

BILL NO. 781
ORDINANCE NO. 781
INTRODUCED BY: JOHN LORENZO
FIRST READING: OCTOBER 20, 2025
FINAL READING: WAIVED
ADOPTED: OCTOBER 20, 2025

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF
ROSTRAVER, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING THE
TOWNSHIP ZONING ORDINANCE TO ADD DATA CENTER, AND OIL AND GAS
ANCILLARY FACILITIES, AND TO AMEND OIL AND GAS DRILL SITE, AND
PROTECTED STRUCTURE**

WHEREAS, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the "MPC"), authorizes the Township of Rostraver (the "Township") to regulate land uses in the Township; and

WHEREAS, pursuant to its authority under the MPC, the Board of Commissioners of the Township (the "Board") enacted Ordinance No. 300 of 1995 on July 25, 1995, in order to establish zoning regulations within the Township to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources; and

WHEREAS, Rostraver Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for access to and use of solar energy systems; and

WHEREAS, the Board of Commissioners from time to time adopted amendments to Ordinance No. 300 of 1995 (said ordinance as so amended being referred to hereafter as the "Zoning Ordinance").

NOW THEREFORE, the Board of Commissioners hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. Section 195-6, Definitions are amended by deleting the stricken text and adding the following underlined text:

DATA CENTER

A facility used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer and communications equipment and for handling, storing, and backing up the data necessary for the operation of a business or organizational entity. A data center generally includes environmental controls (air conditioning, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and high security.

OIL AND GAS ANCILLARY FACILITIES

Rock construction entrances, access roads, security huts and gates, stormwater facilities, soil stockpiles, rain gardens, erosion and sedimentation controls, signage and similar structures and facilities supporting an oil and gas drill site, located outside the well pad. Oil and gas ancillary facilities may be located on the same parcel on which an oil and gas drill site is located, or on a parcel adjacent to the parcel on which an oil and gas drill site is located. Oil and Gas Water Storage Facilities shall be excluded from this definition.

OIL AND GAS DRILL SITE

~~The oil and gas drill site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling, production or operation of an oil or gas well.~~

The oil and gas drill site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling, production or operation of an oil or gas well, as defined in this chapter.

PROTECTED STRUCTURE

Any occupied residence, commercial business building, school building, religious institution building or other public building containing the principal use on a lot. Barns, sheds, garages and other accessory structures shall not be considered a protected structure.

SECTION 2. Section 195-12C(22) of the Zoning Ordinance, A-1 Agricultural District Statement of purpose and use summary provisions are amended by adding the underlined text:

C. Special Exception.

(22) Oil and Gas Ancillary Facility

SECTION 3. Section 195-14S(1) of the Zoning Ordinance, A-1 Agricultural District Special Exception provisions are amended by adding the underlined text:

S. Oil and gas drill site.

(1) A special exception shall be obtained for all oil and gas drill sites, including oil and gas ancillary facilities. All applications submitted for consideration of the Zoning Hearing Board shall include, at a minimum, the following documentation and all other pertinent data deemed necessary to process the application:

SECTION 4. Section 195-14S(10) of the Zoning Ordinance, A-1 Agricultural District Special Exception provisions are amended by deleting the stricken text and adding the underlined text:

S. Oil and gas drill site.

(10) Noise. In lieu of the requirements of § 195-74(C) regarding noise, the operator shall comply with the requirements of this section along with the remainder of the performance standards in §195-74. The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance with this section. ~~the performance standards relating to noise and as more specifically set forth § 195-74 with respect to the location of a proposed drill site if such methods are required in order to ensure such compliance.~~

~~As part of the special exception application, and prior to construction, the operator shall establish the ambient or background noise level baseline. The baseline shall be established hourly over a seventy-two hour period with at least one twenty-four-hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the Township and owner/operator will be responsible for determining the residual background noise level baseline. The operator and Township will mutually agree to the location of the sampling equipment. The operator shall be responsible for all costs associated with the noise consultant/engineer. The results shall be provided to the Township.~~

