

Borough of Tarentum

Allegheny County, Pennsylvania

ORDINANCE NO. 26-__

AN ORDINANCE OF THE BOROUGH OF TARENTUM, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 265 (ZONING) OF THE CODE OF THE BOROUGH OF TARENTUM, PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS AMENDED, 53 P.S. § 10101 ET SEQ., TO ADD § 265-203 DEFINITIONS, § 265-__ USE REGULATIONS, CONDITIONAL USE STANDARDS, AND SUPPLEMENTAL DEVELOPMENT STANDARDS FOR DATA CENTERS, HYPERSCALE DATA CENTERS, AI COMPUTING FACILITIES, CRYPTOCURRENCY MINING FACILITIES, AND LARGE COMPUTING FACILITIES.

WHEREAS, the Borough Council of the Borough of Tarentum is authorized by the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended, 53 P.S. § 10101 et seq., and by the Pennsylvania Borough Code, 8 Pa.C.S. § 1202 et seq., to adopt and amend zoning regulations for the protection of the public health, safety, morals, and general welfare; and

WHEREAS, the MPC requires that a zoning ordinance provide for all lawful uses of land, and that failure to provide for a lawful use is exclusionary and grounds for legal challenge pursuant to the Fair Share Doctrine established by Pennsylvania court doctrine and codified in part at 53 P.S. § 10603; and

WHEREAS, modern data centers, artificial intelligence computing facilities, cryptocurrency mining operations, and similar high-density computing uses can impose substantial demands upon electrical systems, water systems, transportation infrastructure, emergency services, and municipal resources; and

WHEREAS, the Borough of Tarentum owns and operates municipal electric and water utility systems which serve residents, businesses, and public facilities throughout the Borough, and the integrity of those utility systems constitutes a critical municipal interest; and

WHEREAS, Borough Council finds that the protection of utility reliability, public infrastructure, public health, economic development, neighborhood character, and existing residents and businesses constitutes a legitimate public purpose within the Borough's police powers under the MPC and the Borough Code; and

WHEREAS, the Pennsylvania Data Center Toolkit (May 2026), prepared by the Pennsylvania Department of Community and Economic Development, recommends that municipalities proactively adopt clear definitions, use classifications, development standards, and conditional use procedures for data center development to provide certainty for developers and residents and to protect municipal infrastructure; and

WHEREAS, Borough Council finds that restricting data centers and related high-density computing facilities to commercial and industrial zoning districts only, subject to conditional use approval, is consistent with the municipality's comprehensive planning objectives, the character of residential areas, and the infrastructure realities of a Borough operating its own electric and water utilities; and

WHEREAS, the Tarentum Borough Planning Commission has reviewed this Ordinance and provided its recommendation to Borough Council pursuant to Article V of Chapter 265 and 53 P.S. § 10609;

NOW, THEREFORE, be it enacted and ordained by the Borough Council of the Borough of Tarentum, Allegheny County, Pennsylvania, as follows:

SECTION 1 AMENDMENT OF § 265-203 – DEFINITIONS

The following definitions are hereby added to § 265-203 of Chapter 265 (Zoning) of the Code of the Borough of Tarentum:

AI COMPUTING FACILITY. A data center or computing facility whose primary purpose is the training, operation, development, testing, or deployment of artificial intelligence, machine learning, neural network, large language model, or other high-performance computing systems that require substantial electrical power and cooling infrastructure.

BATTERY ENERGY STORAGE SYSTEM (BESS). One or more devices, assemblies, or systems capable of storing electrical energy for later use, commonly used in conjunction with data centers and computing facilities to provide backup power or grid services.

CRYPTOCURRENCY MINING FACILITY. A facility utilizing computer equipment primarily for the purpose of validating, processing, generating, mining, staking, or otherwise supporting cryptocurrency, blockchain, distributed ledger, or similar digital asset technologies requiring high electrical consumption.

DATA CENTER. A building, structure, campus, or portion thereof primarily used for the housing, operation, processing, storage, transmission, management, or maintenance of servers, computer systems, networking equipment, cloud computing infrastructure, digital storage systems, telecommunications equipment, or related electronic infrastructure.

HYPERSCALE DATA CENTER. A data center designed or operated to support large-scale cloud computing, artificial intelligence processing, or enterprise computing operations, typically requiring ten (10) MW or greater connected electrical demand and substantial water and utility infrastructure.

