

**ORDINANCE NO. 2026-7
NORTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE NORTH WHITEHALL TOWNSHIP ZONING
ORDINANCE OF 2025 TO MODIFY REGULATIONS PERTAINING TO DATA
CENTER USES AND DATA CENTER ACCESSORY USES**

SECTION 1 – STATEMENT OF LEGISLATIVE FINDINGS.

WHEREAS, North Whitehall Township, Lehigh County, Pennsylvania is a township of the second class organized and existing under and pursuant to The Second Class Township Code and various other laws of the Commonwealth of Pennsylvania and is governed by a three (3) member Board of Supervisors (the “Supervisors”); and

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, Act of Jul. 31, 1968, P.L. 805, No. 247, Art. VI, as reenacted and amended, 53 P.S. § 10601 *et seq.* (“Article VI”), authorizes the Supervisors to enact, amend, and repeal zoning ordinances applicable within the Township; and

WHEREAS, pursuant to Article VI, by Ordinance No. 2025-3, adopted on December 01, 2025, the Supervisors enacted the “North Whitehall Township Zoning Ordinance of 2025” (the “Zoning Ordinance”), which is presently or will be codified in Chapter 440 of the Code of the Township of North Whitehall;¹

WHEREAS, pursuant to Article VI, by Ordinance No. 2026-2, adopted on March 09, 2026, the Supervisors amended the Zoning Ordinance to allow and provide regulations for Data Center uses and Data Center Accessory Uses (as such terms are defined in Ordinance No. 2026-2); and

WHEREAS, the Supervisors desire to amend the Zoning Ordinance to modify and supplement such regulations pertaining to Data Center uses and Data Center Accessory Uses.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of North Whitehall Township, Lehigh County, Pennsylvania, as follows:

SECTION 2 – ZONING ORDINANCE TEXT AMENDMENT.

1. Article II, Section 440-31 of the Zoning Ordinance, titled, “Definitions,” is amended to insert the following new definition:

“HIGH IMPACT DATA CENTER – A Data Center that has a critical IT load at full build-out of fifty megawatts (50 MWs) or greater. The term shall also include a group of Data Centers located on contiguous parcels or within one (1) mile of each other, owned

¹ The Code of the Township of North Whitehall is presently accessible online via the following Uniform Resource Locator (URL): <https://ecode360.com/NO3503>.

by the same entity or affiliated entities, that cumulatively have a critical IT load of fifty megawatts (50 MWs) or greater.”

2. Article III, Section 440-37 of the Zoning Ordinance, titled, “Table of Permitted Uses by district,” is amended as follows:

- a. Row “G16” titled, “Data Center,” is amended to identify that Data Center uses shall be permitted by Conditional Use only in the Mineral Extraction/Industrial (ME/I) zoning districts.
- b. Row “G17” titled, “High Impact Data Center,” is amended to identify that High Impact Data Centers shall be permitted by Conditional Use only in the Mineral Extraction/Industrial (ME/I) zoning districts.
- c. Row “H15” titled, “Data Center Accessory Use,” is amended to identify that Data Center Accessory Uses shall be permitted by Conditional Use only in the Mineral Extraction/Industrial (ME/I) zoning districts.

3. Article V, titled, “Environmental Protection,” is amended to insert a new Section 440-55, titled, “Noise,” reading as follows:

“440-55. Noise.

A. During normal operations, no principal or accessory use shall generate a sound level exceeding 60 dBA, as measured at any property line containing such use(s).

Note: ‘dBA’ means ‘A’ weighted decibel.”

4. Article IV, Section 440-40.G.(16), titled, “Data Centers and Data Center Accessory Uses,” is amended as follows:

- a. Subsection 440-40.G.(16)A. is deleted in its entirety, and the following is substituted therefor:

“A. Where Permitted. Data Centers and Data Center Accessory Uses are permitted by Conditional Use only in the Mineral Extraction/Industrial (ME/I) zoning district in accordance with the Conditional Use procedure outlined in Section 440-25.B. and provided that the applicant has: (i) identified during the Conditional Use approval process the proposed end user(s), if any, and the specific purpose and/or function of the Data Center and/or Data Center Accessory Use; and (ii) met its burden of proof that the proposed use meets all applicable regulations contained within this Chapter 440, including but not limited to, the general criteria for Conditional Use approval contained in Section 440-25.C. and the following use regulations contained in this Section 440-40.G.(16).”

- b. Subsection 440-40.G.(16)B.3. is deleted in its entirety, and the following is substituted therefor:

“3. Data Centers and Data Center Accessory Uses shall be set back at least three hundred feet (300’) from any property boundary lines, except as modified below.

- (a) Data Centers and Data Center Accessory Uses shall be set back at least five hundred feet (500’) from any boundary line of any residential zoning district (regardless of whether such zoning district is located within the Township).”
- (b) Data Centers and Data Center Accessory Uses shall be set back at least five hundred feet (500’) from any property line of a parcel containing a Sensitive Receptor (regardless of whether such parcel is located within the Township).”

