



TO: Lycoming County Planning Commission
FROM: John Lavelle, AICP, CFM, Planning Consultant
SUBJECT: Proposed County Zoning Text Amendment
Request: Data Center, Industrial-Scale Battery Storage, and Electric Generating Facility Text Amendment
DATE: October 14, 2026

Summary:

The proposed amendment would add Data Center Principal Use and Data Center Accessory Uses to the Lycoming County Zoning Ordinance as specifically regulated industrial uses. The amendment would permit Data Center Principal Use only by Special Exception in the Industrial (I) District and would establish supplemental standards for infrastructure, water and sewer, cooling, power, noise, emergency response, battery backup systems, backup power generation, equipment recycling and electronic waste, and decommissioning.

The amendment would also establish Industrial-Scale Battery Storage and Electric Generating Facility as specifically regulated industrial uses and provide supplemental standards tailored to their potential land-use and infrastructure impacts.

Background / Need for Amendment:

Data Centers are an emerging land use that may affect public health, safety, and welfare through impacts on utilities, water resources, emergency response, noise, site design, and neighboring properties. Although Data Centers may include office or administrative space, their primary function is the operation of large-scale computer, electrical, mechanical, cooling, backup power, and utility infrastructure. For zoning purposes, these characteristics are more closely aligned with industrial and infrastructure-related uses than with conventional office, commercial, or warehouse uses.

The current Lycoming County Zoning Ordinance does not specifically define or regulate Data Centers. The proposed amendment is intended to address this use before applications are filed and interpretation issues arise. The Ordinance also does not clearly provide for privately owned principal electric generating facilities or stand-alone industrial-scale battery storage facilities where they are not otherwise regulated as wind, solar, public utility, or accessory energy uses. The proposed amendment would therefore establish technology-neutral provisions for Electric Generating Facilities and Industrial-Scale Battery Storage and clarify where and how these uses may be approved.

Industrial uses are regulated under Section 3250 of the Lycoming County Zoning Ordinance, and special exception uses are reviewed by the County Zoning Hearing Board pursuant to Article 10.

Proposed Text Amendment:

- **Amend Table 3120**

Add the following rows under Industrial Uses:

Allowed Uses in Each Zoning District

General Use	AG	RP	CS	RC	SE	SM	CR	I	NP	E
J.1. Industrial-Scale Battery Storage, Accessory to an approved Wind Energy Facility, Principal Solar Energy System, or Electric Generating Facility	S	S	S	N	N	S	N	S	N	N
J.2. Industrial-Scale Battery Storage, Principal Use	N	N	N	N	N	N	N	S	N	N
K. Data Center Principal Use and Data Center Accessory Use	N	N	N	N	N	N	N	S	N	N
L. Electric Generating Facility	N	N	N	N	N	N	N	S	N	N

P = Permitted by right in this district with a Zoning Permit

N = Not permitted in this district

S = Permitted in this District only with Special Exception Approval

- **Amend Table 4230:**

Add the following row to Table 4230 – Non-Residential Bulk Requirements with associated footnote:

Minimum Yard Setbacks					
Proposed Land Use	Front	Side	Rear	Min. Building Spacing	Maximum Building Height
Other Industrial	100	20	20	50	80/155 silos
Data Center Principal Uses and Data Center Accessory Uses (5)	100	20	20	50	70

(5) The setbacks listed in Table 4230 above are minimum yard setbacks. Data Center Principal Uses and Data Center Accessory Uses shall also comply with the separate use-specific separation requirements in Section 3250K from properties containing residential uses or Sensitive Receptors and from residential zoning district boundaries. Any reduction of the Section 3250K separation requirement shall not reduce the minimum yard setbacks required by Table 4230.

- **Add Definitions to Article 14:**

Add the following definitions to **Article 14, Division 14300 Definitions**:

Battery Backup System. A stationary battery system used to provide temporary backup power or reliability support to a Data Center Principal Use or Data Center Accessory Use during a power interruption, power quality event, transition to backup generation, or similar reliability event. A Battery Backup System that is designed and operated solely to support the Data Center shall be considered a Data Center Accessory Use and shall be regulated under Section 3250K.

Closed-Loop Cooling System. A cooling system that circulates a contained coolant or fluid that is not discharged to the environment as a normal part of operation.

Data Center Principal Use. A facility consisting of one or more buildings primarily used to house, operate, maintain, or support computer systems, servers, data storage or processing equipment, high-density computational equipment, or similar digital infrastructure, together with associated electrical, mechanical, cooling, telecommunications, and other infrastructure. Data Centers include facilities used for cloud computing, artificial intelligence computing, data processing, data storage, and similar computational operations. For purposes of this Ordinance, cryptocurrency mining, blockchain verification, blockchain transaction processing, and similar high-density computational operations shall be regulated as a Data Center.

Data Center Accessory Use. A use, structure, or facility customarily incidental and subordinate to a Data Center and located on the same lot as a Data Center, including administrative offices, security facilities, fiber optic lines, utility lines, cooling equipment, battery backup systems, electrical substations serving the Data Center, water towers, pump stations, domestic and non-contact cooling water and wastewater treatment facilities, backup power systems, and similar support infrastructure. This term shall not include energy generation systems used or intended to supply power to the Data Center during normal operations.

Data Center Campus. A Data Center campus includes all of the structures and real estate owned, controlled, leased or otherwise occupied primarily for the use and purpose as Data Center(s), including: (i) Data Center(s); (ii) Data Center Accessory Uses; and (iii) all other systems, equipment, piping, conduit and other ancillary equipment, structures, and other appurtenances that are incidental to and/or needed for the construction, support, operation, repair, maintenance, and/or protection of the Data Center(s) and/or the Data Center campus.

Data Center Electric Utility Substation. An electric utility facility or equipment compound used for the transformation, transmission, switching, distribution, or delivery of electric power specifically serving a Data Center or Data Center Campus.

Electric Generating Facility. A principal use of land, buildings, structures, or equipment, not otherwise regulated by this Ordinance, for the generation of electrical energy,

whether the electricity generated is used on-site, off-site, sold, or distributed. The use includes facilities employing combustion, thermal, electrochemical, mechanical, or other energy-conversion technologies, together with generating units, turbines, engines, fuel cells, boilers, heat-recovery equipment, fuel-handling facilities, cooling systems, emissions-control equipment, electrical switchgear, transformers, substations, and directly related equipment.

Emergency Condition. Any of the following, provided the condition is not caused by planned maintenance, construction, testing, or voluntary or contractual participation in any curtailment of use, interruptible service, demand response, or similar program: (1) an unplanned interruption or failure of electric utility service to the Data Center, or a documented imminent threat of interruption; (2) a mandatory directive from the electric utility or regional transmission organization requiring the Data Center to reduce or cease grid consumption during a declared grid emergency, where the directive applies without regard to any voluntary or contractual arrangement; (3) a declaration of disaster emergency by the federal, state, or county government, or by the host municipality, that affects the Data Center site; or (4) a fire, electrical failure, or other on-site event that presents an immediate threat to life safety or to the safe shutdown of equipment.

Industrial-Scale Battery Storage. A facility, system, or equipment installation, including batteries, inverters, containers, enclosures, substations, transformers, switchgear, and related infrastructure, that is used primarily to store and discharge electricity for sale, grid support, merchant energy activity, or other use independent of on-site backup or reliability support for a principal use. Industrial-Scale Battery Storage shall not include a Battery Backup System regulated under Section 3250K or another battery system designed and operated solely to provide backup or reliability support to a principal use.

