TOWNSHIP OF EAST HANOVER
LEBANON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-_____

WHEREAS, the Board of Supervisors of East Hanover Township, Lebanon County, Pennsylvania deem it to be in the best interest and general welfare of the citizens and the residents of this Township (1) to amend Chapter 250, Zoning to provide for Data Centers and Data Center Accessory Uses; and

WHEREAS, in the direction of the Board of Supervisors of East Hanover Township, the East Hanover Township Planning Commission has prepared certain amendments to Chapter 250, Zoning; and

WHEREAS, the Board of Supervisors of East Hanover Township has conducted a public hearing to consider certain amendments to Chapter 250, Zoning; and

WHEREAS, prior to the public hearing, the proposed amendments were provided to the Lebanon County Planning Department for comments as provided by law; and

WHEREAS, after a public hearing and after consideration of all information, comments and questions, members of the Board of Supervisors have deemed it beneficial to the residents of East Hanover Township and to the promotion of the health, safety, morals, convenience, order and welfare of present and future inhabitants of East Hanover Township to amend said Chapter 250, Zoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of East Hanover Township as follows.

1. ARTICLE I, §250-2, TERMS DEFINED, IS HEREBY AMENDED TO ADD THE FOLLOWING NEW DEFINITIONS:

CLOSED-LOOP COOLING SYSTEM - A cooling system which continuously circulates a coolant (like water or a water-glycol mixture) through a sealed piping network. It absorbs heat from equipment, transfers it to a heat exchanger, and recirculates the fluid without exposing it to the outside atmosphere.

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.

2. ARTICLE XVI, §250-130, SPECIAL EXCEPTION USES, IS HEREBY AMENDED TO REVISE SUBSECTIONS §250-130 C. AND D., TO READ AS FOLLOWS:

C. Airfields, strips, or landing facilities and buildings accessory thereto, as regulated in § 250-253.5 of this chapter.

D. Sandpits, gravel pits, removal of topsoil, and the excavation, extraction or removal of any natural resource from the land or ground for any purpose, as regulated in § 250-253.6 of this chapter.

3. ARTICLE XVI, §250-130, SPECIAL EXCEPTION USES, IS HEREBY AMENDED TO ADD A NEW SUBSECTION §250-130 G., TO READ AS FOLLOWS:

G. Data centers, subject to the requirements of § 250-253.9.

4. ARTICLE XVI, §250-131, LOT AND YARD REQUIREMENTS, IS HEREBY AMENDED TO REVISE THE INTRODUCTORY PARAGRAPH TO READ AS FOLLOWS:

§ 250-131. Lot and yard requirements.

A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following list, unless otherwise specified heretofore in this section or §§ 250-129 and 250-130, and Article XXV, shall be prepared for every principal building or use hereafter erected, altered, or established in this district.

5. ARTICLE XVI, §250-131, LOT AND YARD REQUIREMENTS, IS HEREBY AMENDED TO ADD A NEW SUBSECTION §250-131 D., TO READ AS FOLLOWS:

D. Required buffer. Where I-zoned land adjoins residentially or institutionally zoned lands, land in residential use or land in institutional use, landscape screening in accordance with this section is required. A comprehensive landscape plan which mitigates objectionable visual, noise and odor elements of the industrial land uses shall be approved by the Zoning Officer in conjunction with subdivision or land development approval or prior to issuance of a zoning permit. Such landscape plan shall include the design elements listed below and be prepared by a landscape architect registered in the Commonwealth of Pennsylvania. All plant material shall conform to American Nursery & Landscape Association standards. The following dimensional and performance standards shall apply as minimum standards for compliance with this section.

(1) Setbacks required. Where any land or use in the I - Industrial District adjoins land within a residential or institutional district, land in residential use or land in institutional use, a seventy-five-foot setback for buildings, structures, dumpsters, outdoor storage areas, and off-street loading areas shall be required. In addition, off-street parking lots shall be set back at least 50 feet from adjoining residentially or institutionally zoned properties, land in residential use or land in institutional use.

(2) Required multi-level screening: Within the setback areas created by the standards of this section, the following screening requirements shall be applied:

(a) Required low-level visual screens. (The alternate standards listed below may be used in combination to achieve a total height of four feet or individually to achieve the required screen height as alternatives.)

[1] Solid visual barrier (low level). May consist of a combination of site grading, earth mounding, decorative fencing, or masonry walls,

provided a solid visual barrier to a height of four feet above finished grade of industrial parking, loading and driveway areas.

[2] Plant material screen (low level). May consist of mixture of narrow and broad leaf evergreen and deciduous plant material arranged in a massed planting scheme capable of providing a visual screen to a height of four feet above finished grade of industrial parking, loading and driveway areas. As a minimum, plant material shall be placed in two staggered rows at a maximum of five feet on center. Upright plant material shall be installed at a minimum height of 24 inches. Plant material shall be capable of forming a year-round dense visual screen.

(b) Required high-level screens. These standards are to be utilized in combination with the low-level screening standards to achieve the required multi-level visual screen. The following solid and plant material screen standards (including existing vegetation) may be used singly or in combination. The solid visual barrier is mandatory at the locations noted.

[1] Solid visual barrier (high level). Shall consist of masonry, wood or a combination of masonry, wood or other durable decorative fencing material providing a solid visual barrier sufficient to shield from view objects in the industrial area to a minimum height of six feet. A solid visual barrier is required as an element of the required multi-level screen at industrial outdoor storage, waste and/or recyclable products storage and waste and/or recyclable material container locations.

