

BOROUGH OF WELLSBORO
TIOGA COUNTY, PENNSYLVANIA

ORDINANCE NO. 721

AN ORDINANCE

**OF THE BOROUGH OF WELLSBORO, TIOGACOUNTY,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
PORTIONS OF ORDINANCE NO. 688, WHICH ARE
CODIFIED IN CHAPTER 27 OF THE BOROUGH OF
WELLSBORO CODE OF ORDINANCES, RELATING TO
ZONING, AS AMENDED AND SUPPLEMENTED, TO
ESTABLISH DATA CENTERS AS A CONDITIONAL USE
IN THE COMMERCIAL MANUFACTURING DISTRICT,
AND TO ESTABLISH DEFINITIONS, STANDARDS AND
REQUIREMENTS FOR DATA CENTERS.**

WHEREAS, the Borough of Wellsboro has determined that it is in the best interests of and would promote the health, welfare, and safety of the Borough residents to amend portions of its Zoning Ordinance, Ordinance No. 688, which is codified in Chapter 27 of the Borough of Wellsboro Code of Ordinances (hereinafter the "Code"), to establish Data Centers as a conditional use in the Commercial Manufacturing District, and to establish definitions, standards, and regulations for Data Centers within the Borough; and

WHEREAS, the intent of this Ordinance, in part, is to regulate the construction, installation, and operation of Data Centers in the Borough in a manner that will promote economic development and protect the health, safety, and welfare of Borough residents, and to minimize negative impacts on important agricultural, recreational, and other lands within the Borough; and

WHEREAS, all references to Ordinances or to the Code are to those Ordinances or sections of the Code as amended and supplemented.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the Borough Council of the Borough of Wellsboro, County of Tioga, Pennsylvania, as follows:

1. Ordinance No. 688, which is codified in Chapter 27 of the Code, relating to zoning, is amended as collectively set forth herein.
2. Article 1, 1.3 Terms Defined (Code §27-203. Terms Defined.) is amended by adding the definition of Data Center as follows:

DATA CENTER – A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations; including digital currency and crypto currency mining and operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

3. Article 8, 8.2.3 Conditional Uses (Code §27-902. Use Regulations for the Commercial Manufacturing District) is amended by adding Data Centers as a Conditional Use within the Commercial Manufacturing District.

4. Article 14, Supplemental Use Criteria (Code §27- Part 15. Supplemental Use Criteria) is amended by adding Section 14.25 which shall include the following:

14.25 Data Centers

14.25.1 Standards

14.25.1.1 All conditional uses, including those for Data Centers, must meet all requirements of this Ordinance, including without

limitation Article 16, 16.2 Conditional Uses (Code §27-1702. Conditional Uses), and all other applicable Borough Ordinances.

14.25.1.2 Setbacks

All data center principal buildings, accessory structures, and Data Center Electric Utility substations shall maintain the following setback distances:

- i. Property lines, road rights of way – 250 feet from all adjoining properties and public road right of ways.
- ii. Residential structures or other occupied buildings - 1,000 feet from any existing residential structure not located on the project parcel.
- iii. Parking lots - 50 feet from public road rights-of-way, and from all property lines.
- iv. Water bodies - 200 feet to any body of water, perennial or intermittent stream or wetland.

14.25.1.3 Noise/Vibration

Community Noise Equivalent Level (CNEL)

- i. The CNEL at the boundary of the property containing shall not exceed a noise standard of 57 dBA.
- ii. 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.
- iii. A noise reduction barrier or device may be required at the discretion of the Borough Council when it is inconclusive that noise level tests do not conform to acceptable noise levels.

14.25.1.4 Negative Impacts

Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.

14.25.1.5 Safety

- i. The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.
- ii. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

14.25.1.6 Power

The applicant shall provide written verification from the applicable service provider stating the following:

- i. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider,
- ii. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use,
- iii. Any system designed for cooling and operation of the facility (electricity, water, or other means) shall be adequate and will not negatively impact the surrounding region,
- iv. The use shall not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
- v. The applicant shall provide the planning commission with written verification that the electrical work has passed a third-party final inspection.

14.25.1.7 Lighting

Lighting shall comply with the Tioga County Lighting Ordinance 2024-1.

14.25.1.8 Power Lines and Data Center Electric Utility Substations

- i. Data Center Electric Utility Substations must include year-round opaque landscaping or a screen wall a minimum of eight feet in height to minimize visual impact.
- ii. Electric Utility Substations on the same property as the Data Center they serve must be located on the side or rear of a Data Center Principal Building so they are screened from public view and must not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- iii. Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below must be buried.
- iv. The Data Center Electric Utility Substation shall be setback 250 ft from all adjoining properties lines and roadways. The setback for residential structures shall be 1000ft from the residential structure not on the project parcel. Setbacks shall be measured from the edge of the compound containing the substation to the property boundary of the lot it occupies.

14.25.1.9 On-site Power Generation

- i. On-site or behind the meter generation using natural gas, renewable fuels, or other clean sources when used to improve reliability, efficiency, or sustainability is permissible. All systems shall meet environmental, safety, and utility interconnection standards.
- ii. The applicant shall use Tier 4 or greater generators.
- iii. Backup generators will be tested only during the hours of 9:00 AM to 6:00 PM. If backup generators are used for any reason extending beyond a period of 6 hours, the maximum sound levels as specified in Section 14.25.1.3 shall apply.