Sensitive Receptor. A residential dwelling, school, preschool, day care center, in-home day care, hospital, long-term care facility, retirement home, nursing home, community center, place of worship, park, playground, campground, dormitory, hotel, motel, inn, or similar use determined by the Zoning Hearing Board to warrant additional protection from noise, vibration, glare, heat, traffic, visual, or operational impacts.

- **Add Section 3250J:**

3250J.1 Industrial-Scale Battery Storage, Accessory to an approved Wind Energy Facility, Principal Solar Energy System, or Electric Generating Facility

1. **Applicability.** Industrial-Scale Battery Storage may be approved as an accessory use to an approved Wind Energy Facility, Principal Solar Energy System, or Electric Generating Facility where listed in Table 3120 and where the battery storage is subordinate and incidental to the approved principal energy use.
2. **Supplemental Controls.** The supplemental controls of Section 3250J.2 shall apply to Industrial-Scale Battery Storage approved as an accessory use under this Section.

3250J.2 Industrial-Scale Battery Storage, Principal Use

1. **Applicability.** Industrial-Scale Battery Storage may be approved as a principal use only where listed in Table 3120. Industrial-Scale Battery Storage shall not include a Battery Backup System regulated under Section 3250K or another battery system designed and operated solely to provide backup power or reliability support to a principal use.
2. **Supplemental Controls.**
 - a. **Setbacks and Access.** Industrial-Scale Battery Storage shall be set back a minimum of 500 feet from the lot line of a property containing an existing dwelling and 250 feet from all other lot lines. Where Industrial-Scale Battery Storage is approved as an accessory use under Section 3250J.1 and no property containing an existing dwelling is located within the required 500-foot setback, the battery storage system may instead comply with the setback requirements applicable to the approved principal energy use. The facility shall provide adequate access for emergency vehicles.
 - b. **Site Plan Requirements.** The applicant shall identify all battery containers, enclosures, inverters, transformers, switchgear, substations, access drives, emergency access routes, fencing, lighting, stormwater facilities, buffers, screening, and related infrastructure on the applicable site plan.
 - c. **Emergency Response Plan.** The applicant shall submit an emergency response plan prepared by a qualified professional and shall provide the plan to the County Department of Public Safety, host municipality, local fire service, emergency medical service, and other applicable emergency responders for review and comment. The plan shall address emergency access, fire suppression, containment, ventilation, evacuation, thermal runaway and propagation of thermal events, battery system hazards, hazardous materials, security access, utility shutoffs, and emergency contact information.

- d. Emergency Responder Coordination. The Zoning Hearing Board shall require the applicant to coordinate with emergency responders regarding specialized training needs and shall require reasonable measures to address documented emergency response impacts associated with the proposed facility.
- e. Codes and Standards. The use shall comply with applicable fire, building, electrical, and safety codes, including applicable National Fire Protection Association standards. The applicant shall provide written certification by a Professional Engineer that such compliance will be achieved prior to issuance of the applicable Zoning/Development Permit or municipal building permit, as applicable.
- f. Screening and Fencing. Battery containers, enclosures, inverters, transformers, switchgear, substations, and related equipment shall be screened from public roads, residential uses, residential zoning districts, agricultural uses, and Sensitive Receptors through fencing, landscaping, berms, walls, existing vegetation, or other approved screening methods. Security fencing shall be integrated with landscaping where visible from public roads or adjoining residential uses. Industrial-Scale Battery Storage shall also comply with the applicable requirements of Article 6, Site Landscaping and Bufferyard Performance Standards.
- g. Noise. Industrial-Scale Battery Storage shall comply with Article 5, including Section 5130 Noise Protection Levels. The Zoning Hearing Board shall require noise mitigation where inverters, transformers, HVAC equipment, or other equipment are proposed near residential uses, residential zoning districts, Sensitive Receptors, or adjacent properties. The Applicant shall indicate whether any inverters, transformers, HVAC equipment, or other equipment are proposed near residential uses, residential zoning districts, sensitive receptors or adjacent properties.
- h. Decommissioning. The applicant shall submit a decommissioning plan and cost estimate prepared by a qualified professional. The plan shall address removal of battery containers, enclosures, inverters, transformers, switchgear, substations, foundations or pads not intended for lawful reuse, hazardous materials, and related equipment; recycling or disposal of batteries and electronic equipment; site stabilization; and estimated decommissioning cost. Where Industrial-Scale Battery Storage is approved as an accessory use, these requirements shall be incorporated into the decommissioning plan for the approved principal energy use, provided the plan specifically addresses decommissioning of the battery storage system.

- i. Cessation and Decommissioning. Upon permanent cessation of the Industrial-Scale Battery Storage use, the owner or operator shall notify the Zoning Officer and complete decommissioning in accordance with the approved decommissioning plan within twelve (12) months, unless an extension is approved by the Zoning Officer for good cause.
 - j. Financial Security. Prior to issuance of a Zoning/Development Permit, the applicant shall provide financial security in a form acceptable to the County and in an amount equal to 110 percent of the estimated cost of decommissioning, as reviewed by the County or its designated professional consultant. The decommissioning cost estimate shall be updated every five years, and additional security shall be provided if necessary to maintain security equal to 110 percent of the estimated decommissioning cost. Where Industrial-Scale Battery Storage is approved as an accessory use, the required financial security shall be incorporated into the financial security maintained for the approved principal energy use, provided the amount of security includes the full estimated cost of decommissioning the battery storage system.
 - k. Non-Applicability to Data Center Battery Backup Systems. A Battery Backup System associated with a Data Center Principal Use or Data Center Accessory Use shall be regulated under Section 3250K and shall not be subject to the requirements of this Section.
- **Add Section 3250K:**

3250K Data Center Principal Use and Data Center Accessory Uses

- a. Reference to Article 14 Definitions. The following terms used in this Section are defined in Article 14: Battery Backup System, Closed-Loop Cooling System, Data Center, Data Center Accessory Use, Data Center Campus, Data Center Electric Utility Substation, Industrial-Scale Battery Storage, and Sensitive Receptor.
- b. Applicability. Data Center Principal Uses and Data Center Accessory Uses shall be permitted only where listed in Table 3120 and only upon Special Exception approval by the Zoning Hearing Board.

Data Center Principal Uses and Data Center Accessory Uses shall comply with the following supplemental controls in addition to all applicable requirements of Articles 4, 5, 6, 7, 8, 9, and 10. Where this Section 3250K establishes a more specific or more restrictive requirement than Table 4230 or any other provision of this Ordinance, the more specific or more restrictive requirement of Section 3250K shall apply.

