

**ORDINANCE #2026-2
NORTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE NORTH WHITEHALL TOWNSHIP ZONING
ORDINANCE OF 2025, AS CODIFIED, TO DEFINE AND ADD SPECIFIC
REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES**

SECTION 1 – STATEMENT OF LEGISLATIVE FINDINGS.

WHEREAS, North Whitehall Township, Lehigh County, Pennsylvania (the “Township”) is a Pennsylvania 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 and

WHEREAS, the Supervisors deem it to be in the best interest and general welfare of Township residents to update and amend provisions of the Zoning Ordinance to provide for Data Centers and Data Center Accessory Uses (as such terms are defined in Section 2 herein); and

WHEREAS, the Supervisors desire to add provisions to the Zoning Ordinance relating to Data Centers 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 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

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

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 condition 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.

SENSITIVE RECEPTORS – Residential uses, schools (including commercial schools), preschools, daycare facilities, nursing homes and assisted living facilities, recreational facilities (public), places of worship, public parks (excluding trails), campgrounds, and municipal/government facilities.”

2. Article III, Section 440-37 of the Zoning Ordinance, titled, “Table of Permitted Uses by district,” is amended as follows:
 - a. A new row “G16” is added, titled, “Data Centers,” which provides that Data Center uses shall be permitted by Conditional Use only in the Light Industrial/Business (LI/B) and Mineral Extraction/Industrial (ME/I) zoning districts.
 - b. A new row “G17” is added, titled, “High Impact Data Centers,” which provides that High Impact Data Centers shall be permitted by Conditional Use only in the Light Industrial/Business (LI/B) and Mineral Extraction/Industrial (ME/I) zoning districts.
 - c. A new row “H15” is added, titled, “Data Center Accessory Uses,” which provides that Data Center Accessory Uses shall be permitted by Conditional Use only in the Light Industrial/Business (LI/B) and Mineral Extraction/Industrial (ME/I) zoning district.
3. Article IV, Section 440-40 of the Zoning Ordinance, titled, “Use Regulations,” is amended as follows:
 - a. A new Section 440-40.G.(16), titled, “Data Centers and Data Center Accessory Uses,” is inserted, reading as follows:

“(16) Data Centers and Data Center Accessory Uses. The requirements of this Section 440-40.G.(16) shall apply to both Data Centers as principal uses and Data Center Accessory Uses.

- A. Where Permitted. Data Centers and Data Center Accessory Uses are permitted by Conditional Use only in the Light Industrial/Business (LI/B) and Mineral Extraction/Industrial (ME/I) zoning districts 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) of and the specific purpose and/or function of the Data Center and/or Data Center Accessory Use(s); 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. Dimensional Standards. Data Centers and Data Center Accessory Uses shall comply with the dimensional standards contained in Section 440-38, except for the following:
 - 1. The maximum building height of Data Center Accessory Uses shall be fifty feet (50’), inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers.
 - 2. In no event shall the maximum height of a Data Center Accessory Use (inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers) exceed the height of the principal building to which the use is accessory.
 - 3. Data Centers and Data Center Accessory Uses shall be set back at least two hundred feet (200’) from any boundary line of any residential zoning district (regardless of whether such zoning district is located in the Township).
 - 4. Data Centers and Data Center Accessory Uses shall be set back at least two hundred feet (200’) from the boundary line of any parcel containing a Sensitive Receptor.
- C. Landscape Buffer. A landscape buffer is required between: (i) Data Centers and/or Data Center Accessory Uses; and (ii) any adjoining residential zoning district, parcel developed with a Sensitive Receptor, or public roadway. The landscape buffer shall comply with the following:
 - 1. The landscape buffer shall be at least twenty-five feet (25’) in width and may be located within a required set back area.

2. Buffer plantings shall consist of native species planted as follows:
 - a. One (1) large evergreen tree per twenty-five linear feet (25 LF) of buffer. The size of large evergreen trees shall be a minimum of twelve feet (12') in height at the time of planting.
 - b. One (1) deciduous canopy (shade) tree per seventy-five linear feet (75 LF) of buffer. Size of canopy (shade) trees shall be a minimum of two and one-half inch (2 ½") caliper at the time of planting.
 - c. One (1) ornamental/flowering tree per fifty linear feet (50 LF) of buffer. The size of ornamental/flowering trees shall be a minimum of eight feet (8') in height for multi-stemmed varieties, or two and one-half inch (2 ½") caliper at the time of planting for single-stemmed varieties.
 - d. Five (5) shrubs per twenty-five linear feet (LF) of buffer. Size of shrubs shall be fully branched and minimum of three feet (3') in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of fifty percent (50%) being evergreen.

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 three hundred feet (300') of a public roadway, any adjoining residential zoning district, or the lot line of any parcel developed with a 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 Section 440-40.G.(15)D., above.
 - b. Existing vegetation that will remain on the property following development of the Data Center or Data Center Accessory Use.
 - c. By the principal Data Center building or a building that is accessory thereto.
 - d. A berm averaging a minimum of five feet (5') in height above the adjacent average ground level with a maximum side slope of three

(3) horizontal to one (1) vertical, 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 (i.e., the side of the berm closest to the area benefitting from the screening) and the top of the berm.