- (a) ~~The noise generated during construction, drilling, hydraulic fracturing, production, compression and rework activities (excluding noise from transient non-stationary equipment and vehicles and noise caused by unusual and random events such as temperature inversions) when measured at the nearest protected structure property line or 100 feet from the nearest protected structure (as measured to the closest exterior point of the building), whichever is closer to the protected structure, the property line of adjoining properties or within 100 feet of any occupied building on any affected property shall not exceed 65 dBA, the greater of the performance standards for noise set forth in § 195-74C(2) of the Zoning Ordinance or the ambient or background noise level established above.~~
- (b) Adjustments to noise limit. Adjustments to the noise limit described in Subsection S(10)(b)[1] shall be permitted if requested at the time of special exception hearing in accordance with the following only during the daytime 7:00 a.m. to 10:00 p.m., per § 195-74:

**Permitted Increase
(dBA)**
5
10
15

**Duration of Increase
(minutes)***
15
5
1

* Cumulative minutes during one hour.

~~The permitted increase shall be calculated using the greater of the performance standards set forth in § 195-74C or the ambient or background noise level established above. At the special exception hearing, the operator shall provide a computer-generated site-specific, noise-impact model of projected sound levels at protected structures during drilling and hydraulic fracturing, based on topography, vegetation and structures of the proposed drill site with a 5,000-foot radius from the outer boundary of the proposed oil and gas vertical bore locations. The model shall include weather, conforming to ISO 9613, but need not account for transient non-stationary equipment and vehicles or for unusual and random events such as temperature inversions. The simulation model shall include both the unabated noise analysis as well an analysis showing as several noise analyses, including the effects of noise abatement plans.~~

- (c) ~~If a complaint that the operator is violating the foregoing noise limits is received by the Township from a Township property owner/resident who owns/occupies property impacted by noise generated during construction, drilling, or hydraulic fracturing, permanent production or workover activities, the Township Zoning Officer shall determine initially whether the complaint has merit. If the complaint has merit, the Township Zoning Officer shall notify the operator and provide the operator with a forty-eight seventy-two-hour period in which to cure. Following the expiration of such forty-eight seventy-two-hour cure period, the Township Zoning Officer shall conduct an inspection to determine whether the operator has established compliance. If the Township Zoning Officer determines the operator remains in violation of the noise limit, the operator shall, within 24 72 hours following receipt of notification, begin continuous sound monitoring for a period of 48 72 hours at the property line of an occupied protected structure. A noise consultant/engineer mutually agreed upon by the Township and owner/operator shall conduct hourly testing and report the findings to the Township. The operator shall be responsible for all costs associated with the noise consultant/engineer. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable limits immediately after the 48 72 hours of sound monitoring. If after the 48 72 hours of sound monitoring determines the operator remains in violation of the noise limit, the operation shall cease and desist until such time the noise levels come into compliance with the allowable noise limits established.~~

SECTION 5. Section 195-14U of the Zoning Ordinance, A-1 Agricultural District Special exceptions provisions are amended by adding the following underlined text:

U. Oil and gas ancillary facilities, subject to the standards and criteria of Article VI, § 195-14S, of this chapter applicable to such facilities.

SECTION 6. Section 195-15 of the Zoning Ordinance, A-1 Agricultural District Lot, area and dimensional requirements are amended by adding the following underlined text:

Special Exception:

Oil and gas ancillary facilities Subject to the requirements of 195-14S

SECTION 7. Section 195-36A(33) of the Zoning Ordinance, B-2 Retail Business District statement of purpose and use summary provisions are amended by adding the following underlined text:

A. Use permitted by right.

(33) Data Center.

SECTION 8. Section 195-36C(14) of the Zoning Ordinance, B-2 Retail Business District Special Exceptions are amended by adding the following underlined text:

C. Special exception.

(14) Oil and gas ancillary facilities.

SECTION 9. Section 195-38N of the Zoning Ordinance, B-2 Retail Business District provisions are amended by adding the following underlined text:

(N) Oil and gas ancillary facilities, when submitted as part of an application for a special exception for an oil and gas drill site proposed to be located in the A-1 Agricultural District I-1 Light Industrial, I-2 Heavy Industrial District, and I-3 Mixed Industrial District, subject to the standards and criteria of Article VI, § 195-14S, of this chapter applicable to such facilities.

