**ADAMS TOWNSHIP**
**BUTLER COUNTY, PENNSYLVANIA**
**ORDINANCE No. _____**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF ADAMS TOWNSHIP TO DEFINE AND REGULATE DATA CENTERS, POWER GENERATING PLANTS, SOLAR ENERGY SYSTEMS, AGRIVOLTAICS, MEDICAL MARIJUANA DISPENSARIES, AND MICRO-WAREHOUSE/LAST-MILE DISTRIBUTION FACILITIES; TO AUTHORIZE SUCH USES IN DESIGNATED ZONING DISTRICTS; TO ESTABLISH CONDITONS FOR THE ADDED CONDITIONAL USES, AND TO ESTABLISH ADDITIONAL STANDARDS AND CRITERIA FOR SUCH USES.**

BE IT ENACTED by the Township Supervisors of the Township of Adams, in lawful session assembled, and it is hereby ENACTED by the authority of the same that:

**SECTION 1: Purpose**

The purpose of this Ordinance is to provide for and regulate Data Centers, Power Generating Plants, Solar Energy Systems, Agrivoltaics, Medical Marijuana Dispensaries, and Micro-Warehouse/Last-Mile Distribution Facilities within Adams Township in a manner that protects the public health, safety and welfare and promotes compatibility with surrounding properties.

**SECTION 2: Definitions**

The following definitions are added to § 192-6 of the Adams Township Zoning Ordinance:

AGRIVOLTAICS — The co-development of the same area of land for both solar photovoltaic power and conventional agriculture.

DATA CENTER — A commercial use of one or more buildings designed and intended primarily to house computer, networking and communication systems, equipment and components, such as routers, switches, firewalls, servers, storage systems and application-delivery controllers, for storing, processing, managing, transmitting and backing up electronic data necessary for the operation of a business, enterprise, institution or other similar organizational entity. A Data Center also includes accessory and supporting public utilities (e.g., substations, switch stations and similar facilities), infrastructure systems, mechanical equipment, components and environmental controls (e.g., air conditioning, cooling towers and fire-suppression systems), redundant or backup power supplies, redundant data-communications connections and enhanced security.

MEDICAL MARIJUANA DISPENSARY — A dispensary as defined in the Pennsylvania Medical Marijuana Act, 35 P.S. § 10231.103, that holds a current permit issued by the Pennsylvania Department of Health to dispense medical marijuana.

MICRO-WAREHOUSE/LAST-MILE DISTRIBUTION FACILITY — A wholly enclosed facility used primarily for the receipt, short-term storage, sorting, staging, order fulfillment and direct distribution of packages, merchandise, food or other goods to end users or their consignees within the local or regional delivery area. The use may include associated office space, employee parking, loading areas, fleet parking and dispatch of delivery vehicles. The use does not include retail sales to the general public as a principal use; manufacturing; a truck terminal; a freight-transfer facility; or a cross-dock

facility primarily involving transfer between tractor-trailers. A customer-pickup counter, if provided, shall be clearly incidental to the principal distribution use.

POWER GENERATING PLANT — A power-generation plant fueled by oil, coal or natural gas; a combined-cycle or single-cycle power plant; natural-gas linear generation; a fuel cell; or a nuclear, wind, non-oil-based, non-coal-based or similar power-generation system or item of equipment. The plant creates electricity to be sold to or by a utility company, purchased by a utility company, used on site at a Data Center or other large industrial use, or used in any combination of those manners.

SOLAR ENERGY SYSTEM (ACCESSORY) — An area of land or other area used for a solar energy system that captures solar energy, converts it to electrical energy or thermal power, and supplies electrical or thermal power primarily for on-site use. A ground-mounted or freestanding Solar Energy System with an output capacity not greater than 10 kilowatts, or with the capacity designed to power the entire parcel on which it is situated, whichever is greater, shall be considered an Accessory Solar Energy System. A roof-mounted Solar Energy System used primarily for on-site use shall have no limit on energy output. An Accessory Solar Energy System consists of one or more freestanding, ground-mounted or roof-mounted solar arrays or modules or solar-related equipment and is intended primarily to reduce on-site consumption of utility power or fuels.

