

TOWNSHIP OF UPPER MACUNGIE
Lehigh County, Pennsylvania

ORDINANCE #2025-04

(To be considered, and if appropriate, Duly Adopted December 4, 2025)

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27 (ZONING) OF THE CODE OF THE TOWNSHIP OF UPPER MACUNGIE, KNOWN AS THE UPPER MACUNGIE TOWNSHIP ZONING ORDINANCE AND THE SECTIONS OF CHAPTER 27 AS HEREINAFTER SET FORTH. SPECIFICALLY, THIS ORDINANCE ADDS A NEW DEFINITIONS; AMENDS THE USE TABLE AND ADDS ADDITIONAL REQUIREMENTS ALL RELATED TO PROVIDING FOR AND REGULATION OF “DATA CENTERS” ALL OF WHICH ARE FULLY SET FORTH IN THE BODY OF THIS ORDINANCE AND ALL OF WHICH ARE IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, P.L. 805, NO. 247, AS REENACTED AND AMENDED, 53 P.S. §10609.

WHEREAS, Upper Macungie Township is a thriving community having a well-balanced blend of agricultural, residential, commercial, and industrial properties within its borders; and

WHEREAS, Upper Macungie Township is a community that enjoys a quality of life that people want to invest in and where they want to live and raise a family coupled with an attractive area for business and job growth; and

WHEREAS, the Upper Macungie Township Board of Supervisors, from time to time, finds a need to regulate certain new and innovative uses in the Township in order to preserve the quality of life and to promote, protect and facilitate the public health, safety and welfare; and

WHEREAS, the Upper Macungie Township Board of Supervisors has concluded that the recent surge of development of Data Centers and similarly associated facilities in the Commonwealth has generated the necessity to amend Chapter 27 (Zoning) to provide for and regulate these facilities in order to preserve the quality of life and to promote, protect and facilitate the public health, safety and welfare; and

WHEREAS, Section 27-108 of the Upper Macungie Township Zoning Ordinance provides that “the Board of Supervisors may amend, challenge or repeal any or all portions of this Chapter on its own motion or upon agreeing to hear a written request for any person, entity or the Planning Commission.”; and

WHEREAS, pursuant to Section 609 of the Municipalities Planning Code, 53 P.S. § 10609, the Township of Upper Macungie is authorized and empowered to enact amendments to the Upper Macungie Township Zoning Ordinance after public hearing thereon pursuant to public notice; and

WHEREAS, the Board of Supervisors of the Township of Upper Macungie has conducted a public hearing pursuant to public notice concerning the following amendments to the Upper Macungie Township Zoning Ordinance; and

WHEREAS, after public hearing pursuant to public notice, the Board of Supervisors of the Township of Upper Macungie desires to ordain and enact the amendments to the Upper Macungie Township Zoning Ordinance set forth hereinafter.

NOW, THEREFORE, BE IT HEREBY ENACTED by the Board of Supervisors of Upper Macungie Township as follows:

SECTION 1. DELETIONS, AMENDMENTS, INSERTIONS AND CHANGES

The following Sections denoted by Section numbers are amended, with such amendments being denoted by bold underlining. (**bold underlining**)

The following Sections or parts thereof denoted by Section numbers are added, with such additions being denoted by the word “NEW” preceding the addition which shall be denoted by bold text. (“NEW”)

The following Sections or parts thereof denoted by Section numbers are deleted, with such deletions being denoted by brackets and strikethrough (~~[strikethrough]~~).

For purposes of Codification, all Sections noted herein follow the Sections as set forth in the Code of Ordinance of the Township of Upper Macungie, revised through November 2, 2023

SECTION 2. BODY OF THE ORDINANCE

Part 2 DEFINITIONS

§ 27-202 Terms Defined.

“NEW” 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. Data Center shall include Data Center Equipment.

“NEW” DATA CENTER EQUIPMENT – Equipment including but not limited to: utilities; utility lines; administrative, logistical, fiber optic, storage, and security buildings or structures; electrical substations; domestic and non-contact cooling

water and waste-water treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); redundant data communications connections; and security features, provided such Data Center Equipment are located on the same tract. This use includes outdoor mechanical equipment adjacent to a Data Center that provides redundant power capacity to a Data Center. This use also includes structures associated with Data Center Equipment.

“NEW” SENSITIVE RECEPTOR – Sensitive Receptor includes 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, and dormitories.

Part 3 DISTRICTS

Section §27-306 Table of Permitted Uses by District.

