form of Financial Security

Financial security shall be provided in one or more of the following forms approved by the County Solicitor and County financial advisor:

- i. A cash escrow held by an independent financial institution for the sole benefit of the County;
- ii. An irrevocable standby letter of credit issued by a federally or Commonwealth-chartered financial institution acceptable to the County;
- iii. A surety bond issued by a company authorized to conduct business in Pennsylvania and having a financial-strength rating acceptable to the County; or
- iv. Another form providing equal or greater protection and approved by the County.

The following shall not constitute acceptable financial security:

- i. A corporate guarantee;
- ii. A parent-company guarantee;
- iii. Self-insurance;
- iv. A promise based upon future revenue;
- v. An unsecured contractual obligation; or
- vi. Ownership of the property or equipment itself.

Financial security shall be payable to the County, shall remain effective until formally released in writing, and shall not require the County to obtain the consent of the owner, operator, lender, or any other person before drawing funds.

L. Renewal and Adjustment

The decommissioning cost estimate and financial security shall be reviewed:

- i. At least once every three years;
- ii. Before construction of each additional phase;
- iii. Following an Expansion or Material Modification;
- iv. Before a change in ownership or operator;
- v. Following material changes in demolition, disposal, labor, environmental, or restoration costs; and
- vi. At any other time the County has reasonable grounds to believe the security is inadequate.

The owner or operator shall increase the financial security within thirty days after receiving notice that additional security is required.

A reduction shall occur only after an independent review confirms that the remaining security exceeds the amount required by this Section.

M. Expiration or Cancellation

A bond, letter of credit, or other financial instrument shall provide the County with at least one hundred eighty days' advance written notice of expiration, cancellation, nonrenewal, or material modification.

If replacement security acceptable to the County is not delivered at least ninety days before expiration, cancellation, or nonrenewal, the County may draw the full amount and deposit the proceeds into a restricted decommissioning escrow account.

N. Transfer of Ownership or Control

No property, facility, phase, conditional-use approval, or operational control may be transferred unless:

- i. The proposed successor assumes all decommissioning and restoration obligations in writing;
- ii. Replacement financial security is approved and effective before the transfer;
- iii. The existing security remains effective until the replacement is accepted; and
- iv. All outstanding violations, fees, costs, reports, and required security increases have been resolved.

A transfer shall not release a prior owner or operator from obligations arising before the transfer unless the County expressly approves the release in writing.

O. County Access and Use of Security

If the responsible party fails to begin or complete decommissioning within the required time, the County may, after providing any notice required by law:

- i. Enter the property to inspect conditions and complete or contract for decommissioning and restoration;
- ii. Draw upon the financial security;
- iii. Apply the proceeds solely to lawful decommissioning, remediation, restoration, professional, legal, administrative, and enforcement costs;
- iv. Seek injunctive or equitable relief;
- v. Commence civil enforcement proceedings;

- vi. Recover costs exceeding the available financial security from the persons legally responsible;
- vii. File a municipal claim or lien against the project property to the extent authorized by law; and
- viii. Exercise any other remedy available under the Pennsylvania Municipalities Planning Code or other applicable law.

Nothing in this Section shall be interpreted as authorizing a lien against unrelated real estate merely because it is owned by the same person or entity.

P. Recorded Decommissioning Agreement

Before final land-development approval, the owner shall execute and record a County-approved decommissioning and site-restoration agreement against every parcel comprising the Integrated Development.

The agreement shall:

- i. Run with the land;
- ii. Bind owners, operators, lessees, lenders, successors, and assigns;
- iii. Incorporate the approved decommissioning obligations;
- iv. Provide required County access rights;
- v. Require continuing financial security; and
- vi. Provide notice to future purchasers and interest holders.

Q. Release of Security

Financial security shall not be released until:

- i. Decommissioning and restoration are complete;
- ii. Required environmental testing and remediation are complete;
- iii. All waste and equipment have been lawfully removed;
- iv. The County's independent professionals have inspected and accepted the work;
- v. All outstanding County costs have been paid; and
- vi. The County issues a written release.

Partial releases may be granted following completed decommissioning of an approved phase, provided that the remaining security remains sufficient for all remaining obligations.

