



DATA CENTERS ZONING and SALDO in PA

Tioga County

Plan the Land Public Learning Seminar

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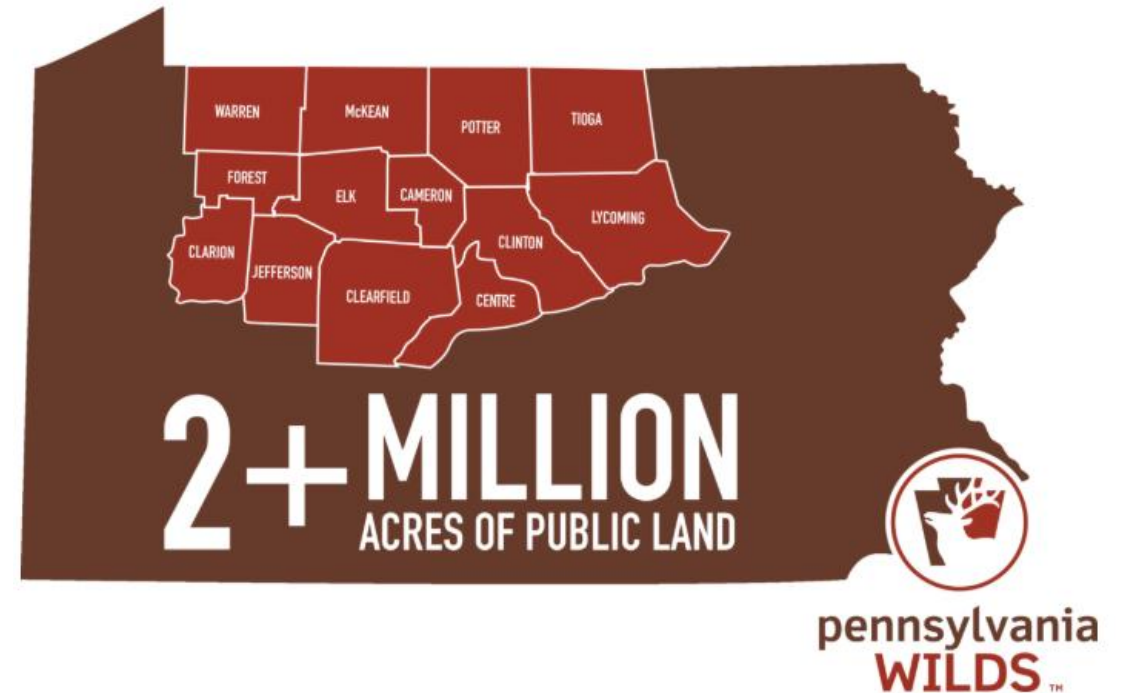
INTERIM
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The PA Wilds at a Glance

The Pennsylvania Wilds is one of the largest expanses of green space between New York City and Chicago, encompassing a largely rural and forested landscape known for its exceptional natural beauty and rich cultural heritage. Covering approximately one-quarter of Pennsylvania's land area across 13 counties, the region has been designated both as a Conservation Landscape by the Pennsylvania Department of Conservation and Natural Resources (DCNR) and as one of the Commonwealth's 11 official Tourism Regions by the Department of Community and Economic Development (DCED). The Pennsylvania Wilds is home to more than 2.1 million acres of public land, making it the largest concentration of public lands in Pennsylvania and a nationally significant destination for outdoor recreation, conservation, and heritage tourism.



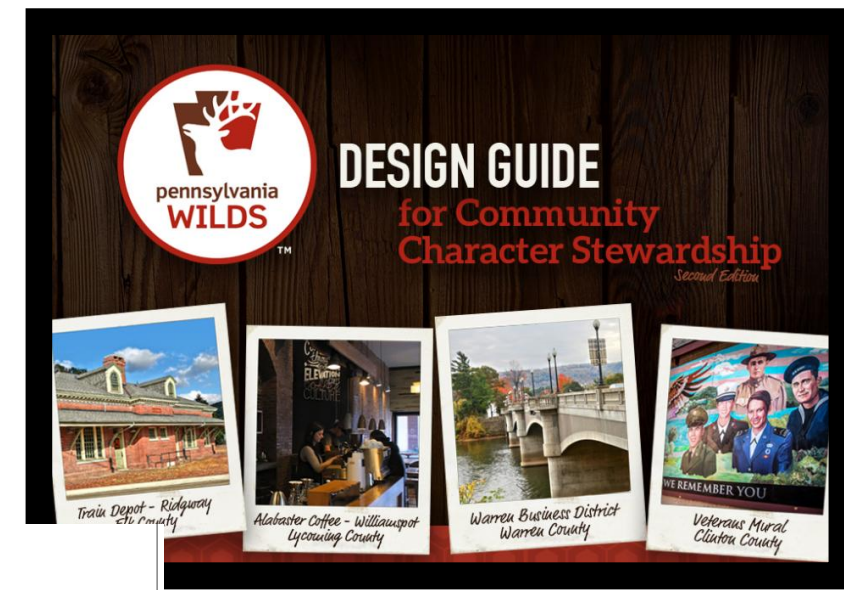
Vision: A place of endless discovery where natural beauty, heritage, and community character define the Pennsylvania Wilds Experience

PA Wilds Design Guide Implementation Manual

PURPOSE: Support counties and municipalities in integrating PA Wilds Design Guide Principles into the land development process while preserving the region's unique character and heritage.

