

ORDINANCE NO. 26-06

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 243 OF THE MUNICIPAL CODE TO PROHIBIT DATA CENTERS AS A PRINCIPAL, CONDITIONAL, OR ACCESSORY USE WITHIN THE MUNICIPALITY

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., authorizes municipalities to regulate land uses in furtherance of the public health, safety, and welfare; and

WHEREAS, the governing body has determined that large-scale data centers, server farms, hyperscale computing facilities, and cryptocurrency mining facilities constitute intensive infrastructure uses with substantial impacts upon electrical demand, utility infrastructure, emergency services, environmental resources, land use compatibility, and regional energy systems; and

WHEREAS, the governing body has received and reviewed information regarding the substantial electrical demands associated with data center facilities and the impacts such facilities may impose upon regional electric transmission systems operated by PJM Interconnection, electrical distribution infrastructure operated by Jersey Central Power & Light Company, and ratepayers throughout the region; and

WHEREAS, the governing body finds that data center development may result in significant adverse impacts including, but not limited to:

- (a) extraordinary electrical consumption;
- (b) increased regional electrical costs;
- (c) strain upon transmission and distribution infrastructure;

- (d) increased use of diesel backup generators and battery storage systems;
- (e) noise impacts;
- (f) stormwater impacts;
- (g) security and emergency management concerns;
- (h) incompatibility with existing development patterns;
- (i) excessive land and infrastructure consumption; and
- (j) adverse impacts upon the orderly development of the municipality; and

WHEREAS, the governing body further finds that the existing zoning ordinance and master plan were not designed to accommodate or evaluate hyperscale data center development and that additional planning review is required to evaluate such uses comprehensively; and

WHEREAS, Governor Mikie Sherrill recently announced proposed “guardrails” to regulate data center development statewide, which “guardrails” are not presently defined or adopted and require time and deserve diligence and potential deference; and

WHEREAS, the governing body has referred this Ordinance to the Planning Board pursuant to N.J.S.A. 40:55D-26 and 40:55D-64 for review and recommendation;

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Town of Lopatcong, County of Warren, State of New Jersey, as follows:

SECTION 1. Definitions.

“Data Center” shall mean any building, structure, facility, or portion thereof primarily used for the housing, storage, management, processing, mining, transmission, or operation of digital data, computer servers, cloud computing systems, cryptocurrency mining systems,

artificial intelligence computing systems, telecommunications switching equipment, or associated mechanical, cooling, or electrical infrastructure.

The term shall include, but not be limited to:

- (a) hyperscale data centers;
- (b) colocation facilities;
- (c) server farms;
- (d) cryptocurrency mining facilities;
- (e) blockchain processing facilities; and
- (f) artificial intelligence computational facilities.

SECTION 2. Prohibited Uses.

Data Centers are hereby prohibited in all zoning districts within the municipality as:

- (a) principal uses;
- (b) conditional uses;
- (c) accessory uses; and
- (d) components of redevelopment or rehabilitation projects unless expressly authorized by subsequent ordinance.

SECTION 3. Prohibited Accessory Infrastructure.

No backup power generation system, battery energy storage system, cooling plant, switching station, or utility installation shall be constructed where intended primarily to support a prohibited Data Center use.

SECTION 4. Existing Facilities.

Any lawfully existing facility shall be deemed a pre-existing nonconforming use subject to applicable provisions of the Municipal Land Use Law.

SECTION 5. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. Repealer.

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 7. Effective Date.

This Ordinance shall take effect upon final passage and publication according to law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on Wednesday, June 3, 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 Council to be held on Wednesday, July 1, 2026 at 7:30 PM or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building located at 232 So. Third St., Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, MMC

