

NORTH LONDONDERRY TOWNSHIP

ORDINANCE NUMBER _____

AN ORDINANCE AMENDING THE CODIFIED ORDINANCE OF NORTH LONDONDERRY TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, CHAPTER 150 (ZONING) AS FOLLOWS: ARTICLE II (TERMINOLOGY) §150-5 (DEFINITIONS) BY ADDING DEFINITIONS FOR DATA CENTER AND DATA CENTER ACCESSORY USE, AND ARTICLE XIII (I-1 INDUSTRIAL DISTRICTS) §150-61 (PERMITTED USES) BY ADDING SUBSECTION FOR DATA CENTERS TO BE A PERMITTED USE.

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Supervisors of North Londonderry Township as follows:

SECTION ONE: The Codified Ordinance of North Londonderry Township, Chapter 150 (Zoning), §150-5 (Definitions) is hereby amended to add the following definitions for Data Center and Data Center Accessory Use:

DATA CENTER – A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

DATA CENTER ACCESSORY USE- Ancillary uses or structures secondary and incidental to a Data Center Use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage

of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

SECTION TWO: The Codified Ordinance of North Londonderry Township, Chapter 150 (Zoning), Article XIII (I-1 Industrial Districts) is hereby amended to add Data Centers as a permitted use:

- I. Data Centers subject to the following:
 1. Site requirements
 - A. The minimum lot area for the use shall be ten (10) acres.
 - B. Front yard, side yard and rear yard setbacks shall be a minimum of 200 feet.
 - C. When abutting a residential zone or residential use, a minimum 250 foot setback shall be provided.
 - D. The maximum building height for a Data Center shall be seventy-five (75) feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.
 - E. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.
 - F. Landscaping shall be provided in accordance with Article XVI of this chapter.
 - G. Parking and loading shall comply with Article XVII of this chapter.
 - H. Impervious coverage shall not exceed 50%.
 - II. Application requirements. An application for a data center shall include all of the following information:
 - A. A sketch plan.
 - B. A traffic impact study in accordance with the Lebanon County SALDO.

C. Noise and vibration report.

1. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) as measured from the property line of the uses. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and any successor provisions and generally accepted methodology. A sound study shall be conducted at the following phases:
 - a. A preliminary study shall have been conducted and presented at the time of application. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.
 - b. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for use.
 - c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the Township upon request. If the Township determines that a violation of the above noise control regulations has occurred or is occurring, then the owner, operator, or user of the Data Center shall promptly remediate the violation into compliance with the aforesaid sound limits.
2. Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate and report anticipated decibel levels

when all emergency power generation equipment is running, including backup generators.

3. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

D. Water and Sewer Report

1. The use shall be served by a public water supply. The applicant shall submit documentation from the public authority certifying that the public authority has the ability and willingness to supply the water needed. Closed loop cooling systems are encouraged.
2. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

E. Power Supply Report.

1. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available and that electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.
2. Any energy generation system designed or used to supply power directly to a Data Center during normal operation, including solar, wind, fossil fuel, or nuclear energy, shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.

F. Emergency Management

1. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - a. Be reviewed and accepted by the local fire department and emergency management services as part of the land development process;
 - b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - c. Demonstrate that there is an adequate second means of ingress and egress suitable for emergency access to the site. Written approval from the Fire Department shall be provided demonstrating there is adequate emergency access, truck turning, fire suppression, and fire hydrant availability on the site.
 - d. The Data Center shall provide, or cause to be provided, at the expense of the Data Center, training for the firefighters and fire company leadership of Citizens Fire Company #1 and personnel from Penn State Health Life Lion EMS, on an annual basis, regarding the specialized firefighting and EMS skill needed to manage electrical equipment, battery storage units, natural gas, and backup generators in the event of a fire or EMS emergency.
 - e. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
2. Any data center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar

standards and must include fire suppression systems designed specifically for battery storage.

3. No data center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

III. Operational requirements

A. The data center operator shall provide annual training for first responders in accordance with the approved Emergency Response Plan. Such training shall be at the cost of the data center operator. The data center operator shall provide the Township, no later than January 31 of each calendar year, with a report of the training provided to all first responders.

B. The data center operator shall maintain all landscaping shown on the approved landscaping plan. Trees or shrubs which provide screening and which become diseased or die shall be promptly replaced in accordance with good horticultural practices.

C. The data center operators shall provide the Township and all emergency responders with an emergency contact list, including telephone numbers and email addresses of such persons. Any changes to the emergency contact list shall be provided to the Township and to all emergency responders within 10 days of such change.

D. The data center operator shall conduct an annual noise study to demonstrate compliance with the maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) as measured from the property line of the uses. The data center operator shall provide such study to the Township on or before July 1 of each calendar year the data center is in operation together with any fee which

the Township Board of Supervisors may establish to defray its costs relating to the review of the study. If the study demonstrates that the data center is exceeding these noise limits, the data center operator shall include a mitigation plan and shall implement the mitigation plan within six months.

E. Testing and routine maintenance of generators shall be limited to weekdays (Monday-Friday) from 9:00 A.M. to 6:00 P.M. and shall not exceed one hour per week per unit.

F. The data center operator shall provide a report, on or before July 1 of each calendar year the data center is in operation, the total amount of water used the previous calendar year.

G. The data center operator shall provide a report, on or before July 1 of the calendar year the data center is in operation, the total amount of kilowatts of electricity used the previous calendar year.

- IV. Decommissioning. The Data Center shall, at the expense of the Data Center, complete decommissioning of the Data Center within six (6) months after the end of the useful life of the facility. The data center will be presumed to be at the end of its useful life if electricity consumption drops by more than seventy-five (75%) percent from its peak consumption for a continuous period of twelve (12) months. As a condition of the issuance of a permit for the data center use, the data center, or property owner at the time of the end of the useful life of the data center, as defined herein, shall notify the Township within thirty (30) days whenever electrical consumption drops by more than seventy-five (75%) from its peak consumption. Decommissioning shall include removal in their entirety of all electronic equipment, battery storage units, and backup generators. Materials and equipment removed from the Data Center shall be recycled or reused to the extent practically possible.

An estimate for the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs) shall be submitted to the Township for review and approval on or before the date a zoning permit is issued and every fifth year thereafter. The

Data Center shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than one hundred twenty-five percent (125%) of Net Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Data Center, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance which is acceptable to the Township.

If the Data Center fails to complete decommissioning within the required period, then the Township may take such measures as necessary to complete decommissioning. The issuance of a zoning permit for the Data Center use shall constitute agreement and consent of the Data Center, its successors and assigns, that the Township may take such action as necessary to complete decommissioning. To the extent the Township incurs costs to rightfully perform any act in furtherance of decommissioning, it shall submit documentation of such costs to the escrow agent, and the escrow agent shall release sufficient escrow funds to the Township to cover such costs. The escrow agent shall release any remaining Decommissioning Funds to the Data Center when the Data Center has demonstrated and the Township concurs that decommissioning has been satisfactorily completed.

SECTION THREE. This Ordinance shall be effective upon its enactment.

ENACTED this ____ of _____, 2026.

ATTEST:

**BOARD OF SUPERVISORS
NORTH LONDONDERRY TOWNSHIP**

Secretary

Chairman (SEAL)

Vice-Chairman (SEAL)

Member (SEAL)