TOWNSHIP OF ELDRED, LYCOMING COUNTY

ORDINANCE No. 2026-07

AN ORDINANCE OF THE TOWNSHIP OF ELDRED, LYCOMING COUNTY, PENNSYLVANIA ESTABLISHING A ZONING DISTRICT AND SUPPLEMENTAL USE REGULATIONS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES IN THE TOWNSHIP.

BE IT ENACTED AND ORDAINED by the Board of Supervisors for the Township of Eldred, Lycoming County, Pennsylvania (the "**Township**") and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION I: SHORT TITLE:

This Ordinance shall not be titled due to the fact that it is an amendment to the Eldred Township Zoning Ordinance of 2003, as amended.

SECTION II: AUTHORITY:

This Ordinance is enacted pursuant to Section 1601 of the Second-Class Township Code (53 P.S. § 66601) and Sections 10601 and 10609 of the General Municipal Law (53 P.S. §§ 10601, 10609).

SECTION III: PURPOSE:

The Pennsylvania Municipalities Planning Code, Act of July 31, 1998, as amended, enables a Municipality through its Zoning Ordinance to regulate the use of property. The Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for access to and use of data centers and declares that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the general public, including, but not limited to, the residents of Eldred Township.

SECTION IV: INCORPORATION OF EXISTING PROVISIONS:

Except as set forth below, the provisions of the Eldred Township Zoning Ordinance of 2003, as amended as of the enactment of this Ordinance, are incorporated herein and made a part hereof as though set forth in full.

SECTION V: AMENDMENT:

The Eldred Township Zoning Ordinance of 2003, as amended, is hereby amended as follows:

A. Article XIII, Section 250-1301 of the Township Zoning Ordinance, entitled "Definitions" shall be amended by adding the following definitions to those listed in Section 250-1301 thereof, to be inserted in alphabetical order:

"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."

B. Section 250-304 and Section 250-304 are amended to add "Data Centers and Data Center Accessory Use (see § 250-436)" as a conditional use in the Agricultural ("A") and Conservation ("C") Districts.

C. Eldred Township Schedule of Uses shall be amended based on the foregoing and to include "Data Centers and Data Center Accessory Use (see § 250-436)" as a Conditional Use in the A and C Districts see Attachment 3 and Attachment 4 to Section 250-304 and Section 250-305.

D. Eldred Township Table of Uses shall be amended based on the foregoing to include "Data Centers and Data Center Accessory Use (see § 250-436)" as a Conditional Use in the A and C Districts see Attachment 7 - Appendix A.

E. Article IV of the Township Zoning Ordinance, entitled "Supplementary Use Regulations" shall be amended by adding a new Section, Section 250-436, to be entitled "Data Centers and Data Center Accessory Use" with the contents thereof to be as follows:

"§ 250-436. Data Centers and Data Center Accessory Use.

A. Data Centers and Data Center Accessory Use shall be permitted by Conditional Use in the Agricultural and Conservation Zoning Districts when approved in compliance with the procedures, standards, and criteria contained in this section.

B. For purposes of this section, sensitive receptors shall be defined as 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, prisons, and dormitories.

C. **Dimensional Standards.** The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with the applicable requirements of the underlying zoning district, with the following exceptions:

1. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.

2. Data Centers and Data Center Accessory Uses shall be set back three hundred feet (300') from the lot line of any residential property or the lot line of any property developed with a sensitive receptor.

D. **Landscape Buffer.** A landscape buffer is required between Data Centers and Data Center Accessory uses and any adjoining residential property, sensitive receptor, or public roadway. The landscape buffer shall comply with the following requirements:

1. The landscape buffer shall be at least twenty-five feet (25') in width and may be part of the minimum setback distance.