Key Focus Areas:

- Town Centers
- Natural Landform Character
- Strip Commercial Development
- Big Boxes & Franchises
- Rural Communities & Community Gateways



PA WILDS DESIGN GUIDE Implementation Matrix						
Implementation Priority	#	Theme	Sample Ordinance Provisions	Applicable to This Community?	Applicable to Town Centers?	Applicable to Rural Areas?
					Required or Recommended?	Incentivized
Guiding Principle: Developed Areas/Town Centers Retain, enhance, and rehabilitate historic resources and sites. Reduce unnecessary visual clutter (associated with excessive signage, open storage, above-ground utilities, parking) to enhance community character. Support creative design concepts and prevent a homogenized appearance. Support locally owned businesses, especially those that enhance community character. Maintain traditional town centers as community focal points. Provide elements that encourage pedestrian activity (sidewalks, trails, lighting, and benches). Coordinate streetscape elements such as signage, lighting, and street furniture.						
	TC		General Provisions			
	TC1	Main Street	The purpose of this section is to enhance and preserve <u>Municipality's Main Street/Overlook</u> area as a traditional town center. This section promotes the development of livable streets, which are oriented to and accessible by pedestrians. Development permitted within the <u>Adjoin Street/Overlook</u> will have specific pedestrian and neighborhood orientation, and will be linked together through streetscape amenities, including sidewalks, ornamental streetlighting, pedestrian-scale signage, street trees, and screened parking.			
	TC2	Sidewalks	Sidewalks shall be required for all land developments, changes of use, and for buildings reconstructed or rehabilitated over 50% of tax assessment as determined by County or for buildings expanded by 25% or more.			
	TC3	Outdoor Seating	Outdoor seating may be provided at all eating and drinking establishments in the <u>Main</u> .			

PA WILDS DESIGN GUIDE IMPLEMENTATION DEVELOPMENT REVIEW TOOLBOX

The Pennsylvania Wilds Design Guide for Community character stewardship was created as a resource to help communities capitalize on the economic potential of the PA Wilds initiative, while maintaining their rural and unique character. The Design Guide has paved the way for several implementation initiatives to encourage use of Design Guide concepts and principles in projects across the region.

Implementation is key. The counties and communities encompassed by the PA Wilds region are diverse, with specific needs and goals tailored to their own entities. This Development Review Toolbox is a companion piece for the PA Wilds Design Guide, setting forth steps and tools to assist in fulfilling the goals set forth in the Design Guide and capitalizing on communities' historic values and cultural resources. The left column features recommended Subdivision and Land Development Ordinance procedures for communities to incorporate into their existing regulations. The column at right, indicated with the tool symbol, offers practical tips and best practices for municipal officials to employ in their community planning efforts.

LAND DEVELOPMENT REVIEW PROCESS

I. PREAPPLICATION CONFERENCE

Before submission of any application for subdivision or land development, the applicant is encouraged to meet with the County/Municipal staff and/or Approving Authority (Planning Agency or Elected Body) to determine the feasibility, suitability and timing of the application. The intent of the pre-application conference is for the applicant to obtain information and guidance from the County/Municipality with regard to the proposed preliminary plan, prior to entering into any commitments or incurring substantial expenses with regard to the site and the plan preparation.

De-Emphasize the Process

The Land Development Process is important, but so are the goals established in the Design Guide.

At the Pre-Application Conference, focus on the goals and guidelines set forth in the Design Guide. Emphasize the Design Guide, the process can come second.

Land Development & Implementation Process

Pre-Application Conference

- Early coordination between applicant and municipal staff
- Discuss project feasibility, site conditions, Design Guide expectations, and approval requirements
- Provides guidance before significant project investment

Application Submission

- Submission of preliminary/final subdivision or land development plans
- Review by municipal planning staff and approving authority
- Compliance with ordinances and improvement agreements evaluated

Plan Review & Approval

- Planning agency/elected body reviews application
- Public hearing may be conducted with public notice
- Decision rendered within MPC-required review timelines
- Applicants notified of approval, conditions, or required revisions

Final Plan Recording

- Approved plans recorded with the County Recorder of Deeds
- Recording finalizes development approval process
- Recorded plans become official documents guiding implementation

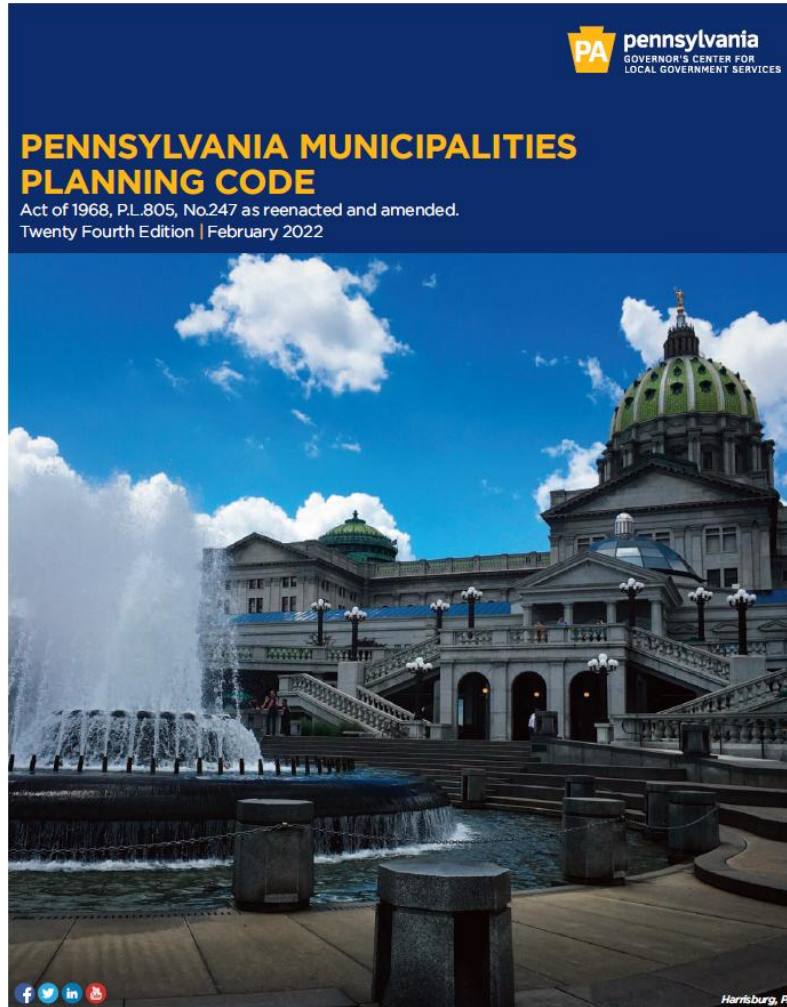
Design Examples:

- *Cobblestone Inn & Suites (St. Marys, Elk County)*
- *Subway Restaurant (New Bethlehem, Clarion County)*
- *McKean County Redevelopment & Housing Authorities Building*
- *Waterville Tavern (Waterville, Lycoming County)*
- *The Nature Inn at Bald Eagle State Park*
- *Elk County Visitors Center*

Implementation Goal: Integrate Pennsylvania Wilds Design Guide principles into development review to preserve community character, natural resources, and regional identity while supporting economic growth.

Introduction to Zoning

The PA Municipalities Planning Code (MPC)

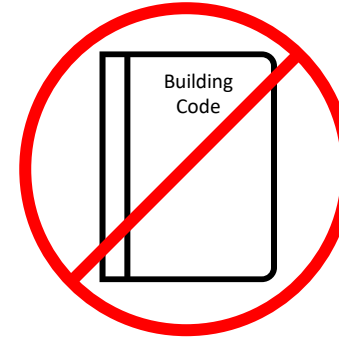


- Provides wide array of regulatory tools to aid in making the best decisions for the growth, development, and well-being of a community – including adoption of zoning ordinances and subdivision & land development ordinances.
- Requires municipalities that do regulate land use to follow specific procedures.



Zoning Is NOT...

- **Zoning** is not a building code. It should not prescribe how to build something. It may regulate height and size, but not construction.
- **Zoning** is not a property maintenance code. It may regulate what can and cannot take place on a given property but should not be used in place of a property maintenance code.
- **Zoning** officers are often code enforcement officers as well, but zoning authority is given to local governments by the Municipalities Planning Code (MPC). The MPC does not address or give authority to enforce other local codes and ordinances like a property maintenance code.



Statement of Community Development Objectives

Section 606. Zoning ordinances should reflect the **policy goals of the municipality as listed in a statement of community development objectives**, recognizing that circumstances can necessitate the adoption and timely pursuit of new goals and the enactment of new zoning ordinances which may neither require nor allow for the completion of a new comprehensive plan and approval of new community development objectives.

This statement may be supplied by reference to the community comprehensive plan or such portions of the community comprehensive plan as may exist and be applicable or may be the statement of community development objectives provided in a statement of legislative findings of the governing body of the municipality with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources; and any other factors that the municipality believes relevant in describing the purposes and intent of the zoning ordinance.

Components of a Zoning Ordinance

 **What**

Defined terms.

 **Where**

Zoning districts, map.

 **When**

Application process.

 **How**

Use requirements.

Zoning Terms

Zoning District: Areas of land divided into zones within which various uses are permitted.

Zoning Permit: Document from local government that allows a piece of land to be used for the prescribed purpose.

Permitted Use by Right: Use of property and structures in manners consistent with that which is listed as permissible in the zoning district in which the property is located.

Permitted Use by Special Exception: Authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria.

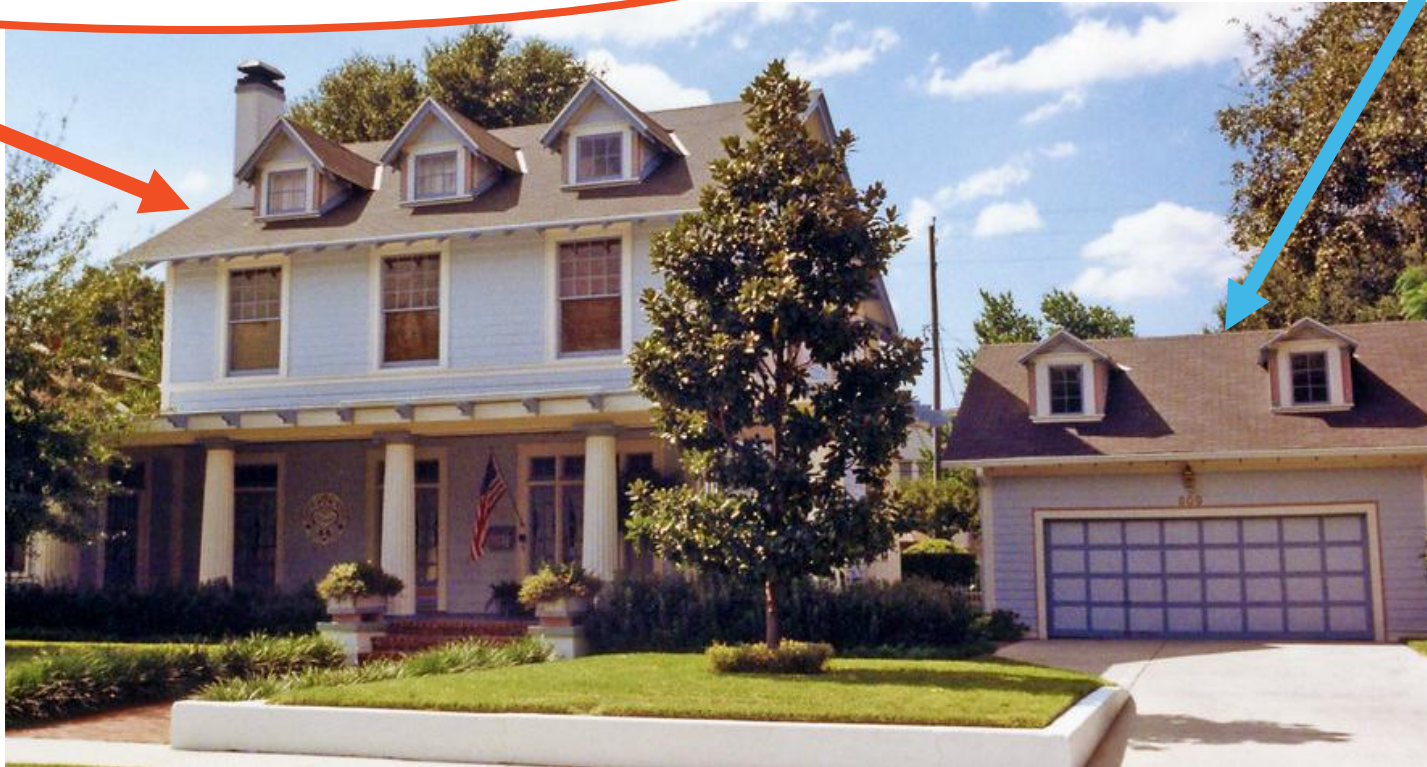
Permitted Conditional Use: Use granted only by Governing Body pursuant to express standards and criteria contained in this Ordinance after review and recommendation by the Planning Commission and after conducting a public hearing pursuant to public notice.