14.25.1.10 Emergency Contact Information

Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

14.25.1.11 Water and Sewer

- i. If the use will be served by a public water supply and/or public sewage system, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed and the sewage system can accept the additional flow.
- ii. If the use is to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. No data center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies, local municipal systems, or surface waters in the vicinity. The applicant shall pay all costs associated with the feasibility study. The vendor creating the feasibility study shall be selected by the Borough Council. The water feasibility study shall include the following information at a minimum:
 - a. The projected water demands of the data center
 - b. The source of water to be used
 - c. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage)
 - d. The long-term safe yield of the water source
 - e. A description of the amount of portion of water withdrawn that will be recycled or discharged and by what means
 - f. A geologic map of the area with a radius of at least one mile from the site

- g. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells
- h. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary
- i. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table
- j. The impact upon the municipal water system of the Borough of Wellsboro
- k. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

14.25.1.12 Emergency Responders

The applicant shall coordinate with the Tioga County 911 Coordinator to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the county Public Safety Radio Communications System at the exterior of the building. A 911 address shall be obtained. The applicant shall provide a certification from the Chief of the Wellsboro Fire Department indicating that the Fire Department has adequate supplies, equipment, training and personnel to respond to any incident at the facility. The resources available to the fire department may include those resources available through mutual aid agreements. The applicant shall submit an Emergency Response Plan to the Tioga County Department of Emergency Services and to the local fire department(s) having jurisdiction.

14.25.1.13 Environmental Impact Assessment

An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. The applicant shall pay all expenses associated with the Impact Assessment. The assessment shall be prepared by a vendor selected by the Borough Council. The assessment shall include adequate data and detail for the Borough Council to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall

focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following elements:

- a. A narrative description of the nature of the on-site activities and operations, including the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
- b. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.
- c. Identity of all stationary and mobile sources of fine particulate matter, volatile organic compounds, nitrogen oxides, and any other regulated pollutants at the site. The applicant shall specify best management practices for preventing and reducing the air-polluting emissions at the site.
- d. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
- e. Evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.
- f. The potential for public nuisance to residents resulting from operations including noise, glare, light, and visual obstacles.
- g. An evaluation of the potential impacts of the proposed use, both positive and negative, upon.
 - i. Emergency services and fire protection,
 - ii. Water supply,
 - iii. Sewage disposal,
 - iv. Solid waste disposal,
 - v. School facilities and school district budgets,
 - vi. Municipal revenues and expenses,
 - vii. Electrical grids,
 - viii. Consumer electric rates.

The following shall also be addressed:

- a. Alternative analysis. A description of alternatives to the impacts.
- b. Adverse impacts. A statement of any adverse impacts that cannot be avoided.
- c. Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.
- d. Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.

Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.

- a. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
- b. A statement of impact upon critical areas and of adverse impacts that cannot be avoided.
- c. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

14.25.1.14 Green Building Techniques

Data Centers shall implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

Site Design

- a. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes
- b. Minimize land disturbance
- c. Maximize tree preservation
- d. Minimize impervious surfaces
- e. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

Energy/Resource Efficiency

- a. Orient buildings to take advantage of passive cooling and daylight opportunities.
- b. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible.
- c. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours.
- d. All Data Centers shall utilize a Closed Loop Cooling System. Open-loop, once-through, or discharge-based cooling systems are prohibited. Cooling systems shall be designed to recirculate water within a sealed system to minimize overall water withdrawal and prevent impacts to groundwater, private wells, and surface waters.
- e. Systems that limit the use of finite natural resources and their disposal
- f. Fuel storage that limits impacts on the environment from potential spills
- g. Install water-efficient landscape materials
- h. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Certification system.

14.25.1.15 LEED (Leadership in Energy and Environmental Design) Certification

LEED certification of the facility is required at the LEED "Certified" level.

14.25.1.16 Decommissioning

- i. A decommissioning plan that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose, shall be provided by the applicant. The applicant shall pay all expenses associated with the production of the plan. The vendor producing the decommissioning plan shall be selected by the Borough Council.
- ii. The decommissioning plan shall include financial assurance in the form of a bond or an irrevocable letter of credit to be determined by the applicant. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the facility, after deducting salvage or recycling value, as calculated by a third party

with expertise in decommissioning, paid by the applicant and selected by Borough Council.

- iii. In no event shall the security be less than 100% of the estimated cost of decommissioning. The owner shall provide a new estimate of the cost of decommissioning every ten years thereafter and increase its security if the cost increases.
- iv. The Borough Council is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Borough's right to seek reimbursement from the owner or owner successor for decommissioning costs in excess of the amount deposited in the account and to file a lien against any real estate owned by the owner or owner successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

SEVERABILITY. The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held unlawful, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining provisions of this Ordinance.

REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

EFFECTIVE DATE. This Ordinance shall become effective upon enactment.

DULY ENACTED AND ORDAINED, this 14th day of September, 2026, by the Borough Council of the Borough of Wellsboro, Tioga County, Pennsylvania, in lawful session duly assembled.

**BOROUGH COUNCIL OF
THE BOROUGH OF WELLSBORO**

Tioga County, Pennsylvania

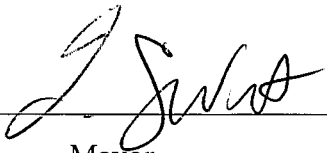
ATTEST


Secretary

By: 
Council President

(SEAL)

Examined and approved this 22nd day of September, 2026.

By: 
Mayor