

**LOWER NAZARETH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 261-05-26

AN ORDINANCE AMENDING THE LOWER NAZARETH TOWNSHIP ZONING ORDINANCE OF 2023 AMENDING, REPLACING, AND REPEALING PROVISIONS THEREOF REGULATING THE FOLLOWING: DEFINITIONS AMENDED TO ADD CRYPTOCURRENCY MINING FACILITY, DATA CENTER, AND DATA CENTER ACCESSORY USE; AMENDING THE TD-11 ZONING DISTRICT TO ADD THE USES OF DATA CENTERS AND DATA CENTER ACCESSORY USES; PROVIDING ADDITIONAL REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES AS CONDITIONAL USES IN THE TD-11 ZONING DISTRICT; PROVIDING FOR OFF-STREET PARKING AND LOADING FOR DATA CENTERS; SEVERABILITY, REPEALER; AND ENACTMENT

WHEREAS, the Lower Nazareth Township Board of Supervisors adopted the Zoning Ordinance of Lower Nazareth Township on December 11, 2023;

WHEREAS, the Zoning Ordinance provides for regulations that promote the health, safety and welfare of the residents of Lower Nazareth Township; and

WHEREAS, the Lower Nazareth Township Board of Supervisors has determined it to be in the best interests of the health, safety and welfare of the residents of Lower Nazareth Township to amend the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lower Nazareth Township, Northampton County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by authority of the same, pursuant to the

provisions of Act 247 of 1968 (P.L. 805), as amended, the following amendments to the Lower Nazareth Township Zoning Ordinance of 2023:

SECTION 1. The Lower Nazareth Township Zoning Ordinance, Article XII, Definitions, Section 1202 shall be amended to add the following terms:

Cryptocurrency Mining Facility – Specialized data 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 – 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 facility, blockchain transaction processing, and server farms. A Data Center shall include Data Center Accessory Use.

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.

Footcandle – A unit of illuminance equal to one lumen per square foot.

Sensitive Receptors – Schools, preschools, day care centers, in-home daycare centers, health facilities such as hospitals, long-term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks (excluding trails), campgrounds, prisons, dormitories, and any residence where such residence is not located on a parcel within an existing industrial, commercial, or unpermitted use as determined by the Zoning Officer.

SECTION 2. The Lower Nazareth Township Zoning Ordinance, Article III, Section 303 shall be amended to add the following uses to the TD-11 zoning district (Manufacturing, Extraction, and Processing):

Data Centers and Data Center Accessory Uses. Such use shall be permitted by conditional use in the TD-11 Zoning District.

SECTION 3. The Lower Nazareth Township Zoning Ordinance, Article VII, Section 702, shall be amended to add the following regulations:

32. Data Center and Data Center Accessory Use.

A. Minimum Lot Area –

- Less than 100,000 square feet – 20 acres
- 100,000 square feet to 249,999 square feet - 30 acres
- More than 250,000 square feet – 50 acres

B. Setbacks and Buffer Strips

1. Data center sites abutting sensitive receptors, residential uses, residential districts, or collector/arterial roads must include an enhanced buffer strip with required plantings located on an earthen berm with a grade no steeper than 2:1.
2. Setbacks for front, rear, and side yards shall be 1,000 feet for all sites abutting sensitive receptors, residential uses, residential districts, or collector/arterial roads.
3. Setbacks for front, rear, and side yards shall be 500 feet for all sites not abutting sensitive receptors, residential uses, residential districts, or collector/arterial roads.

C. Maximum Impervious Cover – 55% of the total lot area

D. The site shall have direct access to an arterial street. An adequate second means of ingress and egress suitable for emergency access to the site shall be provided.

E. The maximum building height for a Data Center shall be 45 feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers. The maximum height of Data Center Accessory Uses shall not be greater than the height of the principal building.

F. Consistency of the proposed use with all applicable requirements related to the Performance Standards set forth in Article IX, Environmental Protection requirements in Article VIII, and the Supplemental Regulations in Article VI.

G. The applicant shall submit a current Pennsylvania Department of Conservation and Natural Resources Pennsylvania Natural Diversity Inventory (PNDI) environmental review receipt for the project and additional

evidence as necessary to demonstrate that no endangered species will be negatively impacted by the proposed development.