[2] Plant material screen (high level). Shall consist of a mixture of evergreen and deciduous plant material arranged in a varied planting scheme sufficient to shield from view objects in the industrial area from a height of four feet to a height of 20 feet. As a minimum, plant material shall be placed in two staggered rows at a spacing of not more than 1/2 the mature height. Upright evergreen plant material shall be installed a minimum height of four feet to five feet. Minimum caliper size for deciduous material shall be 1 1/2 inches for specimen or flowering plant material with mature height of less than 20 feet. Minimum caliper size for deciduous plant material with mature height in excess of 20 feet shall be 2 1/2 inches.

(3) Provision for preservation of existing natural vegetation. Existing trees and vegetated areas shall be protected to prevent unnecessary destruction. Existing trees may be incorporated into the landscape plan to meet requirements for screening. At least 25% of the number of trees (minimum trunk caliper of six inches) that exist at a time of plan submission shall be preserved or replaced. Replacement trees shall be minimum two-inch caliper and of equivalent indigenous species. Natural vegetative cover may be re-established in appropriate areas in accordance with the approved landscape plan.

6. ARTICLE XVI, §250-135, PERFORMANCE STANDARDS, IS HEREBY AMENDED TO REVISE THE INTRODUCTORY PARAGRAPH TO READ AS FOLLOWS:

§ 250-135. Performance standards.

All industrial activities shall be subject to the conditions listed in § 250-189, Operation and performance standards, of this chapter. In addition, an applicant proposing a manufacturing, data center and/or laboratory use shall provide a detailed description of the proposed use in each of the following topics:

7. ARTICLE XXV, CRITERIA FOR SPECIAL EXCEPTIONS AND OTHER SELECTED USES, IS HEREBY AMENDED TO ADD A NEW SECTION §250-253.9, TO READ AS FOLLOWS:

§ 250-253.9. Data centers.

Data centers are subject to the following criteria:

A. Data Center Accessory Uses and Data Center Equipment shall be considered accessory uses per § 250-2. Terms defined.

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) Minimum lot area: 10 acres.

(2) The subject tract shall comply with the requirements of § 250-132, Access requirements.

C. 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, adjoins residentially or institutionally zoned lands, or adjoins land in residential use or land in institutional use 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 buffer requirements in § 250-131 D.

(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 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.

D. Noise and Vibration.

(1) All data center facilities and equipment shall conform with the requirements of § 250-189, Operation and performance standards, and § 250-190, Nuisances prohibited (general).

E. Water and Sewer.

(1) The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority/provider will supply the water needed.

(2) If the data center or data center accessory uses are to rely upon nonpublic sources of water, a water feasibility study shall be provided. The purpose of the study will be to determine if there is an adequate supply of water for the proposed data center and to estimate the impact of the data center on existing wells in the vicinity. No data center shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:

(a) Calculations of the projected water needs.

(b) A geologic map of the area with a radius of at least one mile from the site.

(c) The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.

(d) The location of all streams within 1,000 feet of the site and all known point sources of pollution.

(e) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

(f) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.

(g) Identification of how water will be recycled or released into surrounding water bodies.

(h) Persons preparing the studies shall be properly certified and provide appropriate signatures and certifications.

(3) The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC) for projects that have:

(a) 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 Susquehanna River Basin.

(b) Any consumptive water use of 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 or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

F. An environmental impact assessment shall be performed for and submitted with the special exception 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 in relation 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 172, Stormwater Management.

(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 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.

G. Energy Use.

(1) An Energy Management Plan shall be submitted with the special exception 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 special exception 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)

H. Emergency Management.

(1) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

(a) Be reviewed and commented on by the local fire department and emergency management services as part of the special exception/land development 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 Lebanon County Department of Emergency Services to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Lebanon County 911 Communications System at the exterior of the building and shall install enhancement systems if needed to meet compliance.

I. Parking.

(1) Data Centers are to be provided with at least one (1) parking space for every one (1) employee, based upon the maximum number of employees on site during the largest shift, plus one parking space for each company vehicle normally stored, plus five (5) visitor spaces. As part of the land development plan approval, the Township 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 the Township.

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

J. Other Requirements.

(1) Data center accessory uses shall not be located between the principal structure(s) and the street upon which the parcel fronts. Data center accessory uses 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 special exception application. Water-cooled cooling systems shall be closed-loop systems. Changes to the proposed cooling method after special exception 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 special exception 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 special exception 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.

K. Decommissioning and Ownership change.

(1) The Decommissioning Plan prepared by a qualified professional shall be submitted. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration.

(2) The owner shall submit a notification of closure if operations are permanently ceased.

(3) Decommissioning shall begin within one (1) year of cessation of data center operations, or upon notice of abandonment by the operator, whichever occurs first. An extension of one (1) year may be granted by the Township if the property owner can demonstrate that they are actively marketing the site for a compatible replacement use. Decommissioning shall be completed within 18 months thereafter, unless extended by the Township for good cause.

(4) Standards for decommissioning:

(a) Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.

(a) Disturbed soil shall be stabilized and re-vegetated.

(b) Any utility connections shall be safely disconnected and capped.

(c) The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.

(5) If ownership changes, the Township must be notified 90 days prior. If this is not followed the data center will lose license for operation.

8. 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 East Hanover 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 therein.

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

Ordained and enacted this _____ day of _____, 20____.

Board of Supervisors
East Hanover Township

_____
Chairman

[TOWNSHIP SEAL]

Attest:

_____
Township Secretary