LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF LOWER SAUCON TOWNSHIP, PENNSYLVANIA, TO AMEND THE LOWER SAUCON TOWNSHIP CODE OF ORDINANCES TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES, AND TO PROVIDE PROVISIONS FOR USES NOT PROVIDED FOR IN THE ORDINANCE.

WHEREAS, Lower Saucon Township (hereinafter "Township") is a municipal corporation and township of the second class, organized and existing under and pursuant to the Second Class Township Code, as amended, 53 P.S. §65101 et seq., and has adopted an optional plan of government in keeping with the Home Rule Charter and optional plan laws, as well as various other laws of the Commonwealth of Pennsylvania and governed by a five member Council (hereinafter "Council"); and

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, *et seq.*, authorizes the Township of Lower Saucon to enact, amend and repeal Zoning Ordinances within the limits of the Township; and

WHEREAS, the Township Council deems it to be in the best interest and general welfare of the residents of the Township of Lower Saucon to update and amend provisions of the Lower Saucon Township Zoning Ordinance to provide for Data Centers and Data Center Accessory Uses; and

WHEREAS, the Township Council of Lower Saucon desires to add provisions to its Zoning Ordinance relating to Data Centers and Data Center Accessory Uses;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of Lower Saucon Township as follows:

Section 1. Amendment of Chapter 180, Section 180-5. Chapter 180, Section 180-5 of the Lower Saucon Township Code of Ordinances, entitled Definitions, is amended to add the following definitions:

> **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.

Data Center Equipment ("DCE"). Includes any Data Center Accessory Uses, (i.e., emergency power generators, cooling equipment, etc.), which in an un-muffled state generate noise in excess of the permitted maximum dB(A) in Section 180-96 D. at the point of generation. DCE shall be accessory to the Data Center and be located on the same parcel or assemblage of adjacent parcels developed as a unified development for the Data Center.

Cryptocurrency Mining Facility. Specialized data centers that house a large number of computers (mining rigs) dedicated to solving complex mathematical problems to validate transactions and add new blocks to a blockchain to produce newly minted cryptocurrency.

Sensitive Receptor. Sensitive receptors include residential uses, schools, preschools, daycare centers, in-home daycares, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, prisons, dormitories, and any similar uses.

Section 2. Amendment of Chapter 180, Article XIVA. Chapter 180, Article XIVA, entitled "Light Manufacturing District (LM)" is hereby amended to add Section 180-83.2.1.D., "Data Centers and Data Center Accessory Uses" as a conditional use, as follows:

D. Data centers and data center accessory uses (see § 180-127.4).

Section 3. Amendment of Chapter 180, Article XVII. Chapter 180, Article XVII, entitled "Additional Regulations for Certain Permitted, Conditional and Special Exception Uses" is hereby amended to add Section 180-127.4, "Data Centers and Data Center Accessory Uses" as follows:

§ 180-127.4 – Data Centers and Data Center Accessory Uses

A. Data Centers shall be permitted by conditional use in the Light Manufacturing (LM) Zoning District. when approved in compliance with the procedures, standards, and criteria contained in this section.

B. **Dimensional Standards.** The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with the lot and yard requirements of the respective zoning district, as modified and enhanced by the following requirements. To the extent of a conflict between the district requirements and the following, the following shall apply:

1. The maximum building height for a Data Center shall be 50 feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.
2. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.
3. Data Centers and Data Center Accessory Uses shall be set back 300 feet from the boundary of any residential zoning district or the lot line of any property developed with a sensitive receptor.
4. Minimum lot area: 10 acres.
    a. Data Center Accessory Use & Data Center Equipment shall be considered accessory uses per Section 180-5 – Definitions; word usage.
5. The tract or assemblage of parcels developed as a unified development shall have direct access to an arterial, or collector road, as defined in Chapter 145 of the Subdivision and Land Development Ordinance.
6. An adequate second means of ingress and egress suitable for emergency access to the site shall be demonstrated.

