

**SALEM TOWNSHIP,  
LUZERNE COUNTY, PENNSYLVANIA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF SALEM TOWNSHIP, LUZERNE COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE SALEM ZONING ORDINANCE, AS AMENDED, TO ADD SPECIAL DATA CENTER OVERLAY DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP SO AS TO REZONE CERTAIN LAND CURRENTLY ZONED A-1 AGRICULTURAL DISTRICT AND/OR B-3 HIGHWAY BUSINESS DISTRICT TO THE I-3 SPECIAL INDUSTRIAL DISTRICT AND APPLY THE BOUNDARIES OF SPECIAL DATA CENTER OVERLAY DISTRICT TO INCLUDE CERTAIN LAND AS DESCRIBED AND DEPICTED HEREIN.**

**WHEREAS**, pursuant to its powers under the laws of the Commonwealth of Pennsylvania, the general supervision of the affairs of Salem Township, Luzerne County, Commonwealth of Pennsylvania is in the hands of the Board of Supervisors of Salem Township; and

**WHEREAS**, Article VI of the Pennsylvania Municipalities Planning Code (Zoning), 53 P.S §10601 et seq., authorizes the Board of Supervisors of Salem Township to enact, amend, and repeal zoning ordinances within Salem Township; and

**WHEREAS**, the Board of Supervisors of Salem Township deems it to be in the best interest of the public health, safety and welfare of its citizens to amend the Salem Township Zoning Ordinance, as amended, as set forth in detail below.

**NOW THEREFORE, BE IT HEREBY ENACTED AND ORDAINED** by the Board of Supervisors of Salem Township, Luzerne County, Commonwealth of Pennsylvania, as follows:

**Section 1.** The Salem Township Zoning Ordinance, as amended, Article 2, Definitions, Section 202, Definition of Terms is amended to delete the following definitions in their entirety and replace them as follows:

**DATA CENTER:**

A Building which is occupied primarily by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored.

**DATA CENTER CAMPUS:**

A Development of multiple Data Centers.

## MASTER PLAN:

A plan for Land Development of a Data Center Campus subject to Section 511.5.

**Section 2.** The Salem Township Zoning Ordinance, as amended, Article 4, Zoning Map and Zoning Districts, Section 404, Classes of Zoning Districts is amended by adding the SDC-O Special Data Center Overlay District as a Zoning District.

**Section 3.** The Salem Township Zoning Ordinance, as amended, Article 4, Zoning Map and Zoning Districts, Section 401, Official Zoning Map is amended to rezone from the A-1 Agricultural District and/or the B-3 Highway Business District to the I-3 Special Industrial District portions of the parcels listed on **Exhibit 'A'**, attached to and made a part of this Ordinance. This Section 3 acts as a reaffirmance of the same rezoning enacted by Salem Township Ordinance No. 2 of 2024 and the map exhibits included therewith.

**Section 4.** The Salem Township Zoning Ordinance, as amended, Article 4 Zoning Map and Zoning Districts, Section 401 Official Zoning Map is hereby amended so as to include the parcels depicted with light gray hatching and thick black outline on **Exhibit 'B'**, attached to and made a part of this Ordinance.

The base or underlying zoning districts of the area proposed to be included in the SDC-O Special Data Center Overlay District are not changed by the establishment of the SDC-O Special Data Center Overlay District.

**Section 5.** The Secretary of the Board of Supervisors Salem Township, or assigned designee, is directed to revise the Official Zoning Map to delineate the area that is to be rezoned to I-3 Special Industrial District and the area that is to be included in the SDC-O Special Data Center Overlay District and boundary line changes as adopted hereby.

**Section 6.** The Salem Township Zoning Ordinance, as amended, Article 5, Zoning District Regulations is amended to delete Section 511 in its entirety and replace it as follows:

### **SECTION 511 – SDC-O SPECIAL DATA CENTER OVERLAY DISTRICT**

#### **511.1 PERMITTED USES IN SDC-O SPECIAL DATA CENTER OVERLAY DISTRICT**

All uses permitted in the I-3 Special Industrial District  
Data Center  
Data Center Campus  
Accessory Uses to the Above including office space and all necessary  
utilities, utility facilities (including but not limited to utility lines,  
electrical substations,  
pump stations, water towers), facilities, and/or structures to operate a Data  
Center or Data Center Campus.