- c. Subsection 440-40.(16)F.1. is deleted in its entirety, and the following is substituted therefor:

“1. An applicant seeking Conditional Use approval for a Data Center and/or Data Center Accessory Use shall demonstrate through a sound study conducted by a qualified, independent acoustical engineer that the sound generated by the proposed Data Center and/or Data Center Accessory Use during normal operations shall comply with the decibel limitations identified in Section 440-55 of this Ordinance. Such sound study shall be conducted in accordance with ANSI S12 series, ISO 1996-1 and ISO 1996-2, ANSI S2.71 and ISO 2631. The sound study shall include baseline, ambient noise measurements prior to construction and include predictive noise modeling accounting for all significant noise sources derived from normal operations, including simultaneous operation of all major equipment. A sound study shall be conducted at the following phases:

- (a) A preliminary sound study shall be conducted as part of the conditional use approval process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the decibel limits identified in Section 440-55 of this Ordinance.
- (b) An interim sound study shall be conducted during the building permit approval process based upon the proposed user(s) of the Data Center and/or Data Center Accessory Use depicted on the plans associated with the building permit application. Any sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the use. If the

proposed user(s) and the specific purpose or function of the Data Center and/or Data Center Accessory Use(s) is/are identified at the time of the performance of the preliminary sound study identified in subsection (a), above, then the applicant shall not be required to conduct an interim sound study, provided that the proposed user(s) and the specific purpose or function of the Data Center and/or Data Center Accessory Use(s) remain(s) the same as identified at the time of the performance of the preliminary sound study.

- (c) An as-built sound study shall be conducted no sooner than six (6) months but not later than nine (9) months after issuance of the certificate of occupancy for the principal building and prior to the final financial escrow release for any land development phase. If it is determined by the as-built sound study that there is a violation of the decibel limits identified in Section 440-55 of this Ordinance, the same shall be considered a violation of this Ordinance, and the Township may issue a cease and desist order preventing the occupancy or use of the Data Center and/or Data Center Accessory Use until remediation efforts have been completed that reduce the noise levels generated by the Data Center and/or Data Center Accessory Use to levels compliant with Section 440-55 of this Ordinance. Nothing contained in this subsection shall be construed as limiting the Township's remedies in response to a violation of this Ordinance as provided in this Ordinance or the Pennsylvania Municipalities Planning Code."

- d. Subsection 440-40.G.(16)F.3. is deleted in its entirety, and the following is substituted therefor:

"During the Conditional Use approval process, the applicant shall provide a vibration study prepared by a qualified, independent professional that demonstrates that normal operations of the proposed Data Center and/or Data Center Accessory Use will not generate vibration that is perceptible to a person of average sensibilities without the use of measuring instruments within any dwelling pursuant to Section 440-48 of this Ordinance."

- e. Subsection 440-40.G.(16)G. is amended to insert a new Subsection 440-G.(16)G.5., reading as follows:

"5. Unless a closed-loop water cooling system or other, similar type of system that does not require continuous withdrawal of groundwater is utilized with respect to the Data Center, then the applicant, owner, or operator of the Data Center use shall provide to the Township on an annual basis a report from a qualified, independent professional identifying the annual water usage associated with Data Center's cooling system, including

a statement confirming the continued feasibility of withdrawing groundwater at the rate identified in said report.”

f. A new Subsection 440-40.G.(16)K. is inserted, reading as follows:

“K. Electrical Demand Disclosure, Infrastructure Capacity, and Impact Standard.

- (1) The applicant shall disclose the total anticipated electrical demand and maximum designed electrical demand of the proposed Data Center and/or Data Center Accessory Use at full build-out, expressed in megawatts (MW), including IT load, cooling systems, and all supporting infrastructure. Disclosure of electrical demand shall be used solely for land-use impact evaluation and shall not be deemed to constitute approval or denial of utility service.
- (2) No Data Center or Data Center Accessory Use shall be approved unless the applicant demonstrates, through competent and credible studies prepared by a qualified, independent professional that adequate infrastructure capacity exists to serve the proposed facility at full build-out without creating adverse impacts to public health, safety, or welfare of Township residents.”

g. A new Subsection 440-40.G.(16)L. is inserted, reading as follows:

“L. Backup Power Generation and Fuel Storage. The applicant shall disclose:

- (1) The proposed number of backup generators at full build-out;
- (2) The combined standby generation capacity (MW) at full build-out;
- (3) Anticipated generator testing hours; and
- (4) Total on-site fuel storage volume at full build-out, expressed in gallons. No fuel storage area shall be no closer than five hundred feet (500’) from any property line.”

SECTION 3 – SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, then 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 North Whitehall Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

[CONTINUED ON NEXT PAGE]

SECTION 4 – EFFECTIVE DATE. In accordance with Subsection 1601(a.1) of The Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, § 66601(a.1), this Ordinance shall take effect immediately upon enactment by the Board of Supervisors of North Whitehall Township.

DULY ENACTED AND ORDAINED, this 11th day of May, 2026, by the Board of Supervisors of North Whitehall Township, in lawful session duly assembled.

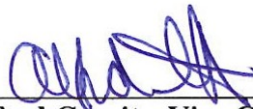
**NORTH WHITEHALL TOWNSHIP
BOARD OF SUPERVISORS**

By:



Dennis Klusaritz, Chairman

By:



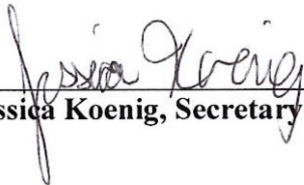
Alfred Geosits, Vice Chairman

By:



Richard Semmel, Supervisor

ATTEST:



Jessica Koenig, Secretary