



BOROUGH OF ECONOMY

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April 11, 2024

Beaver County Times
400 Corporation Drive
Hopewell Business Park
Aliquippa, PA 15001
Attention: Public Notices
VIA EMAIL

Please place the following public notice in your newspaper on the following date:

- **April 30, 2024**
- **May 7, 2024**

PLEASE SEND PROOF OF PUBLICATION WITH INVOICE.

Cordially,

Travis Cavanaugh,
Borough Manager

**BOROUGH OF ECONOMY
NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT
ZONING ORDINANCE AMENDMENT**

The Borough of Economy Council will hold a public hearing at its meeting on Tuesday, May 28, 2024, at 7:00 p.m. and consider the adoption of a pending ordinance amending Chapter 180, Zoning of the Borough Code, Zoning. The hearing will be held at the Economy Borough Municipal Building, 2856 Conway Wallrose Road, Baden, PA 15005.

ORDINANCE NO. 484

AN ORDINANCE OF THE BOROUGH OF ECONOMY, BEAVER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 180 OF THE CODE OF THE BOROUGH OF ECONOMY ENTITLED "ZONING" TO ESTABLISH NEW CONDITIONAL USES AND ASSOCIATED REGULATIONS FOR DATA CENTERS.

Proposed Ordinance No. 484, would amend Borough Code, Chapter 180, Zoning, by amending the text to the Borough Code. The text of Ordinance No. 484, which has been pending, contains revisions to Chapter 180 Zoning.

Section 1. Contains revisions to Article II, § 180-07 (Terms defined) for Data Center.

Section 2. Adds to Article IX, Industrial District, §180-48.B.1 Conditional Uses, the new principal Conditional Use shall be added: Data Center, subject to the regulations found in §180-66.

Section 3. Adds to Article XI, Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception, the new standards shall be added for the Data Center conditional use.

Section 4. Adds to Article XIII, Off-Street Parking and Loading, the new off-street parking requirements shall be added for the Data Center conditional use.

The proposed ordinance also provides for general conditions for the above uses, for severability, and for repeal of all inconsistent Ordinances. All provisions of Chapter 180, Zoning, not amended by or added to by Proposed Ordinance No. 484, shall remain in effect.

The proposed ordinance will be pending as of the date of the first advertisement. The proposed ordinance may be examined Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m. at the Economy Borough Municipal Building. A copy of the proposed ordinance may also be requested at the cost of \$.50 per page (total cost of \$2.50). Any person requiring special accommodation to attend the public hearing on May 28, 2024, should notify the Borough Manager at (724) 869-4779. The Borough will make every reasonable effort to provide reasonable accommodation to such person(s).

TRAVIS CAVANAUGH
BOROUGH MANAGER

**BOROUGH OF ECONOMY
ORDINANCE NO. 484**

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PENNSYLVANIA, AMENDING CHAPTER 180 OF THE CODE OF THE BOROUGH OF
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ASSOCIATED REGULATIONS FOR DATA CENTERS.**

WHEREAS, revisions appear as follows: underlined for text to be added, ~~strikeout~~ for text to be removed, if any, and where entire sections are to be repealed and/or deleted, it shall simply be noted.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the authority of Borough Council of the Borough of Economy and it is hereby ordained and enacted by and with the authority of the same as follows:

SECTION 1. In Article II, §180-07, the following new definitions are hereby inserted:

DATA CENTER

A facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data.

SECTION 2. In Article IX, Industrial District, §180-48.B.1 Conditional Uses, the following new principal Conditional Use shall be added, subject to the regulations found in §180-66.

§180-48.B.(1) Conditional Uses:

(1) Data Center

SECTION 3. In Article XI, Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception, the following new standards shall be added for the Data Center conditional use.

§180-66 Standards for Specific Uses:

(z) Data Center

(1) Data centers that are ancillary to another primary use are permitted if they a) occupy no more than ten (10) percent of the building footprint, b) are used to serve the enterprise functions of the on-site property owner and are not used to lease data storage and processing services to third parties, and c) are not housed in a separate stand-alone structure on the parcel.

