

## TOWNSHIP OF HARDYSTON

### ORDINANCE NO. 2026-12

#### AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING ORDINANCES 2022-12 AND 2025-10, AND AMENDING AND SUPPLEMENTING THE ZONING CODE OF THE TOWNSHIP OF HARDYSTON TO DESIGNATE DATA CENTERS AS A PROHIBITED USE IN ALL ZONES WITHIN THE TOWNSHIP

**WHEREAS**, pursuant to Ordinance 2022-12, the Township Council of the Township of Hardyston (the “Township”) on December 14, 2022 adopted the 2022 Hardyston Vacant Land and Landfill Redevelopment Plan for property located at 3490 Route 94 (the “Redevelopment Plan”); and

**WHEREAS**, pursuant to Ordinance 2025-10, the Township Council on December 10, 2025 adopted an amendment to the Redevelopment Plan, dated September 15, 2025, establishing data centers as a permitted use for the property; and

**WHEREAS**, the Township Council has determined that data centers have the potential to create an intense and unique form of land use and development, which poses development challenges related to electricity consumption, noise, air quality, water use, and community character; and

**WHEREAS**, the Township Council is conscious of the community concern regarding the land use challenges posed by large-scale commercial data center operations; and

**WHEREAS**, Township Council has determined that in the interest of the health, safety, and welfare of the residents of the Township of Hardyston, it is appropriate at this time to amend the Township Code, as well as Ordinances 2022-12 and 2025-10, to include data centers as a non-permitted use within the geographic boundaries of the Township.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

**SECTION 1.** Chapter 185 of the Municipal Code of the Township of Hardyston, ‘Zoning,’ is hereby amended and supplemented at Section 26, ‘Definitions,’ of Article V, ‘Prohibited Uses,’ to include the term ‘Data Center,’ which term shall be defined as follows:

**DATA CENTER** shall mean and include any facility used primarily for the storage, management, and processing of digital or electronic data, which houses computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems, systems for monitoring and managing infrastructure performance, Internet-related equipment and services, data communications connections, environmental controls, fire protection systems, and security systems and services. Typical accessory components of a data center may include transformers, electrical substations, environmental controls, fire suppression, generators, redundant power supplies, and security facilities.

**SECTION 2.** Chapter 185 of the Municipal Code of the Township of Hardyston, ‘Zoning,’ is hereby amended and supplemented to create Section 28, of Article V, ‘Prohibited Uses’ which Section shall be titled titled ‘Data Centers Prohibited,’ and which Section shall read as follows:

**§ 185-28 Data Centers Prohibited**

Data Centers, as defined in § 185-26 of this Chapter, are hereby prohibited from operating anywhere in the Township of Hardyston.

**SECTION 3.** Ordinance 2022-12 of the Township of Hardyston, adopting the 2022 Hardyston Vacant Land and Landfill Redevelopment Plan for property located at 3490 Route 94, and Ordinance 2025-10, adopting the September 15, 2025 amendment to the 2022 Hardyston Vacant Land and Landfill Redevelopment Plan for property located at 3490 Route 94, are hereby amended to establish that the 2022 Hardyston Vacant Land and Landfill Redevelopment Plan shall be revised to clarify that Data Centers, as defined in Section 26, ‘Definitions,’ of Chapter 185, ‘Zoning,’ of the Township Municipal Code, shall be a prohibited use in the Redevelopment Area.

**SECTION 4.** Severability. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**SECTION 5.** Repealer. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this Ordinance are to the extent of such inconsistency repealed.

**SECTION 6.** Effect. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**SECTION 7.** Availability. A copy of this Ordinance shall be available for public inspection at the offices of the Township

**NOTICE**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Hardyston, County of Sussex, New Jersey, held on May 27, 2026. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey on June 24, 2026 at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk