Moving to BOS 4/7

Exhibit 5a.i.

KELLY TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE OF KELLY TOWNSHIP, UNION COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27 OF THE CODE OF ORDINANCES OF KELLY TOWNSHIP TO PROVIDE ZONING REGULATIONS REGARDING DATA CENTERS AND DATA CENTER ACCESSORY USES WITHIN KELLY TOWNSHIP, UNION COUNTY, PENNSYLVANIA.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF KELLY TOWNSHIP, UNION COUNTY, PENNSYLVANIA AND IT IS HEREBY ENACTED AND ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1: Chapter 27, Part 13, Section 27-1301 of the Code of Ordinances of Kelly Township, Union County, Pennsylvania, is hereby amended by adding as follows:

§27-1301. Definitions.

CRYPTOCURRENCY MINING/BLOCKCHAIN TRANSACTION PROCESSING – The commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the blockchain, and also the means through which new units of cryptocurrencies are released, through the use of Server Farms or Data Centers employing data processing equipment.

CRYPTOCURRENCY – A digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank.

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

or 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, fiberoptic, 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 during normal operations.

SERVER FARM – Three (3) or more interconnected computers housed together in a single facility whose primary function is to perform data processing functions.

SECTION 2: Chapter 27, Part 3, Section 27-306 of the Code of Ordinances of Kelly Township, Union County, Pennsylvania, is hereby amended by adding as follows:

§27-306. Commercial-Highway-Manufacturing District – Uses and Structures.

Permitted Principal Uses and Structures (Zoning Officer)	**Permitted Accessory Uses and Structures (Zoning Officer)**
Data Center (see §27-446).	Data Center Accessory Uses (see §27-446).

§27-306. Commercial-Highway-Manufacturing District – Lot, Yard and Open Space Requirements.

Minimum Lot Requirements (See §27-501)
Minimum Lot Area Per Principal Structure or Use
Distribution Centers, Industrial Parks or data centers

SECTION 3: Chapter 27, Part 4, Section 27-446 of the Code of Ordinances of Kelly Township, Union County, Pennsylvania, is hereby amended by adding as follows:

§27-446. Data Centers and Data Center Accessory Uses. It is the intent of this Section to enable the development of Data Centers and Data Center Accessory Uses, to the extent possible, in areas where any potential adverse effects in the community will be minimized and to ensure that adequate capacity is available on the applicable utility supply lines to serve both the Data Center and Data Center Accessory Uses and to serve the other needs of the service area consistent with the normal projected local growth envisioned by the local utility service provider(s).

(1) Data Centers shall permitted by right in the Commercial-Highway-Manufacturing Zoning District when approved in accordance with the procedures, standards and criteria contained in this Section.

(2) For purposes of this Section, sensitive receptors shall be defined as residential uses, schools, preschools, daycare centers, in-home daycares, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (including trails), campgrounds, prisons and dormitories.

(3) Dimensional Standards. The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with Section 27-306 of this Chapter, with the following exceptions:

(a) The maximum building height for a Data Center shall be sixty (60') feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.

(b) The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.

(c) Data Centers and Data Center Accessory Uses shall be set back two hundred (200') feet from the boundary of the Residential-Suburban, Residential-Urban and/or Commercial-Neighborhood Zoning Districts or the lot line of any property developed with a sensitive receptor.

(4) Landscape Buffer. A landscape buffer is required between Data Centers and Data Center Accessory Uses and the Residential-Suburban, Residential-Urban and/or Commercial-Neighborhood Zoning Districts, sensitive receptor, or public roadway. The landscape buffer shall comply with the following requirements:

(a) The landscape buffer shall be at least twenty-five (25') feet in width and may be part of the minimum setback distance.

(b) Buffer plantings shall consist of native species planted as follows:

(1) One (1) large evergreen tree per twenty-five (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.

(2) One (1) deciduous canopy (shade) tree per seventy-five (75') linear feet of buffer. The size of canopy (shade) trees shall be a minimum of two and one-half (2½") inch caliper at the time of planting.

(3) One (1) ornamental/flowering tree per fifty (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 two and one-half (2½") inch caliper at the time of planting for single-stemmed varieties.