LARGE COMPUTING FACILITY. Any data center, AI computing facility, cryptocurrency mining facility, server farm, colocation facility, or similar operation requiring one megawatt (1 MW) or greater connected electrical demand as defined under Ordinance No. 25-08 (Electric Service Ordinance), Article XIV, as amended.

SECTION 2 PROHIBITED ZONING DISTRICTS

Data Centers, AI Computing Facilities, Cryptocurrency Mining Facilities, Hyperscale Data Centers, and Large Computing Facilities (collectively, "Regulated Facilities") shall be expressly prohibited uses within the following zoning districts of the Borough of Tarentum:

- A. R-1 Residential District.
- B. R-2 Residential District.
- C. P-1 Public District.
- D. Riverfront Overlay District (RFO), in accordance with the Borough's riverfront planning objectives.
- E. Traditional Neighborhood Development District (TND), if established.
- F. Any other zoning district in which commercial or industrial uses are not specifically authorized under Chapter 265.

The prohibition set forth in this Section is consistent with the Borough's obligation under the MPC and the Fair Share Doctrine to exclude only those uses incompatible with the character of specific zoning districts, not to exclude lawful uses borough-wide.

SECTION 3 CONDITIONAL USE AUTHORIZATION - PERMITTED DISTRICTS

Regulated Facilities may be permitted only as a Conditional Use, requiring Planning Commission recommendation and Borough Council approval pursuant to Article V of Chapter 265 and 53 P.S. § 10603, in the following zoning districts:

- A. Commercial Center (CC) District.
- B. General Commercial (C-1 or equivalent) District.
- C. Light Industrial (I-1 or equivalent) District.
- D. Heavy Industrial (I-2 or equivalent) District.
- E. Any future technology park, innovation district, or similar commercial or industrial district established by Borough Council by ordinance.

No Regulated Facility shall be permitted in any residential, public, or overlay district, regardless of the nature of the conditional use application. Borough Council shall not approve a conditional use application for a Regulated Facility in a district not listed in this Section.

SECTION 4 CONDITIONAL USE SUBMISSION REQUIREMENTS

In addition to all information otherwise required by Chapter 265 and the Borough's Subdivision and Land Development Ordinance (Chapter 220), applicants for conditional use approval of a Regulated Facility shall submit the following, prepared by qualified professionals licensed in the Commonwealth of Pennsylvania where applicable:

- A. Utility Impact Study analyzing projected electrical demand (average and peak), submitted to the Borough Electric Department, and demonstrating compliance with the requirements of Ordinance No. 25-08, Article XIV.
- B. Water Demand and Capacity Study demonstrating compliance with Ordinance No. 25-09, Article XIV, submitted to the Borough Water Department.

- C. Traffic Impact Analysis prepared pursuant to PennDOT guidelines.
- D. Noise Impact Analysis demonstrating compliance with the noise standards of Section 7 of this Ordinance.
- E. Emergency Operations Plan coordinated with the Borough's Fire Department and Emergency Management Coordinator.
- F. Security Plan, including perimeter security, access controls, and coordination with the Borough Police Department.
- G. Disclosure of all battery energy storage systems and emergency generators, including fuel type, storage capacity, and fire suppression systems.
- H. Construction Management Plan addressing traffic, parking, phasing, and temporary impacts consistent with Section 10 of this Ordinance.
- I. Decommissioning Plan as required by Section 12 of this Ordinance.
- J. Future Expansion Plan for a minimum of ten (10) years.
- K. Evidence of pre-application coordination with the Tarentum Borough Electric Department and Water Department.

SECTION 5 GENERAL CONDITIONAL USE STANDARDS

In addition to any conditions that may be imposed by Borough Council pursuant to 53 P.S. § 10603(c)(2), an applicant shall affirmatively demonstrate to the satisfaction of Borough Council that:

- A. The proposed facility will not adversely affect the health, safety, or welfare of surrounding property owners and residents.
- B. The proposed facility will not materially impair the operations, reliability, or financial integrity of the Borough's municipal electric utility system or municipal water system.
- C. The proposed facility will not create unreasonable noise, vibration, traffic, glare, lighting, smoke, odor, or other nuisance conditions on adjoining properties or within the Borough generally.
- D. The proposed facility is compatible with surrounding land uses, with particular attention to proximity to residential areas.
- E. The proposed facility will not adversely impact emergency response capabilities of the Borough's Police, Fire, or EMS services.
- F. The proposed facility is consistent with the Borough's comprehensive plan and the Borough's character as a full-service municipality with municipal utility obligations.
- G. The applicant has received, or is in the process of obtaining, a Special Electric Service Agreement pursuant to Ordinance No. 25-08, Article XIV, and a Special Water Service Agreement pursuant to Ordinance No. 25-09, Article XIV, as applicable.