Types of Uses (See definitions in Part 2)	Business Districts					
	NC	HC	LI	LI(L)	GI	RT
Industrial Uses						
“NEW” Data Center	N	N	N	N	C	C

KEY:

- P** = Permitted by right (zoning decision by Zoning Officer)
- C** = Conditional use (decision by the Board of Supervisors with review by Planning Commission)
- SE** = Special exception use (decision by Zoning Hearing Board)
- N** = Not permitted

Part 4 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

Each of the following uses shall meet all of the following requirements for that use:

“NEW” Section §27-402.PPP. Data Center.

(1) Setbacks

(a) Data Centers and Data Center Equipment shall meet the building setback requirements as set forth in § 27-307 – Table of Lot and Setback Requirements by District, except:

- 1) Data Centers and Data Center Equipment shall be set back 200 feet from the boundary of a residential zoning district or the lot line of any property containing a Sensitive Receptor.**

(2) Buffers

(a) Data Centers and Data Center Equipment shall meet the Buffer Yard requirements as set forth in § 27-803.4.

- 1) In addition to the requirements of § 27-803.4, any Data Center and Data Center Equipment that are visible from beyond the exterior lot lines of the use shall be separated from such lot lines by an earthen berm. Such berm shall meet requirements for Earth Berms as set forth in § 27-803.G.**

(3) Noise

(a) The applicant shall provide a sound study produced by a professional acoustical expert to demonstrate that the Data Center and Data Center Equipment will conform with the requirements of Chapter 10 Part 2: Noise. A sound study shall be conducted at the following phases:

- 1) A preliminary sound study for the Data Center and associated Data Center Equipment shall be conducted as part of the Conditional Use process. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits using generally accepted criteria.**
- 2) An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Center and Data Center Equipment depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center.**
- 3) An as-built sound study shall be conducted six months after issuance of the Certificate of Occupancy for any Data Center and**

associated Data Center Equipment prior to the final escrow release for any Data Center land development phase. An as-built sound study may also be required thereafter by the Township upon request. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Center shall promptly remediate the violation into compliance with the aforesaid sound limits.

- 4) The requirement for an as-built sound study conducted six months after issuance of the Certificate of Occupancy for any Data Center and associated Data Center Equipment shall not relieve the applicant from continuous compliance with the requirements of Chapter 10 Part 2: Noise.**

(4) Water and Sewer

- (a) If the use will be served by a public water supply, the applicant shall submit documentation from the Lehigh County Authority certifying that the Authority will supply the water needed.**
- (b) If the use is to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:
 - 1) The projected water demands of the Data Center; and**
 - 2) The source of water to be used; and****

- 3) 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); and
 - 4) The long-term safe yield of the water source; and
 - 5) A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means; and
 - 6) A geologic map of the area with a radius of at least one mile from the site; and
 - 7) The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells; and
 - 8) The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary; and
 - 9) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table; and
 - 10) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- (c) The applicant shall provide proof of review and approval from the Delaware River Basin Commission for projects proposing:
- 1) 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 Delaware River Basin; or
 - 2) Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.

- (d) The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.**

(5) Power Supply

- (a) 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 the electric service provider will serve the Data Center. An assessment identifying any detrimental impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be provided to the Township.**
- (b) If the above-mentioned assessment identifies a detrimental impact or threshold where utility capacity is not sufficient, the applicant shall provide, at their own expense, the system improvements necessary to mitigate any limits or system constraints to accommodate the proposed use. The necessary system improvements shall conform to all specifications, procedures, and timelines required for the public utility. If the necessary system improvements are determined by both the Township Engineer and the respective public utility provider to be infeasible, then on-site utility methods may be considered in compliance with all Township ordinances.**

(6) Emergency Planning

- (a) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:**
 - 1) Be reviewed and accepted by the Township's Bureau of Fire as part of the Conditional Use process; and**
 - 2) Include detailed procedures for fire suppression, containment, ventilation, and evacuation for the Data Center and Data Center Equipment; and**

- 3) **Include an evaluation of the access roads and hydrant locations within the site to demonstrate suitable access for emergency equipment within the site; and**
- 4) **Ensure that all first responders receive adequate training specific to the installed system; and**
- 5) **Include provisions for required annual fire safety inspections demonstrating compliance with current fire code standards.**

SECTION 3. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

SECTION 4. SEVERABILITY


In the event that any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

SECTION 5. REPEALER

All other Ordinances or parts of Ordinances inconsistent herewith shall be and the same expressly are repealed.

ENACTED AND ORDAINED the 4th day of December, 2025 by the Board of Supervisors of the Township of Upper Macungie, Lehigh County, Pennsylvania, in lawful session duly assembled.

ATTEST



JAZMIN VAZQUEZ, Secretary

**UPPER MACUNGIE TOWNSHIP
 BOARD OF SUPERVISORS**



JEFFREY FLEISCHAKER, Chairman



SUNNY GHAI, Vice-Chairman



JAMES M. BRUNELL, Member

