

ORDINANCE NO. 353

**DUBLIN BOROUGH
BUCKS COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF DUBLIN, BUCKS COUNTY
AMENDING CHAPTER 27 ZONING OF THE CODIFIED ORDINANCES OF THE
BOROUGH OF DUBLIN TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR
DATA CENTERS AND DATA CENTER USES.**

WHEREAS, in 1985 the Dublin Borough Council enacted a Zoning Ordinance establishing Zoning Districts, use regulations for land use types, and establishing general zoning regulations for the entire Borough ("Zoning Ordinance"); and

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. 10601, *et seq.*, authorizes Dublin Borough Council to enact, amend and repeal Zoning Ordinances within the Dublin Borough; and

WHEREAS, Borough Council finds that it is in the best interest of the health, safety, and welfare of the residents of the Borough to amend the Zoning Ordinance to provide for Data Centers and Data Center Accessory Uses; and

WHEREAS, Borough Council desires to add provisions to the Zoning Ordinance relating to Data Centers and Data Center Accessory Uses;

WHEREAS, in compliance with section 609 of the Pennsylvania Municipalities Planning Code ("MPC"), a copy of this proposed Ordinance No. _____ was forwarded to the Bucks County Planning Commission on June 26, 2026 for review and comment and to the and Dublin Borough Planning Commission on May 26, 2026 for review and comment; and

WHEREAS, a public hearing was held on the proposed amendment to the Zoning Ordinance on October 26, 2026 in compliance with Section 609 of the MPC.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Council of Dublin Borough, Bucks County, Pennsylvania the Code of Ordinances of the Borough of Dublin, as amended, be and is hereby further amended as follows:

SECTION 1. Section 27-202 of the Dublin Borough Code of Ordinances, entitled Definitions, is amended to add the following definitions:

Community Noise Equivalent Level (CNEL) – The 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

Data Center

A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is

processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

Data Center Accessory Use

Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center.

Data center operator

The person or entity responsible for the post-construction operation of a data center.

Sensitive receptors

Any residential use, school, preschool, child or adult day-care center, hospital, assisted-living facility, long term care facility, nursing home, personal care home, retirement community, treatment center, community center, place of worship, park (excluding trails), campground, or dormitory.

Sustainable yield

The amount of ground water that can be safely withdrawn from an aquifer annually without producing an undesirable result. Undesirable results include, but are not limited to, depletion of groundwater storage, the intrusion of water of undesirable quality, the contravention of existing water rights, excessive depletion of surface waters by induced infiltration, and land subsidence.

SECTION 2. Data Centers shall be permitted by conditional use in the IND and TC-1 zoning districts when approved in compliance with the procedures, standards, and criteria contained herein.

SECTION 3. Section 27-505 is amended to add Section 27-505.E.(E8) as follows:

(E8) Data Center and Data Center Accessory Use Standards.

- (1)** The minimum lot area shall be four (4) acres.
- (2)** The maximum building height for a Data Center shall be 45 feet.
- (3)** The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.

- (4) Data Centers and Data Center Accessory Uses shall be set back a minimum of 100 feet from all other adjoining property lines and road rights-of-way.
- (5) Landscape Buffer and Fencing. A landscape buffer is required between Data Centers and Data Center Accessory uses and any adjoining residential zoning district, Sensitive Receptor, or public roadway. The landscape buffer shall comply with the following requirements:
- a. The landscape buffer shall be at least 25 feet in width and may be part of the minimum setback distance.
 - b. The landscape buffer shall be free of structures, dumpsters, storage or display areas, signs, materials, loading or unloading areas, and vehicle parking.
 - c. The landscape buffer shall include plantings to achieve a dense, opaque, four-season screen and shall consist of native species planted as follows:
 - i. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
 - ii. One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 3 inch caliper at the time of planting.
 - iii. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 3 inch caliper at the time of planting for single-stemmed varieties.
 - iv. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.
 - d. All plantings shall conform to the standards of Dublin Borough's list of acceptable plant species, or shall be approved by Borough Council upon recommendation by the Borough Engineer, and/or Pennsylvania-registered landscape architect, or certified arborist.
 - e. A variety of species shall be used in order to prevent monocultural plantings. American arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. If more than 20 evergreen plants are proposed, no more than 50% shall be of one species.
 - f. A monotonous straight row of the same species shall not be

permitted. A more naturalistic form of planting with a mix of species shall be provided.

- g. In the event that existing topography and/or vegetation is adequate to meet the intent of the required buffer yard, such existing topography and/or vegetation may constitute all or part of the required buffer yard.
- h. All buffer yard plantings shall be perpetually maintained by the property owner. Any plant material that dies, is removed, is diseased, or is severely damaged shall be replaced by the current property owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
- i. All buffer yard screening shall be assured by a performance guarantee posted with the Dublin Borough in an amount equal to the estimated cost of all such trees, shrubs, plantings, and installation. Such guarantee shall be released only after passage of the second growing season following planting.
- j. Fencing of the property is permitted, provided that fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one or more of the means identified in subparagraph 1 above.

