

**PALMER TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2025-493**

**AN ORDINANCE OF PALMER TOWNSHIP, NORTHAMPTON
COUNTY, PENNSYLVANIA AMENDING CHAPTER 190 BY
CREATING A NEW USE FOR DATA CENTERS AND DATA
CENTER CAMPUSES; BY CREATING A NEW DEFINITION FOR
SAID USES; BY ADDING ADDITIONAL REGULATIONS FOR
SAID USES; AND BY AMENDING ALL QUICK SHEETS AND
TABLES OF USES TO PROVIDE FOR SAID USES**

The Board of Supervisors of Palmer Township, upon recommendation of the Township Planning Commission and the Lehigh Valley Planning Commission, hereby enacts and ordains the following Ordinance:

ARTICLE I. DEFINITIONS

Chapter 190, Article 2, Section 202 relating to definitions shall be amended with the inclusion of new definitions for the terms “Data Center” and “Data Center Campus.” The terms shall be added alphabetically within Chapter 190, Article 2, Section 202 and shall read as follows:

Data Center

A use, either on-premise or co-location, which is occupied primarily by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored; this shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A data center may include data center equipment.

Data Center Accessory Uses/Structures

Ancillary uses or structures associated with data centers 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 wastewater 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 accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development for a data center campus.

Data Center Campus

An integrated development of multiple data centers, whether initially or cumulatively, that may include data center accessory uses/structures and data center equipment. The definition of data center campus shall also include: a) the development of related individual

data centers that are located within 500 feet of a parcel that contains an existing data center, b) the cumulative development of individual data centers on one parcel, and c) the cumulative development of individual data centers on individual parcels under the same ownership.

Data Center Equipment

outdoor mechanical equipment adjacent to a data center that provides redundant power capacity to a data center

Data Center Campus Master Plan

A plan for land development for a data center campus as set forth in Article IX

ARTICLE II. DATA CENTER USE REGULATIONS

Chapter 190, Zoning, of the Palmer Township Code is hereby amended with the creation of a new §190-989, entitled “Data Center” which shall read as follows:

- A. Data Center Development. Data centers and/or data center campus development shall be permitted by right in the NEB North End Business District subject to compliance with this section and all applicable local and state ordinances.
- B. Accessory Uses/Structures. Data center equipment shall be permitted by right in support of a data center and/or data center campus. Data center accessory uses/structures shall be permitted by right in support of a data center and/or data center campus. For purposes of the minimum distance between buildings, data center equipment and unoccupied data center accessory structures shall be deemed as auxiliary buildings that are not subject to the 25-foot set back between buildings.
- C. Sound. Section 190-510 shall apply to a data center or data center campus development. Sound shall be measured 1.5 meters above ground at the property line per ANSI S1.13-2020 (American National Standard – Measurement of Sound Pressure Levels in Air). The applicant shall provide a sound assessment with its land development plan application for a data center or master plan application for a data center campus establishing how it will comply with the above sound standards. The sound assessment will be performed by a professional acoustic engineer that can demonstrate qualifications by delivery of a resume to the Township. Notwithstanding the foregoing provisions of this Section, all sound produced by: (i) required periodic testing of data center equipment, and (ii) emergency use of data center equipment are exempt from the requirements of this Section and the Zoning Ordinance.
- D. Parking. No parking for a data center shall be located within fifty (50) feet of a property line abutting a residential district or having a residential use.
- E. Off Street Loading. A minimum of 1 off-street loading space/dock shall be provided for a data center.