Accessory use: A use conducted on the same lot as an existing principal use to which it is related; a use which is clearly incidental to, and customarily found in connection with, a particular existing principal use.

Principal Structure and Accessory Structure

A **principal structure** is the main building on the lot where the principal use is conducted.

Accessory structures are customarily incidental and subordinate structures located on the same lot occupied by the principal structure.



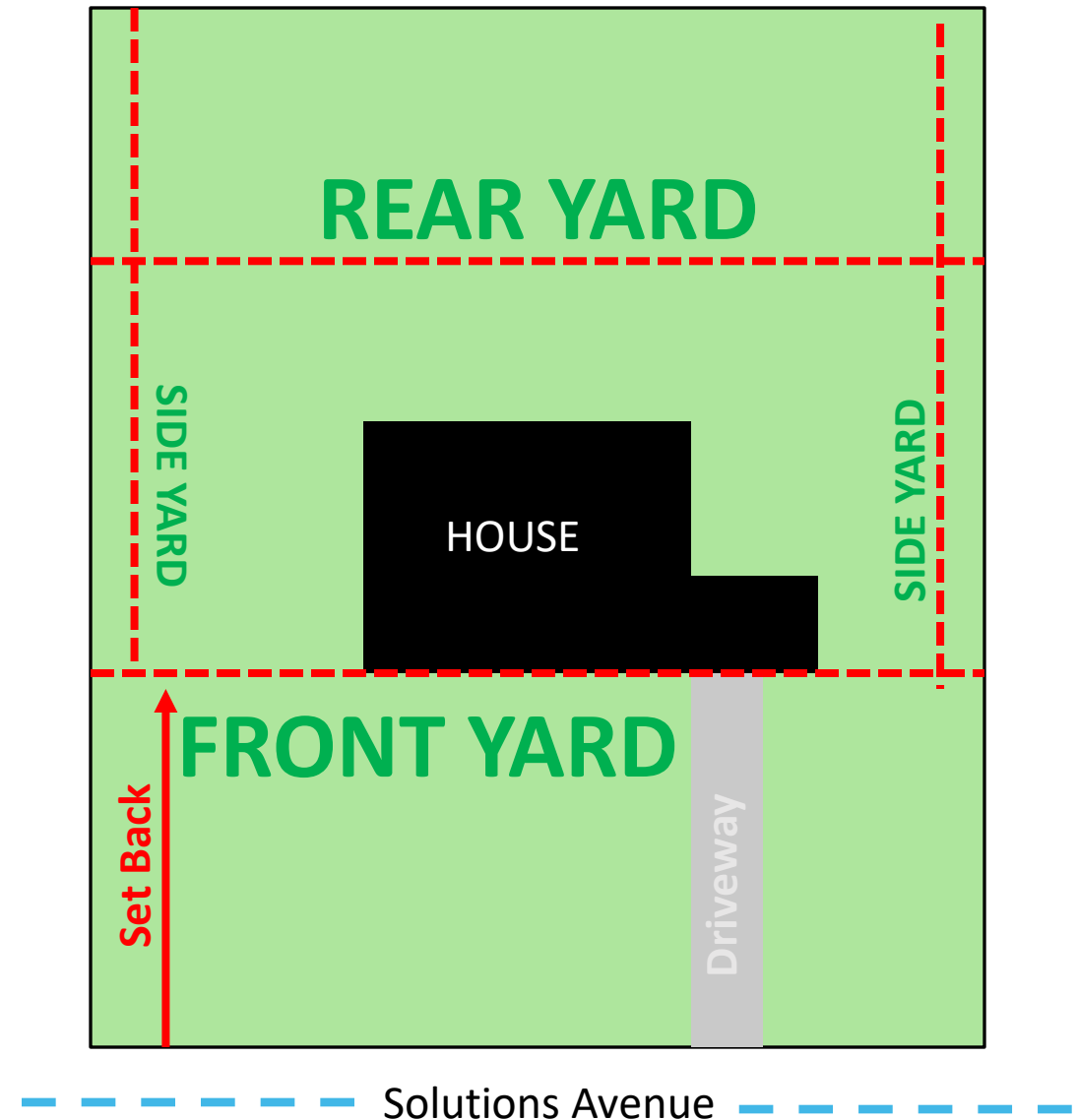
More Zoning Terms

- ▶ Nonconforming Structure: A structure or part of a structure not designed to comply with the applicable use or extent of use provisions in the zoning ordinance, where such structure lawfully existed prior to the enactment of such ordinance.
- ▶ Nonconforming Use: A use, whether or land or of structure, which does not comply with the applicable use and/or other provisions in the zoning ordinance, where such use was lawfully in existence prior to the enactment of such ordinance.
- ▶ Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action.
- ▶ Public Meeting: A forum held pursuant to notice under the Sunshine Act.
- ▶ Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Setbacks and Yards

Yard: A required open space located on a lot which is unobstructed by any portion of a principal structure other than certain projections expressly permitted by an Ordinance.