Special Exception approval under this Section shall not relieve the applicant from complying with any other applicable county, municipal, state, or federal permit or approval requirement.

c. Supplemental Controls:

Special Exception Application Materials. In addition to the general requirements for a Special Exception application specified in Section 10310, the applicant shall submit the following:

- (1) A narrative describing the proposed Data Center Principal Use, Data Center Accessory Uses, proposed operations, phasing, staffing, and whether cryptocurrency mining, blockchain transaction processing, or similar activity is proposed.
- (2) A site plan identifying principal buildings, accessory structures, equipment yards, substations, generators, battery systems, cooling equipment, water infrastructure, security fencing, access drives, loading areas, parking areas, emergency access routes, lighting, stormwater facilities, buffers, and screening. The plan shall include construction phases and a conceptual layout for the full development of the site.
- (3) Utility, water, sewer, and cooling documentation, including the Energy Demand and Supply Report required by this Section; documentation from the applicable public water or sewer provider where public service is proposed; a water feasibility study where nonpublic water sources are proposed; and a description of proposed cooling systems and water-conservation or reuse measures.
- (4) A description of proposed energy efficiency, renewable energy procurement, on-site renewable energy, waste heat reuse, or other sustainability measures associated with the Data Center.
- (5) Pre-Construction Noise Study, Predictive Noise Model, and Vibration Analysis. The applicant shall submit a pre-construction noise study and predictive noise model and vibration analysis prepared by a qualified acoustical professional. The study and model shall:
 - i. Identify all significant continuous and intermittent sound sources associated with the proposed Data Center Principal Use and Data Center Accessory Uses, including cooling equipment, air-handling equipment, transformers, substations, generators, loading areas, and other significant mechanical or operational sound sources;

- ii. Evaluate projected sound levels under normal operating conditions, emergency conditions, and reasonably foreseeable maximum operating conditions, including the simultaneous operation of major sound-generating equipment where such operation may reasonably occur;
 - iii. Evaluate routine testing of backup generators, including the number of generators reasonably expected to operate simultaneously during testing;
 - iv. Model projected sound levels at applicable receiving property lines and Sensitive Receptors and demonstrate compliance with Section 5130, Noise Protection Levels, and the applicable requirements of this Section;
 - v. Include A-weighted and C-weighted sound levels and octave-band, one-third-octave-band, or other appropriate frequency analysis where necessary to evaluate low-frequency or tonal sound;
 - vi. Identify all sound attenuation, equipment placement, building orientation, enclosures, barriers, or other mitigation measures relied upon to demonstrate compliance; and
 - vii. Identify the assumptions, equipment specifications, operating conditions, modeling methodology, and other information used to prepare the analysis.
- (6) The following plans, documentation, and studies: any vibration analysis required by this Section; lighting plan; landscaping, bufferyard, and screening plan; emergency response plan; decommissioning plan with proposed financial security; and equipment recycling, electronic waste, and hazardous materials management plan.
- (7) Any additional information reasonably necessary to determine compliance with the specific standards of this Section.
- (8) The applicant shall be responsible for reasonable professional review costs required under this Section to the extent permitted by law and in accordance with the County's adopted fee schedule or cost-reimbursement procedures.

d. Data Center Campus; Expansion and Modification

- (1) Where a Data Center Campus is proposed, the applicant shall submit a conceptual master plan showing existing and proposed phases, principal

buildings, accessory uses, utility infrastructure, access, emergency circulation, stormwater facilities, buffers, and areas reserved for future development. Each phase shall comply with this Section.

- (2) A Data Center or Data Center Campus shall be developed substantially in accordance with the plans, phasing, operational characteristics, and other application materials approved by the Zoning Hearing Board.
- (3) A material expansion or modification beyond the scope of the approved Special Exception shall require further Special Exception review and approval by the Zoning Hearing Board prior to issuance of any applicable Zoning/Development Permit.
- (4) For purposes of this subsection, a material expansion or modification may include the following:
 - i. The addition of a Data Center principal building or development phase not shown or reasonably contemplated by the approved plans;
 - ii. An increase in the approved peak electrical demand, water demand, cooling capacity, backup generation capacity, battery system capacity, or other operational characteristic addressed by this Section;
 - iii. The addition or relocation of generators, cooling equipment, battery systems, electric utility substations, or other major Data Center Accessory Uses where the change may affect compliance with applicable setbacks, separation requirements, noise standards, bufferyards, screening, emergency access, or other conditions of approval; or
 - iv. Another change in the scale, intensity, or operational characteristics of the use that was not contemplated as part of the approved Special Exception.
- (5) Routine maintenance and repair, replacement of equipment with equivalent equipment, minor adjustments to site or engineering details, and construction of buildings, improvements, or phases specifically contemplated by the approved Special Exception shall not, by themselves, constitute a material expansion or modification, provided that all applicable requirements and conditions of approval continue to be met.
- (6) The Zoning Officer shall determine whether a proposed change constitutes a material expansion or modification requiring further Special Exception review.

e. Access and Emergency Circulation

- (1) The applicant shall identify access routes for construction traffic, emergency response, and long-term operations, including any public roads expected to be used by heavy construction vehicles.
- (2) Access design shall comply with Article 7 and applicable SALDO requirements.
- (3) Secondary emergency access shall be provided unless the Zoning Hearing Board determines, based on site conditions, emergency response planning, and review by local emergency service providers, that an alternative access arrangement provides adequate emergency access.
- (4) Loading docks, truck entries, generator yards, cooling equipment, and truck drive aisles shall be oriented away from residential uses, residential zoning districts, and Sensitive Receptors to the greatest extent feasible.

f. Dimensional Standards

- (1) Data Center Principal Uses and Data Center Accessory Uses shall comply with the non-residential bulk standards in Table 4230.
- (2) The lot shall be of sufficient size and configuration, as demonstrated on the site plan, for the proposed Data Center Principal Use and Data Center Accessory Uses to comply with all applicable dimensional, access, parking, loading, stormwater, bufferyard, screening, security, and separation requirements.
- (3) Data Center principal buildings, major Data Center Accessory Uses, generator yards, cooling equipment, battery systems, and electric utility substations shall be located at least 500 feet from the nearest lot line of a property containing a residential use or Sensitive Receptor, or from the nearest boundary line of a residential zoning district.
- (4) The Zoning Hearing Board may approve a reduced separation of not less than 250 feet from the nearest lot line of a property containing a residential use or Sensitive Receptor, or from the nearest boundary line of a residential zoning district, where the applicant demonstrates that the reduced separation will not result in an adverse impact on adjoining properties or Sensitive Receptors.

In considering a requested reduction, the Zoning Hearing Board shall evaluate, as applicable:

- i. The type, location, and proximity of the affected residential use, Sensitive Receptor, or residential zoning district;
 - ii. Existing topography, vegetation, buildings, berms, or other physical features that may provide separation or attenuation;
 - iii. The location and orientation of Data Center buildings, generator yards, cooling equipment, battery systems, substations, loading areas, and other major Data Center Accessory Uses;
 - iv. The results of the required pre-construction noise study and predictive noise model and vibration analysis, including projected sound levels at the affected property or Sensitive Receptor;
 - v. Proposed noise attenuation, screening, buffering, landscaping, building orientation, equipment enclosures, or other mitigation measures;
 - vi. Potential visual, thermal, lighting, vibration, emergency response, and other operational impacts associated with the reduced separation;
 - vii. Whether the proposed site design places the most intensive or potentially impactful equipment farther from the affected property or Sensitive Receptor to the greatest extent practicable; and
 - viii. Any other site-specific condition relevant to determining whether the reduced separation will adequately protect adjoining properties and Sensitive Receptors.
- (5) For purposes of this subsection, required separation shall be measured in a straight line from the nearest exterior wall of the Data Center principal building or Data Center Accessory Use, or from the nearest edge of the generator yard, cooling equipment, battery system, or electric utility substation, to the nearest lot line of the property containing the residential use or Sensitive Receptor, or to the nearest boundary line of a residential zoning district.
- (6) Roof-mounted equipment shall be set back from the parapet or roof edge at least as far as the equipment's height above the roof surface.

g. Building Placement, Screening, Fencing, and Bufferyards

- (1) Buildings and site improvements shall be sited and oriented to minimize visual impacts from public roads, residential uses, residential zoning districts, agricultural areas, scenic areas, and Sensitive Receptors.
- (2) Building Design and Visual Impact. Building elevations, renderings, or other design documentation shall be submitted as part of the applicable site plan required under Section 10230, Simplified Site Plan, or Section 10240, General Site Plan Requirements, as applicable, where necessary to demonstrate compliance with this subsection.
- (3) Visible Building Façades. Principal building façades visible from public roads, residential uses, residential zoning districts, agricultural areas, scenic areas, or Sensitive Receptors shall use low-reflective materials and shall be designed, screened, or oriented to reduce glare and visual impacts.
- (4) PA Wilds Design Guide. Building placement, exterior materials, color, massing, mechanical screening, and landscape screening should be informed by the applicable industrial design guidance in the PA Wilds Design Guide for Community Character Stewardship, including guidance to reduce perceived building mass, avoid highly reflective surfaces, and screen unattractive functional areas from public view.
- (5) Dark Exterior Colors. Dark exterior colors that may increase heat absorption are discouraged on large, exposed wall or roof surfaces unless the applicant demonstrates that building materials, insulation, roofing systems, shading, landscaping, or other design measures will mitigate heat gain and energy-efficiency impacts.
- (6) Data Center Principal Uses and Data Center Accessory Uses shall comply with Article 6, Site Landscaping and Bufferyard Performance Standards.
- (7) Equipment and Service Area Screening. Ground-mounted and roof-mounted equipment used for cooling, ventilation, power supply, backup generation, battery backup, utility service, or similar operations, including cooling equipment, air handling equipment, generators, transformers, switchgear, battery systems, substations, refuse areas, loading areas, and service areas, shall be enclosed or screened from public roads, residential uses, residential zoning districts, agricultural uses, and Sensitive Receptors. If full enclosure or screening is not mechanically feasible, the applicant shall provide documentation and shall propose alternative mitigation.

- (8) Security fencing shall be integrated with landscaping. Fencing that incorporates slats, screening inserts, barbed wire, razor wire, electrification, or similar visibly intrusive security or deterrence features shall be screened from view from public roads, residential uses, residential zoning districts, agricultural uses, or Sensitive Receptors unless specifically approved by the Zoning Hearing Board based on demonstrated security need.

h. Noise and Vibration

- (1) Data Center Principal Uses and Data Center Accessory Uses shall comply with Section 5130, Noise Protection Levels, and Section 5140, Vibration Protection Levels.
- (2) The pre-construction noise study, predictive noise model and vibration analysis required by this Section shall demonstrate compliance with Section 5130 and shall evaluate all significant continuous and intermittent sound sources associated with the proposed use. The pre-construction noise study, predictive noise model and vibration analysis shall also model and disclose anticipated sound levels resulting from the simultaneous operation of emergency generators and other emergency equipment at the maximum foreseeable operating condition and shall identify all mitigation necessary to demonstrate compliance.
- (3) Where proposed equipment, site conditions, proximity to residential uses, residential zoning districts, Sensitive Receptors, or adjacent structures indicate potential vibration impacts, the Zoning Hearing Board shall require an additional pre-construction vibration analysis to establish baseline conditions and evaluate potential impacts.
- (4) The Zoning Hearing Board shall require sound attenuation, equipment relocation, building orientation, equipment enclosure, screening walls, vibration isolation, operational limitations, or other mitigation measures necessary to demonstrate compliance with Sections 5130 and 5140 and to protect residential uses, residential zoning districts, Sensitive Receptors, and adjacent properties.
- (5) The applicant shall submit a post-construction noise study no sooner than one month and no later than twelve (12) months after issuance of the first Certificate of Occupancy. The study shall evaluate actual operating sound levels and demonstrate compliance with Section 5130, this Section, and any applicable conditions of Special Exception approval.
- (6) The applicant shall submit a post-construction vibration analysis no sooner than one month and no later than twelve (12) months after issuance of the

first Certificate of Occupancy. The study shall evaluate actual operating vibration levels and demonstrate compliance this Section, and any applicable conditions of Special Exception approval.

- (7) If a post-construction noise study or vibration analysis demonstrates noncompliance with Section 5130, Section 5140, this Section, or a condition of Special Exception approval, the owner or operator shall implement appropriate mitigation measures necessary to achieve compliance.
- (8) Routine generator testing shall occur only between 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays, unless a different schedule is approved by the Zoning Hearing Board or required by applicable law or utility reliability requirements. The duration of any such testing shall be limited to the duration reasonably necessary to maintain operational readiness. The applicant shall identify in the application anticipated generator testing frequency and duration, the number of generators proposed to be tested simultaneously, the sequencing of tests, the use of load banks, commissioning procedures, and proposed noise control and mitigation measures. Routine testing shall be sequenced to minimize simultaneous generator operation unless simultaneous testing to demonstrated to be operationally necessary and compliance with the requirements of this Section is demonstrated. Commissioning or maintenance outside of the routine testing hours shall be permitted only where demonstrated to be reasonably necessary and specifically authorized as part of the approved operational plan, and all such operation shall remain subject to the operational sound limits established by this Section. Routine generator testing shall comply with Section 5130 unless a more restrictive condition is imposed as part of Special Exception approval.
- (9) Emergency operation of backup power systems shall be permitted only during an Emergency Condition. An Emergency Condition ends when the condition giving rise to it no longer exists, and backup power systems shall be returned to standby within one (1) hour after utility service is restored or the directive or declaration is lifted. The operator shall bear the burden of documenting the existence and duration of any Emergency Condition.

Where emergency operation of backup power systems continues for more than 48 hours, the operator shall notify the Zoning Officer in writing no later than the end of the second day, and the Zoning Officer shall review whether a documented emergency condition continues to exist and may require the operator to implement additional noise mitigation measures, operational sequencing, or other reasonable measures for the remainder of the emergency operation.

Emergency operation of backup power systems during a documented emergency condition may exceed the otherwise applicable sound-level limits of Section 5130.1 only to the extent necessary for the duration of the emergency condition. In no event shall emergency operation of backup power systems exceed 55 dBA when measured at the lot line of the property receiving the sound or at the lot line of a property containing a residential use or Sensitive Receptor, whichever is more restrictive.

All feasible measures shall be taken to minimize noise impacts during emergency operation, including use of equipment enclosures, barriers, equipment orientation, operational sequencing, or other reasonable noise-control measures.

