

ORDINANCE NO. 82

CARROLL TOWNSHIP, PERRY COUNTY, PA

AN ORDINANCE OF CARROLL TOWNSHIP, PERRY COUNTY, AMENDING THE CARROLL TOWNSHIP ZONING CODE, said Ordinance stating as follows:

I. Section 138-7B, Definitions, is amended to add the definition of Data Center between Coverage and Daycare Center. Said definition reading as follows:

Data Center:

A facility used for the housing, operation, and/or co-location of computer and communication equipment for the purpose of storage, management, processing, and/or transmission of digital information necessary for the operation of one or more business, commercial, or governmental entities. Accessories to the data center necessary for its function shall be considered as part of the data center.

II. Section 138-74, Permitted Uses, is amended to add:

W. Data Centers in accordance with Article XII, Section 138-94DD.

X. Electric Power Generation Facilities in accordance with Article XII, Section 138-94U.

Y. Customary Accessory Uses and Buildings Incidental to any Permitted Use in accordance with Article XII.

III. Section 138-75 is amended to remove letter A and make letter B letter A to read Commercial Mobile Radio Service.

In Section 138-84, Environmental Study, the said Section shall read as follows:

A. An environmental assessment (EA) shall be required for all subdivision and land development plans for uses permitted under Section 138-74A through X,

Section 138-94U and Section 138-94DD and Customary Accessory Uses and Buildings
Incidental to said uses.

IV. In Section 138-94U, said Section shall read as follows:

(4.) Electric power generation facilities. Electric power generation facilities shall be permitted as a conditional use in an Industrial District upon application to the Zoning Officer and a determination by the Board of Supervisors that approval of the application is consistent with the requirements and intent of this chapter.

A conditional use for an electric power generation facility shall be approved upon demonstration that the impact of the use, including proposed mitigation measures, will not be detrimental to public health and safety, the environment, the general welfare or the use and enjoyment of other land uses in the area. The application shall be in compliance with the planning policies of the Township as contained in the Carroll Township Comprehensive Plan and all requirements of this chapter, including Article X and §138-109C (environmental impact statement), except as modified by this section. The documentation requirements in this section may be included as supplementary information in the environmental study required pursuant to §138-109. An application for an electric power generation facility shall demonstrate that the proposed facility is located, designed, constructed, maintained and operated in accordance with the following standards:

(a) The total rated capacity of an electric power generation facility shall not exceed 250 MW.

(b) The proposed facility will comply with all applicable federal, state, county or river basin permits and requirements concerning air, water, waste, and environmental impact(s) of the proposed development. Receipt and the continued compliance with the terms of all such permits and regulations shall be a condition of zoning approval.

(c) The proposed facility and use will avoid, or, if not avoidable, minimize any negative impact of the proposed facility on the air, water, land, or land use beyond the boundary of the site on which the facility is located.

(d) The application shall include a description, discussion and documentation of potential impacts such as noise, vibration, light, glare, odor, heat, emissions, dust, toxic materials, electrical interference, radiation, groundwater or surface water quality and quantity, wildlife and habitat or other impacts. In the event that any such impacts may exist, the application shall include:

[1] A site plan, map(s) and a detailed description of the surrounding area in which any such impact may be experienced.

[2] The name and address, as shown on the most recent tax assessment record, of such possibly impacted property owners.

[3] A description of the design, construction or operating plans intended to consider, avoid, mitigate or remediate such impacts.

[4] A description of any design, construction or operating plans that could eliminate any such impact but is not proposed in the application and a statement explaining the reason(s) that such a plan is not part of the application.

[5] An affidavit attesting that notice of the conditional use proceeding on the application will be served upon each property owner identified in Subsection U(4)(d)[2].

(e) The water use, noise and impact standards pursuant to §138-105 and §138-94DD.

(f) The traffic control and public safety requirements and standards pursuant to §138-106.

(g) The Board of Supervisors may attach reasonable conditions and safeguards to

the grant of a conditional use in addition to those expressly considered or authorized in this chapter, as deemed necessary and appropriate to avoid or mitigate any negative impact of the development and otherwise to implement the purposes of this chapter and the Municipalities Planning Code.