- (2) Before a data center is constructed within an Industrial zoning district, the property owner proposing to build a data center must comply with the following:
- a. The data center operator or property owner must notify residents within a half-mile radius of the parcel, including any affiliated homeowners' associations operating within the half-mile radius, that the property owner intends to build and operate a data center on the property. The notice required in this section must be mailed to all postal addresses and homeowners' association addresses contained within a half-mile radius extending from the property line where the proposed data center will be built.
 - b. The data center operator must schedule and attend two (2) neighborhood meetings with residents to describe the project and the proposed sound-mitigation aspects of the project design. Notice of the neighborhood meetings must be mailed to all residents and homeowners associations within a half-mile radius of the parcel. A representative of the developer or owner with decision-making authority on the design of the data center must attend the neighborhood meetings. The data center operator or property owner must also post a sign on the subject property, at least fifteen (15) days before each neighborhood meeting, in accordance with design standards specified in Section 180-86. The sign must be located along an arterial street or other high-visibility location as reasonably determined by the Planning Commission. The content of the sign shall (i) be consistent with the Borough's generally applicable sign guidelines for posting signs for notification of neighborhood meetings, (ii) include the applicant's name and contact information, a brief description of the data center project, and the date, time, and location of the neighborhood meeting, and (iii) must be reviewed and approved by the Planning Commission before installation. The applicant must remove the sign at the conclusion of the citizen review process.
- (3) Upon request by Borough staff after issuance of a certificate of occupancy and commencement of the operation of the data center, the operator of a data center must provide an on-site neighborhood liaison between the hours of 8:00 a.m. and 10:00 p.m. EST each day to respond to complaints about noise emanating from the data center.
- (4) Before the first neighborhood meeting is held, the property owner proposing to build a data center must conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed data center, including noise levels measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Planning Commission. The property

owner must provide a copy of the results of the study to the Borough before the first neighborhood meeting.

- (5) The data center must be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the data center (as determined by a third-party acoustic engineer) from exceeding the ambient noise levels that were observed in the baseline study. Design specifications for such sound mitigation must be provided to the Borough before building permit approval.
- (6) Upon issuance of a certificate of occupancy or certificate of completion, whichever occurs first, the data center operator must conduct a noise study performed by a third-party acoustical engineer to document noise levels emanating from the data center measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator during peak operation of the data center mechanical equipment. The data center operator must also conduct an additional noise study, as measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Planning Commission, annually during peak operation of the data center mechanical equipment for five (5) years after completion of the initial post-construction noise study. The data center operator must provide the results of the noise study to the Borough within thirty (30) days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the Borough.
- (7) If the data center operator intends to use backup power generators on the parcel, the operator must maintain a public website announcing the times when the generators will be in operation. Any routine operation of the backup generators, including for testing purposes, must be announced on the website at least twenty-four (24) hours in advance. The operator shall also notify the Borough of Economy at least twenty-four (24) hours in advance of a test. Unless the generators are supplying backup electrical supply during a power outage, backup generators may operate between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. Upon request by Borough staff, the data center operator must provide the address of the website where the notices required by this section are published.
- (8) Parking requirements for a Data Center shall be 1 space per employee on peak shift, as provided for in §180-81 Off-street parking requirements, unless it is otherwise determined that additional parking

spaces are necessary as an outcome of a Traffic Impact Study.

(9) Vehicle ingress and egress to and from a data center shall be designed to accommodate the anticipated vehicles used to service the facility.

(a) All vehicular access must secure the appropriate highway occupancy permit.

(10) A Buffer Area A, as prescribed in §180-69.A.(1), shall be planted where a Data Center abuts a residential property line, a road right-of-way, or a residential zoning district.

(11) The facility must not be within 3,000 feet of another data center.

(12) A data center owner shall comply with any other lawful and applicable requirements or restrictions imposed by state and/or local laws or regulations.

SECTION 4.

In Article XIII, Off-Street Parking and Loading, the following new off-street parking requirements shall be added for the Data Center conditional use.

§180-81.C Off-street parking requirement:

Use	Parking Spaces Required
<u>Data Center</u>	<u>1 space for each employee on peak shift.</u>

SECTION 5.

Severability. Should any sentence, section, clause, part or provisions of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 6.

Repealer. All ordinances, code sections or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7.

This Ordinance shall take effect immediately upon its adoption.

ORDAINED AND ENACTED this ____ day of _____, 2024. This Ordinance shall Take Effect the ____ day of _____, 2024.

ATTEST:
(SEAL)

**BOROUGH OF ECONOMY
COUNCIL**

Travis Cavanaugh, Borough Manager

**By: Frank Morrone, President
Borough Council**

Examined and Approved on this ____ day of _____, 2024.

Jo Ann Borato, Mayor

I, Travis Cavanaugh, Borough Manager of the Borough of Economy, do hereby certify that the foregoing Ordinance was advertised in the Beaver County Times, a newspaper of general circulation, on ____ day of _____, 2024, and on ____ day of _____, 2024, and that this is a true and correct copy of Ordinance No. ____, adopted at a regular meeting of the Borough Council, held on the this ____ day of _____, 2024.

Borough Manager

Date