SECTION 7. Administration, Monitoring, and Enforcement

A. Applications

i. Required Approvals

A High-Impact Data Center shall require:

- ii. Conditional-use approval by the Fayette County Board of Commissioners;
- iii. Subdivision and land-development approval where required by the Fayette County Subdivision and Land Development Ordinance;
- iv. Zoning approval;
- v. Building, fire, occupancy, stormwater, highway-occupancy, utility, environmental, and other permits required by applicable law; and
- vi. Approval of the decommissioning plan, financial security, monitoring program, emergency-response plan, and all agreements required by this Ordinance

No approval issued by one agency or governmental body shall substitute for another approval required by law.

B. Conditional-Use Application

The applicant shall submit a complete conditional-use application documenting compliance with every applicable requirement of this Ordinance.

The application shall include, at a minimum:

- i. The name, address, telephone number, and email address of the applicant, landowner, operator, developer, and all affiliated entities participating in the Integrated Development;
- ii. Evidence of ownership, equitable ownership, leasehold rights, options, easements, utility agreements, or other legal control of every parcel included within the Integrated Development;
- iii. A list and map of all parcels, buildings, phases, infrastructure, utility facilities, and Related Facilities or Infrastructure comprising or supporting the Integrated Development;
- iv. A narrative describing the proposed use, operations, construction schedule, operating schedule, employees, contractors, equipment, electrical demand, water demand, cooling systems, generators, batteries, fuel storage, and all proposed development phases;
- v. A conceptual site plan prepared by qualified professionals showing property lines, zoning districts, buildings, equipment, roads, parking, loading, utilities, substations, generators, battery systems, cooling systems, fuel storage, stormwater

- facilities, landscaping, buffers, setbacks, Sensitive Receptors, water resources, agricultural features, and emergency access;
- vi. Every study, assessment, plan, certification, report, agreement, and financial-security document required by Sections 5 and 6;
 - vii. A statement identifying all federal, Commonwealth, County, municipal, utility, and other approvals required for the development and the status of each approval;
 - viii. A list of all requested modifications, variances, zoning-map amendments, waivers, or other forms of relief;
 - ix. A proposed list of conditions and safeguards necessary to maintain continuing compliance;
 - x. The required application fee and initial professional-review escrow; and
 - xi. A certification signed by the applicant and landowner attesting that the information submitted is true, complete, and accurate to the best of their knowledge.

C. Integrated Development Disclosure

The applicant shall disclose the complete Integrated Development.

The applicant shall not exclude a parcel, building, development phase, utility facility, substation, generator facility, cooling facility, Battery-Energy-Storage System, Dedicated Energy Facility, or other Related Facility or Infrastructure from the application in order to avoid or reduce an ordinance requirement.

D. Administrative Completeness Review

The County shall review the submission for administrative completeness.

If required information is missing, the County shall identify the missing materials in writing. The applicant shall provide the requested information before the County is required to make a final determination regarding compliance.

A completeness review shall not constitute substantive approval and shall not prevent the County from requesting supplemental information reasonably necessary to determine compliance with an express standard or criterion.

Any request for supplemental information shall identify:

- i. The ordinance provision being evaluated;
- ii. The information needed; and
- iii. Why the information already submitted is insufficient.

Nothing in this subsection shall alter a hearing or decision deadline established by the Pennsylvania Municipalities Planning Code unless the applicant agrees to an extension in writing or on the record.

E. Conditional-Use Hearing and Decision

The Board of Commissioners shall conduct the conditional-use hearing and issue a decision in accordance with the Pennsylvania Municipalities Planning Code and the Fayette County Zoning Ordinance.

The applicant shall bear the burden of demonstrating compliance with every applicable express standard and criterion.

The Board may attach reasonable conditions and safeguards authorized by law and supported by the hearing record.

Where an application is contested or denied, the decision shall include findings of fact, conclusions, reasons for the decision, and references to the ordinance provisions relied upon.

F. Relationship to Land-Development Review

Conditional-use approval shall be obtained before final subdivision or land-development approval.

The applicant may submit a subdivision or land-development application concurrently at the applicant's risk. Concurrent review shall not:

- i. Create an entitlement to approval;
- ii. limit the Board's authority to deny or condition the conditional use;
- iii. Prevent the County from requiring revisions resulting from the conditional-use decision; or
- iv. Authorize construction, grading, equipment installation, or operation.

A final land-development plan shall conform to the conditional-use approval and all conditions imposed by the Board.

G. Construction and Operational Authorization

No grading, construction, installation, energization, testing, occupancy, or operation shall occur until all required approvals and permits for the applicable activity or phase have been issued.