SECTION 6 UTILITY IMPACT STANDARDS

The conditional use application shall identify and document:

- A. Average and peak electrical demand, by phase of development.

- B. Average and peak water demand, by phase of development.
- C. Projected wastewater generation and discharge.
- D. Backup generation requirements, fuel storage, and generator specifications.
- E. Battery energy storage capacity and safety compliance.
- F. Cooling system description and water reuse methodology.
- G. Anticipated future expansion load, consistent with the Expansion Forecast required under Ordinance No. 25-08, Article XIV, Section 14.5.

The Borough may retain independent licensed engineers, at the applicant's expense, to review submitted utility studies. No conditional use approval shall be granted until the Borough Manager, Electric Department, and Water Department have certified in writing that the proposed facility can be served without adverse impact on existing customers.

SECTION 7 DEVELOPMENT STANDARDS

7.1 – Setbacks

- A. No principal structure associated with a Regulated Facility shall be located within one hundred (100) feet of any residential zoning district boundary.
- B. No principal structure associated with a Regulated Facility shall be located within fifty (50) feet of any public right-of-way.
- C. All setbacks shall be measured from the property line or zoning district boundary, whichever is more restrictive.

7.2 – Screening and Landscaping

- A. All outdoor mechanical equipment, cooling towers, generators, fuel storage, and battery storage shall be screened from public view and from adjoining residential properties.
- B. A minimum ten-foot-wide landscaped buffer, including evergreen plantings of sufficient height and density to provide year-round screening, shall be installed along all property lines adjoining or visible from residential zoning districts.
- C. Where physical space does not permit landscaping buffers, masonry walls or equivalent opaque fencing of a minimum height of eight (8) feet shall be substituted.

7.3 – Noise Standards

Noise generated by the facility, including HVAC systems, cooling towers, generators, and all operational equipment, shall not exceed:

- A. Fifty-five (55) dBA measured at the nearest residential property line during daytime hours (7:00 a.m. to 10:00 p.m.).
- B. Forty-five (45) dBA measured at the nearest residential property line during nighttime hours (10:00 p.m. to 7:00 a.m.).

A noise study prepared by a qualified acoustical engineer shall be submitted as part of the conditional use application. Backup generator operation during emergency events and routine testing shall be

exempted from the nighttime standard provided that routine testing does not occur between 10:00 p.m. and 7:00 a.m.

7.4 - Lighting

- A. All exterior lighting shall utilize full cut-off fixtures that direct light downward and prevent spillover onto adjoining properties.
- B. Light levels at any property line adjoining a residential district shall not exceed 0.1 foot-candles.
- C. A photometric plan shall be submitted as part of the conditional use application.

7.5 - Emergency Generation and Battery Storage

- A. All emergency generators shall comply with applicable federal, state, and local requirements, including DEP air emissions regulations and Borough fire codes.
- B. Fuel storage shall comply with the International Fire Code as adopted by the Commonwealth and Borough.
- C. Battery energy storage systems (BESS) shall comply with NFPA 855 and all applicable fire, electrical, and building codes.
- D. Emergency response plans for fire suppression, battery thermal runaway, and generator operation shall be coordinated with the Tarentum Borough Fire Department and submitted to the Borough prior to facility operation.

SECTION 8 CONSTRUCTION PHASE STANDARDS

The applicant shall submit a Construction Management Plan addressing:

- A. Construction traffic routing, including identification of haul routes that minimize impact on residential streets.
- B. Temporary parking facilities for construction workers that do not displace parking for existing businesses.
- C. Dust, noise, and lighting controls during construction.
- D. Phasing of construction activities, with anticipated impacts on Borough infrastructure during each phase.
- E. Hours of construction, which shall comply with all applicable Borough noise ordinances.