- (10) Emergency operation shall not be used to avoid the requirements of Section 5130 or the emergency sound-level limit established by this Section. Repeated, prolonged, or avoidable operation that results in recurring exceedance of applicable standards may require additional mitigation, operational changes, additional zoning approval, or enforcement action.
- (11) Backup power systems shall not be operated for peak shaving, demand response, sale of electricity to the grid, load management, economic dispatch, or to supply power during normal operations unless such activity is separately permitted under this Ordinance. Such operation may materially alter the character, intensity, impacts, and classification of the use by converting backup power equipment from an accessory emergency/reliability function into a normal-operation energy generation use. Any non-emergency operation shall comply with Section 5130 and all conditions of Special Exception approval.
- (12) The operator shall maintain a log of all backup power system operation and shall provide the log to the Zoning Officer annually and upon request. If backup power systems operate for more than 24 consecutive hours or more than 72 cumulative hours in any calendar quarter, the operator shall submit a written report to the Zoning Officer within 10 business days identifying the cause, duration, equipment used, complaints received, and measures taken to reduce impacts.
- (13) If backup power systems operate for more than 24 consecutive hours or more than 72 cumulative hours in any calendar quarter for reasons other than an area-wide utility outage, declared emergency, or utility-directed emergency reliability event, the operator shall submit and implement a corrective action plan. Failure to submit or implement an approved corrective action plan shall constitute a violation of this Ordinance.

i. Water, Sewer, Cooling, and Thermal Impacts

The use of recycled water, reclaimed water, treated nonpotable water, condensate recovery, or similar water reuse strategies for cooling and other nonpotable purposes shall be used and authorized by applicable regulatory agencies.

- (1) A Data Center Principal Use or Data Center Accessory Use shall not use private groundwater wells or direct withdrawals from surface watercourses as its source of water for cooling purposes where public water service is available to the site and the applicable provider confirms sufficient capacity to serve the proposed use.
- (2) If the Data Center Principal Use and Data Center Accessory Use will be served by public water or public sewer, the applicant shall provide written documentation from the applicable public authority or provider identifying whether sufficient capacity is available to serve the proposed use, any required system improvements, and any conditions of service.
- (3) If the Data Center Principal Use or Data Center Accessory Use will rely on nonpublic sources of water, including private groundwater wells, direct withdrawals from surface watercourses, hauled water, or other nonpublic sources, the applicant shall provide a water feasibility study prepared by a qualified professional. The water feasibility study shall identify projected water demand, proposed water source, safe yield, proposed water use, anticipated discharge or reuse, potential impacts to nearby wells, groundwater, surface waters, wetlands, and aquatic resources, and applicable Susquehanna River Basin Commission, Pennsylvania Department of Environmental Protection, or other agency approvals.
- (4) Closed-loop cooling, air-cooled systems, water reuse, or other water conserving cooling methods are preferred. Where another cooling method is proposed, the applicant shall describe the proposed system, anticipated water demand, and the reasons the alternative is appropriate for the site. The Zoning Hearing Board shall require closed-loop cooling, air-cooled systems, water reuse, or other water-conserving measures as a condition of approval to protect rural water resources.
- (5) A drought response plan shall be required where the proposed use is expected to have significant water demand relative to the available public or nonpublic water supply serving the site.
- (6) The applicant shall submit a thermal impact narrative identifying primary sources of waste heat and proposed mitigation measures. The Zoning Hearing Board shall require a Thermal Impact Mitigation Plan prepared by a

professional engineer where the scale of the facility, type of cooling equipment, proximity to residential uses, residential zoning districts, Sensitive Receptors, or site conditions warrant additional analysis.

(7) Operational Water Metering and Reporting.

- i. Water supplied to or withdrawn for use by a Data Center shall be metered through the applicable public water provider or by an appropriate on-site metering system where water is obtained from a nonpublic source.
- ii. The Data Center operator shall submit an annual water-use report to the Zoning Officer identifying, at a minimum, total annual water use, the source or sources of water, maximum daily demand where such information is available, and the amount of water reused or reclaimed for cooling or other nonpotable purposes.
- iii. The annual report shall identify any substantial existing or planned change in water demand, water source, cooling method, or water-reuse practices from those represented in the approved Special Exception application.
- iv. Copies of water-use reports submitted to the Susquehanna River Basin Commission, Pennsylvania Department of Environmental Protection, public water provider, or other applicable regulatory agency may be used to satisfy this reporting requirement where the reports contain the information required by this subsection.

j. Power, Backup Generation, and Battery Systems

(1) Energy Demand and Supply Report. The applicant shall submit an Energy Demand and Supply Report with the Special Exception application. The report shall identify and describe, at a minimum:

- i. Estimated annual electricity demand;
- ii. Anticipated peak electricity demand;
- iii. Proposed energy supply sources;
- iv. Energy storage capacity, if applicable;
- v. Proposed sources of backup power;
- vi. Any on-site substations, transformers, switchgear, battery systems, generators, or related energy infrastructure;
- vii. The status of coordination with the applicable electric utility provider, including available service capacity, required upgrades, anticipated energization timeline, or interconnection process, as applicable;

- viii. whether the project will be developed in phases and, if so, the anticipated electrical demand and service requirements for each phase;
- ix. Any proposed participation in demand response programs, power procurement or purchase agreements, battery storage strategies, or other load-management measures; and
- x. Any known utility system upgrades, cost allocation measures, or conditions of service associated with providing electric service to the proposed use.

The Energy Demand and Supply Report shall be prepared by a qualified professional and may be reviewed by the County Engineer or other qualified consultant, with reasonable professional review costs reimbursed by the applicant to the extent permitted by law and in accordance with the County's adopted fee schedule or cost-reimbursement procedures.

- (2) Utility supply equipment and related electrical infrastructure shall be designed and installed in compliance with applicable building codes and utility requirements.
- (3) On-site electric utility substations shall be shown on the site plan and screened from public roads, residential uses, residential zoning districts, agricultural uses, and Sensitive Receptors.
- (4) The Zoning Hearing Board may require on-site power lines to be placed underground where necessary to reduce visual impacts, improve site safety, or protect compatibility with adjoining uses, unless the applicant demonstrates that underground placement is infeasible.
- (5) Backup generators shall be permitted as Data Center Accessory Uses when used for emergency power, temporary power during outages, or routine testing and maintenance. Backup generators shall be located, enclosed, screened, and operated to minimize noise, visual, and compatibility impacts. The applicant shall disclose the proposed number, type, fuel source, capacity, location, and enclosure method for all backup generators as part of the site plan and Special Exception application materials. Use of EPA Tier 4-compliant generators is encouraged to the greatest extent practicable. Where the applicant proposes generators that are not EPA Tier 4-compliant, the applicant shall provide a written explanation identifying why such generators are proposed and describing the anticipated noise, emissions, operational, and community impacts, together with any proposed mitigation measures.

The applicant shall also identify the type, location, and aggregate storage capacity of fuel stored on-site for backup generation; the proposed fuel storage and secondary containment methods; and the anticipated frequency

and method of fuel delivery. The application shall identify the anticipated schedule, frequency, and duration of routine generator testing and whether multiple generators are expected to be tested simultaneously. All fuel storage shall comply with applicable federal, state, and local laws, regulations, permits, and codes.

