

**TOWNSHIP OF WASHINGTON
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 310

AN ORDINANCE OF WASHINGTON TOWNSHIP, NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE WASHINGTON TOWNSHIP ZONING ORDINANCE OF 1982, AS AMENDED, WITH RESPECT TO DATA STORAGE CENTERS.

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

WHEREAS, the Board of Supervisors of Washington Township, Northampton County deems it to be in the best interest and general welfare of the residents of the Township to update and amend provisions of the Washington Township Zoning Ordinance of 1982, as amended, to provide for Data Storage Centers; and

WHEREAS, the Board of Supervisors of the Township desires to add provisions to the Zoning Ordinance relating to Data Storage Centers.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Washington Township, Northampton County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

SECTION 1. Short Title.

This Ordinance will be known as the Washington Township Zoning Ordinance Amendment Regarding Data Storage Centers.

SECTION 2. Definition of Data Storage Centers.

The Washington Township Zoning Ordinance of 1982, Article 2, Definitions, Section 2.1.B. is hereby amended to add the following definitions of "Cryptocurrency Mining Facility" "Data Center Accessory Uses"; "Data Center Equipment"; and "Data Storage Center:"

Cryptocurrency Mining Facility: specialized Data Storage Centers that house a large number of computers (mining rigs) dedicated to solving complex mathematical problems to validate transactions and add new blocks to a blockchain to produce newly minted cryptocurrency.

Data Center Accessory Uses - Generally include utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and security operations when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Storage Center.

Data Center Equipment ("DCE") -includes any Data Center Accessory Uses which in an un-muffled state generate noise in excess of the permitted maximum dB(A) in Section 5.12 of the Township's Zoning Ordinance at the point of generation. DCE shall be accessory to the Data Storage Center and be located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Storage Center.

Data Storage Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations. Data Storage Center may also include Data Center Equipment and/or Data Center Accessory Uses when located on the same parcel or assemblage of adjacent parcels developed as a unified development. The Data Storage Center use shall be inclusive of Cryptocurrency Mining Facilities."

SECTION 3. Data Storage Center set as a Special Exception Use.

The Washington Township Zoning Ordinance of 1982, Article 3, Definitions, Section 3.13.E is hereby amended to add "Data Storage Center" as a special exception use with specific standards set forth below.

No. ____ Data Storage Center.

The following Use regulations apply:

1. Minimum lot area: 5 acres.
2. The tract or assemblage of parcels developed as a unified development shall have direct access to an arterial, connector, or collector road, as defined in Section 10.4 and 10.12 of the Subdivision and Land Development Ordinance.
3. An adequate second means of ingress and egress suitable for emergency access to the site shall be demonstrated.
4. All parking, principal structures, data center equipment, data center accessory uses, outdoor storage, fuel tanks, battery cells, and/or

loading/unloading areas shall be screened by a 100-foot-wide buffer yard from all property lines. A 100-foot buffer is also required along the frontage of all streets. These buffer yards shall meet the following conditions:

- A. The buffer yard shall include a vegetated screening buffer. The screen buffer plantings are intended to form an impenetrable visual screen and shall include a variety of evergreen tree species to prevent monocultural planting. Trees used for screen buffers shall be comprised of 100% evergreen species.
- B. Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within four years. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of those trees will be of a single variety. Deciduous canopy trees and/or flowering trees, and evergreen shrubs are encouraged to provide complete screening and visual appeal, in addition to the required evergreen trees. Shrubs shall have a minimum height of 36 inches when planted.
- C. The following note shall be placed on the plans submitted with the special exception application and on the recorded land development plan: "Plant materials shall be permanently maintained and any plant material which dies shall be replaced by the landowner."
- D. Where such screening is required, it shall be assured by a performance guarantee posted with the governing body in an amount equal to the estimated cost of trees and shrubs and plantings. Such guarantee shall be released only after passage of the second growing season following planting.
- E. The buffer yard may overlap the required side, front, and rear yards for building setback, and in case of conflict, the larger yard requirements shall apply.
- F. All plantings shall conform to the standards of the Township's list of acceptable plant species. (Subdivision and Land Development Ordinance Appendix).
5. Data Center Equipment Shall not be located between the principal structure(s) and the street upon which the parcel fronts. DCE 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.
6. All facilities with gated entrances shall provide for an on-site queuing area for the stacking of a minimum of one tractor-trailer.
7. A minimum 8-foot high black poly-coated chain link fence or other material approved by the Board of Supervisors shall be installed around the perimeter of the development.

