

ORDINANCE NO. 2026-06

ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE TO PROHIBIT DATA CENTERS IN ALL ZONING DISTRICTS

WHEREAS, the Township is a rural municipality whose Master Plan prioritizes preservation of agricultural land, protection of groundwater resources, conservation of environmental features, and maintenance of low-intensity development patterns; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) authorizes municipalities to regulate land uses in order to promote public health, safety, and the general welfare; secure protection from fire, flood, and other hazards; provide adequate light, air, and open space; prevent environmental degradation; ensure development appropriate to the character of the municipality; and promote a desirable visual environment; and

WHEREAS, a data center is a specialized industrial utility-scale use characterized by the continuous high-capacity electrical demand infrastructure, on-site substations and backup generation equipment, large mechanical cooling systems that may require a substantial daily consumption of water, significant impervious coverage, operational noise and vibration, and intensive infrastructure dependency; and

WHEREAS, in conformance with The Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq.), the Township complies with the Highland Regional Masterplan (RMP) in the Highlands Preservation Area, where compliance is mandatory, and in the Highlands Planning Area, where compliance is optional; and

WHEREAS, the RMP is designed to manage and protect water resources in the Highlands region of New Jersey. It was adopted in 2008 and aims to ensure sustainable water use while preserving the area's natural resources; and

WHEREAS, water for cooling purposes provided by either a private onsite well or the public water system operated by the New Jersey American Water Company, will rely upon the extraction of groundwater from the aquifers located within the Township and within the New Jersey Highlands Region, and this significant use of water for a Data Center will not be consistent with intended purpose of the RMP; and

WHEREAS, the Township's zoning districts were designed for residential, agricultural, commercial, and limited light-industrial uses typical of a rural community and do not contain utility-scale energy or digital infrastructure districts; and

WHEREAS, due to scale, infrastructure demand, and operational characteristics, data centers function as regional infrastructure facilities rather than local commercial or industrial uses; and

WHEREAS, the Township lacks the land use pattern suitable to accommodate such regional infrastructure without substantial alteration of the community character and planning framework; and

WHEREAS, data centers would materially conflict with the Master Plan's conservation, rural preservation, and resource protection goals and would constitute a land use inconsistent with the established zoning scheme; and

WHEREAS, potential data center locations with significant existing impervious cover would conflict with the Township's Housing Element and Fair Share Plan to provide affordable housing as imposed by the State of New Jersey; and

WHEREAS, the Township Committee therefore determines that data centers are incompatible with all existing zoning districts and that prohibition, rather than conditional regulation, is necessary to preserve the integrity of the zoning plan and protect the public welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Washington, County of Warren, State of New Jersey as follows:

Section 1. Chapter 123, Section 123-2, "Definitions and word usage" of the Municipal Code of the Township of Washington hereby 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 123, Section 123-4, "Prohibited uses." of the Municipal Code of the Township of Washington is hereby amended and supplemented to add subparagraph E. as follows:

E. All Data Centers as defined in Section 123-2 and any and all uses related to the same.

Section 3. Repealer. All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of conflict or inconsistency.

Section 4. 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 5. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

Section 6. Prior actions. All actions of the Township of Washington taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Washington held on February 18, 2026 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on March 18, 2026 at 6:30 pm or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building; 211 State Route 31 North; Washington, New Jersey at which time all persons interested may appear for or against the passage of said Ordinance.

Ann Kilduff, RMC
Township Clerk