

**CITY OF SHARON
MERCER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 08-2026

AN ORDINANCE OF THE CITY OF SHARON, MERCER COUNTY, PENNSYLVANIA, IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE ("MPC"), AMENDING PORTIONS OF PART 12, TITLE 4 OF THE SHARON CODE OF ORDINANCES, RELATED TO ZONING, ALSO KNOWN AS THE "SHARON ZONING ORDINANCE"; AMENDING SECTION 902 TO PROVIDE FOR THE TERMS "DATA CENTER" AND "DATA CENTER ACCESSORY USE"; PERMITTING SAID USES BY SPECIAL EXCEPTION IN THE M-3 ZONING DISTRICT; AND TO AMEND SECTION 309 TO ADD SECTION 309.39 TO PROVIDE VARIOUS PERFORMANCE CRITERIA FOR SAID USES.

WHEREAS, the City of Sharon ("City") encourages the reasonable development of all legal uses of property for the benefit of City residents and guests; and

WHEREAS, upon substantial consideration, the City adopted Ordinance 7-2005, which repealed the previous Zoning Ordinance and replaced, along with the Zoning District map, in its entirety; and

WHEREAS, while a new zoning ordinance is being crafted for the City, it is recognized that data centers are proliferating in use across the state and country; and

WHEREAS, it is therefore important for the City to regulate such uses as soon as possible so that adequate controls on such intensive uses can be implemented to permit responsible data center operators in the appropriate zoning districts; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF SHARON, MERCER COUNTY, PENNSYLVANIA, AND THE CITY OF SHARON HEREBY ORDAINS AND ENACTS BY AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1. AMENDMENT OF PART 12, TITLE 4, SECTION 902. Part 12, Title 4, the Zoning Ordinance, Section 902 is hereby amended to add the following definitions in alphabetical order within the list of defined specific terms:

Data Center – A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, serves, appliances and other associated components related to digital data 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.

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. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center.

SECTION 2. AMENDMENT OF PART 12, TITLE 4, SECTION 306.10. Part 12, Title 4, the Zoning Ordinance, Section 306.10 is hereby amended to add the following uses in the appropriate districts as follows:

Data Center and Data Center Accessory Use shall be permitted by special exception in the M-3 zoning district, with the notation that the uses are subject to the requirements of Section 309.39.

SECTION 3. AMENDMENT OF PART 12, TITLE 4, SECTION 309. Part 12, Title 4, the Zoning Ordinance, Section 309 is hereby amended to provide a new Section 309.39, which shall read as follows:

309.29 Data Centers: Data Centers and Data Center Accessory Uses shall comply with the following requirements:

- A. The facility shall comply with all applicable Pennsylvania DEP, federal, and local environmental regulations.
- B. Setbacks.
 - 1. Data Centers and Data Center Accessory Uses shall have a setback of 200 feet from the boundary of residential zoning districts or uses and from an educational institution, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other use where individuals under 21 years of age regularly gather, measured from the nearest edge of each property line.
- C. Buffer.
 - 1. Where a Data Center and Data Center Accessory Uses abuts a residential or institutional district or use or public right-of-way, enhanced screening or screen planting buffer is required.
- D. Security.
 - 1. The facility shall provide:

- a. Controlled access points.
- b. Perimeter fencing or secured building access.
- c. 24-hour surveillance consistent with industry standards.

E. Lighting.

1. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be fully shielded and reflected away from adjacent streets and properties.
2. The applicant shall demonstrate that truck and equipment traffic associated with construction, operation, servicing, and maintenance will not create hazards or congestion on nearby roadways.

F. Aesthetics. Any Data Center and Data Center Accessory Use building façade that faces a road, or existing residential use, must incorporate at least two of the following design elements every 150 horizontal feet:

1. A change in building material, pattern, texture, or color
2. Change in building height

G. Noise & Vibration.

1. The applicant shall demonstrate through a sound study conducted by a qualified professional that the sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be limited to a maximum sustained daytime (7 a.m. to 7 p.m. EST Monday-Friday) decibel level of 67 dB(A) and a maximum sustained nighttime and weekend (7 p.m. to 7 a.m. EST Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and generally accepted methodology. A sound study shall be conducted at the following phases:
 - a. A preliminary study shall be conducted as part of the special exception process. The preliminary study shall include recommended sound-reducing materials or systems as needed to meet the aforesaid sound limits.
 - b. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound-reducing materials or systems recommended by the interim sound study shall be incorporated

into the construction plans for use.

- c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the City. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.
2. Maximum decibel levels specified herein shall not apply during times of power outage; however, the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.
3. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.
4. Data Centers and Data Center Accessory Uses shall not exceed a maximum of sustained noise levels of 57 dB(A) at the boundary residential zoning districts or uses or the lot line of any property developed with a sensitive receptor as explained in 310.200(B).