No certificate of occupancy or operational authorization shall be issued until the County determines that:

- i. The applicable phase has been constructed in accordance with approved plans;
- ii. Required public-safety equipment and infrastructure have been delivered or completed;
- iii. Required emergency-response training has occurred;
- iv. Required monitoring systems are operational;
- v. Decommissioning and other financial security are in effect;
- vi. Required professional-review and inspection charges have been paid or otherwise resolved in accordance with law; and
- vii. All conditions precedent to occupancy or operation have been satisfied.

H. Material Misrepresentation or Omission

A material false statement, misrepresentation, concealment, or omission in an application, study, report, certification, monitoring record, or compliance submission shall constitute a violation of this Ordinance.

The County may pursue all remedies authorized by law, including enforcement proceedings, corrective conditions, injunctive relief, or proceedings affecting the applicable approval.

No approval shall be automatically revoked without the notice, hearing, appeal, or judicial process required by applicable law.

I. Fees and Professional-Review Costs

i. Application Fees

The applicant shall pay all application, hearing, zoning, subdivision, land-development, inspection, permit, and administrative fees established by ordinance or resolution.

J. Professional-Review Costs

The applicant shall reimburse the County for reasonable and necessary charges incurred for professional review and inspection of the application and development, to the extent authorized by applicable law.

Professional reviewers may include engineers, planners, attorneys, acoustical consultants, hydrogeologists, environmental consultants, fire-protection engineers, emergency-response professionals, traffic engineers, electrical consultants, agricultural consultants, fiscal-impact consultants, and other qualified professionals reasonably necessary to evaluate compliance.

K. Fee Schedule and Itemization

Reimbursable professional charges shall:

- i. Be based upon a fee schedule adopted by the County;
- ii. Reflect ordinary and customary charges for comparable professional services;
- iii. Be reasonable and necessary;
- iv. Be itemized by date, professional, task, time, and amount;
- v. Relate to review, inspection, monitoring, or enforcement authorized by law; and
- vi. Be subject to any billing-dispute procedure required by the Pennsylvania Municipalities Planning Code.

L. Excluded Costs

The applicant shall not be charged as an application-review expense for:

- i. Costs unrelated to the application or development;
- ii. General County governmental expenses;
- iii. Costs attributable solely to correcting a preexisting County deficiency unrelated to the development;
- iv. Costs that applicable law prohibits the County from charging to an applicant; or
- v. Legal expenses incurred solely in defending an appeal from the County's final decision, unless recovery is separately authorized by law or court order.

M. Escrow

The applicant shall deposit an initial amount into a County-controlled professional-review escrow account.

The applicant shall replenish the escrow when the balance falls below the minimum amount established by County resolution.

Funds shall be used only for lawful and reasonable project-related expenses.

Any undisputed unused balance shall be returned following completion of the applicable review and payment of all lawful charges.

N. Nonpayment

The County may withhold further administrative processing or final approval for failure to pay an undisputed fee or replenish a required escrow, to the extent permitted by law.

A good-faith dispute concerning a professional charge shall be handled under the applicable statutory dispute procedure and shall not be treated as a zoning violation merely because the amount remains disputed.

O. Continuing Maintenance and Compliance

- i. The owner and operator shall continuously maintain the entire Integrated Development in accordance with:
 - a. This Ordinance;
 - b. The approved conditional use;
 - c. The approved subdivision and land-development plans;
 - d. All conditions of approval;
 - e. The decommissioning and site-restoration agreement;
 - f. The public-safety mitigation agreement;
 - g. Required monitoring and reporting plans; and
 - h. All other applicable permits and approvals.
- ii. The development shall be maintained free from:
 - a. Unsafe electrical conditions;
 - b. Fire and explosion hazards;
 - c. Hazardous-material releases;
 - d. Fuel leaks or spills;
 - e. Uncontrolled stormwater or erosion;
 - f. Unlawful noise or vibration;
 - g. Dead or ineffective screening vegetation;
 - h. Damaged security fencing or access controls;
 - i. Abandoned equipment or waste;
 - j. Unsafe roads or emergency access; and
 - k. Other conditions violating an express requirement or approval condition.
- iii. Approval shall be limited to the use, equipment, electrical demand, water demand, cooling systems, generators, battery systems, buildings, phases, and infrastructure expressly approved.
- iv. An Expansion or Material Modification shall require prior review and approval in accordance with this Ordinance.

P. Monitoring, Reporting, and Records

- i. Annual Compliance Report

The owner or operator shall submit an annual compliance report addressing all items required by Section 5.