C. **Landscape Buffer.** All parking, principal structures, data center equipment, data center accessory uses, outdoor storage, fuel tanks, battery cells, and/or loading/unloading areas shall be screened by a 100-foot-wide buffer yard from all property lines. A 100-foot buffer is also required along the frontage of all streets.

1. The landscape buffer shall comply with the following requirements:

   a. The landscape buffer yard shall include a vegetated screening buffer. The screen buffer plantings are intended to form an impenetrable visual screen and shall include a variety of evergreen tree species to prevent monocultural planting. Trees used for screen buffers shall be comprised of 100% evergreen species.

   b. Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within four years. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of those trees will be of a single variety. Deciduous canopy trees and/or flowering trees, and evergreen shrubs are encouraged to provide complete screening and visual appeal, in addition to the required evergreen trees. Shrubs shall have a minimum height of 36 inches when planted.

   c. The following note shall be placed on the conditional use plans and on the recorded land development plan: "Plant materials shall be permanently maintained and any plant material which dies shall be replaced by the landowner."

   d. Where such screening is required, it shall be assured by a performance guarantee posted with the governing body in an amount equal to the estimated cost of trees, shrubs, and plantings. Such guarantee shall be released only after passage of the second growing season following planting.

   e. The landscape buffer yard may overlap the required side, front, and rear yards for building setback, and in case of conflict, the larger yard requirements shall apply.

   f. All plantings shall conform to the standards of the Township's list of acceptable plant species. (Subdivision and Land Development Ordinance Appendix)

2. Buffer plantings shall consist of native species planted as follows:

g. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.

h. One (1) deciduous canopy (shade) tree per 60 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2½ inch caliper at the time of planting.

i. One ornamental/flowering tree per 40 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2½ inch caliper at the time of planting for single-stemmed varieties.

j. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

3. In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the Data Center and Data Center Accessory Uses from adjoining residential zoning districts, sensitive receptors, and public roadways, the Township Council, upon recommendation by the Township Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.

D. **Screening and Fencing**

1. To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within 400 feet of a public roadway, any residential zoning district, or the lot line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:

   a. The landscape buffer required by subsection (D) above.

   b. By existing vegetation that will remain on the property.

   c. By the principal Data Center building or an accessory building

   d. A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1,

provided that the berm shall be covered by a well-maintained all season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.

e. A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.

2. A minimum 8-foot high fence or other material approved by the Township Council shall be installed around the perimeter of the development. Fencing along public and private roadways shall not be chain-link, with or without slatted inserts, and shall not include barbed wire or other similarly visibly intrusive deterrence device. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one or more of the means identified in subparagraph 1 above.

E. **Noise and Vibration**

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 all hours of operations shall be limited to a maximum daytime (7:00 a.m. to 10:00 p.m.-Monday-Friday) decibel level of 55 dB(A) and a maximum nighttime and weekend (10:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 50 dB(A) as measured from the property line of the use.

   Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:

   a. A preliminary study shall be conducted as part of the ~~[~~conditional use/land development~~]~~ process. 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 interim sound study shall be incorporated into the construction plans for the 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. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.

2. The sound studies shall also evaluate, and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators. During times of power outage, the maximum decibel level of 55 dB(A) shall apply.
3. In the event of a failure by the owner or occupant to remediate a sound violation, the Township may revoke any zoning permit(s) previously issued for the Data Center.
4. 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.
    a. Pre- and Post-Construction Studies. For any Data Center located within 1,000 feet of any residential use or zone, or any sensitive receptor, the applicant shall submit pre-construction and post-construction vibration studies prepared by a qualified professional to establish baseline conditions and demonstrate compliance. The pre-construction vibration study must be submitted at the time of application for conditional use. The initial post-construction vibration study must be submitted no later than six (6) months after issuance of a certificate of occupancy and start of commercial operations.
    b. Operational Monitoring. The Township shall require continuous or periodic vibration monitoring during construction, commissioning, and initial operation to verify compliance. All reports prepared shall be done by a certified vibration engineer approved by the Lower Saucon Township Council.
    c. All ground-mounted mechanical, electrical, and power generation equipment shall be mounted on anti-vibration foundations, isolation pads, or equivalent devices designed to minimize vibration transmission to the ground and nearby structures.
    d. In the event vibration levels exceed the allowable threshold, the operator shall promptly implement corrective measures as required by the Township Engineer, which shall include equipment modifications, relocation, or enhanced isolation. In the event of a failure by the owner or occupant to remediate a sound violation, the Township may revoke

any zoning permit(s) previously issued for the Data Center.