#### **511.2 SPECIAL EXCEPTION USES IN SDC-O SPECIAL DATA CENTER OVERLAY DISTRICT**

All special exception uses permitted in the I-3 Special Industrial District

Accessory Uses to the Above

511.3

CONDITIONAL USES IN SDC-O SPECIAL DATA CENTER OVERLAY DISTRICT

- A. Any use which is directly or indirectly involved with processing and/or treating any type of organic, inorganic and/or inert material for the purpose of changing and/or altering the composition of certain chemical properties within the material and/or the quantity of certain chemical levels within the material, regardless of whether or not the processing and/or treatment alters the physical composition of the subject material.
- B. The use, reuse, deposit and/or disposal of material following the processing and/or treatment of the same as provided for under Item A of this Section, regardless of whether or not the subject material originated from Salem Township and/or was processed/treated in Salem Township. The backfilling of any land with such material, with or without any proposed further development of the site, shall be deemed to be included within the context of the use, reuse, deposit and/or disposal of material.
- C. Solid Waste Facilities
- D. Transfer Station
- E. Staging Area
- F. Heavy Industry (as defined in Article 2)
- G. Wireless Commercial Communication Site
- H. Forestry Activities that equal or exceed two (2) acres in area
- I. Electrical Power Generating Plants other than Wind Energy Facilities
- J. Scientific or Industrial Research, Testing or Experimental Laboratories or Product Development
- K. Cold Storage Plants, Frozen-Food Plants and Lockers and Catering Plants

511.4

DIMENSIONAL REGULATIONS

The dimensional regulations for Electrical Power Generating Plants other than Wind Energy Facilities are contained in Article 8 of this Ordinance and

shall apply within and to development in the SDC-O as they exist in Section 802.34 of the Ordinance as of this ordinance, unless less restrictive regulations are established hereafter. For all other principal buildings, structures and/or uses in this District, except for Data Centers, Data Center Campuses, and Accessory Uses to a Data Center or Data Center Campus, the below dimensional regulations apply, unless more restrictive standards are applicable, including but not limited to State or Federal regulations and supplementary regulations contained in Article 8 of this Ordinance. The dimensional regulations below apply to Data Centers, Data Center Campuses, and Accessory Uses to a Data Center or Data Center Campus, unless more restrictive State or Federal regulations apply.

As used in Section 511 and elsewhere in this Ordinance for consistency, the term “unit,” as in a planned community unit or condominium unit, and the term “lot” are used interchangeably and considered the same, unless a reasonable reading of any certain section of the Ordinance requires otherwise to avoid an unreasonable or ambiguous result.

- A. Minimum Lot Area: None.
- B. Minimum Lot Width: None.
- C. Front Yard: The minimum front yard shall not be less than seventy-five (75) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall not be less than seventy-five (75) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yards shall not be less than seventy-five (75) feet on each side.
- F. Lot Coverage: Not more than fifty-five percent (55%) of the lot area shall be covered with buildings, structures and/or impervious surfaces. Under a Master Plan, a developer may aggregate one or more lots under common ownership for purposes of calculating Lot Coverage. The same approach may be taken under a planned community or condominium form of ownership.
- G. Building Height: The maximum height of any building shall not exceed three (3) stories or one hundred (100) feet.
- H. More than one (1) principal building may be erected on a single lot, provided that the applicable standards of this Section 511 of the Ordinance are met for the lot, except that the minimum building separation distance requirement for buildings on the same lot shall be thirty (30) feet, unless a lesser distance is permitted by the applicable building code or the buildings are attached.
- I. The tract proposed for a data center development may be subdivided or developed as a planned community or condominium for separate

ownership or lease (or as otherwise required by the Municipalities Planning Code or the Subdivision and Land Development). Units in a planned community or condominium must comply with the applicable standards set forth herein above, except that setbacks along unit (lot) lines internal to a non-residential planned community or condominium (i.e., units' shared lines or lines shared with common area/elements) shall be (i) zero (0) feet for attached buildings and (ii) thirty (30) feet or the distance required by the applicable building code, whichever is greater, for unattached buildings.

