

**BOROUGH OF JESSUP**  
**LACKAWANNA COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 6-2025**

**AN ORDINANCE OF THE BOROUGH OF JESSUP AMENDING THE BOROUGH'S ZONING ORDINANCE TO ESTABLISH AN ENERGY AND INFORMATION TECHNOLOGY OVERLAY DISTRICT; TO AMEND THE BOROUGH'S ZONING MAP TO SHOW THE BOUNDARIES OF SAID DISTRICT; TO UPDATE SAID ZONING MAP TO REFLECT THE ENACTMENT OF ORDINANCE NO. 4-2023, ALONG WITH THREE (3) ZONING DISTRICT BOUNDARY ADJUSTMENTS TO ALIGN SUCH DISTRICT BOUNDARIES WITH PARCEL BOUNDARIES AND/OR STREETS; TO AMEND WHERE ENERGY AND INFORMATION TECHNOLOGY-RELATED USES ARE PERMISSIBLE IN THE BOROUGH; TO UPDATE LAND USE TERMS AND DEFINITIONS FOR SUCH USES; TO PROVIDE CONDITIONS AND STANDARDS FOR SUCH USES; AND TO ALIGN REQUIREMENTS OF THE MU MIXED USE ZONING DISTRICT WITH THE DISTRICT'S PURPOSE STATEMENT BY ESTABLISHING A MAXIMUM BUILDING FOOTPRINT.**

**WHEREAS**, the Borough of Jessup is a duly ordained and existing political subdivision organized under the laws of the Commonwealth of Pennsylvania, particularly, the Pennsylvania Borough Code;

**WHEREAS**, the Borough of Jessup has in effect Ordinance Number 10 of the year of 2020 (Ordinance, No. 10-2020), otherwise known as the Borough of Jessup Zoning Ordinance ("Zoning Ordinance"), pursuant to its statutory authority under the Pennsylvania Municipalities Planning Code ("MPC"), Act 247 of 1968, as amended (53 P.S. § 10101 et seq.);

**WHEREAS**, since its adoption, the Borough of Jessup Council has from time to time amended the Zoning Ordinance;

**WHEREAS**, the Borough of Jessup Council seeks to amend the Zoning Ordinance to update the list of authorized land uses and the regulations pertaining to thereof in order to keep up with changing technologies and best practices in zoning and land use planning;

**WHEREAS**, the Borough of Jessup Council deems it to be in the best interest and general welfare of Borough residents and businesses to update and amend provisions of the Zoning Ordinance relating to uses that have the potential to place intense demands on utilities and infrastructure and to provide standards for the scale and compatibility of such uses; and

**WHEREAS**, the Borough of Jessup Council has duly discussed, legally advertised, and held public hearings in accordance with the MPC as well as said Zoning Ordinance of its intention to amend said Ordinance in accordance with the provisions outlined herein;

**NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED** by the Borough of Jessup Council, pursuant to the authority granted to it under the laws of the Commonwealth of Pennsylvania, as follows:

1. **Zoning Ordinance Amendments** – The Borough of Jessup Zoning Ordinance is hereby amended to reflect the following changes to Articles 2, 3, 4, 5, 6, 7, 8, 11, and 15:

1.1 Zoning Ordinance, Article 2 (Establishment of Zoning Districts), Section 201 (Establishment and Purposes of Districts) shall be amended to add a new Subsection J as follows:

J. **EITO Energy and Information Technology Overlay District** – To accommodate large-scale land uses that have the potential to place intense demands on utilities and infrastructure (e.g., electricity, water, storm and sanitary sewer, communications, and transportation networks), inclusive of such energy-intensive uses as cloud and edge computing functions and utility-scale power generation and distribution, to allow for structures supporting these uses that exceed the maximum heights permitted in the Borough's base zoning districts, and to establish standards for such uses and structures that minimize impacts on residential neighborhoods and other non-industrial districts.

1.2 Zoning Ordinance, Article 2 (Establishment of Zoning Districts), Section 205 (Uses Not Specifically Regulated) shall be deleted in its entirety and relocated to Section 401.G and Section 602.A(64):

~~205. — **Uses Not Specifically Regulated.** If a use clearly is not permitted by right or as a Special Exception Use or a Conditional Use by this Ordinance within any Zoning District, the use is prohibited, except that the Borough Council may permit such use as a Conditional Use if the applicant specifically proves to the clear satisfaction of the Borough Council that all of the following conditions would be met:~~

~~A. — the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are allowed in the District;~~

~~B. — the proposed use would be closely similar in impacts and character to uses allowed in that District;~~

~~C. — the use would meet the standards that would apply under Section 1417 to a Conditional Use, and~~

~~D. — the use is not specifically prohibited in that District.~~

1.3 Zoning Ordinance, Article 3 (Allowed Uses in Primarily Residential Districts), Section 301 (Allowed Uses in Primarily Residential Districts), Subsection (5) (Accessory Uses) shall be amended to add “Accessory Solar Energy System (ASES)” and “Accessory Wind Energy System (AWES)” and to remove “Wind Turbine,” which remains a structure as

defined in Section 1502 but has been subsumed within the new Accessory Wind Energy System (ASES) use:

USES (See definitions in Article 15)	<u>ZONING DISTRICTS</u>			
	R-1	R-2	R-3	C-R

P = Permitted By Right  
 N = Not Permitted  
 SE = Permitted by Special Exception (Zoning Hearing Board Approval)  
 C = Conditional use (Borough Council approval)  
 (See 602 or 603) = See Additional Requirements in Sections 602 or 603

(5) ACCESSORY USES - See also allowed accessory uses in Section 302.

