

ORDINANCE 2026-04

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 220, ZONING, OF THE CODIFIED ORDINANCES OF LOWER ALLEN TOWNSHIP, 2023, TO AMEND SUBSECTIONS § 220-6.C. DEFINITIONS, § 220-56 PERMITTED USES, § 220-64 PERMITTED USES, § 220-80 PERMITTED USES, §220-88 PERMITTED USES, §220-97 PERMITTED USES, § 220-187 NOISE, & § 220-208 ELECTRIC AND WATER INFRASTRUCTURE FOR DATA CENTERS, SEWAGE DISPOSAL, DECOMMISSIONING, AUXILIARY POWER GENERATING SYSTEMS, AND OFF-STREET PARKING BY ACTION OF THE BOARD OF COMMISSIONERS

BE IT ENACTED AND ORDAINED by the Board of Commissioners (“Board”) of Lower Allen Township (“Township”), of Cumberland County, Pennsylvania it is hereby enacted and ordained by the same as follows:

Section I

§ 220-6.C. Definitions; Word Usage shall be amended to include the following:

Data Center –

A use involving a building/premise primarily occupied by computers and/or telecommunications and related equipment where information is processed, transferred and/or stored. 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. Data Centers are classified by the North American Industry Classification System as 518210. This use includes but is not limited to Enterprise Data Centers, Managed Data Centers, Colocation Data Centers, Cloud Data Centers, Edge Data Centers, Hyperscale Data Centers, Cryptocurrency Mining, Blockchain Transaction Processing, and Server Farms. A Data Center may include Data Center Accessory Use/Structure.

Data Center Accessory Use/Structures –

Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, battery energy storage systems (BESS), 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; 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. Accessory Uses/Structures shall not include energy generation systems used or intended to be used to supply power to Data Centers during normal operations.

Auxiliary Power Generating Systems –

Natural Gas, diesel, hydrogen fuel cells, Utility Power Control, Power Storage System, or other non-coal equipment used to generate electricity during a power outage or similar emergency. Tier 4 generators are only to be used during periods of outages, natural disasters, or similar “emergency events” for power generation and for regular reliability testing and exercising.

Battery Energy Storage Systems (BESS) -

A Battery Energy Storage System (BESS) is an integrated system that stores electrical energy in batteries and releases it when needed, supporting grid stability, renewable energy integration, and peak demand management.

Tier 4 Backup Generator –

A Tier 4 Generator is a stationary diesel-powered generator that meets the strictest U.S. Environmental Protection Agency emission standards for non-road diesel engines, specifically the Tier 4 Final regulations.

Section II

Article IX - C-2 General Commercial District § 220-56.A. shall be amended as follows:

§ 220-56.A. shall be amended by adding the following to NAICS No. 51 Category column:

NAICS No.	Category
51	Information, except subsector 518210 – Data Center

Section III

Article X - C-3 Business Park District § 220-64.B. shall be amended as follows:

§ 220-64.B. shall be amended by adding the following to NAICS No. 51 Category column:

NAICS No.	Category
51	Information, except subsector 518210 – Data Center

Section IV

Article XII – I-1 General Industrial District Existing § 220-80.A. is hereby amended to read § 220-80.B.

Section V

Article XII – I-1 General Industrial District New § 220-80.B. shall be amended as follows:

§ 220-80.B. shall be amended by adding the following to NAICS No. 51 Category column:

NAICS No.	Category
51	Information, except subsector 518210 – Data Center

Section VI

Article XII – I-1 General Industrial District New § 220-80.A. is hereby added to read:

- A. 518210 - Data Center, as a Conditional Use, in accordance with Article XII – I-1 General Industrial District, Article XIX – Performance Standards, and § 220-266.(1) – Conditional Uses.

Section VII

Article XII – I-1 General Industrial District existing § 220-80.B. is hereby revised to read § 220-80.C.; existing § 220-80.C. is hereby revised to read § 220-80.D.; existing § 220-80.D. is hereby revised to read § 220-80.E.; existing § 220-80.E. is hereby revised to read § 220-80.F.; and existing § 220-80.F. is hereby revised to read § 220-80.G.

Section VIII

Article XIII – I-2 Mineral Recovery District Existing § 220-88.A. is hereby amended to read § 220-88.B.

Section IX

Article XIII – I-2 Mineral Recovery District New § 220-88.A. is hereby added to read:

- A. 518210 - Data Center, as a Conditional Use, in accordance with Article XIII – I-2 Mineral Recovery District, Article XIX – Performance Standards, and § 220-266.(1) – Conditional Uses.

Section X

Article XIII – I-2 Mineral Recovery District existing § 220-88.B. is hereby revised to read § 220-88.C.; existing § 220-88.C. is hereby revised to read § 220-88.D.; existing § 220-88.D. is hereby revised to read § 220-88.E.; existing § 220-88.E. is hereby revised to read § 220-88.F.; and existing § 220-88.F. is hereby revised to read § 220-88.G.