5. All studies and testing shall be at the cost of the developer and landowner.

F. **Water and Sewer**

1. Evidence of adequate water and sewage disposal service shall be provided to the township with the conditional use application.

a. Public Water/Sewer Supply. In the case of utilization of a publicly owned or other existing centralized water supply and/or sewage disposal system the developer shall submit a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development during both normal and peak operating conditions. This letter shall be supplied with the conditional use application.

b. On-Lot Water Supply. If an approved public water supply is not accessible and water is to be furnished on a project basis, the applicant shall, upon submission of the conditional use application, submit written evidence that they have complied with all Township and State regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations. The applicant shall provide proof of review and approval from the Delaware River Basin Commission (DRBC) for projects that have: water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the applicable River Basin.

1) Water Resources Impact Study. A water resources impact study shall be required for all Data Center developments with an anticipated withdrawal of 4,000 or more gallons of water per day over a thirty-day period. The Water Resources Impact Study shall be conducted in accordance with the following:

a) Purpose. These regulations are to ensure that expansion of production from existing wells or development of new wells for Data Center development in the Township are able to provide a reliable, safe, and adequate supply of water to support the intended use within the capacity of available groundwater resources, and to estimate any impacts of the additional water withdrawals on existing nearby wells, underlying aquifers, wetlands and watercourses.

b) Pumping Test and Water Quality Analysis. All elements of the pumping test well and water quality analysis shall be completed prior to submission of the water resource impact study. A well construction permit is required for the pumping test well(s) and monitoring well(s) for preparation of the water resource impact study.

c) Professional Preparation. The water resource impact study shall be prepared by a professional geologist and/or professional engineer, licensed in the Commonwealth, experienced in the performance of groundwater investigations for water supply wells.

d) Certification. The water resource impact study shall be signed and sealed by the person(s) preparing the study and shall include the following information, with respect to the proposed conditional use application:

[1] Calculations. Calculations of the projected water demand, including both average and peak daily consumption, using the applicable criteria set forth in the following references. Said calculations shall include modelling at peak/stress conditions to ensure year round feasibility.

[a] The adequacy of nonresidential water supplies shall be determined based upon the minimum water requirements published in Table IV-1.2 of Part IV of the current edition of the PA DEP Public Water Supply Manual. For nonresidential facilities other than those found in Table IV-1.2, the adequacy of nonresidential supplies shall be based upon the flow assumptions published in 25 Pa. Code Chapter 73, Standards for Sewage Disposal Facilities,§ 73.17(b), or shall be based on actual water meter or sewage meter flow data for facilities of similar type and size. The applicant shall substantiate any meter flow data used to determine the adequacy of nonresidential supplies by submitting copies of water and/or sewer bills for the similar facilities.

[b] Guide for Determination of Required Fire flow by the Insurance Services Office (ISO), as amended.

[c] Standards and Manuals for the American Water Works Association, as amended.

[d] In addition to the above, the projected water demand shall include any additional flow required to comply with National Fire Protection Association specifications for sprinkler systems.

[2] Area Maps. A topographic and geologic map of the area within a one mile radius of the site.

[3] Regional Map Information. The following information shall be provided on a regional topographic map for the area within a 0.5-mile radius of all proposed wells. If any existing wells withdrawing over 10,000 gpd are located within one mile of the site, the mapping radius shall be extended to one mile. Said map shall be up to date by using recent aerial photographs and/or a driving survey.

[a] The location of all existing and proposed wells, including the test well(s) and monitoring wells.

[b] The location of all existing and proposed on-lot sewage disposals systems as well as all sewage treatment system surface water discharges.