SOLAR ENERGY SYSTEM (PRINCIPAL) — An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for off-site use. A Principal Solar Energy System consists of one or more freestanding, ground-mounted or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**SECTION 3: Authorized Uses**

The following uses are added to the applicable schedules and tables of uses in Articles IV and V of the Adams Township Zoning Ordinance, subject to all generally applicable requirements of the Zoning Ordinance and the additional standards and criteria in Section 4 of this Ordinance:

(1) A Data Center is authorized as a conditional use in the I Industrial District and the Route 228 Overlay District.

(2) A Power Generating Plant is authorized as a conditional use in the I Industrial District.

(3) An Accessory Solar Energy System is authorized as a permitted use in all zoning districts.

(4) A Principal Solar Energy System is authorized as a conditional use in the RC Rural Conservation District, the RAM Residential Agricultural, Moderate-Density District, the RAL Residential Agricultural, Low-Density District, the Route 228 Overlay District and the I Industrial District.

(5) A Micro-Warehouse/Last-Mile Distribution Facility is authorized as a conditional use in the I Industrial District.

(6) A Medical Marijuana Dispensary is authorized as a conditional use in the C Commercial District, the B Business District and the Route 228 Overlay District.

**SECTION 4: Conditional Use Conditions**

In addition to all other applicable requirements of the Adams Township Zoning Ordinance, the following conditions shall apply the following conditional uses:

**A. Data Centers.**

(1) The use shall comply with all established Township ordinances and regulations governing noise levels.

(2) The use shall be served by public water and public sewer.

(3) Off-street parking shall be provided at a rate of at least one parking space for each 8,000 square feet of floor area proposed to be regularly used by employees, or one parking space for each employee present during the largest shift, whichever is greater.

(4) Emergency backup generators shall not be tested or recharged between 9:00 p.m. and 7:00 a.m.

(5) The minimum lot area shall be 2 acres.

(6) Bufferyard G shall be provided along each property line that abuts a residential zoning district.

(7) A site over 5 acres in area shall have two means of ingress and egress to public streets for emergency-services access.

(8) Each means of access shall be capable of accommodating large fire apparatus and other emergency equipment as specified by the fire department serving the property.

(9) An emergency plan addressing catastrophic fire and other emergencies shall be maintained on file with the Township and local emergency-services providers and shall be updated at least once every two years.

**B. Power Generating Plants.**

(1) The use shall comply with all established Township ordinances and regulations governing noise levels.

(2) The use shall be served by public water and public sewer.

(3) Off-street parking shall be provided at a rate of at least one parking space for each 8,000 square feet of floor area proposed to be regularly used by employees, or one parking space for each employee present during the largest shift, whichever is greater.

(4) Emergency backup generators shall not be tested or recharged between 9:00 p.m. and 7:00 a.m.

(5) The minimum lot area shall be 30 acres.

(6) A woodland buffer at least 100 feet in depth shall be maintained adjacent to all exterior property boundaries of the Power Generating Plant development.

(7) Where existing woodlands are insufficient to satisfy the buffer requirement, additional trees of a type common in the Township, having a minimum caliper of 2 1/2 inches at planting and an anticipated minimum mature height of 15 feet, shall be planted to satisfy the buffer requirement.

(8) Two means of ingress and egress to public streets shall be provided for emergency-services access.

(9) Each means of access shall be capable of accommodating large fire apparatus and other emergency equipment as specified by the fire department serving the property.

(10) An emergency plan addressing catastrophic fire and other emergencies shall be maintained on file with the Township and local emergency-services providers and shall be updated at least once every two years.

**C. Principal Solar Energy Systems.**

(1) A ground-mounted system shall be screened from adjoining residential uses or residential zoning districts with Bufferyard G or denser plantings.

(2) The system shall not cause glare onto adjoining residences, businesses or public roadways.

(3) For a roof-mounted or wall-mounted system, the applicant shall provide evidence that the plans comply with the Pennsylvania Uniform Construction Code and the building code adopted by the Township and that the roof or wall is capable of supporting the load imposed on the structure.

**D. Micro-Warehouse/Last-Mile Distribution Facilities.**

(1) The use shall comply with all applicable general conditional-use criteria under §192-44, all applicable I Industrial District standards, and all applicable requirements of the Township Subdivision and Land Development Ordinance.

(2) The facility shall be conducted entirely within a fully enclosed building, except for approved loading, parking, vehicle-staging, refuse, utility, stormwater and landscaping areas.