<u>Accessory Solar Energy System (ASES), which may cover areas on top of building roofs and over vehicle parking areas, plus areas equal to a maximum of 20 percent of the lot area</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<del>Wind Turbine, maximum of one on a lot that is an accessory use (See 603)</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>C</del>
<u>Accessory Wind Energy System (AWES), maximum of 1 wind turbine per lot</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>

- 1.4 Zoning Ordinance, Article 3 (Allowed Uses in Primarily Residential Districts), Section 301 (Allowed Uses in Primarily Residential Districts), Subsection (6) (Miscellaneous Uses) shall be amended to remove the use “Solar Energy Collection Systems”:

USES (See definitions in Article 15)	<u>ZONING DISTRICTS</u>			
	R-1	R-2	R-3	C-R

(6) MISCELLANEOUS USES

<del>Solar Energy Collection Systems which may cover areas on top of building roofs and over vehicle parking areas, plus areas equal to a maximum of 20 percent of the lot area</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
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- 1.5 Zoning Ordinance, Article 4 (Allowed Uses in Primarily Non-Residential Districts), Section 401 (Allowed Uses in Primarily Non-Residential Districts), Subsection B (Commercial Uses) shall be amended to remove the use “Data Centers,” which has been separated into “Major Data Centers” and “Minor Data Centers” and relocated to Subsection E, Subsection F, and Section 407:

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS				
	IC	TC**	MU	LI	GI

\*\* = See limits on hours of operation in Section 405.  
P = Permitted by right use (zoning decision by Zoning Officer)  
SE = Special exception use (zoning decision by Zoning Hearing Board)  
C = Conditional use  
N = Not permitted  
(See 602 or 603) = See Additional Requirements in Sections 602 or 603

**B. COMMERCIAL USES**

<del>Data Center, which may include an Internet Server Building</del>	P	N	P	P	P
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- 1.6 Zoning Ordinance, Article 4 (Allowed Uses in Primarily Non-Residential Districts), Section 401 (Allowed Uses in Primarily Non-Residential Districts), Subsection E (Industrial Uses) shall be amended to 1) update the exclusions for an “Electric Power Generating Plant,” and 2) incorporate uses associated with the new EITO District:

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS				
	IC	TC**	MU	LI	GI

**E. INDUSTRIAL USES**

<del>Data Center, Major (See 407)</del>					
<del>Data Center, Minor (See 407)</del>					
Electric Power Generating Plant (Other than Solid Waste to Energy, <del>Solar Energy or Wind Turbines</del> <u>Principal Solar Energy System (PSES), or Principal Wind Energy System (PWES)</u> (See 407)	N	N	N	N	C
<u>Principal Solar Energy System (PSES) (See 407)</u>					
<u>Principal Wind Energy System (PWES) (See 407)</u>					
<u>Telecommunications Hub (See 407)</u>					

- 1.7 Zoning Ordinance, Article 4 (Allowed Uses in Primarily Non-Residential Districts), Section 401 (Allowed Uses in Primarily Non-Residential Districts), Subsection F (Accessory Uses) shall be amended to add the uses “Accessory Solar Energy System (ASES),” “Accessory Wind Energy System (AWES),” “Data Center, Minor,” “Data Center Accessory Uses,” and “Data Center Equipment (DCE)”:

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS				
	IC	TC**	MU	LI	GI

**F. ACCESSORY USES**

<u>Accessory Solar Energy System (ASES)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Accessory Wind Energy System (AWES), maximum of 1 wind turbine per lot</u>	<u>P</u>	<u>P</u>	<u>P*****</u>	<u>P</u>	<u>P</u>
<u>Data Center, Minor</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Data Center Accessory Uses, ancillary to a Minor Data Center</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Data Center Equipment (DCE), ancillary to a Minor Data Center</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>

\*\*\*\*\* = Only permitted when a lot in the MU District has at least one (1) non-residential use

- 1.8 Zoning Ordinance, Article 4 (Allowed Uses in Primarily Non-Residential Districts), Section 401 (Allowed Uses in Primarily Non-Residential Districts), Subsection G (Miscellaneous Uses) shall be amended to remove the uses “Solar Energy Collection Systems” and “Wind turbines” and to add the use “All Other Land Uses Not Specifically Listed”:

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS				
	IC	TC**	MU	LI	GI

**G. MISCELLANEOUS USES**

~~Solar Energy Collection Systems~~

~~— Which cover areas equal to a maximum of 20 percent of the lot area, plus any areas on top of building roofs and parking areas~~

~~— Which cover larger areas than above, and which include evergreen vegetation with an initial height of 3 feet between ground-mounted solar collectors and any abutting dwelling~~

~~Wind turbines:~~

~~— Maximum of one on a lot that is an accessory use (See 603)~~

~~— One or more wind turbines, other than above (See 602)~~

All Other Land Uses Not Specifically Listed – See 602.

1.9 Zoning Ordinance, Article 4 (Allowed Uses in Primarily Non-Residential Districts) shall be amended to add a new Section 407 as follows:

407. Uses Permitted in the Energy and Information Technology Overlay (EITO) District. The land uses permitted in the EITO District are in addition to those permitted in the base zoning districts. However, some uses may have more stringent setback, security, and landscaping requirements to minimize impacts on residential neighborhoods and other non-industrial districts. Refer to Articles 6 and 7 for specific use standards as applicable.

A. The following principal uses are permitted by right in the EITO District:

- (1) All uses permitted by right in the underlying zoning district.
- (2) Data Center, Minor.

B. The following principal uses are permitted as conditional uses in the EITO District:

- (1) All uses permitted as conditional uses in the underlying zoning district.
- (2) Data Center, Major.
- (3) Principal Solar Energy System (PSES).
- (4) Principal Wind Energy System (PWES).
- (5) Telecommunications Hub.
- (6) All Other Land Uses Not Specifically Listed in 301 and 401.

C. The following principal uses are permitted as uses by special exception in the EITO District:

All uses permitted as uses by special exception in the underlying zoning district.

D. The following accessory uses are permitted by right in the EITO District:

- (1) All accessory uses permitted by right in the underlying zoning district.
- (2) Data Center Accessory Uses.
- (3) Data Center Equipment (DCE).

E. Sign requirements for the EITO District follow those of the base zoning district, unless otherwise specified in the requirements for specific uses in Article 6.

1.10 Zoning Ordinance, Article 5 (Dimensional Requirements in Each District), Section 501.B (Dimensional Requirements for Primarily Non-Residential Districts) shall be amended to add the following Subsection 9:

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]	Maximum Structure Height (ft.) (See also Section 502)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Impervious Coverage [Note E]
<b>9. EJTO Energy and Information Technology Overlay District:</b>  a) <u>Major Data Centers and Telecommunications Hubs</u>  b) <u>Other allowed principal uses (See 407)</u>	a) <u>174,240 (4 acres)</u>  b) <u>43,560 (1 acre)</u>	<u>All uses:</u> <u>150</u>	<u>All uses:</u> <u>4 stories or 50 feet, whichever is more restrictive, except as otherwise specified in Sections 602 and 603</u>	<u>All uses:</u> <u>50 (includes all paved areas other than driveways)</u>	<u>All uses:</u> <u>200, for any portion of the development tract that abuts a parcel in R-1, R-2, R-3, or C-R; otherwise, 50 (includes all paved areas other than driveways)</u>	<u>All uses:</u> <u>200, for any portion of the development tract that abuts a parcel in R-1, R-2, R-3, or C-R; otherwise, 50 (includes all paved areas other than driveways)</u>	<u>All uses:</u> <u>50%</u>	<u>All uses:</u> <u>65%</u>