[c] The location of facilities storing or handling residual or hazardous wastes and substances and petroleum products.

[d] The location of all perennial and intermittent watercourses.

[4] Site Plan. A site plan shall be provided, showing existing and proposed lot lines. The following features shall be presented on an up-to-date plan for the site and area within 500 feet beyond the site perimeter.

[a] Flagged wetland boundaries.

[b] All springs, seeps and ephemeral pools.

[c] All watercourses with a statement as to whether they are perennial or intermittent.

[d] Existing and proposed wells.

[e] Existing and proposed septic systems.

[f] Test well(s) and monitoring wells.

[g] Topography.

[h] Piezometer wells, if applicable.

[5] Pumping Test Wells. The test well shall be the supply well(s) anticipated for use by the facility. A backup well is highly recommended and should be tested on a separate week than the primary well.

[6] Monitoring Wells.

[a] At least six monitoring wells shall be employed for each pumping test. Monitoring wells shall be evenly spaced radially around the test well so as to represent the region. Wells shall be evenly distanced from the test well so as to experience background in addition to interaction conditions. At least one well shall be no more than 500 feet from the test well. If such a well is not available a monitoring well can be drilled on the site to serve that purpose. The monitoring well should be drilled in a location and constructed in a location, depth and yield so as to later be used as a house well. Information regarding monitoring well casing depth, total depth and water producing zones shall be provided in the final report.

[b] The applicant shall secure written permission from the property owner for any off-site well to be used for monitoring, that grants the Township permission for a period not to exceed 18 months after completion of the project, to obtain water level measurements and samples of the water for laboratory analysis as required to verify compliance with this chapter.

[c] Water levels in the monitoring wells shall be made at sufficient frequency during the test so as to allow for a clear understanding of the static water level trend throughout the pumping test. At least one week prior to the pumping of the test well, the monitoring wells shall be measured on at least four separate days. During the pumping test, monitoring wells shall be measured at no less than two-hour intervals during daylight periods. It is highly recommended that either nighttime measurements be made or automated water level logging devices be employed to improve well level data for those wells that are in use. Insufficient or poor quality data may negate the

test results. At least four days of post well water level measurements shall be recorded over a period of a week.

[d] Ground elevation adjacent to the well(s) in addition to the static water level shall be based on USGS vertical datum.

[7] Testing Locations and Details. Prior to drilling and/or testing, the Township Engineer shall be provided with the Pennsylvania State Plane Coordinates for the monitoring and test well locations and a map of said locations of the test well(s) and monitoring wells. Prior to drilling and/or testing, the Township Engineer shall be provided with the anticipated pumping test rate and monitoring frequency program which shall be subject to approval by the Township Engineer prior to the test. Dates of drilling and testing shall be made available to the Township Engineer so that they may witness field operations as necessary.

[8] Geologic Log. An accurate geologic log should be maintained during drilling of the pumping test well(s) and monitoring well(s) if applicable, to provide a detailed description of the type and thickness of rocks and overburden encountered. Additionally, the log shall contain information on the depth of all water bearing zones encountered and the yield from each zone. The total yield from the well shall be measured using a quantitative method. Samples shall be collected every 20 feet during drilling, or at each change in rock type, whichever occurs first.

[9] Pumping Tests. Forty-eight-hour pumping test(s) shall be conducted on the pumping test well(s) at a rate not less than 150% of the combined projected peak daily water demand for the proposed need for which the well represents. The test shall include the monitoring of background water levels in all wells for a period not less than one week prior to start of pumping and one week after pumping. The pumping test shall be conducted during a period when there is no measurable precipitation for at least 48 hours prior to pumping and throughout the test. If precipitation is encountered during this period, the data shall be evaluated using an acceptable method to account for the effects of any recharge upon water levels in the wells, and upon all calculations at a constant pumping test

data. Significant recharge during the test may cause the results to be considered invalid. The pumping test shall be followed by a recovery test, with monitoring of water levels in the test well being conducted until at least 95% recovery of draw down is observed in the test well, or until 48 hours after termination of pumping, whichever is first.