(3) The principal operation shall consist of receiving, short-term storage, sorting, staging, order fulfillment and direct distribution of goods to end users or their consignees. Retail sales to the general public, including any customer-pickup counter, shall be incidental only and shall occupy no more than 5% of the gross floor area.

(4) The use shall not include a truck terminal; a freight-transfer facility or cross-dock facility primarily involving transfer between tractor-trailers; outdoor storage of goods or materials; a principal vehicle-repair operation; manufacturing; or a facility principally used for the long-term storage of goods.

(5) All loading docks, loading berths, outdoor vehicle-staging areas, refuse areas and mechanical equipment shall be located at least 200 feet from a residentially used or residentially zoned property. No loading berth or vehicle-staging area shall face a residentially used or residentially zoned property unless screened by a building or an approved opaque screen.

(6) Every property line adjoining a residential use or residential district shall be screened by at least Bufferyard G, as defined in § 192-53F. Required buffers shall be maintained in perpetuity, and dead or diseased plantings shall be replaced within the next planting season.

(7) Every property line abutting Route 228 shall be screened by at least Bufferyard G, as defined in § 192-53F. Required buffers shall be maintained in perpetuity, and dead or diseased plantings shall be replaced within the next planting season.

(8) Outdoor lighting shall be full-cutoff, downward-directed and designed to prevent direct glare onto adjoining properties and public streets. Lighting within loading and vehicle-staging areas adjoining residential property shall not exceed 0.5 foot-candle at the property line.

(9) All delivery-vehicle loading, unloading, dispatch, idling and staging shall occur on site. The site plan shall provide sufficient internal circulation and stacking so that no

delivery vehicle queues, waits, loads, unloads or reverses within a public right-of-way or required driveway access.

(10) Delivery vehicles shall use the access routes approved by the Township and identified on the conditional-use and land-development plans. The operator shall post on-site route restrictions and direct its employees and contracted carriers not to use local residential streets except where necessary to make a lawful delivery. This paragraph regulates the operation of the approved use and does not authorize restrictions on public-highway travel beyond the Township's lawful authority.

(11) The operator, vehicle drivers and owners, and the owner or operator of a location where a regulated vehicle loads, unloads or parks shall comply with the Pennsylvania Diesel-Powered Motor Vehicle Idling Act, 35 P.S. § 4601 et seq., including its idling limits and statutory exceptions.

(12) Where any loading, dispatch or vehicle-staging area is within 500 feet of a residential use or residential district, those activities shall occur only between 7:00 a.m. and 10:00 p.m. The Board of Supervisors may approve different hours upon evidence that the operation will not create significant adverse impacts under § 192-44.

(13) The applicant shall submit a traffic-impact study under § 192-60 whenever the facility is expected to generate more than 50 average daily vehicle trips or whenever otherwise required by the Township Code. The study shall separately identify anticipated trips by passenger vehicle, delivery van, single-unit truck and combination truck and shall identify peak-hour operations and proposed truck routes.

(14) Required parking shall comply with § 192-56. In addition, the applicant shall provide a parking and circulation plan showing the number and location of employee spaces, delivery-vehicle spaces, loading berths, queuing spaces, bicycle parking and accessible spaces.

(15) A cumulative change from the approved conditional-use plan that materially increases the approved gross floor area, number of loading berths, number of delivery-vehicle spaces, operating hours or daily vehicle trips by more than 20% shall require a new conditional-use approval, unless the Zoning Officer determines that the change does not materially increase off-site impacts. The Zoning Officer shall not modify or waive a condition expressly imposed by the Board of Supervisors.

**SECTION 5: Additional Standards and Criteria**

In addition to all other applicable requirements of the Adams Township Zoning Ordinance, the following standards and criteria shall apply the following uses:

**A. General Regulations for Principal and Accessory Solar Energy Systems.**

(1) The layout, design and installation shall conform to applicable industry standards, including standards of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), ASTM International, the Institute of Electrical and Electronics Engineers (IEEE), the Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratories (ETL), the Florida Solar Energy Center (FSEC), or other similar certifying organizations; shall comply with the Pennsylvania Uniform Construction Code as enforced by the Township; and shall comply with all other applicable fire- and life-safety requirements. Manufacturer specifications for the system's key components shall be submitted with the application.