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

2. Fencing of the property is permitted, provided that fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similar visibly intrusive deterrence device. Data Centers and Data Center Accessory Uses shall not be required to comply with this requirement if fencing is fully screened from view by one (1) or more of the means identified in Subsections 1.a.-e., directly above.

F. Noise and Vibration.

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 professional acoustical expert that the sound generated by a Data Center and/or Data Center Accessory Use during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday through Friday) decibel level of 67 dB(A) and a maximum nighttime (8:00 a.m. to 7:00 a.m. Monday through Friday) and weekend (any time on Saturday and Sunday) decibel level of 57 dB(A), all as measured at the property line of the parcel containing such use(s). 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 approval 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(s) of the Data Center and/or Data Center Accessory Uses 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 specific purpose and/or function of the Data Center and/or the 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 specific purpose and/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 and but no 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 aforesaid noise limits, it 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 which reduce the noise levels generated by the Data Center and/or Data Center Accessory Use to levels compliant with Section 440-40.G.(15)F.1.
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. During the conditional use approval process, 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, and/or their associated equipment will be perceptible to the human sense of feeling at the property line of the parcel containing such use(s).

G. Water and Sewer.

1. If the use will be served by a public water supply, the applicant shall submit documentation from the public authority providing such water service that certifies that said public authority can and will supply such water service.
2. The applicant shall submit a water feasibility study containing, at a minimum, the following information:
 - a. The projected water demands of the use;
 - b. The source of the water to be provided for the use;

- c. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g., cooling, humidity control, fire suppression, and domestic usage);
 - d. The long-term safe yield of the water source;
 - e. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
 - f. A geologic map of the area with a radius of at least one (1) mile from the parcel containing the use;
 - g. The location of all existing and proposed wells within one thousand feet (1,000') of any boundary line of the parcel containing the use, with a notation of the capacity of all high-yield wells;
 - h. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within one thousand feet (1000') of the property boundary;
 - i. A determination of the effects of the proposed water supply system on the quantity and quality of water in wells, surface waters, and the groundwater table located within one thousand feet (1000') of the property boundary; and
 - j. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
3. The applicant shall provide proof of review and approval from the Delaware River Basin Commission (DRBC) for projects proposing:
- a. Water withdrawals of one hundred thousand gallons per day (100,000 gpd) or more over a thirty-day (30-day) average from any source or combination of sources within the Delaware River Basin; or
 - b. Any consumptive water use of twenty thousand gallons per day (20,000 gpd) or more over a 30-day average from any water source.
4. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling and industrial purposes, have been provided and approved by the Township's Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection (DEP).

H. Power Supply.

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 the 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 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 separate uses and shall be approved according to the zoning regulations applicable to such uses.
3. Any Data Center 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.
4. 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.

I. Emergency Management.

1. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional and shall:
 - a. Be reviewed and accepted by the Township's Fire Code Administrator as part of the Conditional Use/land development approval process;
 - b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

- d. Ensure that all first responders receive adequate training specific to the installed system upon installation of same and upon request of the Township's Fire Code Administrator or a volunteer fire company operating within the Township; and
 - 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. The applicant shall coordinate with the Township and Lehigh County to ensure that there is adequate radio coverage for emergency responders within the building(s) based upon the existing coverage levels of the Lehigh County Public Safety Radio Communications System at the exterior of the building(s) and shall install enhancement systems as needed to obtain compliance with said existing coverage levels.
 3. The operator of the Data Center and/or Data Center Accessory Use must maintain emergency contact signage visible at the main access point of parcel containing said use(s). Signs shall include the operator's name, the name and telephone number of an assigned twenty-four seven (24/7) emergency contact, and the telephone number and name of the electric service provider servicing the use(s).
 4. 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.
- J. Parking. Data Centers shall provide the lesser of: (i) at least one (1) parking space for every eight thousand square feet (8,000 sq. ft.) of floor area designed and intended to be accessed regularly by employees; or (ii) one (1) parking space for every one (1) employee based upon the maximum number of employees on site during the largest shift."
- b. A new Section 440-40.H.(15), titled, "Data Center Accessory Uses," is inserted, reading as follows:
- "(15) Data Center Accessory Uses. See Section 440-40.G.(16), which provides use regulations applicable to both Data Centers as principal uses and Data Center Accessory Uses."

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

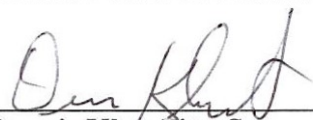
Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

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, § 1601(a.1), as reenacted and amended, 53 P.S. § 66601(a.1), this Ordinance shall take effect immediately after enactment by the Board of Supervisors of North Whitehall Township.

DULY ENACTED AND ORDAINED, this 9th day of March, 2026, by the Board of Supervisors of North Whitehall Township, in lawful session duly assembled.

**NORTH WHITEHALL TOWNSHIP
BOARD OF SUPERVISORS**

By:


Dennis Klusaritz, Supervisor

By:


Alfred Geosits, Supervisor

ATTEST:


Jessica Koenig, Township Secretary

By:


Richard Semmel, Supervisor