[10] Pumping Rate. The pumping test shall be conducted at a constant pumping rate that shall not deviate greater than plus or minus five (+/-5%) during the test. The rate of flow shall be monitored by a water meter that tallies total flow volumes as well as reveals pumping rate. The rate of flow from the meter shall be verified periodically through the test with manual bucket and stopwatch measurements and such confirmation measurements recorded and reported.

[11] Pumping Test Discharge. The pumping test discharge shall be directed away from and downslope of the test well so as not to significantly influence draw down in the test well and monitoring wells. The means of conveyance and point of discharge shall be approved by the Township Engineer, and shall be at least 100 feet distant.

[12] Required Data. The report shall include precipitation data, static water level immediately prior to yield testing, hydrograph of depth to water surface during test pumping and recovery period of the test well, graphs of depth to water surface at monitoring wells during the test pumping period, typed and raw field notes showing original observations, water levels and flow readings, and the time readings were taken.

[13] Water Quality. Water quality samples shall be obtained from the test well at both the commencement and termination of the pumping testing to demonstrate that drinking water quality conforms to this section.

[a] All samples shall be collected, transported and analyzed in accordance with US EPA and PA DEP protocol for drinking water. Sample testing shall be performed by a laboratory certified by the commonwealth to perform drinking water analysis. Laboratory reports shall contain sufficient quality

assurance and quality control data to explain any analysis and reporting conditions or deficiencies. Water quality must comply with currently published US EPA National Primary and Secondary Drinking Water Standards and Health Advisories.

[b] Water quality testing shall include, at a minimum, the following parameters: total and fecal coliform, nitrate/nitrite, pH, iron, manganese, sulfate, lead, chloride, hardness, turbidity, odor, total dissolved solids, surfactants (detergents), volatile organic compounds - Group 1 (VOC1) + 10 unknowns, MTBE, herbicides - Group 1 (H1) and pesticides - Group 3 (P3). A library search for tentatively identified compounds (TICs). Additional analysis shall be required if TICs are discovered. Group 1 (VOC1), etc., refers to PA DEP categories of contaminants.

[c] The applicant shall perform a survey to identify and evaluate potential sources of contamination that may impact water quality in the proposed well(s) and shall perform additional sampling and analysis as may be required to assure water quality is satisfactory for the protection of human health and the environment.

[d] A well that does not meet the above standards shall be required to meet them through adequate treatment facilities. Installation and annual maintenance cost estimates to adequately treat the water shall be provided in the report.

[e] The laboratory report shall be included and shall contain the name, license number and address of the state drinking water certified laboratory.

[14] Aquifer Capacity. Documentation shall be provided to support the requirement that the aquifer beneath the site has the capacity to provide wells of sufficient yield to meet the needs of the proposed development. Supportive evidence shall consist of wells drilled on-site, neighboring well information, and data available for wells within one-half mile of the site using the Pennsylvania Groundwater Information System (PA GWIS).

[15] Hydrologic Budget. A hydrologic budget shall be calculated, on an annual basis, for the site based upon the drought recharge capacity of the underlying aquifer and the projected peak water demand of the proposed well(s). The budget shall use groundwater recharge values from published references and a drought of at least one-in-ten-year severity. The recharge area for the budget shall consist only of the proposed development project, less impervious surface unless infiltration system considerations are made, if on-site septic systems are proposed, sand mounds, subsurface and at grade systems may allow for contribution of 90% return of water to the aquifer system. Aquifer contribution from spray, drip and stream discharge shall be determined on a case by case basis. A determination shall be made on whether or not the potential exists for adverse effects on hydrogeology of the project vicinity, including adjacent wells, springs, surface water and wetlands, based upon the results of the hydrologic budget.

