

ORDINANCE O-7-2026

AN ORDINANCE AMENDING ELK TOWNSHIP CODE CHAPTER 96 “UNIFIED DEVELOPMENT” TO CONFIRM THAT DATA CENTERS ARE PROHIBITED USES/STRUCTURES IN ALL ZONING DISTRICTS AND TO LIST THEM SPECIFICALLY AS SUCH

WHEREAS, the Elk Township Committee is aware of facilities that are commonly known as “data centers,” and sometimes referred to “internet data centers” or “cloud data centers,” that are utilized to house computer systems and associated components such as telecommunication and data storage systems, redundant or “backup” components, infrastructure for power supply, data communication connections, environmental and safety controls for building climate, equipment cooling, and fire suppression, and security devices, systems, and installations, for the purpose of aggregating collective computing demands for cloud services, video streaming, blockchain and crypto mining, artificial intelligence and machine learning, virtual reality, and other data maintenance and transmission purposes; and

WHEREAS, the Elk Township Committee 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, neither data centers as described above, nor any similar types of functionally-equivalent but differently-named facilities, have been recommended or otherwise designated as permitted or conditionally-permitted uses or structures in the Elk Township Master Plan; nor are data centers or similar facilities listed as permitted or conditionally-permitted uses or structures in any of Elk Township’s zoning districts; nor are data centers or similar facilities included within any current category or classification of permitted or conditionally-permitted uses or structures in any of Elk Township’s zoning districts, such as, for example, “public utilities,” “office buildings,” “business offices,” “retail businesses,” “wholesale, warehouse, distribution, and transportation facilities,” “wholesalers or distributors,” “manufacturers,” or “experimental, research or testing laboratories”; (nor are data centers or similar facilities contemplated as “essential services” within Elk Township’s zoning districts, as that term refers to facilities such as parking areas, restrooms, and water, sewerage, and electric service infrastructure that may be needed in connection with uses that are permitted in those zoning districts); and

WHEREAS, Article IX entitled “Zoning Districts and Regulations” §96-66 “General” of Elk Township Code Chapter 96 “Unified Development” provides a statement in §96-66.A. that “The provisions of this article shall be held to be the minimum requirements (or the maximum, when so specified). Where this article imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this article shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed by this article, the provisions of such laws, rules, regulations or resolutions shall control.”; and

WHEREAS, Article IX entitled “Zoning Districts and Regulations” §96-66 “General” of Elk Township Code Chapter 96 “Unified Development” provides a statement in §96-66.B. that “The standards established by this article shall be applied uniformly within each zoning district to each class or kind of structure or land. Only uses which are specifically provided for by the regulations of any district shall be permitted in that district unless authorized by the Combined Board pursuant to this article.”; and

EXHIBIT A

WHEREAS, Article IX entitled “Zoning Districts and Regulations” §96-66 “General” of Elk Township Code Chapter 96 “Unified Development” provides a statement in §96-66.C. that “Upon the effective date of this article, no building shall hereafter be used, erected, altered, converted, enlarged, added to, moved or reduced, nor shall any lands be subdivided, developed, or redeveloped in any manner except in conformity with the standards provided herein, as applied to the zoning district in which the building or land is located.”; and

WHEREAS §96-.82 Prohibited Uses of Article IX entitled “Zoning Districts and Regulations” of the Elk Township Unified Development Ordinance provides that “All uses not expressly permitted in this chapter are prohibited. The following uses are specifically prohibited in every district.”; and

WHEREAS, given the growing public concern about data centers and their potentially detrimental environmental and socioeconomic impacts, and the need to learn more about them before determining whether or subject to what conditions they might be permitted in any of Elk Township’s zoning districts, the Elk Township Committee has deemed it necessary and appropriate to state clearly in the Elk Township Code that data centers are, and shall continue to be, prohibited uses/structures in all of Elk Township’s zoning districts unless and until they can be recommended in Elk Township’s Master Plan, and appropriately designated as permitted or conditionally-permitted uses/structures in any one or more of Elk Township’s zoning districts;

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Elk, in the County of Salem, State of New Jersey, as follows:

Section 1. Amend Chapter 96 Unified Development §96-.5C. Definitions of terms. with the following:

DATA CENTERS

“Data Centers” as commonly known, and as sometimes referred to as “internet data centers” or “cloud data centers” (and any and all functionally-equivalent but differently-named uses, structures and facilities) that house computer systems and include 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 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.

Section 2. Amend Chapter 96 Unified Development §96-.82 Prohibited Uses with the following:

L. “Data centers,” as commonly known, and as sometimes referred to as “internet data centers” or “cloud data centers” (and any and all functionally-equivalent but differently-named uses, structures and facilities) that house computer systems and include 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 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.

Section 3. It is hereby found and determined that the Ordinance conforms to the Master Plan of the Township of Elk.

EXHIBIT A

Section 4. It is hereby found and determined that the Ordinance gives due consideration to the provision of appropriate allowable uses within the areas within the Township with special consideration for the health, safety and welfare of the residents of the areas and the Township of Elk.

Section 5. All Ordinances contrary to the provisions of this section of the Ordinance are hereby repealed to the extent that they are inconsistent herewith.

Section 6. This Ordinance shall take effect upon final passage and publication in accordance with law.

Section 7. Effective Date. This Ordinance shall take effect upon adoption and publication according to law and the filing of same with the Gloucester County Planning Board in accordance with N.J.S.A. 40:55D-16

Adopted on second and final reading on _____, 2026.

Township of Elk

By: James Rambo, Mayor

ATTEST:

By: Timothy Pine, Township Clerk

INTRODUCTION ROLL CALL VOTE				
COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
Cammarata				
Cowan				
Lucas				
Sammons				
Rambo				

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Township of Elk held in the Municipal Building on the 17th day of March 2026, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ___th day of ___ 2026, at 7 P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Timothy Pine

Municipal Clerk

FINAL ADOPTION ROLL CALL VOTE				
COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
Cammarata				
Cowan				
Lucas				
Sammons				
Rambo				