

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

ORDINANCE 2026-13

**AN ORDINANCE TO DESIGNATE DATA CENTERS AS A
PROHIBITED USE IN ALL ZONES WITHIN THE TOWNSHIP**

WHEREAS, the Township of Berkeley Heights's Master Plan emphasizes protection of the Township's environmental resources and historic and cultural heritage; and

WHEREAS, data centers present a form of land use that poses harmful effects to both the environment and to residents' health and quality of life, such as excessive and costly electricity consumption, loud noise, air pollution, excessive water use, and water pollution; and

WHEREAS, as of March 2024, there were 5,381 data centers located in the United States, 73 of which were located in New Jersey; and

WHEREAS, on March 27, 2026, Governor Sherrill identified data centers as among the biggest drivers of energy costs in New Jersey; and

WHEREAS, Governor Sherrill, Executive Order No. 2 details that from June 2023 to June 2025 the average residential electricity price in the State rose by well over 33 percent, and the average electricity price for all customers in the State, including commercial customers, rose by nearly 30 percent; and

WHEREAS, preliminary data cited by Members of the New Jersey State Legislature has cautioned that large-scale data centers can use as much as 3 to 5 million gallons of water in a single day between liquid cooling and water consumed to generate the energy that powers them; and

WHEREAS, this extreme volume of water usage negatively impacts homes and businesses within the Township and the surrounding communities; and

WHEREAS, preliminary studies noted by the State Legislature also indicate that some data centers require 300 MW of electricity, which is roughly equivalent to the output of a small modular nuclear reactor; and

WHEREAS, it is well established that data centers bring overdevelopment and overuse of environmental resources negatively impacting subterranean aquifers, potable drinking water and other water resources; and

WHEREAS, the Township is conscious of the hazards of data centers, such as depletion of critical groundwater resources, and the impact to the environmental and natural resources posed by the scope, depth and pervasiveness of large-scale commercial data center operations; and

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WHEREAS, municipal regulations designed for the preservation of the environment and the protection of ecological values are a well-recognized, legitimate and proper exercise of municipality authority; and

WHEREAS, the construction of data centers often results in the cutting and removal of trees causing increased soil erosion and dust, instability and deterioration in the value of surrounding property, and other adverse environmental and geographical conditions; and

WHEREAS, the environmental hazards, pollution of potable drinking water, and increase electricity costs of certain data center operations on residents, businesses, the environment, and private and public property imposes significant burdens on municipal resources thus creating a need to assess the rights, health and safety, and interests of the residents and the community; and

WHEREAS, the Township Committee has determined it necessary and appropriate to amend and update its ordinances to adequately address data center uses in a manner that best reflects present needs and realities; and

WHEREAS, the Township Committee has determined that it is in the best interest of the health, safety and welfare of its residents and members of the public who visit, travel or conduct business in the Township, to amend the Municipal Code of the Township to prohibit data centers as a land use within the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Berkeley Heights, County of Union, State of New Jersey as follows:

SECTION I. Section 6.4.1, "Uses Prohibited to All Zones," of Article 6.4, "Prohibited Uses," of Part 6, "Zoning," of Appendix A, "Municipal Land Use Procedures Ordinance," is hereby amended as follows:

Section 6.4.1 - Uses Prohibited to All Zones

The following uses and activities are specifically prohibited in all zones:

- A. Sales or rentals of new or used motor vehicles or trailers.
- B. Coin-operated dispensers, including mechanical and automatic machines in which a product is returned, except when located in a principal building in other than a residential zone.
- C. Retail laundries, cleaning or dyeing establishments employing more than four (4) persons and all non-retail establishments.

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- D. The storage of crude oil or any volatile products or any highly flammable liquids or gas above ground in tanks having a capacity of more than three hundred (300) gallons.
- E. Drive-through facilities, road stands or refreshment stands.
- F. Pipelines which are not public utilities that distribute services to end users and are unregulated by the State of New Jersey Board of Public Utilities are prohibited within any zone in the Township.
- G. All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service located outside of the Township.
- H. Without any way limiting the specific prohibitions, restrictions or limitations contained anywhere else in this Ordinance, in all zones of the Township any uses not specifically permitted in Article 6.3 herein are prohibited.
- I. Vape shops and smoke shops.
- J. Sexually-oriented businesses.
- K. Data centers, which shall include any facility, or portion thereof, primarily used for housing, operating, and maintaining computer servers and associated power distribution and cooling infrastructure, for the purpose of storing, processing, or transmitting digital data for third parties. The term includes co-location, cloud computing, and artificial intelligence training or inference facilities. This prohibited use does not include server rooms or equipment spaces that are incidental and subordinate to a primary permitted use on the same lot.

SECTION III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION IV. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION V. This Ordinance shall take effect after passage and publication in the manner provided by law.

Angie Devanney, Mayor

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Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		✓				John Foster						
		✓				Margaret Illis						
		✓				Bill Machado						
		✓				Alvaro Medeiros						
	✓	✓				Andrew Moran						
✓		✓				Susan Poage						
Introduced: June 30, 2026						I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: July 21, 2026												
						 Angela Lazzari, Township Clerk						