- 1.11 Zoning Ordinance, Article 5 (Dimensional Requirements in Each District), Section 505 (Dimensional Provisions for Solar Energy Collection Devices) shall be deleted in its entirety and relocated to Section 603 (see Item 1.14):

~~505. Dimensional Provisions for Solar Energy Collection Devices.~~

~~A. Articles 3 lists where solar energy collection devices are allowed, and the maximum percentage of lot area that can be covered.~~

~~B. See Section 502.E, which allows solar energy collection devices to exceed the maximum height. Solar screens, awnings, or solar panels that extend over building windows and that do not include any signage may intrude into a building setback area by up to 15 feet.~~

~~The photo to the right shows an example of a solar shading extension of a building roof that is intended to provide adjustable screening of the sun, to cool a building on hot days and warm a building on cold days.~~

~~C. Solar energy collection devices that are not located on a building roof shall not: (1) be located in a minimum front yard and (2) have a total height above the ground of more than 15 feet, unless they meet minimum setbacks for a principal building.~~

~~D. When an applicant owns two or more adjacent lots, and at least one of those lots is proposed to utilize solar energy collection devices, the applicant is requested to consider establishing a solar access easement or a similar legal mechanism to make sure that structures or vegetation on one lot does not unreasonably obstruct solar access for the solar energy collection devices on the adjacent lot.~~

~~E. Where solar energy collection devices are being placed on a building roof, it is requested that they be setback a minimum of 3 feet from the side and bottom edges of the roof to allow for safer access by and less risk of electrical shock to emergency responders.~~

- 1.12 Zoning Ordinance, Article 6 (Additional Requirements for Specific Uses), Section 602 (Additional Requirements for Specific Uses that are Typically Principal Uses), Subsection A, Provision (61), shall be amended as follows for clarity and grammatical corrections of the existing regulations and the addition of regulations related to signage, connectivity to the electrical grid, required studies, installation standards, safety inspection and removal requirements, maximum rotor diameter, and minimum blade clearance above nearby obstacles (known as the “swept area”):

- (61) ~~Wind turbines, other than the one wind turbine per lot that is allowed as an accessory use by Section 603.~~ Wind Energy System, Principal (PWES).

- (a) ~~The wind turbine~~ Wind turbines shall be setback from the nearest principal building on another lot a distance not less than three times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.
- (b) The audible sound from the wind turbine(s) shall not exceed 45 A-weighted and 55 C-weighted decibels, as measured at the exterior of ~~a~~ an occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- (c) The applicant shall provide information on whether the turbine(s) could interfere with emergency medical helicopters, and if so additional warning lights may be required by the Borough.
- (d) Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
- (e) All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
- (f) All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot.
- (g) The turbine shall include automatic devices to address high speed winds.
- (h) Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.
- (i) The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- (j) Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.
- (k) Discontinuation and Decommissioning - A principal wind energy system or any of its wind turbines shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the wind turbine to service. All wind turbines and above ground facilities shall be removed within 90 days of the discontinuation of use.
- (l) The maximum height above the average surrounding ground level to the top of the extended turbine blade shall be 325 feet, unless a lower height is required to meet other requirements of this Ordinance.
- (m) Industrial-scale battery storage of electricity generated from the turbines shall be allowed in the industrial districts.
- (n) The turbines shall be designed to be non-reflective and have non-intrusive colors (such as an off-white or light gray), unless a different color is necessary to reduce risks to birds or aircraft.

- (o) At no point in the principal wind energy system's swept area shall the bottom of the blades rotate less than 100 feet above the height of any obstacle or elevated area of land within a 300-foot radius of the center of the tower.
- (p) The minimum and maximum rotor diameters of the wind turbine(s) of a principal wind energy system shall be 100 feet and 300 feet, respectively, provided that the total height (including the extended turbine blade) and swept area meet the requirements of 602.A(61)(l) and 602.A(61)(o), respectively.
- (q) Signage. No signage or graphical content may be displayed on the principal wind energy system except for the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted within a graphical area no more than 36 square inches in size.
- (r) Connection to the Public Electrical Grid. The owner of a principal wind energy system shall provide the Borough written confirmation that the public utility company to which the system will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Borough prior to the issuance of a certificate of use and occupancy.
- (s) Transportation Impact Study Required. Preparation of a transportation impact study following the guidelines in Section 204f.8 the Jessup Borough Subdivision and Land Development Ordinance (SALDO) shall be required, unless the Borough Council, upon the recommendation of the Borough Engineer, specifically exempts the applicant from such requirement.
- (t) Performance Requirements. All principal wind energy systems are subject to compliance with any applicable performance standards found in Article 10, Environmental Protection.
- (u) Wildlife Study Required. Any application for a principal wind energy system shall be accompanied by a study completed by a certified wildlife biologist specializing in ornithology and/or chiropterology that demonstrates the potential effect of the system on bird and bat flyways, echolocation, and mating patterns and describes improvements that the applicant will implement to mitigate these effects.
- (v) Installation Standards.
  1. Principal wind energy systems must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999.
  2. All wiring must comply with the edition of the National Electrical Code (NEC) adopted by the Commonwealth of Pennsylvania. All exterior electrical lines must be buried beneath the surface of the ground where possible or otherwise placed in a conduit.
  3. The layout, design, and installation of a principal wind energy system shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL) or other similar certifying organizations, and shall comply with

Municipality's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

(w) Inspection, Safety, and Removal.

1. Jessup Borough reserves the right to inspect a principal wind energy system for fire or building code compliance and safety.
2. If upon inspection, the Borough determines that a fire or building code violation exists or that the system poses a safety hazard to persons or property, the Borough may order the property owner to repair or remove the system within a reasonable timeframe. Such an order shall be in writing, shall offer the option to repair or otherwise correct the issue, shall specify the code violation or safety hazard found, and shall notify the owner of his or her right to appeal such determination.
3. If the property owner fails to repair or remove a principal wind energy system as ordered and any appeal rights have been exhausted, the Borough may enter the property, remove the system, and charge the owner and/or operator for all costs and expense of removal, including reasonable attorney's fees, or pursue other legal action to have the system removed at the owner and/or operator's expense.
4. In addition to any other available remedies, any unpaid costs resulting from the Borough's removal of a principal wind energy system that has been vacated, abandoned, or decommissioned shall constitute a lien on the property against which the costs are charged. Legal counsel of the Borough shall institute appropriate action for the recovery of such costs, plus attorney's fees, including but not limited to the filing of municipal claims pursuant to the Pennsylvania Municipal Claims and Tax Lien Act, 53 P.S. § 7101 et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorneys' fees and costs incurred by the Borough in connection with the removal work and filing of the municipal claim.

1.13 Zoning Ordinance, Article 6 (Additional Requirements for Specific Uses), Section 602 (Additional Requirements for Specific Uses that are Typically Principal Uses), Subsection A shall be amended to add the following new Provisions and Sub-provisions:

(62) **Major Data Centers and Telecommunications Hubs.**

- (a) Other Conditions of Approval. In reviewing an application for a Major Data Center or Telecommunications Hub, the Borough Council may require additional earth excavation, setbacks, landscaping, utility services, and lighting controls as they determine to be necessary to provide compatibility with adjacent districts. These measures shall be designed to minimize glare, noise, soot, dust, air pollutants, and other nuisances to businesses and residents of the Borough.
- (b) Adequate Utilities Required. The applicant shall provide a letter from all applicable public utilities (i.e., electrical, water, and sewerage providers) certifying that these systems have the capacity to meet the demands of the

proposed facility while maintaining the same levels of service to the existing residents and businesses of the Borough. The applicant shall also obtain a similar certification letter from any applicable telecommunications and broadband providers serving Borough residents and businesses.

- (c) Control of Noise. The applicant shall furnish pre- and post-construction sound studies with study timeframes as identified by the Borough which examine all exterior utility functions of the building(s) (rooftop and ground-mounted) that produce sound. The sound study shall identify compliance with Article 10, Section 1005, as applicable. A post-construction sound study shall be submitted prior to an occupancy permit being issued for the building(s).
  - 1. All rooftop equipment that produces sound (e.g., HVAC, cooling towers, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of the emitted sound.
  - 2. All ground-mounted equipment that produces sound e.g., HVAC, cooling towers, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of the emitted sound. Proposals for diesel generators should use U.S. EPA Tier 4 or possibly Tier 2 generators with selective catalytic reduction systems or, if practical, use alternative fuels such as hydro-treated vegetable oil. Onsite battery systems can help reduce the amount of time diesel generators must be run when line voltage is insufficient.
- (d) Power Generation. Major Data Centers and Telecommunications Hubs may include roof-mounted solar panels (accessory solar energy systems) beyond the maximum allowance specified in Section 603(23) in order to offset the power needs of the use. An accessory wind energy system consisting of a single wind turbine and ancillary equipment may also be deployed at the maximum height specified in Section 603(22)(g) to supplement power generation needs should the solar energy system not be adequate.
- (e) Power Backup.
  - 1. Certification shall be provided by the Regional Transmission Organization that sufficient power is available.
  - 2. Diesel generators shall be used sparingly and may not be located closer than 500 feet from any lot line of a residential lot or district. There shall be a minimum separation between individual diesel generators of five (5) feet.
  - 3. To reduce sound and exhaust, any grouping of two (2) or more diesel generators shall be surrounded by a fence or wall with a fire-department-accessible gate as well as permanent evergreen shrubbery or tree plantings of a type that will grow to not less than the heights of the fence or wall.
  - 4. Major Data Centers and Telecommunications Hubs shall install and maintain an uninterruptable power supply (UPS) providing adequate automated backup electrical power for continual operation in the event of a disruption of the main power supply.
- (f) Emergency Management.

1. All Major Data Centers and Telecommunications Hubs shall adhere to the standards of National Fire Protection Association (NFPA) 75, "Standard for the Fire Protection of Information Technology Equipment," as amended.
  2. Owners and operators of Major Data Centers and Telecommunications Hubs shall be required to participate in annual emergency management and fire mitigation training with the Jessup Fire Department and mutual aid companies.
  3. The applicant shall furnish evidence of an on-site water supply adequate for and exclusively used for firefighting purposes. The supply must include ample water to mitigate a fire in anticipation of a 10-minute response time for fire service arrival and shall be approved by the Jessup Borough Fire Chief on an annual basis.
- (g) Electrical Interference. Major Data Centers and Telecommunications Hubs shall not interfere with radio, television, telecommunications, or other electrical signals.
  - (h) Water Conservation. Major Data Centers and Telecommunications Hubs shall strive to deploy technologies for water conservation, including utilizing closed-loop or recirculation systems to reduce the demand for public water.
  - (i) Stormwater Management. Major Data Centers and Telecommunications Hubs must comply with all applicable provisions of the Jessup Borough Stormwater Management Ordinance (Ordinance 3-2022, as amended) under the Level 4 permit application tier.
  - (j) Lighting Plan Required. Any development proposal shall include lighting plans which examine exterior lighting functions and identify compliance with the five principles for responsible outdoor lighting published by Dark Sky International. The lighting plan shall conform to Article 10, Section 1007, as applicable.
  - (k) Transportation Impact Study Required. Preparation of a transportation impact study following the guidelines in Section 204.f.8 the Jessup Borough Subdivision and Land Development Ordinance (SALDO) shall be required, unless the Borough Council, upon the recommendation of the Borough Engineer, specifically exempts the applicant from such requirement.
  - (l) Parking and Loading Requirements. Off-street parking shall be provided at the quantity specified for Industrial Uses as found in Article 11, Table of Off-Street Parking Requirements, Subsection E. All other applicable requirements for parking and loading in Article 11 shall also apply.
  - (m) Secondary Access. Development proposals shall show the location of a secondary access point for egress that may be used in case of an emergency.
  - (n) Accessory Uses and Structures. Accessory, appurtenant, and ancillary uses and structures on the same development tract or part of the same development proposal shall consist of no more than 35% of the total land area of the tract or development.
  - (o) Applicability of Other Laws and Regulations. Nothing in this subsection is intended to regulate the siting of antennae beyond the provisions of the

Telecommunications Act of 1996, the Spectrum Act, or any other ruling by the Federal Communications Commission (FCC) or any other federal statute.