Section XI

Article XIV – I-3 Industrial/Commercial District existing § 220-97.A. is hereby amended to read § 220-97.B.

Section XII

Article XIV – I-3 Industrial/Commercial District new § 220-97.B. shall be amended as follows:

§ 220-97.B. shall be amended by adding the following to NAICS No. 51 Category column:

NAICS No.	Category
51	Information, except subsector 518210 – Data Center

Section XIII

Article XIV – I-3 Industrial/Commercial District new § 220-97.A. is hereby added to read:

- A. 518210 - Data Center, as a Conditional Use, in accordance with Article XIV – I-3 Industrial/Commercial District, Article XIX – Performance Standards, and § 220-266.1 – Conditional Uses.

Section XIV

Article XIV – I-3 Industrial/Commercial District existing § 220-97.B. is hereby revised to read § 220-97.C.; existing § 220-97.C. is hereby revised to read § 220-97.D.; existing § 220-97.D. is hereby revised to read § 220-97.E.; and existing § 220-97.E. is hereby revised to read § 220-97.F.

Section XV

Article XIX – Performance Standards shall be amended by adding § 220-187 by adding B.(1) a., b., c., and d. as follows:

Sound levels for Data Centers, Data Center Accessory Use/Structure, and Auxiliary Power Generating Systems at perimeter property lines shall not exceed dbA and dbC levels as follows:

Maximum Sound Levels for Data Centers at Perimeter Property Lines			
Daytime* Maximum dbA	Nighttime* Maximum dbA	Daytime* Maximum dbC	Nighttime* Maximum dbC
45	40	60	50

*Daytime means 7:00am EST to 7:00pm EST and Nighttime means 7:00pm EST to 7:00am EST

- a. Pre-Construction Noise Study. The applicant shall submit a pre-construction noise study prepared and sealed by an acoustical engineer establishing baseline ambient noise levels at 7:00am EST and 7:00pm EST. The study shall include dbA and dbC levels. The noise study shall include a narrative describing anticipated Data Center operational impacts to sound levels and vibration, and it shall include an octave band analysis. The study shall be conducted at the perimeter property lines at locations identified by the township.

- b. Post-Construction Noise Study. The applicant shall submit a post-construction noise study of existing operations no sooner than three months but no more than twelve months after occupying buildings, and after full occupancy of the intended purpose of the building. The study shall account for any existing/proposed electrical substations, on site auxiliary power generating systems, and other data center accessory uses/structures that may generate noise. The post-construction noise study shall be prepared and sealed by an acoustical engineer establishing post occupancy noise and vibration levels at 7:00am EST and 7:00pm EST. The study shall include dbA and dbC levels. The noise study shall include a narrative describing post occupancy operational impacts to sound levels, and it shall include an octave band analysis. The noise study shall identify changes in sound levels identified in the pre-construction noise study. The study shall be conducted at the perimeter property lines at locations identified by the township.

- c. If the pre-construction noise study establishes a baseline ambient noise level is more than the maximum sound levels for data centers at perimeter property lines, the post-construction noise study shall demonstrate that operations of the proposed use do not increase the baseline ambient noise level as measured at the property line.

- d. If the pre-construction noise study establishes a baseline ambient noise level less than the maximum sound levels for data centers at perimeter property lines and the post-construction noise study shows the noise is greater than the maximum sound levels for data centers at perimeter property lines, the use shall be deemed to be in violation of the maximum sound levels for data centers at perimeter property lines.
- e. Noise generating equipment such as but not limited to generators shall be enclosed within the principal building or located behind a sound-proof wall located in the side or rear yard that is not adjacent to residential uses or residential zoning districts.

Section XVI

Article XIX – Performance Standards shall be amended by adding § 220-208 – Electric and Water Infrastructure for Data Centers, Sewage Disposal, Decommissioning, Auxiliary Power Generating Systems, and Off-Street Parking.

§ 220-208.A. – In addition to meeting specific District regulations and the Performance Standards in Article XIX, Data Centers shall be required to address § 220-208.A.(1), § 208.A.(2), § 208.A.(3), § 208.A.(4), § 208.A.(5), § 208.A.(6), and § 208.A.(7):

§ 220-208.A.(1) – Electric Infrastructure

The applicant shall provide written verification from the applicable electric service provider stating the following:

1. Documentation from the applicable electric service provider certifying that capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider. The applicant shall provide an interconnection agreement from the electric service provider indicating that capacity is available, and the Data Center will be served.
2. Utility equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.
3. Above-ground utility boxes and other equipment must be co-located and screened.
4. Known impacts on electric transmission rates or availability for others uses directly attributable to the Data Center project shall be noted.