Set Back: The minimum distance from the property line a structure can be built.



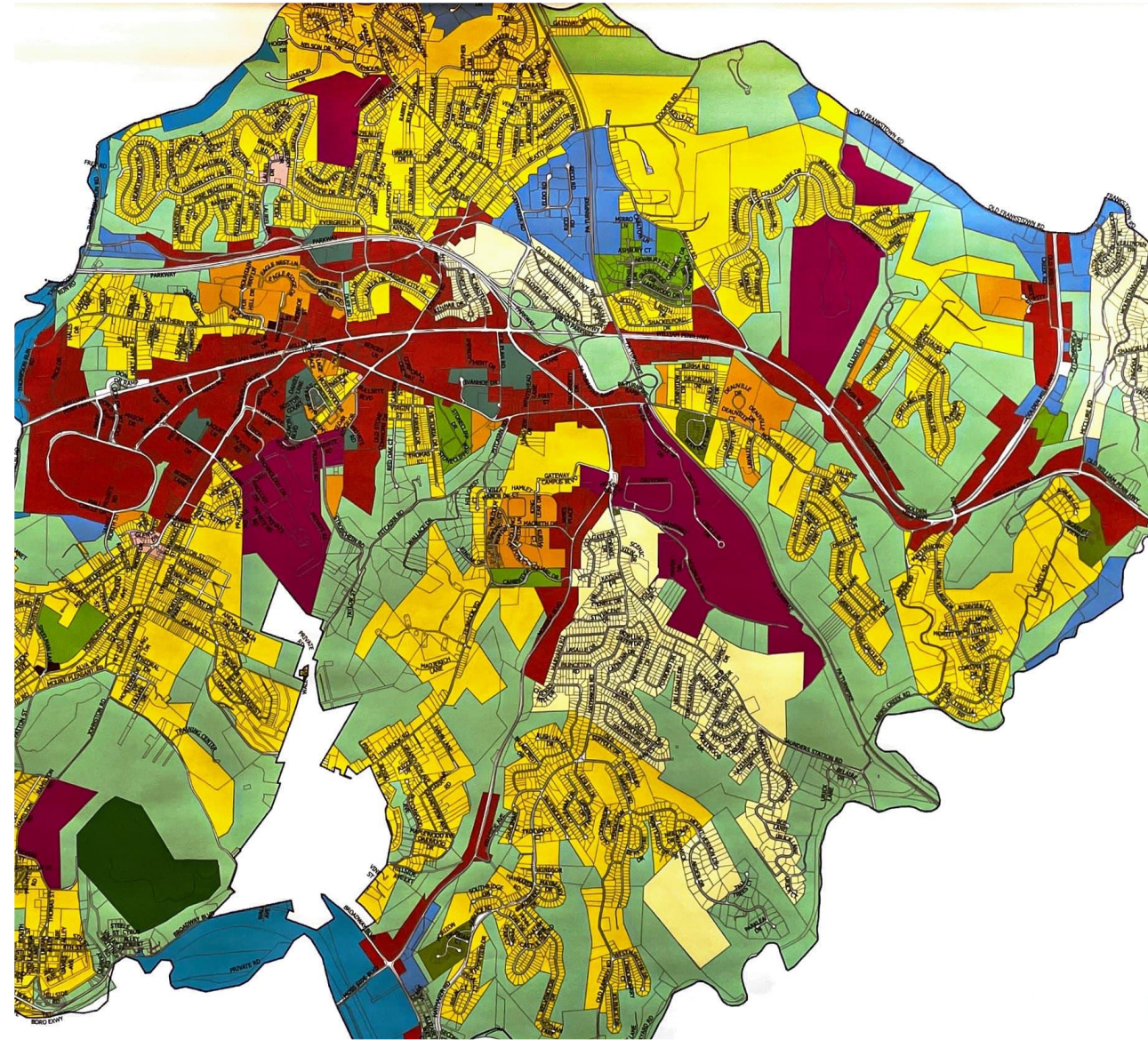
Zoning Map

Zoning

-  Single Residence 1
-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Multi-Residence 4
-  Business 1
-  Business 2
-  Business 4
-  Business 5
-  Limited Manufacturing
-  Manufacturing
-  Mixed Use 1
-  Mixed Use 2
-  Mixed Use 3
-  Mixed Use 4
-  Open Space/Recreation
-  Public Use

In any municipality, other than a county, which enacts a zoning ordinance, **no part of such municipality shall be left unzoned.**

The provisions of all zoning ordinances may be classified so that different provisions may be applied to different classes of situations, uses and structures and to such **various districts of the municipality as shall be described by a map made part of the zoning ordinance.**