H. Emergency Management.

1. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - a. Be reviewed and accepted by the local fire department and emergency management services as part of the special exception process;
 - b. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - c. 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:

- (i) NFPA standards.
- (ii) All state and federal environmental regulations.
- (iii) Mercer County emergency-management safety protocols.

I. All generators, cooling towers, HVAC units, and other mechanical equipment shall:

- 1. Comply with the City's noise limits at the property line.
- 2. Be screened from view from public rights-of-way.
- 3. Include sound-attenuating enclosures or baffling to protect adjacent uses.
- 4. Exhaust air, heat rejection systems, and cooling discharge shall be directed and designed so as not to create hazardous icing, visible vapor nuisance, or thermal impacts on adjacent rights- of-way or properties.

J. Power Supply.

- 1. 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 the 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. The applicant shall provide documentation from the applicable electric service provider certifying that the applicant will pay for their service, so as to not cause impacts on electric rates or availability.
- 2. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including energy generation systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved by a separate permit according to the zoning regulations and federal and state regulations applicable to such use.
- 3. Nuclear, coal and oil powered generation is prohibited for full-time electrical generators. All generators must operate and comply with applicable state and federal guidelines and permitting standards.
- 4. Emergency/Backup Power:
 - a. Backup generators shall meet all applicable state and federal emissions standards.

- b. For avoidance of doubt, emergency generators and similar emergency and back-up facilities and equipment may operate on diesel fuel.
- c. Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency.
- d. Emergency energy generation shall be used only at the following times, unless otherwise required by a stricter regulation:
 - (i) When the primary source of energy is not available due to the emergency outage.
 - (ii) During routine maintenance, or readiness testing for a short duration of time and capped at 100 hours per year
 - (iii) Routine maintenance testing of back-up energy generation is restricted to the hours of 9 a.m. through 3p.m. Monday through Friday EST.
- e. Use for peak shaving or supplying power to the grid is prohibited. The applicant shall design and located emergency energy generation systems to limit noise and visual impacts.

K. Stormwater, Water Supply, Water Use, and Wastewater.

1. Stormwater Management.

- a. The applicant shall meet all provisions of the municipal stormwater management ordinance and associated requirements for post-construction stormwater management.

2. Water Supply.

- a. Any proposal for a Data Center shall include a letter from the operator providing an analysis of the anticipated raw water needs and proposed sources thereof. If the use will be supplied by a public water supply, the applicant shall submit written documentation from the public water authority certifying that the public water authority has the capacity and the capability to supply the proposed amount of water usage.
- b. 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 or surface waters in the vicinity.

- c. No direct intake or outtake of the water supply from the Shenango River watershed, including the Shenango River and its tributaries, shall be allowed.

3. Wastewater.

- a. 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 local sanitary authority and the Pennsylvania Department of Environmental Protection.

4. Closed-Loop Cooling System. Data Centers and Data Center Accessory Uses must utilize a closed-loop cooling system.

L. Evidence shall be provided that the proposed facility can be adequately served by existing or planned telecommunications and fiber infrastructure without materially impairing service to surrounding users.

M. Vacation, abandonment and/or decommissioning.

- 1. A decommissioning plan shall be required at the time of the land development plan and construction permit application for all proposed data centers under the jurisdiction of this zoning ordinance that establishes:
 - a. A detailed inventory, timelines, management and removal of physical equipment, disposal of hazardous and recycling materials, and plans for future use or restoration of the site.
 - b. A performance bond, decommissioning trust or escrow account, or letter of credit or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning.
- 2. Unless otherwise stipulated, the applicant/owner shall provide written notice to the Planning Commission at least 30 days in advance of the cessation or abandonment of this use.
- 3. Decommissioning must begin within one year of discontinuation of Data Center operations, or upon notice of abandonment by the operator,

whichever occurs first. Decommissioning shall be completed within 18 months thereafter unless extended by the City in writing for good cause.

4. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed above, then the City may take such measures as necessary to complete decommissioning, utilizing all or any of the decommissioning funds. The entry into and submission of evidence of a participating landowner agreement to the City shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the City may take such action as necessary to implement the decommissioning plan.
5. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the City concurs that decommissioning has been satisfactorily completed, or upon written approval of the City in order to implement the decommissioning plan.

SECTION 4. SEVERABILITY. The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

SECTION 5. REPEALER. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. EFFECTIVE DATE. The provisions of this ordinance shall become effective in ten (10) days.

SHARON ORDAINS AND ENACTS AND IT IS HEREBY ORDAINED AND ENACTED FINALLY INTO LAW BY THE COUNCIL OF THE CITY OF SHARON THIS 19TH DAY OF AUGUST, 2026.

ATTEST:

**CITY OF SHARON
COUNCIL**

Acting Kery G. Pett
City Clerk

By: Mally Sundrant
President