

[BOROUGH/TOWNSHIP/TOWN/CITY] OF [.....]

ORDINANCE #

AN ORDINANCE OF THE MAYOR AND [BOROUGH/TOWNSHIP/TOWN/CITY] COUNCIL OF THE BOROUGH/TOWNSHIP/TOWN/CITY OF [....] IN THE COUNTY OF [.....], STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH/TOWNSHIP/TOWN/CITY OF [....] TO INCLUDE AND DESIGNATE DATA CENTERS AS A NON-PERMITTED USE IN ALL ZONES WITHIN THE BOROUGH/TOWNSHIP/TOWN/CITY OF [.....]

WHEREAS, the Borough/Township/Town/CITY of [..] Master Plan emphasizes protection of the Borough/Township/Town/City's character, agricultural lands, scenic landscapes, environmental resources, wildlife habitat, and historic and cultural heritage; and

WHEREAS, data centers, by nature, present an intense and unique form of land use and development, posing significant challenges related to electricity consumption, noise, air quality, water use, community character and long-term planning objectives; and

WHEREAS, preliminary data cited by Members of the New Jersey State Legislature has cautioned that large-scale data centers can use as much as 3 to 5 million gallons of water in a single day between liquid cooling and water consumed to generate the energy that powers them; and

WHEREAS, this extreme volume of water usage impacts homes and businesses both within the host municipality and the surrounding communities; and

WHEREAS, preliminary studies noted by the State Legislature also indicate that some data centers require 300 MW of electricity, which is roughly equivalent to the output of a small modular nuclear reactor; and

WHEREAS, in only the last year the majority of the State has already seen consumer energy costs increase more than twenty percent (20%), with additional increases expected within the next few months; and

WHEREAS, the high-tech data centers that are proliferating throughout the state consume a large amount of electrical power at a time when energy costs are increasing for ratepayers; and

WHEREAS, it is well established that overdevelopment, urbanization and overuse of environmental resources impacts subterranean aquifers and the quality of drinking and other water resources and poses a substantial strain on community water resources; and

WHEREAS, the Governing Body is conscious of the hazards, such as depletion of critical groundwater resources, and the impact on the environmental and natural resources posed by the scope, depth and pervasiveness of large-scale commercial data center operations; and

WHEREAS, municipal regulations designed for the preservation of the environment and the protection of ecological values are a well-recognized, legitimate and proper exercise of municipality authority; and

WHEREAS, cutting and removal of trees has been found to cause and create increased soil erosion and dust, instability and deterioration in the value of surrounding property and other adverse environmental and geographical conditions; and

WHEREAS, dramatic increases and changes in population, development and the impact of certain data center operations on residents, businesses, the environment, and private and public property have imposed significant burdens on municipal resources and have created increased need to balance the rights and interests of the residents and general public with that of the legitimate rights of property owners to conduct business without unreasonable regulation; and

WHEREAS, in light of these significant changes in confluence with modern advancement in technology, scientific and environmental research that have allowed for a more accurate and comprehensive understanding of the hazards and dangers posed to surrounding property, environmental and natural resources, the general public, and the proliferation and expansion of governmental regulation of the environment, safety and business in general, that have occurred since the enactment of the municipalities zoning and development regulations, the Mayor and Council have determined it necessary and appropriate to amend and update its ordinances to adequately address data center uses in a manner that best reflects present needs and realities; and

WHEREAS, the Mayor and Council of the Borough/Township/Town of [redacted] have determined that it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of its residents and members of the public who visit, travel or conduct business in the Borough/Township/Town, to amend the Borough/Township/Town [zoning regulations/Code/Revised General Ordinances] to include all manner of data centers land use and development as a non-permitted use within the geographic boundaries of the Borough/Township/Town and to otherwise improve and strengthen the nature, scope, manner and effectiveness of such regulations;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough/Township/town Council of the Borough/Township/Town of [redacted], in the County of [redacted], State of New Jersey as follows:

Section 1. Chapter [redacted], Article [redacted], § 000-0, “Definitions” of the [Code/Revised General Ordinances] of the Borough/Township/Town of [redacted] is hereby amended and supplemented to add a new section/subsection as follows:

DATA CENTER shall mean and include any facility used primarily for the storage, management, and processing of digital or electronic data, which houses computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems, systems for monitoring and managing infrastructure performance, Internet-related equipment and services, data communications connections, environmental controls, fire protection systems, and security

systems and services. Typical accessory components of a data center may include transformers, electrical substations, environmental controls, fire suppression, generators, redundant power supplies and security facilities.

Section 2. Chapter ..., “[Zoning]”, Article ..., “[...]”, § 0-0, “[Non-permitted uses/Prohibited uses generally]” of the [Code/Revised General Ordinances] of the Borough/Township/Town of is hereby amended and supplemented to add [a new section/subsection ..., “Data Center” as follows/ the following as a non-permitted use]:

[X] All Data Centers as defined in Chapter 000, § 0-1, of the [Code /Revised General Ordinances of the Borough/Township/Town of ...] and any and all uses related to the same.

Section 3. The Borough/Township/Town Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

Section 4. After introduction, the Borough/Township/Town Clerk is hereby directed to submit a copy of the within Ordinance to the [Planning Board/Land Use Board] of the Borough/Township/Town of ... for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board/Land Use Board is directed to make and transmit to the Borough/Township/Town Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate. Upon the adoption of this Ordinance, after public hearing, the Borough/Township/Town Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 5. Repealer. All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 6. Severability. Each section, subsection, paragraph, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, preempted, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

Section 7. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

Section 8. Prior actions. All actions of the Borough/Township/Town of ... taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

Section 9. Codification. This Ordinance may be renumbered for codification purposes.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough/Township/Town Council of the Borough/Township/Town of ... introduced on _____, 20__ and will be further considered for adoption after Public Hearing held on _____, 20__ at _____ in the ... Municipal Building, 1234 Anystreet Way, Anywhere, New Jersey.

INTRODUCED: _____

ADOPTED: _____

, Mayor

ATTEST:

, Borough/Township/Town Clerk