H. 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 150-foot-wide buffer yard from all property lines. A 150-foot buffer is also required along the frontage of all streets. Buffer yards shall comply with the following provisions:

1. 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 plantings to prevent monoculture planting. Trees used for screen buffers shall be comprised of a species of tree acceptable to the Lower Nazareth Township Board of Supervisors.

a. Plant materials within buffer plantings shall meet the following requirements:

- i. Be resistant to diesel exhaust.
- ii. Not identified on the most current DCNR invasive species or watch lists.
- iii. Be hardy within USDA Hardiness Zone 7(a)
- iv. Shall be planted on top and the exterior of any berm in order to provide effective screening.
- v. Shall be arranged in groupings to allow for ease of maintenance and to provide a natural appearance.
- vi. The plantings shall be arranged to provide a complete uninterrupted year-round screen of the property that is at least 12 feet in height, measured in addition to the height of any required berm, within three (3) years.

2. Landscaping plans, along with a landscape management plan, shall be submitted at the time of application for a conditional use. The plans shall demonstrate compliance with the applicable screening and buffer strip requirements. The landscape management plan shall provide for financial security for the ongoing maintenance of the landscape buffer.

3. The following note shall be placed on the land development plans 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."

4. 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, shrubs and plantings. Such guarantee shall be released after a twenty-four (24) month period following planting.

5. The buffer yard shall overlap the required side, front and rear yards for building setbacks, and in case of conflict, the larger yard requirements shall apply.
6. Reference Zoning Ordinance Article VI, Sections 605.1, 605.2, 624.3, 624.4, and 624.5. The more restrictive provisions shall apply.

I. Noise and Vibration.

1. Noise. The average hourly noise level shall not exceed fifty-five (55) dBA as measured from the property line. The average decibel limit is specific to source of the sound and does not count against cumulative ambient decibel levels as established in a baseline acoustic evaluation. All reports prepared by the property owner shall be done by a certified noise engineer approved by the Lower Nazareth Township Board of Supervisors.
2. Any proposal for a Data Center shall include pre-, during, and post-construction sound studies which examine all exterior utility functions of the building (rooftop and ground-mounted) that produce sound.
 - a. The preliminary sound study for the Data Center and associated Data Center Accessories shall be submitted with the conditional use application. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits. The study should also incorporate any relevant sound emitted from existing Data Centers.
 - b. The interim sound study shall be conducted during the building permit process based upon the proposed user or users of the data center and associated Data Center Accessory Uses depicted on the land development plan. The sound reducing materials or systems recommended by the preliminary sound study shall be incorporated into the construction plans for the Data Center.
 - c. The as-built sound study shall be conducted prior to issuance of the certificate of occupancy for any Data Center and Data Center Accessory Use. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Center shall promptly remediate the violation to achieve compliance with the aforesaid sound limits.
 - d. A post-construction sound study shall be completed within three (3) months after the issuance of a certificate of occupancy and achievement of commercial operation. A post-construction sound

study shall also be required thereafter by the Township upon request or upon complaints from neighbors. If it is determined by the post-construction sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data center shall promptly remediate the violation to achieve compliance with the aforesaid sound limits.

- e. All rooftop equipment that produces sound (e.g. HVAC, cooling towers, generators, and the like) shall be fully screened from view and screening shall be placed to shield the direction of emitted sound.
- f. All ground-mounted equipment that produces sound (e.g. HVAC, cooling towers, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of emitted sound.
- g. All studies and testing shall be at the cost of the developer and landowner. In the event of a violation occurring, remediation shall be done within thirty (30) days. If remediation does not occur within 30 days, the Certificate of Occupancy shall be revoked.

3. Vibration.

- a. No construction activity or Data Center operation shall cause ground vibration levels that can be measured at the nearest property line or at any point on an off-site structure. Any detectable vibration at the property line shall not be permitted.
- b. Vibration Monitoring Requirements.
 - i. Pre- and Post-Construction Studies. For any Data Center located within 1,000 feet of any residential use or zone, or any sensitive receptor, the applicant shall submit pre-construction and post-construction vibration studies prepared by a qualified professional to establish baseline conditions and demonstrate compliance. The pre-construction vibration study must be submitted at the time of application for conditional use. The initial post-construction vibration study must be submitted no later than six (6) months after issuance of a certificate of occupancy and start of commercial operations.
 - ii. Operational Monitoring. The Township shall require continuous or periodic vibration monitoring during construction, commissioning, and initial operation to verify compliance. All reports prepared shall be done by a certified

vibration engineer approved by the Lower Nazareth Township Board of Supervisors.