2. Buffer plantings shall consist of native species planted as follows:

   a. One (1) large evergreen tree per twenty-five linear feet (25') of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.

   b. One (1) deciduous canopy (shade) tree per seventy-five linear feet (75') of buffer. Size of canopy (shade) trees shall be a minimum of 2½ inch caliper at the time of planting.

   c. One ornamental/flowering tree per fifty linear feet (50') of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi- stemmed varieties, or 2½ inch caliper at the time of planting for single-stemmed varieties.

   d. Five (5) shrubs per twenty-five linear feet (25') of buffer. Size of shrubs shall be fully branched and minimum of three feet 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.

3. In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the Data Center and Data Center Accessory Uses from adjoining residential zoning districts, sensitive receptors, and public roadways, the Board of Supervisors, upon recommendation by the Township Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.

E. 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, residential zoning district, or the lot line of any 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 (1) or more of the following means:

   a. The landscape buffer required by subsection (D) above.

   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 feet (5') 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. 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 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.

F. Noise and Vibration

1. The applicant 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 Uses during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 75 dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 67 dB(A) as measured from the property line of the use. 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 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 or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.

c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the Township. 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.

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. 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, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

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 certifying that the public authority will supply the water needed.

2. 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:

    a. The projected water demands of the Data Center;

    b. The source of water to be used;

    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 mile from the site;

    g. 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;

    h. 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;

1. 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;

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 Susquehanna River Basin Commission for projects proposing:

   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; or

   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.

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 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.

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 a separate use and shall be approved according to the zoning regulations applicable to such use.

I. Emergency Management

1. The applicant shall submit an Emergency Response Plan ("ERP") prepared by a qualified professional. The ERP shall:
   a. Be reviewed and accepted by the local fire department and emergency management services as part of the conditional use 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;
   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. 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.

J. Aesthetics

1. Any Data Center and Data Center Accessory Use building facade that faces a road, residential zoning districts, or existing residential use must incorporate at least two of the following design elements every one hundred fifty horizontal feet (150'):
   a. A change in building material, pattern, texture, or color;
   b. A change in building height;

c. Building step-backs or recesses having a minimum depth of five feet (5');

K. Parking

1. Data Centers are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser.

L. Environmental and Community Impact Analysis

1. Prior to the commencement of the condition use hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

   a. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.

   b. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth and cultural and historic resources on the property and within 500 feet of the boundaries of the property.

   c. Evidence that the disposal of materials will be accomplished in a manner that complies with State and federal regulations.

   d. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:

      - Emergency services and fire protection
      - Water supply
      - Sewage disposal
      - Solid waste disposal
      - School facilities and school district budget, and
      - Municipal revenues and expenses.

   e. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or

eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

M. Environmental Impact Assessment

1. An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail for the Old Lycoming Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing 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 a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

   a. Air pollution impacts from both vehicle operations and alternative electrical power supplies. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site.

   b. The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.

   c. Additional considerations. The following shall also be addressed:

- Alternative analysis. A description of alternatives to the impacts.
- Adverse impacts. A statement of any adverse impacts that cannot be avoided.
- Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

- Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.

d. Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.

- Critical impact areas include, but are not limited to, flood plains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acide or highly erodible soils, hydric soils, hydrologic soil groups, and area of high-water table.
- A statement of impact upon critical areas and of adverse impacts that cannot be avoided.
- Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.

N. Threatened and Endangered Species

1. PNDI - A Pennsylvania Natural Heritage Program study (PNDI Receipt) dated within two (2) years of the submission of an application for conditional use or subdivision and land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to the municipality.
2. Compliance - The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

SECTION VI: SAVING CLAUSE:

Except as otherwise set forth herein, all relevant Ordinances, regulations and policies of the Township not governed by the Code shall remain in full force and effect.

SECTION VII: REPEALER:

Any Ordinance or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION VIII: 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 to be the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION IX: EFFECTIVE DATE:

This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED and ORDAINED this 16th day of July, 2026.

ELDRED TOWNSHIP SUPERVISORS

Secretary

Chairman

Supervisor

Supervisor