- (6) Electric generating equipment proposed or operated to supply electricity during normal Data Center operations, including for primary power, supplemental power, peak shaving, economic dispatch, demand response, or routine grid services, shall not qualify as backup generation. Such equipment shall require approval in accordance with the applicable provisions of this Ordinance, including Section 3250L, Electric Generating Facility, where applicable. Rooftop solar energy systems shall not be subject to this subsection solely because they provide electricity to the Data Center.
- (7) Any Battery Backup System associated with a Data Center Principal Use and Data Center Accessory Use shall be identified on the site plan and included in the emergency response plan. A Battery Backup System that is designed and operated solely to provide backup or reliability support to the Data Center shall be regulated as a Data Center Accessory Use.
- (8) A battery energy storage facility that is used primarily for sale of electricity, grid support, merchant energy activity, or purposes independent of Data Center backup or reliability support shall not be regulated as a Data Center Accessory Use and shall require separate zoning approval as Industrial-Scale Battery Storage or another applicable principal use authorized by this Ordinance.
- (9) The applicant shall demonstrate compliance with applicable fire, building, electrical, and safety codes, including applicable National Fire Protection Association standards.

k. Emergency Response and Public Safety

- (1) The applicant shall submit an emergency response plan prepared by a qualified professional and shall provide the plan to the County Department of Public Safety, host municipality, local fire service, emergency medical service, and other applicable emergency responders for review and comment, and shall provide an updated plan annually.
- (2) The emergency response plan shall address emergency access, fire apparatus circulation, emergency staging areas, areas where parking or loading shall be restricted to maintain emergency access, fire suppression, containment, ventilation, evacuation, backup power systems, fuel storage, battery

systems, thermal runaway and propagation of thermal events, hazardous materials, refrigerants, security access, utility shutoffs, and emergency contact information.

- (3) The Data Center operator shall provide the Zoning Officer and County Department of Public Safety with current 24-hour emergency contact information for the facility operator or other responsible party. Emergency contact signage shall be posted at the primary site entrance in a location visible and legible to emergency responders. Such signage shall be limited to information necessary for emergency response, shall not contain advertising copy, and shall comply with Article 8 as an on-premise directional/informational sign.
- (4) The applicant shall coordinate with emergency responders to ensure adequate radio coverage within on-site buildings and facilities. Enhancement systems may be required where needed.
- (5) The Zoning Hearing Board shall require the applicant to coordinate with emergency responders regarding specialized training needs and shall require reasonable measures to address documented emergency response impacts associated with the proposed facility.

I. Equipment Recycling, Electronic Waste, and Hazardous Materials Management

- (1) The applicant shall submit an equipment recycling, electronic waste, and hazardous materials management plan.
- (2) The plan shall identify procedures for the safe removal, recycling, disposal, or management of server infrastructure, electronic waste, batteries, hazardous materials, refrigerants, and related equipment.
- (3) The plan shall comply with applicable state and federal requirements and shall apply during equipment replacement, facility upgrades, closure, or decommissioning.
- (4) All waste materials, including electronic waste, batteries, hazardous materials, and equipment or components awaiting recycling or disposal, shall be stored entirely within an enclosed building. Outdoor storage of such materials is prohibited.

m. Decommissioning and Cessation of Use

- (1) A Decommissioning Plan shall be prepared by a qualified professional and submitted as part of the Special Exception application. 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, and shall be completed within eighteen (18) months thereafter. The County may grant one extension of up to one (1) year upon good cause shown by the operator and approved by the Zoning Hearing Board including active marketing of the site for a compatible replacement use.
- (4) Standards for Decommissioning:
 - i. All above-ground structures, equipment, and accessory facilities shall be removed.
 - ii. Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.
 - iii. Disturbed soils shall be stabilized and re-vegetated.
 - iv. Any utility connections shall be safely disconnected and capped.
 - v. The site shall be restored to a condition compatible with surrounding land uses and in compliance with applicable erosion, sedimentation, stormwater, and revegetation requirements.
- (5) A decommissioning cost estimate shall be prepared by a qualified professional and shall include the removal of exterior equipment, accessory structures, fuel storage, battery systems, utility infrastructure not intended for lawful reuse, and site stabilization. The estimate shall not include ordinary replacement of interior computer equipment, servers, or technology infrastructure during normal operations.
- (6) Prior to issuance of a Zoning/Development Permit, the applicant shall provide and thereafter maintain financial security in a form acceptable to the County in an amount equal to one hundred ten percent (110%) of the estimated cost of decommissioning. The decommissioning cost estimate shall be prepared by a qualified professional and reviewed by the County or its designated professional consultant. The financial security shall be maintained for the duration of the use and shall not be released until required decommissioning has been completed to the satisfaction of the County.
- (7) The decommissioning cost estimate shall be updated every five (5) years by a qualified professional. If the updated estimate demonstrates that the required financial security is insufficient, the owner or operator shall provide

additional financial security as necessary to maintain security equal to one hundred ten percent (110%) of the current estimated decommissioning cost.

(8) The decommissioning security may be used by the County to complete decommissioning if the owner or operator fails to complete required decommissioning after notice and opportunity to cure.

(9) Any decommissioning shall comply with applicable environmental, erosion and sedimentation, stormwater, waste disposal, building code, and SALDO requirements.

- **Add Section 3250L:**

3250L Electric Generating Facility

1. Applicability.

- a. Electric Generating Facilities shall be permitted only where listed in Table 3120 and only upon Special Exception approval by the Zoning Hearing Board.
- b. An Electric Generating Facility located on a separate lot from the principal use it serves shall be considered a principal use, regardless of common ownership or control of the properties.
- c. An electric generating system located on the same lot as another principal use may be considered accessory only where it satisfies the applicable requirements for an Accessory Use under this Ordinance and is otherwise authorized by this Ordinance.
- d. Incidental export of surplus electricity from an otherwise lawful accessory generating system shall not, by itself, cause the system to be classified as a principal Electric Generating Facility.
- e. Emergency or standby generators used only during outages, emergencies, maintenance, and routine testing shall not be regulated as Electric Generating Facilities. Generating equipment designed, proposed, or operated to supply electricity during normal operations, including for baseload generation, supplemental generation, peak shaving, economic dispatch, demand response, or routine grid services, shall not qualify as emergency or standby generation and shall require approval under the provisions of this Ordinance applicable to its proposed use.
- f. Nothing in this Section shall apply to a public utility facility exempt from local zoning pursuant to applicable law.

2. Site Plan and Information Specifications.

In addition to the general requirements for a Special Exception application and applicable site plan requirements of this Ordinance, the applicant shall submit the following:

- a. A narrative describing the proposed Electric Generating Facility, including the generation technology, fuel source, maximum and planned generating capacity, anticipated annual electrical production, proposed operating modes, anticipated operating hours, and proposed phasing.
- b. A site plan identifying generating units, turbines, engines, stacks, cooling systems, fuel storage and unloading areas, transformers, substations, switchgear, electrical interconnection facilities, access drives, emergency access routes, security fencing, lighting, stormwater facilities, buffers, screening, and other major equipment or improvements associated with the use.
- c. A description of the electrical relationship between the facility and other uses, including anticipated on-site loads, off-site loads, electricity exports, interconnection facilities, and the status of coordination with the applicable electric utility or grid operator.
- d. Documentation describing anticipated water demand, proposed water source, cooling technology, wastewater generation or discharge, and available public water or sewer capacity.
- e. Description of proposed fuel delivery, on-site fuel storage, secondary containment, and anticipated truck routing.
- f. A pre-construction noise study prepared by a qualified acoustical professional evaluating normal operation, startup, shutdown, testing, cooling equipment, transformers, substations, and simultaneous operation of generating units.
- g. An emergency response plan addressing the generation technology, fuel storage, electrical hazards, hazardous materials, emergency access, utility shutoffs, and other site-specific emergency conditions.
- h. A list of federal, state, regional, utility, or other outside permits and approvals known to be required for the proposed facility, together with the status of each approval at the time of application.
- i. Any additional information reasonably necessary to determine compliance with the specific standards of this Section.

