

## ORDINANCE NO. O-7-2026

### AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 96 ENTITLED "UNIFIED DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF ELK TO CONFIRM THAT DATA CENTERS ARE PROHIBITED USES/STRUCTURES IN ALL ZONING DISTRICTS AND TO LIST THEM SPECIFICALLY AS SUCH

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**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 §96-66A. 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 §96-66B. 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

**WHEREAS**, Article IX entitled "Zoning Districts and Regulations" §96-66 "General" of Elk Township Code Chapter 96 "Unified Development" provides a statement in §96-66C. 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 Gloucester, 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.

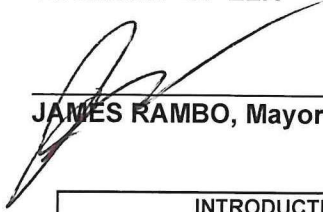
**Section 4.** It is hereby found and determined that the Ordinance gives due consideration to the provision of appropriate allowable uses within the areas within the Township with special consideration for the health, safety and welfare of the residents of the areas and the Township of Elk.

**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

TOWNSHIP OF ELK

  
JAMES RAMBO, Mayor

ATTEST:

  
TIMOTHY PINE, ACTING CLERK

INTRODUCTION ROLL CALL VOTE

| COMMITTEE | AYE | NAY | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Cammarata | ✓   |     |         |        |
| Cowan     |     |     |         | ✓      |
| Lucas     | ✓   |     |         |        |
| Sammons   |     |     |         | ✓      |
| Rambo     | ✓   |     |         |        |

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a special meeting of the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, held on March 17, 2026. It will be further considered for final passage, after public hearing hereon, at a regular meeting of said Mayor and Committee to be held in the Township Municipal Building on April 21, 2026, at 7:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the said Municipal Building, 680 Whig Lane, Monroeville, New Jersey, to the members of the general public who shall request the same.

FINAL ADOPTION ROLL CALL VOTE

| COMMITTEE | AYE | NAY | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Cammarata | ✓   |     |         |        |
| Cowan     |     |     |         | ✓      |
| Lucas     |     |     |         | ✓      |
| Sammons   | ✓   |     |         |        |
| Rambo     | ✓   |     |         |        |

  
TIMOTHY PINE, ACTING CLERK

**Resolution # 2026 -13**

**RESOLUTION OF THE PLANNING/ZONING BOARD OF THE  
TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF  
NEW JERSEY, REVIEWING ORDINANCE O-7-2026 FOR  
MASTER PLAN CONSISTENCY**

WHEREAS, on March 17, 2026, pursuant to Resolution No: R-61-2026, the Township Committee referred certain amendments to the Township ordinances, specifically “An Ordinance of the Mayor and Committee of the Township of Elk, County of Gloucester, State of New Jersey Amending Chapter 96 Entitled ‘Unified Development’ of the Code of the Township of Elk to Confirm That Data Centers Are Prohibited Uses/Structures in All Zoning Districts and to List Them Specifically as Such” as contained in Ordinance O-7-2026 (the “Ordinance”), to the Planning/Zoning Board for its recommendation concerning any inconsistency with the Master Plan and concerning any other matters the Planning/Zoning Board deems appropriate in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64; and

WHEREAS, on April 15, 2026, the Planning/Zoning Board heard the testimony of Steven M. Bach, PE, RA, PP, PLS, CME, who reviewed the details of Ordinance O-7-2026, (a copy of which is attached hereto and made a part of this Resolution as Exhibit A), with the Planning/Zoning Board; and

WHEREAS, the Elk Township Planning/Zoning Board after careful review and discussion has determined at its meeting on April 15, 2026, that the adoption of the proposed Ordinance regarding Data Centers, as contained in Ordinance O-7-2026 (Exhibit A), which was referred to the Planning/Zoning Board, conforms and is not inconsistent with the Master Plan and meets the goals of same. Ordinance O-7-2026

conforms with sound planning principles, the passage of Ordinance O-7-2026 would further assist in the orderly development of land and overall the adoption of Ordinance O-7-2026, attached hereto as Exhibit A, is in the best interests of the Township of Elk.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Township of Elk,

1. The Elk Township Planning/Zoning Board endorses and recommends the adoption of Ordinance O-7-2026, attached hereto as Exhibit A, "An Ordinance of the Mayor and Committee of the Township of Elk, County of Gloucester, State of New Jersey Amending Chapter 96 Entitled 'Unified Development' of the Code of the Township of Elk to Confirm That Data Centers Are Prohibited Uses/Structures in All Zoning Districts and to List Them Specifically as Such" and same is referred to the Elk Township Mayor and Committee for review and adoption; and
2. The Elk Township Planning/Zoning Board determines that the Ordinance O-7-2026, attached hereto as Exhibit A, conforms with and is not inconsistent with the Elk Township Planning/Zoning Board Master Plan; and
3. Any recommendations, if any, of the Elk Township Planning/Zoning Board are attached hereto as Exhibit B.

Moved by: Mr. Wolf, seconded by Mr. Goetsch, and so ordered by the following roll call vote:

In favor of Approval: Mr. Lucas, Mr. Goetsch, Mr. McKeever, Mr. Richardson. Mr. Smith, Mr. Wolf, Mr. Hughes and Mr. Afflerbach

Opposed to Approval: None

The following resolution was adopted on April 15, 2026, by the following vote:

Moved by: Mr. Wolf

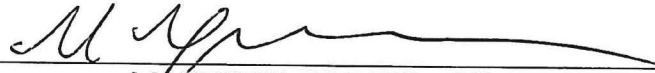
Seconded by: Mr. Goetsch

In favor of approval of adoption of resolution: Mr. Lucas, Mr. Goetsch, Mr. McKeever, Mr. Richardson. Mr. Smith, Mr. Wolf, Mr. Hughes and Mr. Afflerbach

Opposed to approval: None

Abstained: None

I certify that the foregoing is a true copy of a Resolution adopted by the Planning/Zoning Board of the Township of Elk on April 15, 2026.



MATTHEW AFFLERBACH  
CHAIRMAN OF THE PLANNING/ZONING BOARD OF THE  
TOWNSHIP OF ELK



ANN MARIE WEITZEL  
SECRETARY OF THE PLANNING/ZONING BOARD OF THE  
TOWNSHIP OF ELK