(2) All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

(3) The system shall be located so that concentrated solar radiation or glare does not project onto nearby structures or roadways, and exterior surfaces shall have a nonreflective finish. The applicant bears the burden of proving that any glare produced will not have a significant adverse impact on neighboring or adjacent uses, whether through siting or mitigation.

(4) No tree or other landscaping required by Township ordinance or imposed as a condition of approval of any plan, application or permit shall be removed for the installation or operation of a Solar Energy System.

(5) The surface area of the arrays, regardless of the mounted angle of any solar panels, shall be considered impervious and included in calculating lot coverage for the lot on which the system is located.

(6) Agrivoltaics are permitted only where: (a) only shade-tolerant crops are used; (b) plowing is prohibited and no-till practices are required; (c) cutting or mowing maintains a height of at least 4 inches; and (d) chemical fertilizer, herbicide and pesticide applications are limited to the agronomic needs of the crops.

(7) Notice that the site is connected to a Solar Energy System shall be posted on the electrical panel and meter.

(8) A roof-mounted solar panel shall not extend beyond any portion of the roof edge.

(9) A wall-mounted solar panel shall not extend into any setback applicable to principal or accessory structures.

**B. Accessory Solar Energy Systems.**

(1) A ground-mounted Accessory Solar Energy System shall not occupy more than 15% of the lot area.

(2) A ground-mounted Accessory Solar Energy System shall not exceed 15 feet in height.

(3) A ground-mounted Accessory Solar Energy System shall be screened from adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials that provide a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used.

(4) Appropriate safety and warning signage concerning voltage shall be placed at ground-mounted electrical devices, equipment and structures. All associated electrical control devices shall be locked to prevent unauthorized access or entry.

(5) A ground-mounted Accessory Solar Energy System shall not be placed within a legal easement or right-of-way, within a stormwater-conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater-conveyance system.

**C. Medical Marijuana Dispensaries.**

(1) The proposed use shall be conducted within a permanent, enclosed commercial building, except for parking, refuse handling, and vehicle dispensing and other activities authorized by state law. Loading and unloading of medical marijuana products shall occur within the enclosed, secure area required by 28 Pa. Code §1161a.26(f).

(2) The site plan shall identify customer and delivery access, internal circulation, parking, loading, outdoor lighting, refuse handling, landscaping and stormwater facilities. Site-specific conditions may be imposed only to mitigate demonstrated land-use impacts identified in the record and only to the extent that the same condition would be imposed on a comparable commercial use under the same circumstances.

(3) Notwithstanding the 50-average-daily-vehicle-trip threshold in § 192-44C(3), where the use is reasonably projected to generate more than 30 average daily vehicle trips, a traffic-impact study shall be supplied and reviewed in accordance with § 192-60. No other dispensary-specific traffic-study requirement shall apply.

(4) The use shall comply with §§ 192-53 and 192-56 and all district-wide requirements governing buffers, landscaping, parking, lighting, signs, access and performance standards.

(5) Before issuance of a certificate of occupancy, the applicant shall provide reasonable documentary evidence of Pennsylvania Department of Health authorization to operate at the proposed location. The use shall comply with the Pennsylvania Medical Marijuana Act and 28 Pa. Code §§ 1141a.49 and 1161a.26, as amended, including any Department waiver or modification. Security-sensitive material may be redacted.

(6) Nothing in this subsection authorizes Township review or approval of matters committed to the Pennsylvania Department of Health, including security, inventory, product handling or patient eligibility. Loss of necessary state authority constitutes a per se violation of the zoning ordinance.

**SECTION 6: Repealer**

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

**SECTION 7: Severability**

If any section, subsection, sentence, clause or provision of this Ordinance is found to be invalid or unenforceable by a court of competent jurisdiction, such finding shall not affect the validity of the remaining sections, subsections, sentences, clauses or provisions of this Ordinance.

**SECTION 8: Effective Date**

This Ordinance shall take effect five days after adoption by the Adams Township Board of Supervisors.

**ADOPTED this ____ day of _____, 2026.**

ATTEST:

_____
Secretary

(SEAL)

ADAMS TOWNSHIP SUPERVISORS:

_____
Chairman

_____
Vice-Chairman

_____
Supervisor

_____
Supervisor

_____
Supervisor