Use Chart

Use	A-1	M-1	B-1	B-2	R-1	R-2
Residential Uses						
Mobile Home	R	--	--	--	--	R
Mobile Home Parks	--	--	--	--	CU	--
Multi-Family Dwellings	--	--	--	--	R	R
Single-Family Dwelling Unit	R	--	--	--	R	R
Tiny Home	--	--	--	--	CU In Mobile Home Park	--
Two-Family Dwelling (Duplex)	--	--	--	--	--	R
Townhouse	--	--	--	--	--	R
Quadruplex Dwelling	--	--	--	--	R	R
Non-Residential Uses						
Agriculture	R	R	<u>R</u>	<u>R</u>	R	--
Agriculture Services	R	R	R	--	R	--
Airport	SE	--	--	--	--	--
Animal Day Care	CU	CU	CU	CU	--	--
Animal Shelter	CU	CU	CU	CU	--	--
Assisted Living Facility	CU	--	CU	CU	CU	R
Automotive Sales, Rental and Service	--	CU	CU	R	--	--
Bakery	--	--	R	R	--	--
Bank - Financial Institution	--	R	R	R	--	--
Banquet Facility	CU	CU	R	R	--	--

R – Permitted by Right

CU – Conditional Use

SE – Special Exception

-- – Not Permitted

Zoning Application Decision Processes

Governing body OR Zoning Hearing Board OR Zoning Officer issues decisions, depending on the type of application.

Types of Use Approvals:

Use by Right

- Permitted without other use approval (issued by **Zoning Officer**)
- Still requires Land Development Approval, if applicable

Conditional Use

- Decision by **governing body**: a hearing is required
- Permitted use subject to specific requirements
- May attach reasonable conditions
- Still requires Land Development Approval, if applicable

Special Exception

- Decision by **Zoning Hearing Board**
- Permitted use subject to specific requirements
- May attach reasonable conditions
- Still requires Land Development Approval, if applicable

Relief (zoning ordinance):

Variance

- Reviewed and adjudicated by Zoning Hearing Board
- Variance must show hardship in accordance with the criteria identified in the MPC

What are the options for making a decision on an application?

1)

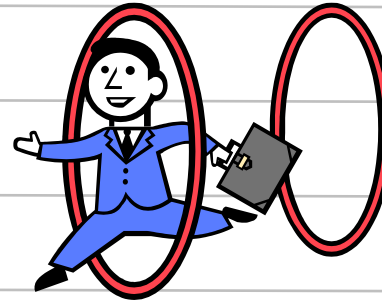


2) Approval!



3) Approval but (with conditions).

Be aware of when it is appropriate to recommend or attaching conditions to an approval.



Conditional Use

- 1 Review Conditions Outlined in Ordinance
- 2 Planning Commission Review and Recommendation
- 3 Public Hearing
(within 60 days of application receipt)
- 4 Governing Body Review and Decision

Reasonable Conditions

MPC 603.c.2 – provisions for conditional uses to be allowed or denied by the governing body after recommendations by the planning agency and hearing, pursuant to express standards and criteria set forth in the zoning ordinance. Notice of hearings on conditional uses shall be provided in accordance with section 908(1) and notice of the decision shall be provided in accordance with section 908(10).

In allowing a conditional use, the governing body may attach such reasonable conditions and safeguards, other than those related to off-site transportation or road improvements, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.

Special Exception

- A permitted use subject to **express standards and criteria** contained in the zoning ordinance.
- **Not the same as land development approval!** Special exception reviews usually occur before, or concurrently with the land development application review.
- Subject to a required **public hearing** held by the ZHB, which includes sworn testimony and finding of facts related to the express criteria and standards in the zoning ordinance.
- The ZHB may attach **reasonable** conditions and safeguards it deems necessary.

Introduction to SALDO

Subdivision and Land Development Ordinance (SALDO)

What is a subdivision (MPC)?

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision and Land Development Ordinance (SALDO)

What is a land development (MPC)?

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums building groups or other features.
2. A subdivision of land.
3. Development in accordance with section 503(1.1). (certain exclusions)

Article VI – Zoning.

Section 601.

General Powers.

The governing body of each municipality, in accordance with the conditions and procedures set forth in this act, may enact, amend and repeal zoning ordinances to implement comprehensive plans and to accomplish the purposes of this act.



Article V – Subdivision and Land Development

Section 501.

Grant of Power.

The governing body of each municipality may regulate subdivision and land development within the municipality by enacting a subdivision and land development ordinance.



Zoning vs. SALDO

Form vs. Use
Site Layout vs. Where Permitted
Infrastructure vs. Operation

SALDO	Zoning
Lot layout	Definitions for all land uses
Street design	Density of uses
Water and sewer service	Dimensions (setbacks, height)
Sidewalks	Use types (R, CU, SE)
Stormwater Management	Use Requirements

MPC Section 512.1. Modifications. (SALDO)

- (a) The governing body or the planning agency, if authorized to approve applications within the subdivision and land development ordinance, may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.
- (b) All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- (c) If approval power is reserved by the governing body, the request for modification may be referred to the planning agency for advisory comments.

MPC Section 503. Contents of a SALDO.

(8)Provisions for administering waivers or modifications to the minimum standards of the ordinance in accordance with section 512.1, when the literal compliance with mandatory provisions is shown to the satisfaction of the governing body or planning agency, where applicable, to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.

SALDO Application Timeline

(Subdivision or Land Development Application)



Zoning and SALDO Application Processes

	Municipal Staff	Planning Agency	Zoning Hearing Board	Governing Body
Land Development*		 		
Subdivision		 		
Conditional Use		 		 
Special Exception			 	
Variance			 	
Zoning Permit				
PRD or TND		 		 



Decision



Pause for Review



Recommendation



Hearing Required

* May be accompanied by a modification or waiver request.



Data Centers

Addressing Land Use Hot Topics? Answer three questions:

○ **WHAT?**



○ **WHERE?**



○ **HOW?**



What? (is this land use)

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.



Types of Data Centers

Edge or Micro Facilities - A few hundred to a few thousand square feet.

Enterprise Facilities - 5,000 to 50,000 square feet. Commonly used by corporations or universities.

