

**HANOVER TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE HANOVER TOWNSHIP CODE OF ORDINANCES BY DEFINING AND ADDING SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, *et seq.*, authorizes Hanover Township to enact, amend and repeal Zoning Ordinances within the Township of Hanover; and

WHEREAS, the Board deems it to be in the best interest and general welfare of the residents of Hanover Township to update and amend provisions of the Hanover Township's Zoning Ordinance to provide for Data Centers and Data Center Accessory Uses; and

WHEREAS, the Board of Hanover Township desires to add provisions to the Zoning Ordinance relating to Data Centers and Data Center Accessory Uses.

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

Section 1. Chapter 185, Article II, Section 180-12, of the Hanover Township Code of Ordinances, entitled Definitions, is amended to add the following 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 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.

Section 2. Chapter 185, Article VIII, Section 185-35, of the Hanover Township Code of Ordinances, entitled Regulations applicable to PIBD Planned Industrial/Business District, is hereby amended to add a new Section 185-35 D. (29), to read as follows:

(29) Data Centers and Data Center Accessory Uses.

Section 3. Chapter 185, Article VIII, Section 185-38, of the Hanover Township Code of Ordinances, entitled Regulations applicable to AFHBD Aircraft Flightpath Highway Business District, is hereby amended to revise Section 185-38 D. (11) (e), to read as follows:

- (e) Business offices consisting of administrative, sales office, executive, other general business offices, including but not limited to, sales and service of high technology business and medical equipment and other uses of the same general nature.

Section 4. Chapter 185, Article XIV, Section 185-54, of the Hanover Township Code of Ordinances, entitled Conditional uses, is hereby amended to add a new Section 185-54 E. (37), to read as follows:

(37) Specific regulations applicable to Data Centers and Data Center Accessory Uses.

- (a) Dimensional Standards. The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with Section 185-35 F., with the following exceptions:

- [1] Any lot in which the Data Centers and Data Center Accessory Uses are to be situated shall not be closer than 1,000 feet to any zoning district boundary of the PIBD Zoning District at any point, except that such lot shall not be closer than 500 feet to the Hanover Township/Bethlehem Township common boundary at any point.

- (b) Screening and Fencing

- [1] Data Centers and Data Center Accessory Uses shall be totally fenced and screened. The fence shall be chain link fence no less than eight feet high, and the fence shall be set back at least 20 feet from all property lines and shall be set back at least to the building restriction line along the front lot line. The screening shall be at least equivalent to the Township construction standards for a twenty-foot planting screen.

- (c) Water and Sewer. Evidence of adequate water supply and sewage disposal service shall be provided to the Township as part of the conditional use application fee for any Data Centers and Data Center Accessory Uses.

- [1] If the Data Centers and Data Center Accessory Uses shall be served by a public water supply, the applicant shall submit documentation from the public or municipal authority certifying that the public or municipal authority will supply the water to the Data Centers and Data Center Accessory Uses.

- [2] If the Data Centers and Data Center Accessory Uses are to utilize 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 Data Centers and Data Center Accessory Uses and to estimate the impact of the Data Centers and Data Center Accessory Uses on existing

wells, groundwater, and surface waters in the vicinity. No Data Center Use shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the Data Center Use 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 of the Data Center Use. 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 of the proposed Data Center Use;
 - [g] The location of all existing and proposed wells within 1,000 feet of the property boundary of the proposed Data Center 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 1,000 feet of the property boundary of the proposed Data Center Use;
 - [i] 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
 - [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 for Data Center Use 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 Delaware 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 of the Township and/or the Pennsylvania Department of Environmental Protection.

(d) Power Supply

- [1] If the applicant proposes to connect the Data Center to the electric grid servicing the Township, currently PJM Interconnect LLC (“PJM”), the applicant shall provide documentation from the applicable electric service provider certifying 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 Township zoning regulations applicable to such use.

(f) Emergency Management

- [1] As part of the Conditional Use Application, 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/ land development 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 of the Data Center Use to ensure suitable access for emergency equipment within the site;
 - [d] Ensure that all first responders receive adequate training specific to the installed system for the Data Center Use; 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] 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.

(g) Aesthetics.

- [1] Any Data Center and Data Center Accessory Use building façade that faces a road, residential zoning district, or existing residential use must incorporate at least two of the following design elements every 40 horizontal feet:
 - [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 (5) feet.

(h) Parking

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

Section 5. Severability. If any sentence, clause, section, or part of this Ordinance or of the Zoning 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 hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 6. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 7 Codification. Pursuant to the Pennsylvania Municipalities Planning Code, the Hanover Township Zoning Ordinance shall hereby be codified to incorporate the above-referenced amendments.

Section 8. Effective Date. This Ordinance shall take effect five (5) days after its adoption.

Section 9. ENACTED AND ORDAINED this ____ day of _____, 2026.

ATTEST

By: _____
Kimberly Lymanstall, Secretary

HANOVER TOWNSHIP
NORTHAMPTON COUNTY,
PENNSYLVANIA

By: _____
Susan A. Lawless, Chair
Board of Supervisor

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