## 511.5

### SUPPLEMENTAL REGULATIONS (DATA CENTER CAMPUS)

- A. A Master Plan shall be submitted for purposes of developing a Data Center Campus. The Master Plan shall be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance. The Master Plan may establish various maximums or minimums, for example as to number of structures, structure size or orientation, the location or size of stormwater management facilities, traffic, etc., and include a concept of the location and layout of such structures, internal drives, anticipated traffic, and facilities, without specifically establishing the exact location, orientation, or size of any such structures, internal drives, ingress or egress points to the SDC-O, or facilities, so as to create flexibility in design as various lots or units are developed pursuant to the needs of end users. Notwithstanding the foregoing, any major modification of the established maximums or minimums shall comply with Section 511.5.B below.
- B. After approval of the Master Plan has been obtained, any major modifications from the Master Plan shall be subject to the government regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.
- C. After approval of the Master Plan, the development of each, lot, parcel or building identified in the Master Plan shall be permitted by right.
- D. An individual site plan for each Data Center identified on the Master Plan or each phase of the development of the Data Center Campus demonstrating compliance with the Master Plan shall be submitted to the Zoning Officer prior to issuance of a building permit. Copies of any applicable third-party permits shall be submitted to the Zoning Officer prior to issuance of a building permit. Applicable third-party permits may include, but are not limited to, highway occupancy permits, NPDES permits, and ESCGP permits.

- E. The development under the Master Plan may be completed in one (1) or more phases. Provided that development commences within five (5) years of approval of the Master Plan, no further approvals shall be necessary for phased development of the Data Center Campus consistent with the approved Master Plan, and it shall not be subject to changes in zoning or subdivision ordinances enacted by the municipality subsequent to the date of the Master Plan.
- F. An individual site plan for each Data Center or each phase of the development of the Data Center Campus shall be found to be consistent with the approved Master Plan if it is clearly identified in the approved Master Plan or if the site plan is found to be a minor modification to the approved Master Plan. The procedure for a major modification to the approved Master Plan shall be the same as a new Master Plan under this Chapter.
  - i. A minor modification to an approved Master Plan is development that results in a rate of stormwater discharge and runoff from the site equal to or less than rates identified in the Stormwater Management Plan approval in connection with the Master Plan.
  - ii. A major modification to an approved Master Plan is development that results in a rate of stormwater discharge and runoff from the site greater than the rates identified in the Stormwater Management Plan approved in connection with the Master Plan.
  - iii. The applicant may submit to the Zoning Officer (either with the site plan or at the request of the Zoning Officer) any additional plans, studies, or reports demonstrating that individual site plan for each Data Center or each phase of the development of the Data Center Campus is a minor modification.
- G. Environmental Impact Statement. Any Master Plan for a Data Campus Center shall require an Environmental Impact Statement consistent with Section 606 of this Ordinance. The purpose of the Environmental Impact Statement is to disclose the environmental consequences of a proposed action. This requirement is designed to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of any kind, flooding and waste disposal. The intent is to preserve trees and vegetation, to protect water courses, air quality, aquifers and the quality of life throughout Salem Township and its environs. An Environmental Impact Statement shall include a response to items Sections 606.1-606.13 of this Ordinance.
- H. General Regulations. Except as expressly set forth in Section 511 of this Ordinance, a Data Center Campus shall comply with the general

regulations of Article 3. Where a conflict exists between Article 3 and Section 511, Section 511 shall control.