- c. All ground-mounted mechanical, electrical, and power generation equipment shall be mounted on anti-vibration foundations, isolation pads, or equivalent devices designed to minimize vibration transmission to the ground and nearby structures.
 - d. In the event vibration levels exceed the allowable threshold, the operator shall promptly implement corrective measures as required by the Township Engineer, which shall include equipment modifications, relocation, or enhanced isolation.
 - e. All studies and testing shall be at the cost of the developer and landowner. In the event of a violation occurring, remediation shall be done within thirty (30) days. If remediation does not occur within 30 days, the Certificate of Occupancy shall be revoked.
- J. Evidence of adequate water and sewage disposal service shall be provided to the Township with the conditional use application.
- 1. Public water / sewer supply. All uses shall be required to utilize public water and public sewer. No on-lot well or septic shall be permitted. 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 conditional use application.
 - 2. All data centers shall utilize a closed loop water system.
 - 3. A report shall be submitted at the time of conditional use application on how the applicant proposes to handle any greywater discharged as the result of the proposed use.
- K. 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 the necessary capacity is available and that electric service provider will serve the data center. Known impacts on electric rates or availability for other users 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 an accessory use and shall be approved according to the zoning regulations applicable to such accessory use.

3. Substations utilized for the purpose of supporting data center operations are considered accessory uses to data centers and shall not be located within 300 feet from a residential district or existing occupied residential dwelling. Substations, whether to be utility-owned or otherwise, shall be included in the required sound studies prepared in accordance with the requirements of this ordinance.
 - a. Electric substations for the purpose of supporting data center operations involving outdoor structures at least 10 feet in height shall be required to provide evergreen screening consistent with the required buffer yard requirements.

L. Lighting

1. The lighting for all data center uses must comply with the Performance Standards set forth in the Lower Nazareth Township Subdivision and Land Development Ordinance and the Lower Nazareth Township Zoning Ordinance wherever not specifically addressed in this section. In the event of any conflicts, the more restrictive provisions shall apply.
2. Horizontal Surfaces
 - a. For the lighting of predominantly horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall be Illuminating Engineering Society of North American (IESNA) full cut-off/fully shielded criteria.
3. Non-Horizontal Surfaces
 - a. For the lighting of predominately non-horizontal surfaces, such as, but not limited to facades, landscaping and signs, luminaires shall be shielded and shall be installed and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.
4. Adjacent Residential Uses

- a. The illumination projected onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving property.

5. LED Lights

- a. LED light sources shall have a correlated color temperature that does not exceed 3000K

6. Luminaires

- a. Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated.
- b. No pole mounted lighting on the roof shall be permitted.

M. Parking and Off-Loading Requirements

Table D of the Lower Nazareth Township Zoning ordinance shall be amended to include the following parking space requirements:

One space per employee and an additional space for every 50,000 square feet of building space.

N. 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, emergency management coordinator and emergency management services as part of the conditional use application and land development plan review 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.

SECTION 4. The Lower Nazareth Township Zoning Ordinance, Article X, Section 1005(3) shall be amended to as follows:

O. Data Centers and any accessory use shall be required to provide the necessary fire lanes per Section 1005.

SECTION 5. SEVERABILITY

If a court of competent jurisdiction declares any provisions of this Amendment to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this Zoning Amendment shall continue to separately and fully effective.

SECTION 6. REPEALER

All provisions of Township ordinances and resolutions or parts thereof that were adopted prior to this Ordinance and that are in conflict with this Ordinance are hereby repealed, including but not limited to, and conflicting provisions of the Lower Nazareth Township Zoning Ordinance, as amended.

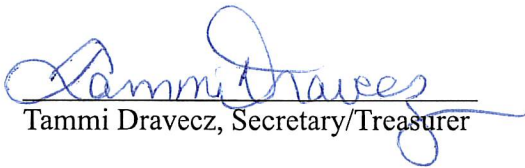
SECTION 7. ENACTMENT.

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Lower Nazareth Township.

ENACTED AND ORDAINED this 27 day of MAY, 2026, at a regular public meeting.

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:



Tammi Dravec, Secretary/Treasurer



Amy Templeton, Chairperson