[16] On-Lot Sewage System Effects. A narrative describing the design of all on-lot sewage disposal systems and their effect upon groundwater recharge and quality with respect to all proposed and existing water supplies. A nitrate study shall be performed following PA DEP mass balance policy guidelines which include average year recharge from the development site alone, less impervious surface, sewer system design flow rates and a 45 mg/L effluent. Available existing groundwater quality nitrate data shall be obtained from test well(s), adjacent supply wells and springs to include as background nitrate levels. Total nitrate levels shall not be allowed to exceed the 10 mg/L drinking water limit.

[17] Effects on Waters of the Commonwealth. If wetlands, seeps, springs, ephemeral pools and/or streams exist on or within 300 feet of the proposed and existing wells boundary, the report shall address the potential to affect these features as a result of drilling and pumping of the proposed supply wells. Circumstantial evidence to support conclusions regarding this issue shall be considered limited in value. Thus, direct monitoring of water levels and direct measurement of flows during pumping tests shall be required when said surface water features are deemed at potential risk. If staff

gauges are used, measured stream and seep flow rates must be provided to quantify flows at various gauge levels. Analysis shall include evaluation of the potential effect from proposed underground utility lines that may penetrate the shallow groundwater system.

[18] Qualifications. The report shall include a brief statement of the qualifications of the person(s) preparing the study.

G. An environmental impact assessment shall be performed and submitted with the conditional use application. The Assessment shall be prepared by a professional environmental engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

1. The potential for public nuisance to residents resulting from operations, including noise, glare, light, and visual obstacles.
2. A stormwater management plan, demonstrating compliance with Chapter 137 , Stormwater Management Ordinance.
3. Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures which may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
4. Additional considerations. The following shall also be addressed:
   a. Alternatives analysis. A description of alternatives to the impacts.
   b. Adverse impacts. A statement of any adverse impacts which cannot be avoided.

c. Impact minimization. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

d. Mitigation steps. Listing of steps structural controls proposed to minimize damage to site before and after construction.

5. Critical impact areas. In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive or which if disturbed during construction would adversely affect the environment.

   a. Critical impact areas are those natural resources delineated in § 180-95 (Environmental Protection Standards) which include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation, carbonate geology areas and aquifer recharge and discharge areas.

   b. A statement of impact upon critical areas and of adverse impacts which cannot be avoided.

   c. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.

H. **Energy Use**

1. An Energy Management Plan shall be submitted with the conditional use application detailing, at a minimum, annual electricity demand, the supply sources to be utilized, energy storage capacity (if applicable) and efforts made to maximize use of renewable and/or clean energy for all electrical and cooling needs, either through on-site generation or verifiable power purchase agreements (PPAs). The Energy Management Plan shall be prepared and certified by a professional engineer. The Energy Management Plan is subject to approval by the Township.

2. 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 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. Documentation of the projected annual electricity demand and supply source(s) shall also be provided.

3. The applicant shall provide an interconnection agreement with the conditional use application from the applicable electric service provider indicating that the necessary capacity is available, and the Data Center will be served. Known impacts on electric rates or availability for others uses directly attributable to the Data Center project shall be noted.
4. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.
5. Any energy generation equipment shall minimize air pollutant emissions and meet or exceed applicable state and federal laws regulating emissions. Such equipment shall comply with EPA Tier 4 emissions standards, or equivalent must be achieved. Detailed specifications on emissions controls and fuel storage safety measures such as spill-prevention and secondary containment should also be included to ensure public health and environmental safety.
6. Annual testing shall be performed, and reports shall be provided to the Township and other relevant state and federal agencies to ensure that data center equipment is performing as designed and emissions from the data center do not exceed allowable limits.
7. LEED Certification is strongly encouraged as well as roof-mounted accessory solar energy systems. (Leadership in Energy & Environmental Design – LEED)

I. **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 conditional use process;
   b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
   c. An adequate second means of ingress and egress suitable for emergency access to the site shall be demonstrated.

d. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

e. Ensure that all first responders receive adequate training specific to the installed systems;

f. 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.

4. The applicant shall coordinate with the Northampton County Control Center to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Northampton County Control Center Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems if needed to meet compliance.