8. No parking or loading/unloading shall be permitted on or along any public road.
9. External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.
10. LEED (Leadership in Energy and Environmental Design) Certification is strongly encouraged as well as roof-mounted accessory solar energy systems.
11. The applicant shall coordinate with the Northampton County Control Center to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Northampton County Control Center Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems if needed to meet compliance.
12. Evidence of adequate water and sewage disposal service shall be provided to the township with the special exception application.
 - A. Public Water/Sewer Supply. In the case of utilization of a publicly owned or other existing centralized water supply and/or sewage disposal system the developer shall submit a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. This letter shall be supplied with the special exception application.
 - B. On-Lot Water Supply. If an approved public water supply is not accessible and water is to be furnished on a project basis, the applicant shall, upon submission of the special exception application, submit written evidence that they have complied with all Township and state regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.
 - (1) Water Resources Impact Study. A water resources impact study shall be required for all Data Storage Center developments with an anticipated withdrawal of 4,000 or more gallons of water per day over a thirty-day period. The study shall be in accordance with Section 10.10.D of the Subdivision and Land Development Ordinance and shall be included in the special exception application.
 - (2) The applicant shall provide proof of review and approval from the Delaware River Basin Commission (DRBC) 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 applicable River Basin

b. Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source

C. On-Lot Sewage Disposal. The applicant shall demonstrate safe and adequate on-lot sewage disposal capacity for the submission of the special exception application. This shall include a report detailing the proposed sewage flow generation, soil testing performed and the results of those tests, anticipated pollutant/heat removal technologies and methods, and a map showing the sewage disposal area, along with all conveyance infrastructure and treatment tanks and equipment. The township sewage enforcement officer shall be notified prior to conducting preliminary deep soil test pit evaluations and percolation/hydraulic conductivity testing.

13. An environmental impact assessment shall be performed 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 relationship 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:

A. The potential for public nuisance to residents resulting from operations, including noise, glare, light, and visual obstacles.

B. A stormwater management plan, demonstrating compliance with the Township's Stormwater Management Ordinance, as amended.

C. 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.

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

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

- (4) Mitigation steps. Listing of steps structural controls proposed to minimize damage to site before and after construction.
- E. 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.
- (1) Critical impact areas 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 and aquifer recharge and discharge areas.
 - (2) A statement of impact upon critical areas and of adverse impacts which cannot be avoided.
 - (3) Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.
14. 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 storage center will be served. Known impacts on electric rates or availability for others uses directly attributable to the data storage center project shall be noted.
 15. The applicant shall provide a study, prepared at the applicant's own expense, of the impact of the use on electric service, water service, and other utility services in the surrounding area, what upgrades will be required to support the applicant's proposed use, and how the applicant will pay for necessary upgrades and the increased impact on electric, water, and utility services in the surrounding area.
 16. Fire protection plan. The site plan shall incorporate a fire protection plan, including, but not limited to, location of hydrants and other on-site and off-site firefighting equipment, and a narrative of same shall be provided to the Township and the Washington Township Volunteer Fire Company (or other applicable successor local fire company) for review and comment. A Knox-type box shall be installed on all access gates for emergency access by the Washington Township Volunteer Fire Company (or other applicable successor local fire company) and other emergency responders.
 17. Permission to apply. An affidavit or evidence of agreement between the property owner and applicant and/or operator confirming the applicant and/or operator has permission to apply for the special exception.
 18. Noise Control.
 - A. For Data Storage Center uses, it shall be demonstrated through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing materials or systems, approved by the Township professional acoustical expert, will effectively reduce the sound generated by the Data Center and associated DCE during normal operations and testing and maintenance operations (i.e. all standby

emergency equipment, including by not limited to generators) to a maximum daytime (7:00 AM to 8:00 PM Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level of 57 dB(A) as measured from all external property lines of the Data Center use. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria. A sound study shall be conducted at the following phases:

- (1) A preliminary sound study for the Data Storage Center and associated DCE shall be conducted as part of the Special Exception process. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits.
- (2) An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Storage Center and associated DCE 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 Storage Center.
- (3) An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Storage Center and associated DCE prior to the final escrow release for any Data Storage Center land development phase. An as-built sound study may also be required thereafter by the Township upon request.
- (4) If it is determined by an as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Storage Center shall promptly remediate the violation.
- (5) In the event of a failure by the owner or occupant to remediate a sound violation within 90 days of notification of the violation, the Township may revoke any zoning permit(s) previously issued for the Data Storage Center.

SECTION 4. Data Storage Center is permitted as a special exception use in Commercial Zoning District and Industrial Zoning District.

The Washington Township Zoning Ordinance of 1982, Article 3, Definitions, Section 3.10.C Commercial District or Section 3.11.C Industrial District is hereby amended to add "Data Storage Center" as a use permitted by special exception.

SECTION 5. Severability.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such

invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board that the remainder of the Ordinance shall remain in full force and effect.

SECTION 6. Effective Date.

This Ordinance will be effective immediately upon its enactment.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Washington, County of Northampton, Commonwealth of Pennsylvania, into an Ordinance this 8th day of April 2026.

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS



Robert Smith, Chairman

Carl Tolino, Vice Chairman



R. Justin Huratiak

ATTEST:

By: 
Sharon Cifuentes
Township Secretary/Treasurer