3. Supplemental Controls

- a. **Setbacks and Access.** Buildings, structures, and generating equipment associated with an Electric Generating Facility shall comply with the Non-Residential Bulk Standards of Section 4230 as an “Other Industrial” use. Principal generating equipment, fuel storage areas, cooling equipment, and other major operational equipment shall be located at least 500 feet from the nearest lot line of a property containing a Sensitive Receptor. The facility shall provide adequate access for emergency vehicles and fuel deliveries, where applicable.
- b. **Noise and Vibration.** Electric Generating Facilities shall comply with Article 5, including Section 5130, Noise Protection Levels, and Section 5140, Vibration Protection Levels. The pre-construction noise study shall evaluate normal operation, startup, shutdown, testing, cooling equipment, transformers, substations, and simultaneous operation of generating units, as applicable. The applicant shall submit a post-construction noise study and vibration analysis no sooner than one month and no later than 12 months after issuance of the first Certificate of Occupancy to verify compliance with applicable standards and conditions of Special Exception approval.
- c. **Fuel Storage and Delivery.** Where fuel is stored on-site, the applicant shall identify the type, location, aggregate storage capacity, secondary containment, and anticipated method and frequency of fuel delivery. Fuel storage and handling shall comply with all applicable federal, state, and local laws, regulations, permits, and codes. Fuel unloading areas and delivery routes shall be located and designed to minimize impacts to adjoining properties and public roads.
- d. **Water, Cooling, and Wastewater.** Where water is required for generation or cooling, the applicant shall demonstrate that an adequate water supply is available for the proposed use and identify the proposed cooling method and anticipated wastewater or discharge. Where public water or sewer service is proposed, the applicant shall provide documentation from the applicable provider regarding available capacity and conditions of service.
- e. **Emergency Response and Public Safety.** The emergency response plan required by this Section shall be prepared by a qualified professional and provided to the County Department of Public Safety, host municipality, local fire service, emergency medical service, and other applicable emergency responders for review and comment. The plan shall address emergency access, fire suppression, containment, evacuation, generation and electrical hazards, fuel storage, hazardous materials, security access, utility shutoffs, emergency contact information, and any specialized emergency response needs associated with the

proposed generation technology. Developer shall provide an updated emergency response plan annually.

The applicant shall coordinate with emergency responders regarding documented specialized training, equipment, or response needs associated with the facility. The operator shall provide the Zoning Officer and County Department of Public Safety with current 24-hour emergency contact information.

- f. Codes and Standards. The facility shall comply with applicable fire, building, electrical, safety, and environmental codes and regulatory requirements. The applicant shall provide documentation of compliance as required prior to issuance of the applicable Zoning/Development Permit or municipal building permit.
 - g. Screening and Fencing. Generating equipment, fuel storage areas, transformers, substations, switchgear, cooling equipment, and similar infrastructure shall be screened from public roads and adjoining residential uses through fencing, landscaping, berms, walls, existing vegetation, or other approved screening methods. The facility shall also comply with Article 6, Site Landscaping and Bufferyard Performance Standards.
 - h. Material Expansion or Modification. A material expansion or modification beyond the scope of the approved Special Exception shall require further Special Exception review and approval by the Zoning Hearing Board. A material change may include an increase in generating capacity, a change in generation technology or primary fuel source, the addition of generating units, or a substantial change in operating mode that may alter the impacts of the approved use. Routine maintenance and repair and replacement of equipment with substantially equivalent equipment shall not, by themselves, constitute a material expansion or modification.
 - i. Cessation and Site Restoration. Upon permanent cessation of the Electric Generating Facility, equipment and improvements no longer necessary for an approved use of the property shall be removed and the site stabilized and restored in accordance with the decommissioning requirements of Subsection 4.
4. Decommissioning. A decommissioning plan shall be submitted as part of the Special Exception application and shall describe the anticipated methods and estimated cost of removing generating equipment and associated improvements and restoring the site following permanent cessation of the use. The owner or operator shall notify the Zoning Officer upon permanent cessation. Decommissioning shall be completed within twelve (12) months unless an extension is approved by the Zoning Officer for good cause. Prior to issuance of a Zoning/Development Permit, the applicant shall

provide and maintain financial security in a form acceptable to the County equal to one hundred ten percent (110%) of the estimated decommissioning cost. The cost estimate shall be prepared by a qualified professional, reviewed by the County or its designated professional consultant, and updated every five (5) years, with the financial security adjusted as necessary.

- a. Where an applicable state or federal decommissioning requirement or approved decommissioning plan supersedes the requirements of this Section, the applicable state or federal requirements shall control. Documentation of the applicable state or federal decommissioning requirement or approved decommissioning plan shall be provided to the Zoning Officer for County records when available.
5. Specially Regulated Technologies. Where the proposed generation technology is subject to federal or state licensing, monitoring, emergency planning, or decommissioning requirements specific to that technology, the applicant shall identify the applicable regulatory agencies and requirements and provide available documentation of applicable licenses, approvals, monitoring programs, or emergency plans to the Zoning Officer for County records. Where radioactive materials are used or stored as part of the generation process, the applicant shall identify the applicable federal or state radiological licensing and monitoring requirements.

- **Amend Section 5130:**

SECTION 5130 NOISE PROTECTION LEVELS

The sound level of any operation shall not exceed the decibel levels stated below. The sound level shall be measured with a device that conforms to specifications published by the American National Standards Institute.

1. No person shall operate or cause to be operated on private or public property any land use that generates sound in such a manner as to create a sound level which exceeds the limits set forth in this Section, when measured at or within the lot line of the property receiving the sound. The maximum permissible sound levels shall be as follows:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
1. At a Lot Line of a Residential Use in a Residential, CR, RP or CS District	1) 7 a.m. to 10 p.m., other than anytime on: Christmas Day, Thanksgiving Day, New Year's Day, Easter Sunday, Labor Day, 4 th of July, and Memorial Day 2) 10 p.m. to 7 a.m., plus anytime on any of the following days: Christmas, Thanksgiving, New Years Day, Easter Sunday, Labor Day, 4 th of July and Memorial Day	1) 55 dBA 2) 45 dBA
2. At a Lot Line of a Commercial District	All times and days	65 dBA
3. Any Lot Line other than "1." or "2."	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

2. Measurement

- a. Sound shall be measured at or within the lot line of the property receiving the sound at the location where the sound generated by the regulated source is greatest.
- b. Compliance with subsection 1 shall be determined using the A-weighted equivalent continuous sound level, expressed in dBA, measured over a representative period of not less than one (1) minute.
- c. Measurements shall be made using a calibrated Type 1 or Type 2 integrating sound-level meter that meets applicable American National Standards Institute specifications and is capable of measuring both A-weighted and C-weighted sound levels.
- d. The sound-level meter shall be equipped with an appropriate windscreen. A measurement materially affected by excessive wind, precipitation, sound not attributable to the regulated source, or equipment malfunction shall be disregarded and repeated under suitable conditions.
- e. Measurements shall be taken while the regulated sound source is operating under normal or reasonably foreseeable maximum operating conditions.