**(63) Solar Energy Systems, Principal (PSES).**

- (a) Placement.
  - 1. Principal solar energy systems must be mounted to the ground. A building-mounted solar energy system is considered an accessory solar energy system for the purposes of this ordinance.
  - 2. Principal solar energy systems shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a stormwater conveyance system. Principal solar energy systems must comply with the Jessup Borough Stormwater Management Ordinance (Ordinance 3-2022, as amended).
- (b) Required Setbacks. Principal solar energy systems are subject to the setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of a ground-mounted solar energy system shall extend into the required setbacks, including in the case of tracking systems or other adjustments of related equipment or parts.
- (c) Height Limitations. Principal solar energy systems may not exceed the permitted height of accessory structures in the zoning district where the system is to be installed.
- (d) Impervious Surface Calculations. The dimensional requirements for maximum impervious coverage in Section 501.B, Subsection 9, shall apply. For the purposes of calculating impervious coverage, solar cells and arrays mounted at least six (6) feet above the ground level at their lowest point are not considered impervious, but the concrete anchoring surfaces and racking posts and any cells or arrays closer to the ground shall be considered impervious surfaces.
- (e) Screening. Principal solar energy systems shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a 75% opacity at six (6) feet above ground or preservation of the existing wooded areas within the required setback area.
- (f) Signage. No signage or graphical content may be displayed on the principal solar energy system except for the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted within a graphical area no more than 36 square inches in size.
- (g) Connection to the Public Electrical Grid. The owner of a principal solar energy system shall provide the Borough written confirmation that the public utility company to which the system will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Borough prior to the issuance of a certificate of use and occupancy.

- (h) Transportation Impact Study Required. Preparation of a transportation impact study following the guidelines in Section 204f.8 the Jessup Borough Subdivision and Land Development Ordinance (SALDO) shall be required, unless the Borough Council, upon the recommendation of the Borough Engineer, specifically exempts the applicant from such requirement.
- (i) Performance Requirements. All principal solar energy systems are subject to compliance with any applicable performance standards found in Article 10, Environmental Protection.
- (j) Installation Standards.
  - 1. Principal solar energy systems must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999.
  - 2. All wiring must comply with the edition of the National Electrical Code (NEC) adopted by the Commonwealth of Pennsylvania. All exterior electrical lines must be buried beneath the surface of the ground where possible or otherwise placed in a conduit.
  - 3. The layout, design, and installation of a principal solar energy system shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL) or other similar certifying organizations, and shall comply with Municipality's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- (k) Inspection, Safety, and Removal.
  - 1. Jessup Borough reserves the right to inspect a principal solar energy system for fire or building code compliance and safety.
  - 2. If upon inspection, the Borough determines that a fire or building code violation exists or that the system poses a safety hazard to persons or property, the Borough may order the property owner to repair or remove the system within a reasonable timeframe. Such an order shall be in writing, shall offer the option to repair or otherwise correct the issue, shall specify the code violation or safety hazard found, and shall notify the owner of his or her right to appeal such determination.
  - 3. If the property owner fails to repair or remove a principal solar energy system as ordered and any appeal rights have been exhausted, the Borough may enter the property, remove the system, and charge the owner and/or operator for all costs and expense of removal, including reasonable attorney's fees, or pursue other legal action to have the system removed at the owner and/or operator's expense.
  - 4. In addition to any other available remedies, any unpaid costs resulting from the Borough's removal of a principal solar energy system that has been vacated, abandoned, or decommissioned shall constitute a lien on the property against which the costs are charged. Legal counsel of the Borough shall institute appropriate action for the recovery of such costs,

plus attorney's fees, including but not limited to the filing of municipal claims pursuant to the Pennsylvania Municipal Claims and Tax Lien Act, 53 P.S. § 7101 et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorneys' fees and costs incurred by the Borough in connection with the removal work and filing of the municipal claim.

- (64) All Other Land Uses Not Specifically Listed. If a use is not permitted by right, as a special exception, or as a conditional use by this Ordinance within any zoning district, the use is prohibited, except that the Borough Council may permit such use as a conditional use if the applicant specifically proves to the clear satisfaction of the Borough Council that all of the following conditions would be met:
- (a) The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are allowed in the district.
  - (b) The proposed use would be closely similar in impacts and character to uses allowed in that district.
  - (c) The use would meet the standards that would apply under Section 1417 to a conditional use.
  - (d) The use is not specifically prohibited in that district.

**1.14** Zoning Ordinance, Article 6 (Additional Requirements for Specific Uses), Section 603 (Additional Requirements for Specific Uses that are Typically Accessory Uses), Subsection D (Additional Standards), Provision (22), shall be amended as follows for grammar and consistency and to add Sub-provisions (i), (j), and (k) regulating maximum rotor diameter, minimum blade clearance above nearby obstacles (known as the “swept area”), and maximum generating capacity for accessory wind energy systems:

- (22) ~~Wind turbines, One Per Lot as Accessory Use.~~ **Wind Energy System, Accessory (AWES).**
- (a) All wind turbines shall be set back from the lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
  - (b) The audible sound from the wind turbine shall not exceed 45 A-weighted decibels, as measured at the exterior of ~~a~~an occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
  - (c) The owner of the facility shall completely remove all above ground structures including tower and rotor within 12 months after the ~~windmill~~wind turbine is no longer used to generate electricity.
  - (d) A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
  - (e) All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.

- (f) The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
- (g) In a district other than the IC or GI district, the maximum total height above the ground level to the tip of the extended blade shall be 75 feet. In the IC or GI district, the maximum height for a wind turbine approved under this section shall be 125 feet. See wind turbines in Sections 602 and Articles 3 and 4 for taller turbines.
- (h) New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.
- (i) At no point in the accessory wind energy system's swept area shall the bottom of the blades rotate less than 30 feet above any obstacle (including the ground) within a 300-foot horizontal distance from the center of the tower.
- (j) The maximum rotor diameter for an accessory wind energy system shall be 70 feet, provided that the total height and swept area meet the requirements of 603.D(22)(g) and 603.D(22)(i), respectively.
- (k) The maximum generating capacity for an accessory wind energy system shall be 100 kilowatts (kW).