SECTION 10. Section 195-39 of the Zoning Ordinance, B-2 Retail Business District Lot, area and dimensional requirements are amended by adding the following underlined text:

Permitted Use:

Data Center	32,000	150	50	25	25	65	50%
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Special Exception:

Oil and gas ancillary facilities Subject to the requirements of 195-14S

SECTION 11. Section 195-39.1A(19) of the Zoning Ordinance, MU Mixed Use District statement of purpose and use summary provisions are amended by adding the following underlined text:

A. Use permitted by right.

(19) Data Center.

SECTION 12. Section 195-40A(15) of the Zoning Ordinance, I-1 Light Industrial District statement of purpose and use summary provisions are amended by adding the following underlined text:

A. Use permitted by right.

(15) Data Center.

SECTION 13. Section 195-40C(17) of the Zoning Ordinance, I-1 Light Industrial District statement of purpose and use summary provisions are amended by adding the following underlined text:

C. Special Exception.

(17) Oil and gas ancillary facilities.

SECTION 14. Section 195-42P of the Zoning Ordinance, I-1 Light Industrial District Special exception provisions are amended by adding the following underlined text:

P. Oil and gas ancillary facilities, subject to the standards and criteria of Article VI Section 195-14S, of this chapter.

SECTION 15. Section 195-43 of the Zoning Ordinance, I-1 Light Industrial District Lot, area and dimensional requirements are amended by adding the following underlined text:

Permitted Use:

Data Center 20,000 75 50 25 25 65 50%

Special Exception:

Oil and gas ancillary facilities Subject to the requirements of 195-14S

SECTION 16. Section 195-44A(14) of the Zoning Ordinance, I-2 Heavy Industrial District statement of purpose and use summary provisions are amended by adding the following underlined text:

A. Use permitted by right.

(14) Data Center.

SECTION 17. Section 195-44C(22) of the Zoning Ordinance, I-2 Heavy Industrial District statement of purpose and use summary provisions are amended by adding the following underlined text:

C. Special exception.

(22) Oil and gas ancillary facilities.

SECTION 18. Section 195-46U of the Zoning Ordinance, I-2 Heavy Industrial District Special exception provisions are amended by adding the following underlined text:

U. Oil and gas ancillary facilities, subject to the standards and criteria of Article VI Section 195-14S, of this chapter.

SECTION 19. Section 195-47 of the Zoning Ordinance, I-2 Heavy Industrial District Lot, area And dimensional requirements are amended by adding the following underlined text:

Permitted Use:

Data Center 20,000 75 50 25 25 65 50%

Special Exception:

Oil and gas ancillary facilities Subject to the requirements of 195-14S

SECTION 20. Section 195-50V of the Zoning Ordinance, I-3 Mixed Industrial District Special exception provisions are amended by adding the following underlined text:

V. Oil and gas ancillary facilities, subject to the standards and criteria of Article VI Section 195-14S, of this chapter.

SECTION 21. Section 195-51 of the Zoning Ordinance, I-3 Mixed Industrial District Lot, area and dimensional requirements are amended by adding the following underlined text:

Special Exception:

Oil and gas ancillary facilities Subject to the requirements of 195-14S

SECTION 22. 195 Attachment 1, Table of Use Regulations

Permitted Uses	A-1	VR	R-1	R-2	R-3	B-1	B-2	MU	I-1	I-2	I-3
<u>Data Center</u>							P	P	P	P	P
<u>Oil and Gas Ancillary Facilities</u>	S						S		S	S	S


SECTION 23. Repealer. All other ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 24. Severability. If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

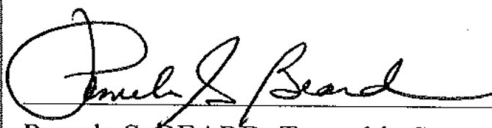
SECTION 25 Effective Date. This ordinance shall become effective upon adoption.

ORDAINED AND ENACTED as an Ordinance of the Township of Rostraver this 20th day of October, 2025.

TOWNSHIP OF ROSTRAVER
BOARD OF COMMISSIONERS

BY: 
Jeffrey R. JOHNSON, President

ATTEST:


Pamela S. BEARD, Township Secretary