(6) Equipment Screening

To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including backup power generation equipment, that is located within 100 feet of a public roadway, residential zoning district, or the lot line of any Sensitive Receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:

- a. The landscape buffer required by subsection (5) above.
- b. By existing vegetation that will remain on the property.
- c. By the principal Data Center building or an accessory building
- d. A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm

shall be covered by a well-maintained all season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.

- e. A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.

(7) Noise and Vibration –

a. CNEL

- i. The Community Noise Equivalent Level (CNEL) at the boundary of the property containing a Sensitive Receptor shall not exceed 60 dBA.
- ii. The CNEL at the boundary of any developed property not containing a Sensitive Receptor shall not exceed 70 dBA.
- iii. Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to ten (10) dBA.
- iv. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair or at times when a backup generator is in operation due to a power outage.
- v. In addition to dBA levels, the developer will need to be able to show that C-weighted noise (dBC) and Octave Bands (dBZ) will also be maintained at acceptable levels.

- b. A noise reduction barrier or device may be required at the discretion of the zoning officer when it is inconclusive that noise level tests do not conform to acceptable noise levels.

- c. The limitations of this sub-section shall not apply to any Sensitive Receptor that is established adjacent to the Data Center after the date of issuance of a certificate of completion or occupancy for the applicant's operation.

d. Sound Study

- i. Any proposal for a Data Center shall include pre- and post-construction sound studies which examine all exterior utility functions of the building (rooftop and ground-mounted) that produce sound. The sound studies shall identify compliance with this sub-section (7) as applicable. The sound studies shall be conducted by an Institute of Noise Control Engineering (INCE) Board Certified Engineer and shall be subject to review and approval by an engineer with experience in noise control selected by the Borough.
- ii. The pre-construction sound study shall be submitted with the conditional use application. The pre-construction sound study shall recommend the sound reducing materials or systems required to meet the aforesaid sound limits.
- iii. The post-construction sound study shall be conducted prior to issuance of the certificate of occupancy. An as-built sound study may also be required thereafter by the Borough upon request. If it is

determined by the as-built sound study that there is a violation of the aforesaid sound limits, the owner or occupant of the Data Center shall promptly remediate the violation to achieve compliance with the sound limits.

(8) Water Supply - Water Feasibility Study. No Data Center shall be approved unless the applicant demonstrates that there is an adequate supply of water for the proposed use and that proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity.

- a. Public water supply. The use shall be served by a public water supply. The applicant shall submit documentation certifying that the Borough or public authority has the capacity to supply the water needed.
- b. The applicant shall provide proof of review and approval from the Delaware River Basin Commission for projects proposing:
 - i. Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Delaware River Basin; or
 - ii. Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.
- c. The applicant shall implement methods to cool equipment that require less water than traditional cooling methods. Cooling technologies that may be utilized include: the use of gray water or reclaimed wastewater, geothermal cooling systems, or closed-loop liquid immersion cooling systems.
- d. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Pennsylvania Department of Environmental Protection.

(9) Power Supply

- a. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available, and that electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.
- b. Prior to the issuance of a certificate of occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed a third-party final inspection.
- c. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.

(10) Decommissioning

- a. Data Centers are recognized as a distinct use that warrants special consideration due to their limited operational lifespans and the

potential for residual materials or infrastructure that may require specialized removal or remediation at the end of use. Given the rapid evolution of data storage and processing technologies, applicants shall submit a decommissioning plan for removal of obsolete equipment and site restoration at the end of the facility's operational life. Such plan shall address dismantling and removal of all equipment and appurtenances related thereto, including but not limited to special cabling and electrical components, electronic equipment, special cooling equipment, special power generation, batteries and other associated facilities from the property to a condition where the building and property may be reused for another purpose. These provisions are intended to ensure compatibility with surrounding land uses, maintain long-term land use flexibility, and promote the orderly reuse or redevelopment of the property. When the operation of the Data Center ceases, the recycling or responsible disposal of decommissioned hardware and materials shall be prioritized to reduce environmental impact. The operator shall partner with certified E-waste recycling facilities to ensure the proper handling and recycling of electronic components.

- b. Prior to issuance of a certificate of occupancy for a Data Center, the owner shall provide financial security, in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the Borough, to secure the expense of decommissioning, dismantling, removing, and disposal of the Data Center specific components and equipment, in the amount of 110% of the estimated decommissioning cost minus the salvageable value of the Data Center. The Borough reserves the right to review once every five (5) years an engineer's new estimate of probable cost of decommissioning, which shall be submitted for approval in the same manner as the initial submission. The bond, letter of credit, or other financial security acceptable to the Borough shall be increased or decreased, as appropriate, upon a finding by Borough Council that the new estimate appropriately addresses the probable cost of decommissioning. The owner of the Data Center shall pay for all fees associated with the review and approval of each such decommissioning cost estimate by the Borough Engineer.