**1.15** Zoning Ordinance, Article 6 (Additional Requirements for Specific Uses), Section 603 (Additional Requirements for Specific Uses that are Typically Accessory Uses), Subsection D (Additional Standards) shall be amended to add the following new Provisions and Sub-provisions:

**(23) Solar Energy System, Accessory (ASES).**

- (a) When placed on top of building roofs and over vehicle parking areas, ASES devices may cover up to 20 percent of the lot area. Otherwise, ASES devices shall cover a maximum of 10 percent of lot area.
- (b) Solar screens, awnings, or solar panels that extend over building windows and that do not include any signage may intrude into a building setback area by up to 15 feet.
- (c) ASES devices mounted on the roofs of residential buildings shall not extend more than one (1) foot above the top of the peak of the roof.
- (d) ASES devices mounted on the roofs of non-residential buildings shall not exceed the maximum building height by more than six (6) feet.
- (e) ASES devices that are not located on a building roof shall not: (1) be located in a minimum front yard and (2) have a total height above the ground of more than 15 feet, unless they meet minimum setbacks for a principal building.
- (f) When an applicant owns two or more adjacent lots, and at least one of those lots is proposed to utilize ASES devices, the applicant is requested to consider establishing a solar access easement or a similar legal mechanism to make sure that structures or vegetation on one lot does not unreasonably obstruct solar access for the solar energy collection devices on the adjacent lot.
- (g) Where ASES devices are situated on a building roof, they shall be set back a minimum of three (3) feet from the side and bottom edges of the roof to allow for safer access by and less risk of electrical shock to emergency responders.

(24) **Data Center Accessory Uses and Data Center Equipment (DCE).**

- (a) Uses and equipment accessory to the operation of a data center shall adhere to the same standards for noise control and electrical interference as the principal data center use.
- (b) Access and parking shall be provided in relationship to the maintenance and servicing of the accessory facilities.
- (c) The location, design, and operation of such facilities shall not adversely affect the character of any adjacent residential properties. Outside lighting shall be directed away from adjacent properties.
- (d) If the use includes power generation, it shall be surrounded by a fence or wall with a fire-department-accessible gate as well as permanent evergreen shrubbery or tree plantings of a type that will grow to not less than the heights of the fence or wall.
- (e) Where a vehicular service driveway serves the use from the front and thus precludes the planting of evergreen shrubbery in front of the entrance gate, the gate shall be constructed of solid materials and shall not contain less than 50 percent solid material in ratio to open space.
- (f) The height of data center accessory uses and equipment such as towers and substations may exceed the maximum height for principal uses in the EITO District and base zoning districts but shall not exceed 75 feet.

1.16 Zoning Ordinance, Article 7 (Design Standards and Guidelines) shall be amended to add the following new Section 704 as follows:

704. **Additional Requirements in the Energy and Information Technology Overlay (EITO) District.**

A. Architectural Standards.

- (1) Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, banding, windows, scoring of building facades, color changes, texture or material changes, and variety in building height across a single building.
- (2) Exterior walls shall incorporate elements that create patterns of facade recession, offsets, and extrusions along the entire length of the façade. For every 200 feet of building length, a recession, offset, and/or extrusion must be incorporated at a minimum of 20 feet in length and five (5) in depth.
- (3) On all four sides of each building, roof-mounted equipment shall be screened with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to conceal the equipment from off-site view and to buffer sound generated by such equipment.

B. Fences.

- (1) Unless otherwise specified in this ordinance, any use permissible in the EITO District shall be completely enclosed by fencing that consists of a minimum six (6) and maximum 12-foot-high fence with a fire-department-accessible locking gate. The fence shall not include barbed, razor, or concertina wire. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers, generators, and substations and on the fence informing individuals of potential voltage hazards.
- (2) For Major Data Centers and Telecommunications Hubs specifically, a 25-foot-wide buffer area clear of any trees and shrubs shall be maintained on the outside of any perimeter fence for the purposes of security of the facility.
- (3) For principal wind energy systems, fencing shall be erected on the site so that constructed wind energy systems and equipment are secured from unwarranted access.

C. Screening and Buffering.

- (1) An earthen mound of a minimum three (3) feet in height and a maximum of six (6) feet in height above the elevation of the existing grade or an abutting street may be installed along property lines abutting a public right-of-way or the R-1, R-2, R-3, or C-R District and shall include a landscaped buffer consisting of a mixture of deciduous and evergreen tree species. These mounds shall be installed within the minimum setback area. For Major Data Centers and Telecommunications Hubs specifically, the buffer area required in Section 704.B(3) can be reduced to 15 feet wide if an earthen mound is constructed.
- (2) Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site.

D. Landscaping and Open Space.

- (1) Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.
- (2) A tree survey completed by a certified arborist shall be required to identify any on-site trees of 30 inches caliper or greater at breast height. If such trees are to be removed, 15 trees of the equivalent species of a minimum 3-1/2 inches caliper at breast height shall be planted to replace the removed tree.
- (3) At property lines not abutting the R-1, R-2, R-3, or C-R Districts, the developer shall preserve existing healthy and mature trees and vegetation but shall be permitted to place utilities within or allow them to cross through these areas, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on healthy and mature trees. Trees that are in good health and that are at

least 3-1/2 inches caliper at breast height shall be preserved where reasonably practical. Trees within these areas may be removed if they present a danger to persons or property.

- (4) Street Trees. A row of street trees comprised of a mixture of deciduous and evergreen species shall be established along all publicly dedicated rights-of-way and shall be planted in clusters at a density along the length of the right-of-way of one (1) tree per 15 feet. The trees shall be a minimum of 2-1/2 inches caliper at breast height and shall not include species listed on the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Invasive Plant List. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.
- (5) Parking Lots. There shall be no less than one (1) tree planted for every six (6) parking spaces located therein. The density of trees in the parking lot shall be at least one (1) tree per every 200 square feet of pavement. Parking lots shall be designed to accommodate parking lot islands and endcaps with tree(s) at the end of parking aisles.
- (6) Standard tree preservation practices shall be in place to preserve and protect trees during all phases of construction.

E. Service and Loading Areas. Service areas and loading docks shall be screened to limit visibility from off-site.

1.17 Zoning Ordinance, Article 8 (Additional Requirements in the MU Mixed Use Zoning District), Section 801 (R-2 Development) and Section 802 (Uses and Dimensional Requirements) shall be amended and restructured as follows:

801. R-2 Development. In the MU district, development may occur under the R-2 zoning district regulations, provided all of the regulations of the R-2 district are met, with the exception that the maximum individual building footprint in Section 802A shall apply to all development. Once a development is approved under the R-2 district provisions, the R-2 regulations shall continue to apply. Any new dwelling units shall have a minimum principal building setback of 100 feet from the right-of-way or U.S. Route 6.