Q. Incident Reporting

The owner or operator shall notify the Fayette County Department of Public Safety and the Zoning Officer as soon as reasonably practicable following:

- i. A fire or explosion;
- ii. Battery thermal runaway;

- iii. A hazardous-material release;
- iv. A reportable fuel spill;
- v. An emergency generator operation lasting more than four consecutive hours;
- vi. A failure of required fire-suppression or emergency-communication systems;
- vii. A substantial electrical, cooling, water, or wastewater failure;
- viii. An incident requiring an outside emergency response;
- ix. An evacuation or shelter-in-place event; or
- x. Another incident creating an actual or potential threat to public health, safety, property, or the environment.

A written incident report shall be submitted within ten business days unless a shorter period is required by another applicable law or permit.

R. Record Retention

The owner or operator shall retain required monitoring, operational, testing, maintenance, generator, water, noise, emergency, and inspection records for at least five years, or longer where required by another provision or approval.

S. Access to Records

Required records shall be provided to the County upon reasonable request.

Nothing in this subsection shall require public disclosure of information protected from disclosure by the Pennsylvania Right-to-Know Law or another applicable law.

T. Inspections

- i. The County may conduct reasonable inspections to determine compliance with this Ordinance and applicable approvals.
- ii. The owner and operator shall provide access for inspections authorized by:
 - a. Consent;
 - b. A condition or recorded agreement applicable to the development;
 - c. An administrative or judicial warrant;
 - d. A court order;
 - e. An emergency involving an imminent threat to life or property; or
 - f. Other applicable law.
- iii. Except during an emergency or where advance notice would defeat the lawful purpose of an inspection, the County shall provide reasonable notice.
- iv. The County may retain qualified professionals to participate in an inspection where specialized expertise is reasonably necessary.
- v. Following an inspection, the County may issue a written report identifying:
- vi. Conditions observed;

- vii. Applicable ordinance or approval requirements;
 - viii. Required corrective measures;
 - ix. Required testing or documentation; and
 - x. Deadlines for compliance.
- U. Failure to provide access authorized by law or an applicable recorded agreement shall constitute a violation.
- V. Violations

Each of the following shall constitute a violation:

- i. Construction, installation, energization, occupancy, or operation without a required approval or permit;
 - ii. Failure to comply with an express requirement of this Ordinance;
 - iii. Failure to comply with an approved plan or condition of approval;
 - iv. Operation exceeding approved electrical demand, water demand, generator use, battery capacity, building area, development phase, or other approved operating limitation;
 - v. An unapproved Expansion or Material Modification;
 - vi. Failure to maintain required financial security;
 - vii. Failure to submit a required report, study, test, certification, or monitoring record;
 - viii. Failure to maintain or operate required monitoring equipment;
 - ix. Failure to complete required corrective action;
 - x. Failure to maintain required emergency access, fire protection, communications, buffers, landscaping, fencing, or safety systems;
 - xi. Material misrepresentation or concealment;
 - xii. Unlawful abandonment or failure to complete decommissioning; or
 - xiii. Permitting another person or entity to violate this Ordinance.\
- W. Enforcement Notice
- i. Where it appears that a violation has occurred, the County shall initiate ordinary zoning-enforcement proceedings by issuing an enforcement notice in accordance with Section 616.1 of the Pennsylvania Municipalities Planning Code.
 - ii. The enforcement notice shall identify:
 - a. The owner of record and any other person against whom the County intends to take action;
 - b. The location of the property;
 - c. The specific violation;
 - d. The ordinance or approval provision that has not been satisfied;
 - e. The corrective action required;
 - f. The date by which corrective action must begin;
 - g. The date by which corrective action must be completed;
 - h. The right to appeal to the Zoning Hearing Board; and

- i. The consequences of failing to comply.
- iii. The time allowed for corrective action may consider:
 - a. The seriousness of the violation;
 - b. The threat to public health, safety, property, or the environment.
 - c. The time reasonably necessary to complete corrective work;
 - d. Whether temporary protective measures are required; and
 - e. Whether the violation is continuing or recurring.
- iv. Nothing in this subsection shall prevent the County from seeking immediate judicial or emergency relief where an imminent threat to life, property, or the environment exists.