3. Low-Frequency Sound

- a. Where a sound source produces a substantial hum, rumble, throb, or other apparent low-frequency sound, the sound shall also be measured using C-weighting and expressed in dBC.
- b. Where the measured C-weighted sound level exceeds the simultaneously measured A-weighted sound level by twenty (20) decibels or more, the Zoning Officer may require an acoustical analysis prepared by a qualified acoustical professional.
- c. The acoustical analysis shall evaluate the low-frequency characteristics of the sound and may include octave-band, one-third-octave-band, narrow-band, or other appropriate frequency analysis. The analysis shall determine compliance with this Section and applicable use-specific standards and shall identify any necessary mitigation measures.

4. Tonal Sound.

- a. Where a sound source produces a prominent tone, whine, hum, buzz, screech, or similar tonal characteristic, the maximum A-weighted sound level otherwise permitted by subsection 1 shall be reduced by five (5) dBA.
- b. The presence of tonal sound shall be established through octave-band, one-third-octave-band, narrow-band, or other generally accepted acoustical analysis performed by a qualified acoustical professional.

5. Demonstration of Compliance.

- a. An applicant proposing a use that may generate substantial continuous, low-frequency, tonal, or mechanical sound shall demonstrate compliance with this Section as part of the applicable zoning, Special Exception, Conditional Use, or land development application.
- b. The Zoning Officer, Zoning Hearing Board, or governing body, as applicable, may require the applicant to submit an acoustical analysis prepared by a qualified acoustical professional where the proposed use includes significant mechanical equipment, generators, compressors, fans, cooling equipment, outdoor speakers, or other potentially significant sound sources.
- c. The acoustical analysis shall identify all significant sound sources, evaluate projected sound levels at receiving properties under normal and reasonably foreseeable maximum operating conditions, and demonstrate compliance with subsections 1, 3, and 4.
- d. Any mitigation measures relied upon to demonstrate compliance shall be shown on the approved plan and shall be installed and maintained for the duration of the use.
- e. The owner or operator shall be responsible for demonstrating continued compliance where the Zoning Officer has a reasonable basis to believe that the use may be exceeding the standards of this Section.

- 6. Exemptions to Noise Standards.** The maximum permissible sound-level limits established in subsection 1 shall not apply to any of the following noise sources:
- a. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
 - b. Repair or construction work to provide electricity, water or other public utilities between the hours of 7am and 9pm, except for emergency repairs which are not restricted by time.
 - c. Household power tools and lawn mowers between the hours of 8am and 9pm.
 - d. Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 7am and 9pm, except for emergency repairs which are not restricted by time.
 - e. Animals and agricultural activities, including permitted livestock and poultry operations, but not exempting kennels.
 - f. Motor vehicles lawfully traveling on public streets.
 - g. Public celebrations, specifically authorized by the municipal government body or a county, state, or federal government agency or body.
 - h. Railroads and aircraft.
 - i. Unamplified human voices.
 - j. Routine ringing of bells and chimes by a place of worship or municipal clock.
 - k. Oil and Gas Well Drilling.

- **Amend Table 6410 – Land Use Intensity Classes (Class VII):**

Class VII

Heavy Industry, Mineral Extraction, Waste Disposal, Junk Yards, Hazardous Waste Facilities, *Data Center Principal Uses, Industrial-Scale Battery Storage, Electric Generating Facilities*

- **Add Section 7101, A., 4., d. & e.:**

- d. Data Center Principal Uses: one (1) parking space per employee on the largest shift, plus one (1) space per company vehicle stored on-site, plus five (5) visitor parking spaces.
- e. Industrial-Scale Battery Storage and Electric Generating Facilities: One (1) parking space per employee on the largest shift, plus one (1) space per company vehicle regularly stored on-site. Adequate additional parking shall be provided for anticipated maintenance, service, inspection, and visitor needs.

Conformance With Text Amendment Criteria

Section 10510 of the Lycoming County Zoning Ordinance identifies acceptable reasons for text amendments. This proposed amendment satisfies the following criteria:

- Section 10510.A.1: The use desired is not provided for in the text of the Ordinance but is acceptable because the proposed use is in accordance with the purpose of the zoning district.

The Ordinance does not currently provide clear, specific standards for Data Centers, Industrial-Scale Battery Storage, or privately owned principal Electric Generating Facilities. The amendment establishes defined uses, identifies where each use may be approved, and provides supplemental standards appropriate to their potential land-use and infrastructure impacts.

- Section 10510.A.2: There are similar uses in the district.

The Ordinance already regulates a range of industrial, utility, and energy-related uses, including Light Industry, Heavy Industry, Public Service uses, Wind Energy Facilities, Principal Solar Energy Systems, and Oil and Gas Development. The proposed uses are comparable in their infrastructure, operational, and compatibility considerations but warrant specific standards because they are not clearly addressed by the existing use classifications.

- Section 10510.A.3: The intensity of use proposed is consistent with other uses in the district, and intensity, landscaping, and other criteria may be adjusted to ensure consistency.

Data Centers, Industrial-Scale Battery Storage, and Electric Generating Facilities may involve substantial electrical infrastructure, equipment areas, utility demand, noise, emergency-response considerations, and other site-specific impacts. The proposed amendment addresses these impacts through Special Exception review and applicable standards for setbacks, buffering and screening, noise, access, emergency response, utilities, and decommissioning.

- Section 10510.B.2: A changing market or other conditions require new forms of development or new procedures to meet changing needs.

Growth in digital infrastructure, energy storage, distributed and on-site generation, and other emerging energy technologies has created land uses that are not clearly addressed by the existing Ordinance. Establishing specific use classifications and review standards will provide greater predictability for applicants, County staff, the Zoning Hearing Board, and affected property owners.

- Section 10510.B.3: New methods of development or providing infrastructure make it necessary to alter the Ordinance to accommodate these new methods.

The proposed uses may involve specialized electrical, utility, cooling, energy-storage, generation, emergency-response, and interconnection infrastructure that differs from conventional industrial development. The amendment provides a framework for reviewing these facilities while relying on existing Ordinance standards where appropriate.

Comprehensive Plan / District Purpose Consistency:

The amendment is consistent with the County zoning structure by establishing clear locations and approval procedures for Data Centers, Industrial-Scale Battery Storage, and Electric Generating Facilities and by applying standards appropriate to the scale and intensity of each use.

The amendment also supports the Ordinance’s community development objectives by promoting orderly development, directing higher-intensity infrastructure uses to appropriate locations, protecting adjoining properties, encouraging development where adequate infrastructure is available, protecting public health and safety, and reducing potential land-use conflicts through Special Exception review and use-specific performance standards.

Review Schedule / Proposed Actions:

The following actions either have been or will be taken in accordance with the Lycoming County Zoning Ordinance and the Pennsylvania Municipalities Planning Code when a zoning text amendment has been requested:

Date	Action
TBD	Proposed text amendment will be discussed at the LCPC meeting. LCPC will then make a recommendation to either modify the proposed text or forward a recommendation to the County Commissioners.
Following LCPC meeting / at least 30 days before Commissioners’ hearing	PCD staff will transmit the proposed amendment, LCPC recommendation, and public hearing notice to the County Commissioners, zoning partners, and interested parties for review and comment as required by the MPC and County Zoning Ordinance.
Before public hearing	Public hearing notices will be published in the newspaper.
County Commissioners’ public hearing	County Commissioners will hold a public hearing. Following the hearing, the Commissioners may vote to enact the proposed text amendment.

Note: County staff and the Solicitor will confirm final advertisement, referral, and enactment timing before scheduling the Commissioners’ hearing.