(4) Five (5) shrubs per twenty-five (25') linear feet of buffer. The size of shrubs shall be fully branched and minimum of three (3') feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of fifty (50%) being evergreen.

(c) In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the Data Center and Data Center Accessory Uses from adjoining Residential-Suburban, Residential-Urban and/or Commercial-Neighborhood Zoning Districts, sensitive receptors and public roadways, the Board of Supervisors,

upon recommendation by the Township Engineer and Township Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.

(5) Screening and Fencing.

(a) To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within three hundred (300') feet of a public roadway, the Residential-Suburban, Residential-Urban and/or Commercial-Neighborhood Zoning Districts, 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:

(1) The landscape buffer required by subsection (4) above.

(2) By existing vegetation that will remain on the property.

(3) By the principal Data Center building or an accessory building.

(4) 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.

(5) 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.

(b) 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 subsection (a) above.

(6) Noise and Vibration.

(a) The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Data Center Accessory Use during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 67dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. 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 S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:

(1) A preliminary study shall be conducted as part of the land development process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.

(2) 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 interim sound study shall be incorporated into the construction plans for the use.

(3) An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy and prior to the final financial security release for any land development phase. An as-built sound study may also be required thereafter by the Township. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, it shall be considered a violation of this Ordinance.

(b) 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.

(c) 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.

(7) Water and Sewer.

(a) If the use will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.

(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. The water feasibility study shall include the following information at a minimum:

(1) The projected water demands of the Data Center;

(2) The source of water to be used;

(3) 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);

(4) The long-term safe yield of the water source;

(5) A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;

(6) A geologic map of the area with a radius of at least one (1) mile from the site;

(7) The location of all existing and proposed wells within one thousand (1,000') feet of the property boundary, with a notation of the capacity of all high-yield wells;

(8) The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, within one thousand (1,000') feet of the property boundary;

(9) 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; and

(10) A statement of the qualifications and the signature(s) of the person(s) preparing the study.

(c) The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission for projects proposing:

(1) Water withdrawals of one hundred thousand (100,000 gpd) gallons per day or move over a 30-day average from any source or combination of sources within the Susquehanna River Basin; or

(2) Any consumptive water use of twenty thousand (20,000 gpd) or more over a 30-day average from any water source.

(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 Township Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

(8) 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 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.

(b) 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.

(9) Emergency Management.

(a) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

(1) Be reviewed and accepted by the local fire department and emergency management services as part of the land development process;

(2) Include detailed procedures for fire suppression, containment, ventilation, and evacuation;

(3) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

(4) Ensure that all first responders receive adequate training specific to the installed system; and

(5) Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.

(b) 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.

(c) No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation and evacuation are sufficiently protective of public health, safety and welfare.

(10) Aesthetics. Any Data Center and Data Center Accessory Use building façade that faces a road, the Residential-Suburban, Residential-Urban and/or Commercial-Neighborhood Zoning Districts, or existing residential use must incorporate at least two of the following design elements every one hundred and fifty (150') horizontal feet:

(a) A change in building material, pattern, texture, or color;

(b) A change in building height; or

(c) Building step-backs or recesses having a minimum depth of five (5') feet.

(11) Parking. Data Centers are to be provided with a least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the maximum shift, whichever is lesser.

SECTION 4: Chapter 27, Part 8, Section 27-800 of the Code of Ordinances of Kelly Township, Union County, Pennsylvania, is hereby amended by adding as follows:

§27-800. Off-Street Parking Requirements.

TABLE 2

OFF-STREET PARKING SCHEDULE

Industrial Uses	
Manufacturing or industrial operations, warehouse facilities, or data center and data center accessory uses	1 for each employee in the maximum work shift

SECTION 5: ALL ORDINANCES OR PART OF ORDINANCES INCONSISTENT HEREWITH ARE HEREBY REPEALED.

ENACTED THIS _____ DAY OF _____, 2026, BY THE BOARD OF SUPERVISORS OF KELLY TOWNSHIP, UNION COUNTY, PENNSYLVANIA.

ATTEST:

BOARD OF SUPERVISORS OF KELLY TOWNSHIP

_____
Secretary

_____
Chairman