- F. Utility Review. The proposed use shall be serviced by public utilities. The applicant shall provide the Township:
- a. A will-serve letter by a public utility provider and/or a written assessment by a certified professional in the field of engineering and utility design has been made of the potential electrical, water, and/or sewer consumption of the proposed use which ensures that there is sufficient capacity available to serve the proposed use as well as the projected service needs for future growth.
 - 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 necessary 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 such as the relevant provisions of the Palmer Township Code, including but not limited to Chapter 145, Individual Sewage Disposal Systems, and Chapter 184, Water Supply. 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.
 - c. The applicant shall provide proof of review and approval from the Delaware River Basin Commission for water withdrawals from ground water, impoundments, or running streams of 100,000 gallons per day or more over a 30-day average and for importation of water into or exportation of water out of the Delaware River Basin whenever the design capacity is 100,000 gallons per day or more.
- G. Utility Lines. To the extent practical, utility lines, including but not limited to electronic, fiber optic, cable, and telephone lines, from substations to a data center shall be placed underground. This requirement shall not apply if the utility company requires above-ground lines, or the placement of under-ground lines is not feasible. Utility lines to the substations from off-site may be placed above ground.
- H. Emergency Access. It shall be demonstrated that there is an adequate second means of ingress and egress suitable for emergency access to the site. Written approval from the Fire Commissioner shall be provided demonstrating there is adequate emergency access, truck turning, fire suppression, fire hydrant availability on the site.
- I. Height. Data centers shall not exceed 70 feet in height. For purposes of determining the height of a data center or a building associated with data center accessory uses, projections through the roof of the building for items such as elevator towers, heating or cool units, parapet walls to screen rooftop equipment and protrusions, and other such items shall not be counted.
- J. Outdoor Lighting. Section 190-513 shall apply to a data center or data center campus development. Outdoor lighting shall not exceed 30 feet unless a variance is obtained.
- K. Environmental Impacts. Environmental impacts associated with a Data Center shall be mitigated by demonstrating compliance with the following standards:

- a. Air pollution controls. All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. §§ 4001 through 4015, as amended, and the following standards:
 - i. Visible emissions. Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 60% at any time, and shall comply with Pennsylvania Code Title 25, Chapter 127A(7), or its most recent update.
 - ii. Hazardous air emission. All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR 61, or its most recent update.
 - iii. Dust, dirt, smoke, vapor, gas and odor control. *See* Section 190-512.
 - b. Vibration control. *See* Section 190-511.
 - c. Glare or heat control. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines. *See* Section 190-513.
 - d. Electrical power. Every use shall be designed and operated so that the service lines, substation, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc., as to be an integral part of the architectural features of the plant or, if visible from abutting residential properties, shall be concealed in accordance with the landscaping requirements herein.
- L. Construction Hours. Construction and related operation of heavy machinery, operating or permitting the operation of any tools, equipment or heavy machinery used in construction, drilling, or demolition work for a data center campus may occur between the hours of 7:00 a.m. and 10:00 p.m. on Monday through Saturday, or at all times if, and only if, all land that would receive the noise created by construction, as measured in accordance with Subsection C, is developed or zoned Industrial. The Township may permit additional construction hours by administrative modification upon request by an applicant.
- M. On-Site Energy Generation. Any form of on-site energy generation, including substations and fuel cell power stations, shall be approved by the Township Fire Commissioner. The applicant shall submit a safety plan for the on-site energy generation use to the satisfaction and approval of the Palmer Township Fire Commissioner. The property owner shall annually recertify the safety plan and allow for a site inspection by the Fire Commissioner or his designee to identify any emergency response vulnerabilities and to identify compliance with the safety plan. On-site energy generation shall comply with Section 190-987 and 190-988.
- N. Phased Development. A data center campus may be developed in one or more phases.