- I. Performance Standards. A Data Campus Center shall comply with the performance standards of Section 318.
- J. Sound. A Data Center Campus shall comply with the applicable noise performance standards adopted in Ordinance Number 2 of 2024 – An Ordinance Providing for Greater Control and More Effective Regulations Regarding Noise/Sound/Decibel Levels in Salem Township, Luzerne County, Pennsylvania (the “Noise Ordinance”), except that notwithstanding any requirement to the contrary, the maximum permissible sound pressure level shall not exceed 70 dBA as measured on receiving properties outside the SDC-O. No maximum permissible sound pressure level shall apply along lot lines internal to the SDC-O. The developer will provide a sound analysis that analyzes sound on receiving properties outside the SDC-O. The sound study need not include lot lines internal to the SDC-O. The sound study shall be prepared and submitted prior to the issuance of a final certificate of occupancy permit for each building or group of buildings of a Data Center Campus. The sound analysis will be performed by a professional acoustic engineer that can demonstrate qualifications by delivery of a resume to the Zoning Officer and the Developer. Notwithstanding the foregoing provisions of this Section and Ordinance Number 2 of 2024, all sound produced by the (i) lawful operation of facilities/utilities and electrical power generation and transmission facilities (to include substations), (ii) required periodic testing of electrical power generators, and (iii) emergency use of electrical power generators during electrical power utility outages by a Data Center or the Data Center Campus are exempt from the requirements of this Section and from the Noise Ordinance.
- K. Parking. Except for purposes of security, no parking for a Data Center Campus shall be located within fifty (50) feet of a property line abutting a district having a residential use.
- L. Waivers or Modifications. The Board may approve waivers or modifications for implementation of the Master Plan if a provision is shown to the Board's satisfaction to be unreasonable, cause undue hardship, or an alternative standard is demonstrated to provide equal or better outcomes.

#### 511.6

#### SUPPLEMENTAL REGULATIONS (DATA CENTER)

- A. An application for Land Development Plan shall be submitted for purposes of developing a Data Center other than as part of a Master Plan. The Land

Development Plan shall be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

- B. The Data Center shall comply with all of the supplemental regulations for a Data Center Campus set forth in subsections 511.5.F-J.
- C. Waivers or Modifications. The Board may approve waivers or modifications for implementation of the Land Development Plan for a Data Center application if a provision is shown to the Board's satisfaction to be unreasonable, cause undue hardship, or an alternative standard is demonstrated to provide equal or better outcomes.

#### 511.7      SUBDIVISION AND LAND DEVELOPMENT

Except as provided in Sections 511.5 and 511.6, as applicable, any property proposed to be divided into parcels or developed in accordance with the definitions of "Subdivision" or "Land Development," as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

**Section 7.**      The Salem Township Ordinance, Article 10, Off-Street Parking, Section 1006, Required Off-Street Parking Spaces By Uses is amended by adding:

- 42.      **Data Center and Data Center Campus:** A minimum of forty (40) spaces per each Data Center.

**Section 8.** The Salem Township Zoning Ordinance, as amended, Article 10, Off-Street Parking, Section 1008.2, Required Spaces is amended by adding:

- F.      **Data Center:** One (1) off-street loading or unloading space at least twelve (12) feet by fifty (50) feet per Data Center.

**Section 9.**      All other sections, parts and provisions of the Salem Township Zoning Ordinance, as amended, shall remain in full force and effect as previously enacted and amended.

**Section 10.**      In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall remain in full force and effect.

**Section 11.**      This Ordinance shall become effective five (5) calendar days from the date of its enactment herein.

**DULY ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2025, by the Board of Supervisors of Salem Township, Luzerne County, Pennsylvania, in lawful session duly assembled.

**ATTEST:**

**BOARD OF SUPERVISORS  
SALEM TOWNSHIP**

\_\_\_\_\_  
Township Manager

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Vice Chairman

By: \_\_\_\_\_  
Supervisor

**EXHIBIT 'A'**

**Parcels to be Rezoned from the A-1 Agricultural District or the B-3 Highway Business District to the I-3 Special Industrial District**

Luzerne County Tax Parcel Identification Number:

55O4 00A087000 (portion of)

55O4 00A101000 (portion of)