802. Uses and Dimensional Requirements. ~~For development that does not occur under the regulations of the R-2 district, Article 4 lists additional uses that are allowed in the MU district and Article 5 provides dimensional requirements for that type of development.~~

A. The maximum building footprint for any individual building in the MU district shall be 50,000 square feet.

B. For development that does not occur under the regulations of the R-2 district, Article 4 lists additional uses that are allowed in the MU district and Article 5 provides dimensional requirements for that type of development.

- 1.18 Zoning Ordinance, Article 15 (Definitions), Section 1502 (Terms Defined) shall be amended to add the following terms and definitions:

All Other Land Uses Not Specifically Listed. Land uses not specifically assigned to a zoning district within Jessup Borough.

Accessory Solar Energy System (ASES). An area of land used for power generation consisting of a solar energy collection system, which is used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily for on-premise use. An accessory solar energy system consists of one (1) or more freestanding ground- or roof mounted solar arrays, cells, or modules.

Accessory Wind Energy System (AWES). An energy conversion system, consisting of a single wind turbine rated up to 100 kilowatts (kW), which is used to capture wind energy and convert it to electrical energy, primarily for on-premise use.

Blades. The aerodynamic surfaces of a wind turbine that catch and are moved by the wind to generate energy.

Data Center. A facility used or intended to be used for the housing, operation, management, and/or co-location of computer systems, servers, networking and communications equipment, and storage infrastructure. A data center may range from a small on-premise facility for the handling, storage, and backup of data used by a single business or organizational entity to a massive remote facility operated by a third-party technology company that provides thousands of clients on-demand access to computing resources, file storage, applications, and other “cloud” services over the internet.

Data Center, Major. A data center with a gross floor area of over 10,000 square feet.

Data Center, Minor. A data center with a gross floor area of 10,000 square feet or less.

Data Center Accessory Uses. Include uses generally appurtenant to the operation of a data center, including utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment, environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and high security, when located on the same tract or assemblage of adjacent parcels developed as a unified development for a data center.

Data Center Equipment (DCE). Includes any equipment or accessory use that, in an unmuffled state, generates noise at the point of generation in excess of the permitted maximum dB(A) in Article 10, Section 1005. DCE shall be accessory to a data center and be located on the same tract or assemblage of adjacent parcels developed as a unified development.

Electric Power Generation Plant. A facility used for the generation, transmission, and/or distribution of electrical energy for use on- or off-premises, excluding a Principal Solar Energy System (PSES) or Principal Wind Energy System (PWES).

Hub. The component of a wind turbine to which the blades are affixed.

Overlay District. A type of zoning district that is placed on top of and overlaps other zoning districts and that applies additional provisions that are either more restrictive or expansive or that may provide for different uses or design standards than the base zoning district regulations. Overlay districts are meant to supplement the underlying (base) zoning districts, not supplant them.

Principal Solar Energy System (PSES). An area of land used for power generation consisting of a solar energy collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily for off-premise use. Principal solar energy systems consist of one (1) or more freestanding ground- or roof-mounted solar arrays, cells, or modules, related equipment, and other accessory structures and buildings, including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures. PSES facilities are also referred to as utility-scale solar installations.

Principal Wind Energy System (PWES). An area of land used for power generation consisting of a wind energy conversion system principally used to capture wind energy and convert it to electrical energy, primarily for off-premise use. Principal wind energy systems consist of one or more wind turbines, towers, associated control and conversion electronics, substations, infrastructure, transmission lines, and other appurtenant structures, buildings, and facilities. PWES facilities are also referred to as utility-scale wind energy installations and are typically rated at over 100 kilowatts (kW) of generating capacity.

Rotor. The rotating part of a wind turbine, including either the blades and blade assembly or the rotating part of a generator.

Rotor Diameter. The diameter of the circle swept by the rotor of a wind turbine (i.e., the width of the circle made by the wind turbine's blades in their rotary motion).

Telecommunications Hub. A facility that serves as a junction or interchange point for internet traffic exchange, providing a centralized location for network interconnections between multiple service providers, such as telecommunications carriers, internet service providers (ISPs), cloud providers, and content delivery networks (CDNs). Also commonly known as a "carrier hotel" or "colocation center."

Wind Turbine. A tower with affixed blades that rotate when the wind blows, converting the mechanical energy of the wind into electrical energy (electricity) by means of a generator.

- 1.19 The following definitions in Zoning Ordinance, Article 15 (Definitions), Section 1502 (Terms Defined) shall be amended as follows:

Distribution Center. An industrial facility where products are stored on-site temporarily for the purpose of delivery to another destination, such as a retailer or household. Such use may include refrigerated facilities, and shall include facilities to organize and retrieve products and for loading and unloading involving trucks. A distribution center typically, but not necessarily, primarily involves tractor-trailers bringing products to the facility, and tractor-trailer trucks bringing products from the facility. This definition shall not include Data Centers. See also the definition of a “Warehouse” in this section.

Warehousing or Storage. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials, but not including retail uses or a trucking company terminal unless such uses are specifically allowed in that Zoning District and are approved. This use may also include sorting operations but shall not include data centers. See also “Distribution Center.”

2. **Zoning Map** – The Official Zoning Map of the Borough of Jessup dated November 23, 2020, shall reflect the zoning designation changes described in Ordinance No. 4-2023 (enacted and ordained on June 7, 2023), as well as the following amendments:
- 2.1 Amend the boundaries of the following base zoning districts to align them with parcel and/or street boundaries, as described:
- a. The LI Light Industrial/Business Park District shall include right-of-way of Valley View Drive in its entirety.
  - b. The C-R Conservation Recreation District shall include Lackawanna County Parcel No. 12602-010-001-28 in its entirety.
  - c. The MU Mixed Use District shall include the portions of Lackawanna County Parcel Nos. 10404-020-001 and 10404-020-003 that lie south and east of Breaker Street as well as the entirety of Lackawanna County Parcel No. 10404-020-002.
- 2.2 Amend the Official Zoning Map to add an Energy and Information Technology Overlay (EITO) District (dot-patterned area) shown in “Attachment A.”
3. **Effective Date** – This Ordinance shall take effect within five (5) days from the date enacted herein or upon a date as otherwise prescribed by law.
4. **Severability** – The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal, or invalid for whatever reason, the remaining provisions shall be unaffected and same shall remain in full force and effect. Only those provisions deemed invalid shall be stricken.

5. **Remaining Terms** – All remaining terms and provisions of the Borough of Jessup Zoning Ordinance, as amended to date, shall remain in full force and effect and shall not otherwise be affected.

