

TOWNSHIP OF CLARK

Ordinance No. 26 - 23

Adopted August 17, 2026

Introduced: July 20, 2026 Public Hearing: August 17, 2026

AN ORDINANCE AMENDING CHAPTER 195, ZONING, OF THE CODE OF THE TOWNSHIP OF CLARK, TO AMEND THE DEFINITION OF DATA CENTERS, REMOVE DATA CENTERS AS A PERMITTED USE IN THE CI, LCI, AND COR DISTRICTS AND TO PROHIBIT DATA CENTERS AS A USE IN ALL DISTRICTS

WHEREAS, the Municipal Land Use Law ("MLUL") of the State of New Jersey, N.J.S.A. 40:55D-1 et seq. grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the Township Council of the Township of Clark is aware of growing public concerns about data centers and their potential environmental and socioeconomic impacts, including but not limited to high electricity and water consumption that can result in electrical grid overload and outages, increased consumer energy prices, and aquifer depletion; heat generation; interference with cellular and wireless communications; and disturbing, disruptive ambient noise; and

WHEREAS, given the growing public concern about data centers and their potentially detrimental environmental and socioeconomic impacts, and public nuisance, Township Council has deemed it necessary and appropriate to state clearly in the Township of Clark Code that data centers are, and shall continue to be, prohibited uses/structures in all of the Township of Clark zoning districts; and

WHEREAS, the Township of Clark desires to amend the definition of data centers, remove data centers as a permitted use in the CI, LCI and COR Districts, and prohibit data centers as a use in all districts; and

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Clark, County of Union, State of New Jersey, as follows:

SECTION ONE. Chapter 195-136.1(B)(16) in the CI Commercial Industrial District, of the Ordinances of the Township of Clark, is hereby deleted and reserved for future use.

SECTION TWO. Chapter 195-136.2(B)(15) in the LCI Limited Commercial Industrial District, of the Ordinances of the Township of Clark, is hereby deleted and reserved for future use.

SECTION THREE. Chapter 195-137.2(B)(6) in the COR Corporate Office Research Overlay District, of the Ordinances of the Township of Clark, is hereby deleted and reserved for future use.

SECTION FOUR. Chapter 195-111.B Definitions of the Ordinances of the Township of Clark is hereby amended to add the following definition.

DATA CENTERS

A facility that houses computer systems and includes associated components such as telecommunication and data storage systems; redundant or "backup" power and data storage components; electrical transformers, substations, and other power supply infrastructure; data communication connections; environmental and safety controls for building climate, equipment cooling, and fire suppression; and security devices, systems, and installations, to serve as off-site or remote accessory facilities available and accessible to users via telecommunication or internet utilities for the purpose of, including, but not limited to, aggregating collective computing demands for cloud services, video streaming, blockchain and crypto mining, artificial intelligence and machine learning, virtual reality, and other internet, telecommunication, computing, and data storage, maintenance, processing, and transmission purposes. Sometimes referred to as "internet data centers" or "cloud data centers" (and any and all functionally equivalent but differently named uses, structures and facilities).

The term "Data Center" shall not include customary accessory computer rooms, server rooms, network equipment, telecommunications equipment, data storage systems, or other information technology infrastructure that is incidental and subordinate to the principal permitted use of a building or site, including but not limited to those serving offices, research and development facilities, manufacturing facilities, hospitals, educational institutions, financial institutions, retail establishments, governmental facilities, or other permitted uses, provided such equipment is used primarily to support the operations conducted on the premises and is not operated as a principal commercial data processing, cloud computing, colocation, or remote data hosting facility.

SECTION FIVE. Section 195-116.C Use regulations; prohibited uses, of the Ordinances of the Township of Clark, is hereby amended to add the following:

(9) Data Centers

SECTION SIX. The Zoning Map of the Township of Clark, Union County, New Jersey is hereby amended to reflect the Zoning Map revisions set forth in this Ordinance.

SECTION SEVEN. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Union County Planning Board and all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63, if required.

SECTION EIGHT. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Clark for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Township Planning Board is directed to make and transmit to the Township Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Township Master Plan and recommendations regarding any inconsistencies and any other matters as the Board deems appropriate.

SECTION NINE. This Ordinance shall be submitted to the Township Mayor, and the Mayor shall within ten (10) days after receiving the Ordinance, either approve the Ordinance by affirming the Mayor's signature thereto or return it to the Township Council by delivering it to the Township Clerk together with a statement setting forth the Mayor's objections thereto or any item or part thereof. The Ordinance or any item or part thereof shall not take effect without the Township Mayor's approval, unless the Mayor fails to return the Ordinance to the Township Council within ten (10) days after it has been presented to the Mayor, or unless the Council upon reconsideration thereof on or after the third day following its return by the Mayor shall by a vote of two-thirds of the Members of the Council resolve to override the Mayor's veto pursuant to N.J.S.A. 40:69A-41.

SECTION TEN. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Township Mayor pursuant to N.J.S.A. 40:69A-41; (3) publication in accordance with the laws of the State of New Jersey; and filing of the final form of adopted Ordinance by the Township Clerk with (a) the Union County Planning Board pursuant to N.J.S.A.40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

Effective Date: September 7, 2026

ATTEST:

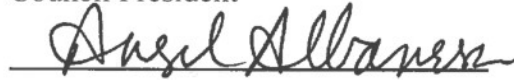


NICOLE CASTELLUCCI
Acting Township Clerk

APPROVED:



WILLIAM F. SMITH
Council President



ANGEL ALBANESE
Mayor

Ord26/26-23 7-20 Data Centers

		Motion to Introduce	Second	Motion to Adopt	Second	Aye	Nay	Abstain	Absent
	Hoff					✓			
	Hund					✓			
✓ Adopted	Mazzarella	✓				✓			
Adopted as Amended	Minniti					✓			
Defeated	O'Connor		✓		✓	✓			
Tabled	Toal			✓		✓			
Withdrawn	Smith					✓			
	Entire Council								
	TOTAL					7			

INTRODUCED: July 20, 2026

PUBLISHED IN: July 21, 2026, Township Website www.ourclark.com (P.L. 2025 c. 72)

PUBLIC HEARING AND ADOPTION: August 17, 2026

PUBLISHED IN: August 18, 2026, Township Website www.ourclark.com (P.L. 2025 c. 72)

EFFECTIVE DATE: September 7, 2026