SECTION 4. The Appendix is amended to include the following:

**APPENDIX K – DELAWARE RIVER BASIN
SURFACE WATER WITHDRAWAL STANDARDS**

For surface water sources, the water feasibility study shall demonstrate that withdrawals will comply with the standards set forth in Table 1:

	Table 1		
Parameter	Drainage area of stream at point of withdrawal		
	<10 sq. mi.	10-200 sq. mi	> 200 sq. mile
Floods	Maintain magnitude and frequency of 20-year, 5-year, and 2-year floods		
Monthly high flow	No greater than 10% change in magnitude in any month		
Monthly median flow	No change	No greater than 10% change in magnitude in any month	
Monthly low flow	No change	No greater than 10% change in magnitude in any month	
Upper monthly flow range	No greater than 20% change in magnitude in any month		
Middle monthly flow range	No change	No greater than 10% change in magnitude in any month	No greater than 15% change in magnitude in any month
Lower monthly flow range	No change	No greater than 10% change in magnitude in any month	

1. Terms used in Table 1 shall have the following meanings:

- i. **20-year flood:** Peak streamflow level having a 5% chance of occurrence in any given year
- ii. **5-year flood:** Peak streamflow level having a 20% chance of occurrence in any given year
- iii. **2-year flood:** Peak streamflow level having a 50% chance of occurrence in any given year
- iv. **Percent exceedance value.** The probability that a given flow will be equaled or exceeded in the stream at the point of withdrawal within a given month, expressed as Px. For example, the probability that the P75 flow for a given month will be exceeded at some point during the month is 75%.
- v. **Monthly flow duration curve:** a cumulative curve showing percent exceedance values for flows over a calendar month
- vi. **Monthly high flow:** flow having a percent exceedance value of P10
- vii. **Monthly median flow:** flow having a percent exceedance value of P50
- viii. **Monthly low flow:** For streams with drainage areas less than 10 miles, flow having a percent exceedance value of P75, for all other streams, flow having a percent *exceedance* value of P90
- ix. **Upper monthly flow range:** The area under the stream's monthly flow duration curve between P10 and P50
- x. **Middle monthly flow range:** The area under the stream's monthly flow duration curve between P50 and P75
- xi. **Lower monthly flow range:** The area under the stream's monthly flow

duration curve between P75 and P99

2. **Baseline streamflow calculation** 2 Baseline streamflow statistics and flow duration curves shall be calculated using generally accepted methodology based on a minimum of ten (10) recent years of record, with representative wet, normal, and dry periods sufficiently represented.
3. **Use of reference stream gauge.** Where data does not exist for the location from which withdrawal is proposed, data from an appropriate USGS reference stream gauge shall be used to calculate baseline flow statistics. The reference stream shall be unregulated and of a similar drainage area size, physiographic province and geology, and mean annual precipitation and evapotranspiration, and ideally located on the same stream or on a nearby stream. Best professional judgment shall be used in selecting a reference stream that best represents the project site. Flow statistics from the reference gauge shall be transferred to the project site using the drainage area ratio method.
4. **De minimis withdrawals.** An applicant is exempt from the requirement to demonstrate compliance with Table 1 if the feasibility study demonstrates that withdrawals will be *de minimis*. A withdrawal is *de minimis* if it does not exceed 5% of P95 for any calendar month for streams having a drainage between 10 and 1,000 square miles at the point of withdrawal or 10% of P95 for any calendar month for streams having a drainage area greater than or equal to 1,000 square miles at the point of withdrawal. No withdrawal shall be considered *de minimis* for streams having a drainage area less than 10 square miles at the point of withdrawal.

SECTION 5. Attachment 2 – Table of Use Regulations is amended as follows:

Use	District						
	R-1	R-2	TC-1	TC-2	IP	Ind	PVD
(E8) Data Centers and Data Center Accessory Use	N	N	C	N	N	C	N

SECTION 6. § 27-406.4. is amended to add use E8 Data Centers and Date Center Accessory Use as a use permitted by conditional use in the IND Industrial District.

SECTION 7. § 27-407.4. is amended to add use E8 Data Centers and Date Center Accessory Use as a use permitted by conditional use in the TC-1 Town Center District

SECTION 8. Repealer. This Ordinance hereby repeals any provisions inconsistent with this Ordinance now in effect or of other Ordinances, to the extent of such inconsistency. All other provisions of the Code of Ordinances of Dublin Borough, not inconsistent herewith, shall remain in full forth and effect.

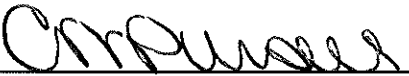
SECTION 9. Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

SECTION 10. Effective Date. This Ordinance shall become effective upon the earliest date provided by law.

ENACTED AND ORDAINED this 26th day of October, 2026.

Attest:

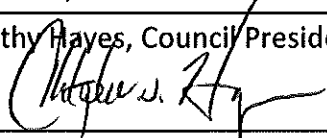
BOROUGH OF DUBLIN COUNCIL



Colleen Pursell, Secretary



Timothy Hayes, Council President



Christopher Hayes, Mayor