V. In Section 138-94 the following shall be added:

DD. Data Centers, in districts where permitted Data Centers are a conditional use and shall be subject to the following criteria:

- (1) Minimum lot size shall be 25 acres.
- (2) All exterior illumination shall meet the requirements of 138-125.
- (3) Traffic Impact Study. A traffic impact study prepared by a Registered Design

Professional pursuant to the requirements specified under the Township Subdivision and Land Development Ordinance 120-17 C.7 and shall be reviewed and approved by the Township Engineer.

(4) Water Feasibility Study. A water feasibility study prepared by a qualified professional shall be provided with the zoning permit application. The purpose of the study will be to determine if there is an adequate supply of water for the proposed data center and to estimate the impact of the data center on existing public system and/or wells in the vicinity. No data center shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. If the source is from a municipal system the applicant shall include documentation that the public authority will supply the water needed. A water feasibility study shall include the following minimum information:

- a. Calculations of the projected water needs.
- b. A geologic map of the area with a radius of at least one mile from the site.
- c. The location of all existing and proposed wells within 2,000 feet of the site,

with a notation of the capacity of all high yield wells.

- d. The location of all streams within 2,000 feet of the site and all known sources of pollution.
- e. Based on the geologic formation(s) underlying the site, the long term safe yield shall be determined.
- f. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
- g. Identification of how water will be recycled or released into surrounding water bodies.
- h. A plan to mitigate any unforeseen impacts to properties within the Township.
- i. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- j. The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC) for projects that have:
 - i. Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Susquehanna River Basin.
 - ii. Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.

(5) Electric. The applicant should provide an interconnection agreement from the electric service provider indicating that capacity is available, and the data center will be served. Known impacts on electric rates or availability for others uses directly attributable to the data center project should be noted. Onsite electric generation, beyond that required for Life Safety purposes under NFPA 101, shall meet the requirements of

§138-94U.

(6) Noise. It shall be demonstrated through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing materials or systems, approved by the Township, will effectively reduce the sound generated by the Data Center and associated equipment during normal operations and testing and maintenance operations (i.e. all standby emergency equipment including but not limited to generators) to a maximum decibel level of 45 dB(A). Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria.

A sound study shall be conducted at the following intervals:

i. A preliminary study for the Data Center shall be conducted as part of the Conditional Use process and submitted with the Zoning Permit Application. The preliminary sound study shall set forth the sound levels at representative external property boundaries and recommend the sound reducing materials or systems to meet the aforesaid sound Limits. The Township may have a preliminary sound study generated on its behalf. The cost of the sound study shall be reasonable, and the Township shall solely select the entity conducting the sound study.

ii. An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Center to the final escrow release for any Data Center land development phase. The Township may have a sound study generated on its behalf at any time thereafter, by an entity selected by the Township, at the expense of the Developer.

iii. If it is determined by an as-built sound study that there is a violation of the aforesaid sound limits, then the issued Zoning Permit is rescinded until the Developer provides a sound study showing that the sound does not exceed 45dB(A) of an external property line. The Township may select an entity to conduct a sound study to verify that that the sound does not exceed the limits established by this Ordinance, and the cost of the sound study shall be borne solely by the Developer. Upon verification that the sound does not exceed the limits established by this Ordinance, the Zoning Permit shall be reinstated.

iv. In the event of a failure by the owner or occupant to remediate a sound violation, the Township may revoke any zoning permit(s) previously issued for the Data Center.

(7) An Environmental Study in accordance with 138-84B shall be submitted with the application.

- (8) Screening shall be provided per §138-98.
- (9) Application for conditional uses shall be made in accordance with § 138-141
- (10) The applicant shall provide financial surety for all improvements, performance, maintenance and decommissioning bonds shall be established.
- (11) All other provisions of the Ordinances of Carroll Township shall be met.
- (12) The Township may attach reasonable conditions and safeguards to the grant of a conditional use in addition to those expressly considered or authorized in this chapter, as deemed necessary and appropriate to avoid or mitigate any negative impact of the development and otherwise to implement the purposes of this chapter and the Municipalities Planning Code.

Enacted as an Ordinance on the _____ day of _____, 2026, in a duly called regular session of the Board of Supervisors of Carroll Township and effective immediately.

Attest:

Secretary

Charles Thiemann, Chairman

Kirby Kitner, Vice Chairman

John Sledinski, Jr.