J. **Aesthetics**

1. Any Data Center and Data Center Accessory Use building façade that faces a road, adjoining zoning district, or existing residential use must be designed to resemble a corporate office complex and must incorporate at least two of the following design elements every one hundred fifty (150) horizontal feet:

   a. A change in building material, pattern, texture, or color.

   b. A change in building height.

   c. Building step-backs or recesses having a minimum depth of five (5) feet.

   Submission of graphic elevations and associated documentation designed by a licensed architect or engineer registered in the Commonwealth of

Pennsylvania depicting compliance with these standards is required as part of the conditional use approval process.

2. External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.

K. **Parking**

1. Data Centers are to be provided with (1) at least one parking space per 4,000 square feet of floor area designed and intended to be occupied regularly by employees plus one parking space for each company vehicle normally stored, or (2) at least one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, plus one parking space for each company vehicle normally stored, whichever is greater. As part of the conditional use approval, Council may defer the construction of a portion of the required parking spaces, with the understanding that the construction of said deferred parking spaces shall occur when so directed by Council. Any deferred parking shall be shown on the site and/or land development plan.

2. No parking or loading/unloading shall be permitted on or along any public road.

L. **Other Requirements**

1. Data Center Equipment shall not be located between the principal structure(s) and the street upon which the parcel fronts. DCE shall be separated from all adjacent residential uses by principal buildings. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak.

2. The type of cooling method proposed, whether predominantly water-cooled or air-cooled, shall be submitted with the conditional use application. Water-cooled cooling systems shall be closed loop systems. Changes to the proposed cooling method after conditional use approval is granted may alter the required water/sewer and power requirements, may change the required utility infrastructure to support it, and may result in the requirement for additional conditional use approval.

3. All facilities with gated entrances shall provide for an on-site queuing area for the stacking of a minimum of one tractor-trailer.

4. An Electronic Waste Plan shall be submitted with the conditional use application outlining procedures for safe removal and recycling or disposal

of server infrastructure, hazardous material, batteries, electronic waste, and related products, which will apply in cases when the data center is updated or decommissioned. The Electronic Waste Plan is subject to approval by the Township.

Section 4: Amendment of Chapter 180, Article II. Article II, entitled "Administration" is hereby amended to delete Section180-12.D. and replaced with the following:

D. The Zoning Officer shall interpret the requirements of this chapter if a proposed specific use is not mentioned and/or not prohibited. In this interpretation, the Zoning Officer shall make his or her decision on the basis of the mentioned use that is most similar to the proposed specific use.

If the Zoning Officer determines that a use is clearly not permitted by right, by conditional use or by special exception by this Ordinance within any Zoning District, the use is prohibited in the Township, except the applicant may apply to the Zoning Hearing Board. The Zoning Hearing Board may permit such use if the applicant proves all of the following to the satisfaction of the Zoning Hearing Board:

1. That the use would clearly be less offensive in impacts and nuisances than uses permitted in that district,
2. That the use would be compatible with permitted uses in that District,
3. That the proposed use would be compatible with the purposes of the district,
4. The use and accompanying site plan meet all criteria in Sections 180-102.C and 180-102.D,
5. That the use is not "specifically prohibited" in the District,
6. The Zoning Hearing Board may impose reasonable conditions upon the application to ensure the spirit and intent of the Ordinance.

Section 5: Severability. If any sentence, clause, section, or part of this Ordinance or of the Zoning Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Township Council that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 6. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 7. Codification. Pursuant to the Lower Saucon Township Code of Ordinances and the Pennsylvania Municipalities Planning Code, the Lower Saucon Township Zoning Ordinance shall hereby be codified to incorporate the above-referenced amendments.

Section 8. Effective Date. This Ordinance shall take effect five (5) days after its adoption.

ENACTED and **ORDAINED** this 20th day of May, 2026, by the Lower Saucon Township Council in lawful session duly assembled.

ATTEST:

Stacy Werkheiser,
Township Secretary

LOWER SAUCON TOWNSHIP,
NORTHAMPTON COUNTY

By _____
Victoria Opthof-Cordaro,
Council President