Colocation Facilities – 50,000 to 600,000 square feet. Often serves multiple tenants.

Hyperscale Facilities – Over 600,000 square feet. Often multiple buildings in a campus type arrangement. Common for major cloud/artificial intelligence providers.

Data Center Accessory Use

Definition: Systems, equipment, facilities, and/or components used in the air cooling, water or liquid cooling, power supply systems, telecommunication, cloud communication, and mechanical or environmental controls when used in the support or enabling of a data center.



Location considerations for data centers

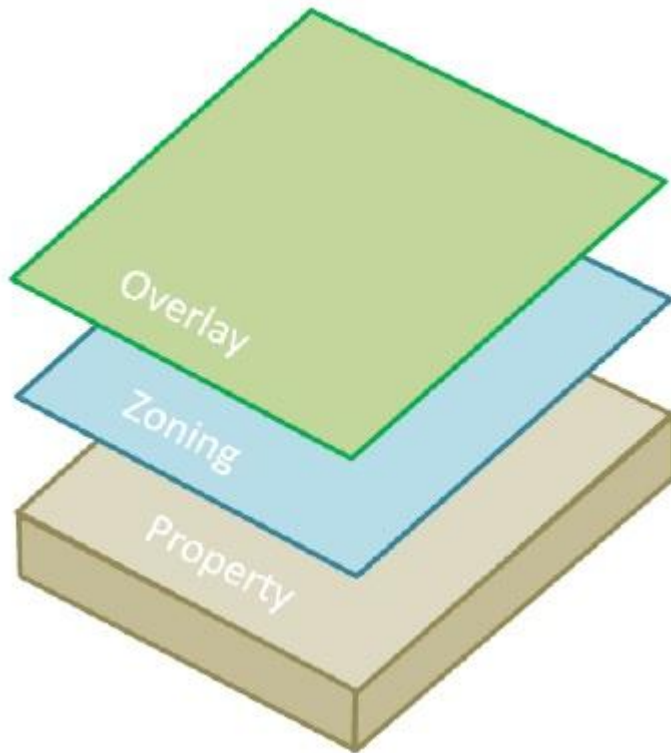
WHERE?



- Zoning districts to consider: light industrial, heavy industrial, and/or commercial districts?
- Consider water access, environmental features, population, proximity to electrical infrastructure/power sources.
- The buildings are often large with blank walls.
- Data centers often use backup generators and HVAC that can produce significant noise.

Overlay Districts

(planner's panacea. zoning officer's nightmare)



Apply provisions, in addition to the underlying base zoning districts.

Examples,

- Airport Overlay Districts
- Campus Overlay Districts. (University, Medical, technology)
- Design Specific Overlay Districts. (Main Street, Traditional Development, Mix-Use)

Allows for greater flexibility in regulating land-use.

If you must Overlay....

- ✓ Have a clear purpose
- ✓ Have a well-defined boundary
- ✓ Have specific regulations
- ✓ Define interaction with base district regulations

PERMITTED Uses

Permitted Use by Right:

Use of property and structures in manners consistent with that which is listed as permissible in the zoning district in which the property is located.

Permitted Use by Special Exception:

Authorized use which may be granted only by the Zoning Hearing Board, after a public hearing conducted pursuant to public notice, in accordance with express standards and criteria.

Permitted Conditional Use:

Use granted only by Governing Body pursuant to express standards and criteria contained in this Ordinance after review and recommendation by the Planning Commission and after conducting a public hearing pursuant to public notice.

Zoning regulations to consider

HOW?



- Minimum lot size?
- Architectural features?
- Distance from residential properties (existing structures and/or residential zoning districts)?
- Screening (vegetative, fencing, rooftop equipment, backup generators, HVAC)?
- Maximum building height?
- Lot coverage? Building massing?
- Acceptable noise levels and requirements for noise reduction?
- Lighting?
- Decommissioning? Emergency management?

Decommissioning

The applicant shall submit, as part of the conditional use application, a plan outlining the methods and steps for decommissioning and removal of all structures and associated infrastructure at the end of the project's life. This shall include all buildings, roads, cabling, electrical components, operational equipment, and related facilities, both above ground and below ground to a depth of forty-eight (48) inches. The plan shall include a Waste Management Plan and a Hazardous Materials Management Plan identifying all anticipated waste streams and hazardous materials, including but not limited to batteries, fuel, refrigerants, and electronic waste, and describing procedures for their handling, storage, transportation, recycling, and disposal. All hazardous materials shall be removed and disposed of in compliance with all applicable federal and Pennsylvania laws and regulations.

Revised Decommissioning

A revised and updated decommissioning plan shall be provided to the local Planning Commission for review and recommendation five years after the building permit was issued for the data center project and each three (3) year anniversary thereafter until the data center has been fully decommissioned and the project parcel has been restored as required.

Building Height

Maximum building height for a data center shall be 35 feet. This height should be calculated from the lowest adjacent grade to the top edge of the roof, excluding any mechanical or accessory equipment. No mechanical or accessory equipment mounted on the roof should exceed 10 feet in height from the top edge of the roof.

Can the maximum height requirement of the zoning district be used?



Electric



The Applicant shall provide an interconnection agreement from the applicable electric service provider indicating that the necessary capacity is available, and the data center will be served.



Exterior Illumination

A photometric plan should be provided to confirm that all exterior data center lighting is designed to produce no more than 0.25 foot-candles at any lot line. Exterior lighting should not be mounted higher than 35 feet and should be fully shielded to prevent light spillage to adjoining properties while providing adequate safety and security within property boundaries.



Emergency Response

Prior to construction, the owner/operator of a data center shall be required to submit an incident response plan and emergency response plan prepared by a qualified professional.