**ENACTED AND ORDAINED** on this 5<sup>th</sup> day of November, 2025 at a duly advertised public hearing of Jessup Borough Council.

Jessup Borough Council

By: Roberta Galati  
President

Deleen Watt  
Secretary

Examined and Approved this 5<sup>th</sup> day of November, 2025

Joseph Buckshon  
Joseph Buckshon  
Mayor of Jessup

Approved as to form.

Maura Armezzani Tunis, Esq.  
Borough Solicitor

5. **Remaining Terms** – All remaining terms and provisions of the Borough of Jessup Zoning Ordinance, as amended to date, shall remain in full force and effect and shall not otherwise be affected.

**ENACTED AND ORDAINED** on this 5<sup>th</sup> day of November, 2025 at a duly advertised public hearing of Jessup Borough Council.

Jessup Borough Council

By: Roberta Galati  
President

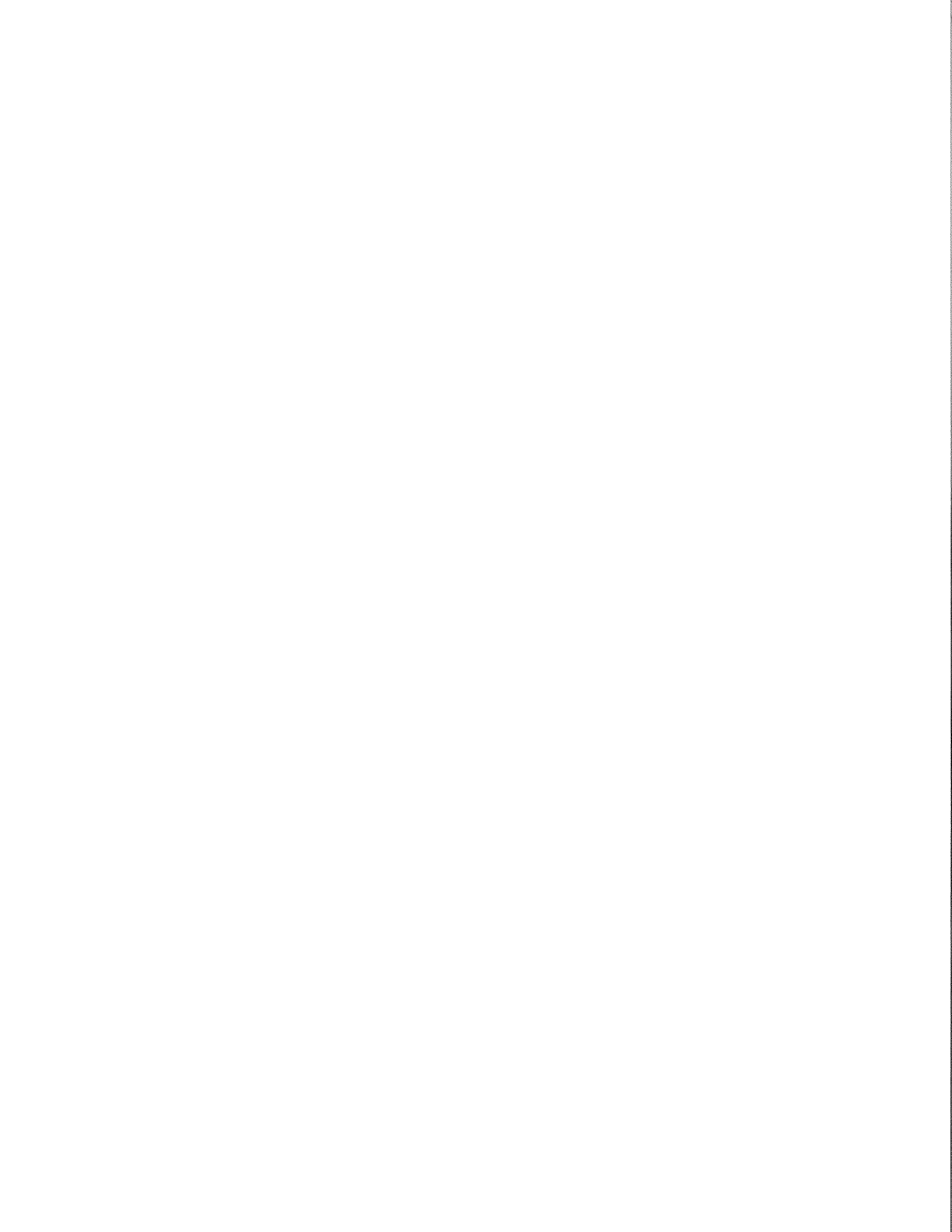
Deenu Watt  
Secretary

Examined and Approved this 5<sup>th</sup> day of November, 2025

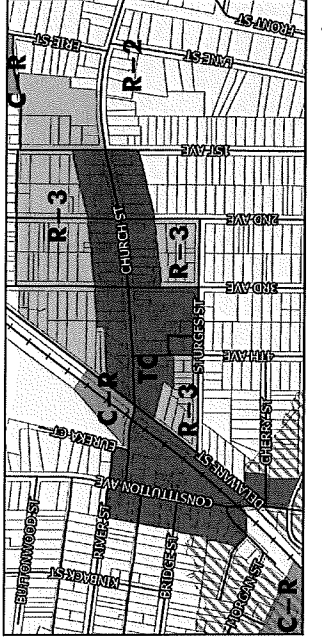
Joseph Buckshon  
Joseph Buckshon  
Mayor of Jessup

Approved as to form.

Maura Armezzani Tunis  
Maura Armezzani Tunis, Esq.  
Borough Solicitor



ATTACHMENT A



Legend

- Municipal Boundaries
- Parcels
- Roadways
- Railroads
- Waterbodies
- Wetlands
- Streams
- Approx. 100 Year Floodplain (See the Official Federal Floodplain Mapping)

Overlay Districts

- ETO: Energy & Information Technology Overlay

Base Districts

- R-1: Low Density Residential
- R-2: Medium Density Residential
- R-3: Medium High Density Residential
- TC: Town Center
- IC: Interchange Commercial
- LI: Light Industrial/Business Park
- GI: General Industrial
- MU: Mixed Use
- C-R: Conservation Recreation

Municipal Boundaries, Parcels, Roadways, Waterbodies, Wetlands, and Streams per Lackawanna County GIS. Railroads per PennDOT.



PROPOSED ZONING MAP