X. Corrective Action

- i. A responsible person shall begin and complete corrective action within the periods stated in the enforcement notice, unless the time is extended by lawful appeal, written agreement, or court order.
- ii. Corrective action may include:
 - a. Ceasing an unlawful use or operation;
 - b. Reducing electrical, water, generator, battery, or operating capacity;
 - c. Repairing or replacing equipment;
 - d. Installing noise, fire, safety, screening, stormwater, or environmental mitigation;
 - e. Conducting testing or monitoring;
 - f. Removing unlawful buildings, equipment, or improvements;
 - g. Restoring required buffers, vegetation, access, drainage, or natural resources;
 - h. Replenishing financial security;
 - i. Updating emergency-response plans;
 - j. Completing decommissioning; or
 - k. Taking other action necessary to correct the identified violation.
- iii. Acceptance of temporary corrective measures shall not waive the requirement for permanent compliance.

Y. Suspension, Revocation, and Cessation of Operations

- i. No approval shall be automatically revoked because a violation is alleged or discovered.
- ii. The County may seek suspension, revocation, modification, cessation of operations, or other relief through a procedure authorized by:
 - a. The Pennsylvania Municipalities Planning Code;
 - b. The Fayette County Zoning Ordinance;
 - c. A condition of approval;
 - d. A recorded agreement;
 - e. Another applicable statute or ordinance; or

- f. An order of a court having jurisdiction.
 - iii. Except where immediate emergency action is authorized by law, the owner or operator shall receive notice and an opportunity to be heard before an approval is suspended or revoked.
 - iv. Nothing in this subsection shall require the County to permit continued operation during an imminent threat to life or property where immediate relief is authorized by law.
- Z. Civil Enforcement
- i. Any person, partnership, corporation, limited-liability company, owner, operator, applicant, or other entity that has violated or permitted the violation of this Ordinance shall, upon being found liable in a civil enforcement proceeding commenced by the County, pay a judgment of not more than five hundred dollars, together with all court costs and reasonable attorney fees incurred by the County as a result thereof.
 - ii. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the magisterial district judge.
 - iii. If the defendant neither pays nor timely appeals the judgment, the County may enforce the judgment pursuant to the applicable rules of civil procedure.
 - iv. Each day that a violation continues shall constitute a separate violation, subject to the good-faith provisions of Section 617.2 of the Pennsylvania Municipalities Planning Code.
 - v. All judgments, costs, and attorney fees collected shall be paid to the County as provided by law.
- AA. Injunctive and Equitable Relief

In addition to civil enforcement, the County may institute an appropriate action or proceeding to prevent, restrain, correct, or abate:

- i. An unlawful building or structure;
- ii. An unlawful alteration or use;
- iii. An unlawful Expansion or Material Modification;
- iv. An ongoing violation;
- v. An imminent public-safety or environmental threat;
- vi. A failure to decommission or restore the property; or
- vii. Any other conduct or condition violating this Ordinance.

The County may seek temporary, preliminary, permanent, mandatory, or prohibitory relief to the extent authorized by law.

BB. Recovery of Costs

The County may recover:

- i. Civil judgments;
- ii. Court costs;
- iii. Reasonable attorney fees authorized by law;
- iv. Costs recoverable under an approved and enforceable agreement;
- v. Amounts available through financial security;
- vi. Decommissioning and site-restoration costs recoverable under Section 6; and
- vii. Other amounts lawfully recoverable from a responsible person.

Nothing in this Section shall authorize the County to recover a fee, penalty, lien, or cost not permitted by applicable law.

CC. Responsibility for Violations

Liability may extend, to the extent authorized by law, to any person or entity that:

- i. Commits the violation;
- ii. Permits the violation;
- iii. Directs or controls the violating activity;
- iv. Owns or operates the violating use or equipment;
- v. Fails to perform an obligation assumed by an approval or recorded agreement; or
- vi. Continues a violation after receiving lawful notice.

The use of separate corporations, affiliates, contractors, tenants, operating entities, or ownership entities shall not excuse a responsible person from compliance.

DD. Remedies Cumulative

The remedies provided by this Ordinance are cumulative.

The use of one remedy shall not prevent the County from pursuing another remedy available under the Pennsylvania Municipalities Planning Code, the Fayette County Zoning Ordinance, an approved agreement, or other applicable law.

No delay or failure by the County to enforce a provision shall constitute a waiver of the provision or prevent later enforcement.

SECTION 8- SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of County Commissioners of Fayette County that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included herein.

SECTION 9- EFFECTIVE DATE

The FayetteCounty Data Center Ordinance shall become effective upon adoption. This Ordinance shall apply to all Data Center Plans submitted on or after the effective date.

DULY ADOPTED AND ENACTED by the Board of Commissioners of the County of Fayette, this __ day of _____, 2026, in lawful session duly assembled.