The applicant shall notify the Borough Manager in writing at least thirty (30) days prior to commencement of construction. Borough Council may impose additional conditions regarding construction-phase impacts as part of conditional use approval.

SECTION 9 ANNUAL REPORTING

Each approved Regulated Facility shall provide an annual report to the Borough Manager by March 1 of each calendar year, covering the prior year, including:

- A. Total electrical consumption and peak demand, by month.
- B. Total water consumption and peak demand, by month.

- C. Generator operating hours and fuel consumed.
- D. Any facility expansion plans for the next five (5) years.
- E. Any material modifications to equipment or operations.

Copies of the annual report shall be forwarded by the Borough Manager to the Electric Department and Water Department. Failure to submit an annual report shall constitute a violation of this Ordinance.

SECTION 10 DECOMMISSIONING

Prior to the issuance of any building or land development permit, the applicant shall submit a decommissioning plan describing, at minimum:

- A. Procedures for removal of all server equipment, networking infrastructure, and electronic components.
- B. Procedures for site restoration to a condition suitable for reuse.
- C. Procedures for disposal of battery energy storage systems in compliance with applicable environmental regulations.
- D. Procedures for removal of fuel storage systems and decontamination of affected areas.
- E. Procedures for electronic waste disposal in compliance with Pennsylvania's Covered Device Recycling Act, 27 Pa.C.S. § 6301 et seq., and applicable DEP regulations.

Borough Council may require a financial guarantee in the form of a performance bond, letter of credit, or escrow account in an amount sufficient to ensure completion of decommissioning, to be maintained throughout the life of the facility.

SECTION 11 FUTURE EXPANSION

No Regulated Facility approved under this Ordinance may expand its footprint, connected electrical load, or water demand by more than ten percent (10%) above the levels approved in the conditional use approval without submitting a new or amended conditional use application and receiving approval of Borough Council. Any expansion that would exceed the Large Load Customer threshold under Ordinance No. 25-08, Article XIV, shall require full compliance with Article XIV of that Ordinance.

SECTION 12 COMPLIANCE WITH OTHER REGULATIONS

Nothing in this Ordinance shall relieve any applicant from compliance with:

- A. The Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.
- B. The Pennsylvania Borough Code, 8 Pa.C.S. § 1202 et seq.
- C. Ordinance No. 25-08, the Tarentum Borough Electric Service Ordinance, as amended, including Article XIV.
- D. Ordinance No. 25-09, the Tarentum Borough Water Service Ordinance, as amended, including Article XIV.
- E. Chapter 220 (Subdivision and Land Development) of the Code of the Borough of Tarentum.

- F. Chapter 116 (Floodplain Management) of the Code of the Borough of Tarentum.
- G. The Pennsylvania Construction Code Act, 35 P.S. § 7210.101 et seq.
- H. The Pennsylvania Stormwater Management Act, 32 P.S. § 680.1 et seq.
- I. Regulations of the Pennsylvania Department of Environmental Protection, including but not limited to 25 Pa. Code Chapters 93, 95, and 109.
- J. All applicable federal, state, and local fire, building, electrical, and environmental codes and regulations.

SECTION 13 VIOLATIONS AND ENFORCEMENT

Failure to comply with any provision of this Ordinance or any condition imposed pursuant to conditional use approval shall constitute a violation of Chapter 265 and may result in:

- A. Revocation of conditional use approval by Borough Council following notice and opportunity to be heard.
- B. Zoning enforcement proceedings pursuant to 53 P.S. § 10617.
- C. Fines and civil penalties as authorized by 53 P.S. § 10617.2 and Chapter 265.
- D. Injunctive relief in a court of competent jurisdiction.
- E. Termination or suspension of electric or water service in accordance with Ordinance No. 25-08 or Ordinance No. 25-09.

SECTION 14 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is declared invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect pursuant to § 1-14 of the Code of the Borough of Tarentum.

SECTION 15 REPEALER

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 16 EFFECTIVE DATE

This Ordinance shall take effect five (5) days following enactment pursuant to 8 Pa.C.S. § 1006.

ENACTED AND ORDAINED this ____ day of _____, 2026.

BOROUGH OF TARENTUM

President of Council

ATTEST:

Borough Secretary