5. No data center shall be approved if the use would adversely affect electric rates or service availability for other users.

§ 220-208.A.(2) – Water Infrastructure

The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a public system, the applicant shall submit documentation from the public water provider that it has capacity and will supply the needed water. If the Data Center is to rely upon nonpublic sources of water, a water feasibility study shall be provided. The purpose of the study will be to determine if there is an adequate supply of water for the proposed Data Center and to estimate the impact of the Data Center on existing wells and surface water features within 1,000' of the perimeter property lines. No Data Center shall be approved without sufficient water supply or where the use would adversely affect the quantity or quality of groundwater supplies or surface waters within 1,000' of the perimeter property lines by depleting groundwater supplies and surface waters, lowering the water table and base flows, contribute to groundwater and surface water pollution, and reducing groundwater and surface water availability for agriculture, potable water, and ecosystems. A water feasibility study shall include the following minimum information:

- A. Calculations of the projected water needs.
- B. A geologic map of the area with a radius of at least one mile from the site.
- C. The location of all existing and proposed wells within 1,000' of the perimeter property lines, with a notation of the capacity of all high-yield wells.
- D. The location of all streams within 1,000' of the perimeter property lines and all known point-sources of pollution.
- E. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
- F. A determination of the effects of the proposed water supply needs on the quantity and quality of water in wells, streams, surface water, and the groundwater table within 1,000' of the perimeter property lines. The analysis shall be conducted with the assumption of a drought condition.
- G. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- H. Any water withdrawal associated with a Data Center shall comply with all applicable federal and state regulations, including coordination with the Pennsylvania Department of Environmental Protection. Where applicable, approval from the Susquehanna River Basin Commission shall be obtained prior to approval of a land development plan, issuance of a zoning permit, or the initiation of any withdrawal or consumptive use of water. The applicant shall demonstrate, as part of the permitting process, that all required approvals have been secured or that the proposed withdrawal is below applicable regulatory thresholds.

- I. The water feasibility study shall identify means and methods on how the Data Center use will implement water conservation measures.

§ 220-208.A.(3) – Sewage Disposal

Public sewage disposal is required. 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 applicable governing authority and the Pennsylvania Department of Environmental Protection. A will-serve letter is required by the Conveyance and Operating Authority.

§ 220-208.A.(4) – Decommissioning

1. A decommissioning plan that ensures the return of all participating properties to a redeveloping condition, including removal of above-surface facilities excluding the demolition of the principal use building structure, and electronic waste that has no ongoing purpose, shall be provided by the applicant.
2. The decommissioning plan shall include, but not be limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash, to be determined by the applicant. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the facility, after deducting salvage or recycling value, as calculated by a third party with expertise in decommissioning, hired by the applicant.
3. In no event shall the security be less than 100% of the estimated cost of decommissioning. The owner shall provide a new estimate of the cost of decommissioning every three years thereafter and increase its security if the cost increases.
4. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the owner or owner successor for decommissioning costs in excess of the amount deposited in the account and to file a lien against any real estate owned by the owner or owner successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

§ 220-208.A.(5) – Auxiliary Power Generating Systems

1. Data Centers shall comply with sound level measurements as required in § 220-187.A., B.(1), C., and D. Any sound studies provided by the applicant shall include anticipated sound and vibration levels when all auxiliary power generating equipment is running.
2. Testing of auxiliary power generating systems, including generators, shall be between the hours of 7:00am and 7:00pm EST, provided that such testing shall:
 - (i) Occur only on weekdays.
 - (ii) Not produce sound levels that exceed the limits of § 220-187.B.(1).
 - (iii) Be limited to a maximum period of three hours per day.
 - (iv) Be performed a maximum of one time per week.
3. Auxiliary power generating systems shall not be used to augment the primary power generating system for purposes of increased data processing capacity.
4. Auxiliary power generating systems shall be Tier 4 or higher unless this requirement is waived by the Board of Commissioners during the Conditional Use review.

§ 220-208.A.(6) – Off Street Parking

1. Off Street Parking shall be provided in accordance with Article XXIV.
2. The required number of off-street parking stalls shall be calculated by § 220-239.B.

§ 220-208.A.(7) – Emergency Management

1. Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number. No private or commercial advertising shall be permitted on emergency contact signs.
2. Any Data Center proposing battery energy storage systems (BESS) 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. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional and is to be reviewed by the municipality's Emergency Management Coordinator, and or the Emergency Management Agency or other appropriate Municipal official servicing in this capacity for review and comment.

SECTION XVII

Repealer

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

SECTION XVIII

Severability

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

SECTION XIX

This Ordinance shall take effect immediately.

ENACTED AND ORDAINED this (DAY) day of (MONTH) 2026.

Attest:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

(Assistant) Secretary

(Vice) President