

# **TOWNSHIP OF BURLINGTON**

## **ORDINANCE**

**2026-OR-012**

### **ORDINANCE OF THE TOWNSHIP OF BURLINGTON AMENDING LAND DEVELOPMENT CODE CHAPTER 330- 5 "SPECIFIC PHRASES" TO ADD THE DEFINITION OF A DATA CENTER AND CHAPTER 330-34 "REGULATIONS APPLICABLE TO ALL ZONES" TO ADD TO SUBSECTION K "PROHIBITED USES" SUBSECTION (12) DATA CENTER**

**WHEREAS**, the Township Code provides that unless a use is expressly permitted in a zone as set forth in Chapter 330 "Land Development" the use is not permitted, and that certain uses and activities are expressly prohibited; and

**WHEREAS**, Council members are aware that many residents have expressed concerns as to potential negative impacts on municipal resources and conflicts with existing zoning resulting from the rapid development of data centers to address artificial intelligence and other computing needs; and

**WHEREAS**, data centers, by their 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**, the Township Code does not define a data center, nor do the municipal development regulations permit such a use as they were not in existence during the last master plan reexamination in 2018; and

**WHEREAS**, the Township has made significant investments in its water utility in planning to meet the needs of its residents and anticipated industrial and commercial development, which investment did not contemplate the demands created by data centers; and

**WHEREAS**, a data center reputedly consumes a large amount of electrical power at a time when energy costs are increasing for ratepayers, and while the Township does not have any authority over the regulation of electric rates, the impact of data center growth is a legitimate consideration for municipal zoning; and

**WHEREAS**, recognizing the public concerns surrounding the potentially negative impacts of uncontrolled data center growth, and the need to gain knowledge of their true impacts on the environment before determining if they might be permitted within an industrial or other commercial zone in the Township with appropriate development regulations, the Council has determined that data centers are prohibited within the Township unless and until they are recommended in the next master plan reexamination report and the Council determines at that time that the use with appropriate development regulations should be permitted.

**NOW, THEREFORE, BE IT ORDAINED and ENACTED** by the Township Council of the Township of Burlington as follows:

**Section 1.** Land Development Code Chapter 330-5 "Specific Phrases" is amended to add the definition data center 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.

This term is to be broadly construed to include facilities constructed for the primary purpose of housing active information technology or digital infrastructure, including cloud computing infrastructure, cryptocurrency mining operations, artificial intelligence processing facilities, and any other high-density digital infrastructure uses, regardless of how such use is labeled or described. Such facilities are generally characterized by large building footprints, substantial supporting infrastructure, continuous or near-continuous energy consumption, reliance on backup power generation systems, and associated mechanical and cooling operations necessary to maintain system functionality.

Accessory data server facilities such as Accessory Server Rooms which are dedicated rooms or space within a facility that houses computer servers and networking equipment that is subordinate to the principal use within that facility are excluded from the definition of a data center if limited in size to the lesser of two percent (2%) of the gross floor area of the principal structure in which they are located or two thousand (2,000) square feet.

**Section 2.** Land Development Code Chapter 330-34 is amended to add to the list of prohibited uses subsection K “(12) Data Center as defined in § 330-5.”

**Section 3.** The Township Clerk shall give notice at least ten (10) days prior to the public hearing on the adoption of this ordinance to the Burlington County Planning Board and to all other persons or entities entitled to notice pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

**Section 4.** After introduction the Township Clerk shall provide a copy of this ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board shall transmit to the 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 Township Clerk shall file a copy with the secretary of the Burlington County Planning Board.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on May 26, 2026, and will be considered for final passage after a public hearing held at a Regular Meeting of the Township Council to be held on June 9, 2026, at the Township Municipal Building, Burlington Township, New Jersey at 7:00 p.m.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on June 9, 2026.

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Mary E. Field  
Municipal Clerk

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George M. Kozub  
President of Council