Abandonment

The data center project has not for twelve (12) continuous months: (i) generated commercial production normal for the data center operation and data processing activity.(ii) been decommissioned in accordance with this Zoning Order; and(iii) such cessation of operations is not attributable to an event beyond the reasonable control of the property owner or Applicant, as the case may be.



Sound



Setbacks

Data Center buildings and Data Center Accessory Uses shall be set back at least 500 feet from the property line. In addition, Data Center buildings and Data Center Accessory Uses shall not be closer than 1,000 feet (measured radially from the Data Center building or equipment) from any residentially zoned property line or occupied residence.

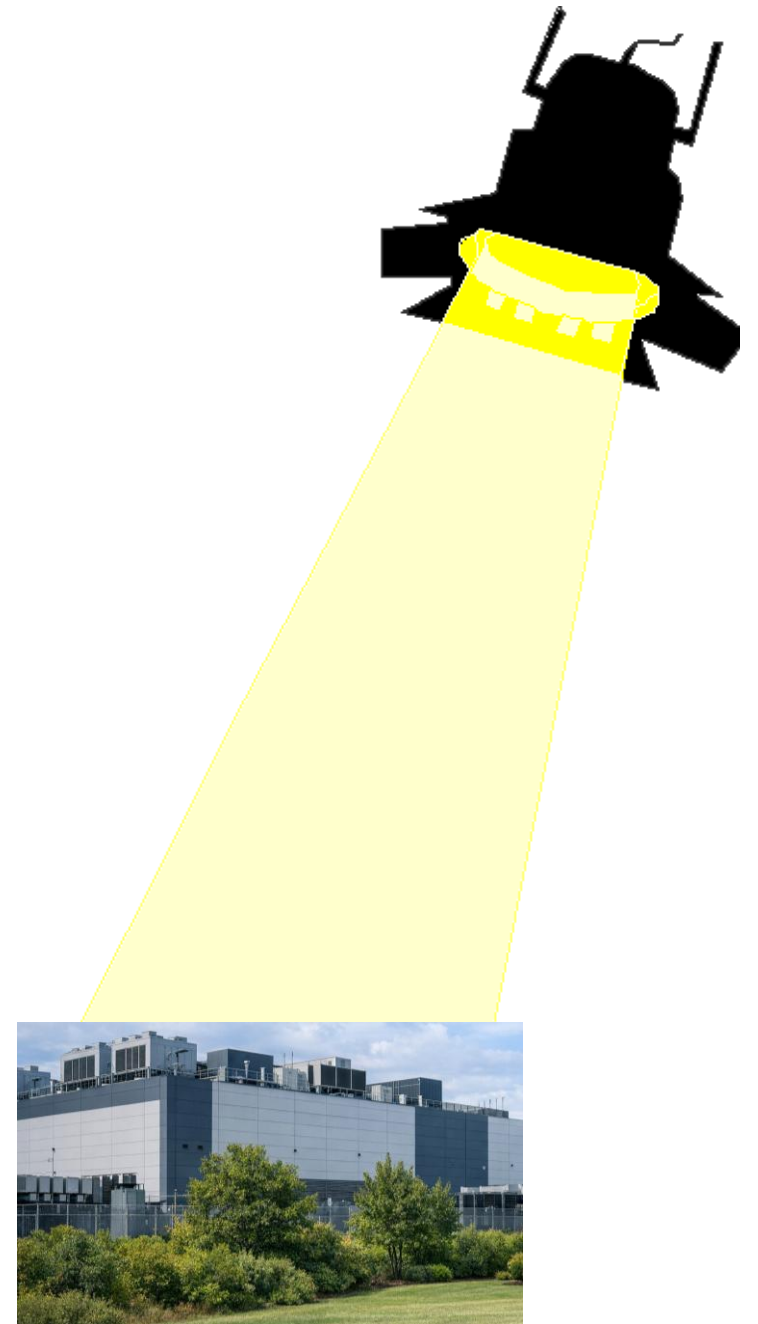
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In allowing a conditional use, the governing body may attach such reasonable conditions and safeguards, other than those related to off-site transportation or road improvements, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.

Ordinance amendments...

- Don't forget that this Zoning Ordinance amendment is one piece of the tangled web that is your existing zoning ordinance.
- Consider how the proposed regulations impact or modify existing regulations.
- How is/are these use(s) treated as compared to other similar uses?



Regulatory Options

Can't we just ban them?

NO. However, through zoning, municipalities have the power to regulate the location of land uses.

Steer Clear of Exclusionary Zoning!

- ✓ An ordinance that explicitly excludes specific use(s).
- ✓ An ordinance that appears to permit a use but subject to conditions that make it impossible to develop.

Pennsylvania Examples

- In Butler (Butler), data centers are **permitted *by-right*** in its business and industrial districts.
- In College Township (Centre), data centers are **permitted *by-right*** in its **Planned Research and Business Park District**.
- In Coolbaugh Township (Monroe), data centers are **permitted as a *conditional use*** in the **Industrial District**. They must meet **requirements for parking, loading, sound, environmental impact, emergency access, and utility services**.
- In Limerick Township (Montgomery), data centers are **permitted as a *conditional use*** in its **industrial districts**. They must meet **height, sound, and environmental impact requirements**.
- In Monroeville (Allegheny), data centers are **permitted *by-right*** in some commercial and industrial **districts**. They are also listed as a **conditional use in other commercial districts**.

Key Takeaways

- Land uses cannot be banned but can be regulated carefully through zoning
- Municipalities can be prepared for data centers by adopting/amending/updating their ordinance to establish use regulations and design standards, leveraging existing regulations in place similar light industrial uses when possible
- Expressly define and permit data centers based on their scale and use (i.e. edge/micro data center vs. hyperscale data center)
- Consider regulating data centers as a Conditional Use or Special Exception



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