- O. Data Center Campus Master Plan. Data center campus development shall be subject to a data center campus master plan which covers the full site. For any development that meets the definition of land development under the Pennsylvania Municipalities Planning Code, a data center campus master plan shall be submitted with a land development application for purposes of developing a data center campus, akin to a preliminary plan for a multi-phased subdivision. The process and procedures for data center campus master plan application shall follow the land development process under Chapter 165 of the Palmer Township Code.
- P. An individual site plan for each data center identified on the data center campus Master Plan or each phase of the development of the data center campus demonstrating compliance with the data center campus master plan shall be submitted to the Township prior to the issuance of a building permit. Copies of any applicable third-party permits shall be submitted to the Township prior to the issuance of a building permit. Applicable third-party permits may include, but are not limited to, highway occupancy permits, NPDES permits, and ESCGP permits.
- Q. An individual site plan for each data center or each phase of the development of the data center campus shall be found to be consistent with the approved data center campus master plan if it is clearly identified in the approved data center campus master plan or if the site plan is found to be a minor modification to the approved data center campus master plan. The procedure for a major modification to the approved data center campus master plan shall be the same as a new master plan under this section.
 - a. A minor modification to an approved data center campus master plan is development that results in any of the following:
 - i. A rate of stormwater discharge and runoff from the site equal to or less than rates identified in the stormwater management plan approved in connection with the data center campus master plan.
 - ii. Minor shifts in building locations that do not substantially deviate from the originally approved plans.
 - iii. Addition or relocation of data center accessory uses/ structures or data center equipment within the approved development area.
 - iv. Adjustments to internal road layouts that do not substantially modify overall traffic patterns or materially alter ingress and egress access points.
 - v. Adjustments to utility line routes within the approved development area.
 - vi. Building adjustments that increase the square footage of a data center or accessory uses/structures by up to 5% or any adjustment that decreases or eliminates the square footage of a planned data center or data center campus.
 - vii. Any adjustment to the approved plan required by a third-party governmental agency including but not limited to PennDOT or DEP necessary for approval under their permitting process.

- b. A major modification to an approved data center campus master plan is any modification to an approved data center campus except as listed above. Major modifications shall require review by the Planning Commission and approval from the Board of Supervisors as a modification of an approved plan.
- c. The applicant may submit to the Township (either with the site plan or at the request of the Township) any additional plans, studies, or reports demonstrating that individual site plan for each data center or each phase of the development of the data center campus is a minor modification of the data center campus master plan.

ARTICLE III. ZONING DISTRICTS

- 1. Chapter 190, Section 411(B) of the Palmer Township Code related to principal uses permitted by special exception in the IOC Industrial/Office/Commercial District shall be amended to include both Data Center and Data Center Campus.
- 2. Chapter 190, Section 411(E) of the Palmer Township Code related to principal uses permitted by special exception in the IOC Industrial/Office/Commercial District shall be amended to include Data Center.
- 3. Chapter 190, Section 412(A) of the Palmer Township Code related to principal uses permitted by right in the NEB North End Business District shall be amended to include both Data Center and Data Center Campus.
- 4. Chapter 190, Section 412(D) of the Palmer Township Code related to accessory use permitted by right in the NEB North End Business District shall be amended to include Data Center.

ARTICLE IV. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ARTICLE V. SEVERABILITY

If any sentence, clause, section, or part of this 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 of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Palmer Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section or part thereof not been included therein.

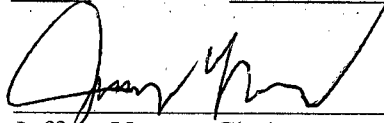
ARTICLE VI. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

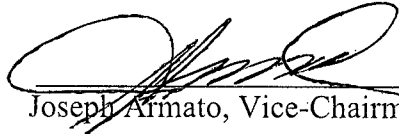
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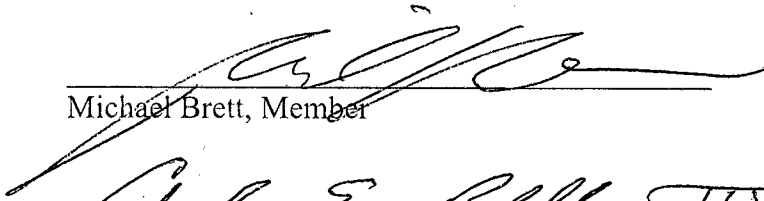
ENACTED AND ORDAINED BY THE TOWNSHIP OF PALMER, NORTHAMPTON
COUNTY, PENNSYLVANIA, THIS 4th DAY OF August, 2025




Jeffrey Young, Chairman



Joseph Armato, Vice-Chairman



Michael Brett, Member




Charles E. Bellis, III, Member



K. Michael Mitchell, Member

Attest:



Robert Williams
Township Manager