

**ORDINANCE #2026-2
LOWHILL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE LOWHILL TOWNSHIP ZONING
ORDINANCE OF 2025 TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR
DIGITAL INFRASTRUCTURE FACILITIES AND THEIR DIGITAL
INFRASTRUCTURE ACCESSORY USES**

SECTION 1 – STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, Lowhill Township, Lehigh County, Pennsylvania (the “Township”) is a Pennsylvania township of the second class organized and existing under and pursuant to the Second Class Township Code and various other laws of the Commonwealth of Pennsylvania and is governed by a three (3) member Board of Supervisors (the “Supervisors”); and

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, Act of Jul. 31, 1968, P.L. 805, No. 247, Art. VI, as reenacted and amended, 53 P.S. § 10601 *et seq.* (“Article VI”), authorizes the Supervisors to enact, amend, and repeal zoning ordinances applicable within the Township; and

WHEREAS, Lowhill Township is a participating municipality in the 2022 Northern Lehigh Multi-Municipal Comprehensive Plan, which was jointly prepared and adopted by the Northern Lehigh municipalities pursuant to the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Pennsylvania Municipalities Planning Code encourages municipalities participating in a multi-municipal comprehensive plan to plan cooperatively and regionally for future land uses, infrastructure needs, and employment-related development, rather than excluding such uses or concentrating impacts in a single municipality; and

WHEREAS, the 2022 Northern Lehigh Multi-Municipal Comprehensive Plan recognizes the need to plan for modern infrastructure-intensive and employment-generating land uses in appropriate locations within the region, while preserving rural character, agricultural lands, and established residential areas; and

WHEREAS, as part of its obligations under the multi-municipal planning framework, Lowhill Township identified a limited and specifically designated zoning overlay district where Digital Infrastructure Facilities (as defined in Section 2.1 herein) could be located, recognizing that responsible regional planning requires municipalities to assume a proportionate share of future land-use needs; and

WHEREAS, the Supervisors expressly find that planning for the potential location of a lawful land use within a limited zoning district does not constitute approval of any specific project, nor does it obligate the Township to approve any particular application for same; and

WHEREAS, the Supervisors further find that, under Pennsylvania law, municipalities may not unreasonably exclude lawful land uses, and that the appropriate exercise of zoning authority is to provide for such uses in a controlled manner, subject to objective performance

standards and public review; and

WHEREAS, the Supervisors find that permitting Digital Infrastructure Facilities only by Conditional Use within the Township’s Regional Use Overlay District 2 zoning district ensures that each proposal is evaluated on a site-specific basis, with full consideration of cumulative impacts, infrastructure capacity, emergency services, and compatibility with surrounding land uses while allowing the Supervisors to impose conditions of approval which further the purposes of the Pennsylvania Municipalities Planning Code and the Township’s Zoning Ordinance (as defined below) and mitigate potential deleterious effects of such Digital Infrastructure Facilities on the public health, safety, and welfare of the community; and

WHEREAS, the Township finds that Conditional Use review and approval is the appropriate mechanism for determining whether a Digital Infrastructure Facility can satisfy mandatory performance standards; and

WHEREAS, the Supervisors further find that the adoption of detailed, objective, and enforceable performance standards governing Digital Infrastructure Facilities is necessary to ensure that the Township retains regulatory control, protects public health, safety, and welfare, and fulfills the Township’s planning obligations and goals under the 2022 Northern Lehigh Multi-Municipal Comprehensive Plan; and

WHEREAS, pursuant to Article VI, by Ordinance No. 2025-3, adopted on November 18, 2025, the Supervisors enacted the “Lowhill Township Zoning Ordinance of 2025” (the “Zoning Ordinance”); and

WHEREAS, the Supervisors deem it to be in the best interest and general welfare of Township residents to update and amend provisions of the Zoning Ordinance to provide definitions and regulations for Digital Infrastructure Facilities and Digital Infrastructure Accessory Uses (as such terms are defined in Section 2.1 herein); and

WHEREAS, the Supervisors find that Digital Infrastructure Facilities can create land-use impacts materially different in character and intensity from traditional office, warehouse, or light industrial uses, including but not limited to substantial electrical infrastructure needs, backup power generation, fuel storage, cooling infrastructure, noise, lighting, and emergency response planning; and

WHEREAS, the Township is a rural municipality with limited road capacity, limited emergency response resources, and limited utility and water infrastructure in certain areas, and the Supervisors find it necessary to ensure that any such Digital Infrastructure Facilities use is designed, located, and operated to protect the health, safety, and welfare of Township residents; and

WHEREAS, the Supervisors find that objective performance standards and Conditional Use review and approval are appropriate to evaluate site-specific impacts of Digital Infrastructure Facilities, including noise, setbacks, buffers, stormwater resiliency, traffic, emergency access, and decommissioning obligations and that establishing such performance standards constitute a reasonable exercise of the Township’s authority to regulate land uses and the intensity thereof pursuant to Article IV; and

WHEREAS, large-scale cooling demand may affect private wells and baseflow in the Switzer Creek and Jordan Creek watersheds, and the Township relies on fractured bedrock aquifers with variable yield, therefore, sustainable groundwater withdrawal is an appropriate regulatory metric; and

WHEREAS, the Supervisors finds that requiring applicants to disclose maximum designed electrical demand at full build-out is necessary to evaluate land-use impacts, cumulative infrastructure effects, and compatibility with surrounding uses, and to prevent phased or modular development from obscuring the ultimate intensity of the proposed land use as the Township's electrical distribution system is rural in character, served primarily by radial feeders and limited substation capacity, therefore unmanaged concentrations of high-load facilities could require off-site transmission upgrades that create reliability risks and generate land-use impacts from substations, switchyards, and emergency generation for the Township; and

WHEREAS, the Township further finds that rural electric grid capacity, groundwater yield, and emergency response capability vary by location and must be evaluated on a site-specific basis and finds that permitting Digital Infrastructure Facilities only by Conditional Use within the Regional Use Overlay District 2 zoning district is necessary to allow site-specific evaluation of land-use impacts while preserving the Township's rural character and protecting neighboring properties; and

WHEREAS, the Supervisors find that emergency services coordination, fire protection planning, and hazardous materials response planning are necessary due to the presence of lithium battery systems, fuel storage, electrical equipment, and continuous operations commonly associated with Digital Infrastructure Facilities and present unique hazards to the Township which has limited emergency response resources; and

WHEREAS, the Supervisors find that financial security for decommissioning and site restoration is necessary to ensure that obsolete facilities and associated infrastructure can be removed and the property restored for reuse without imposing costs on the Township or its taxpayers; and

WHEREAS, the Supervisors desire to add provisions to the Zoning Ordinance relating to Digital Infrastructure Facilities and Digital Infrastructure Accessory Uses and have determined that Digital Infrastructure Facilities constitute a distinct land use that warrants specific definitions, locational limitations, and performance standards within the Township Zoning Ordinance; and

WHEREAS, the Supervisors determine that this Ordinance represents a balanced and reasonable implementation of the Township's multi-municipal planning obligations by allowing Digital Infrastructure Facilities in a limited location, subject to rigorous land-use standards, while preserving the Township's rural character and protecting residents and taxpayers, and that the adoption of this Ordinance constitutes a reasonable exercise of the Township's authority to regulate land uses and the impacts thereof pursuant to Article IV.

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NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Lowhill Township, Lehigh County, Pennsylvania, as follows:

SECTION 2 – TEXT AMENDMENTS TO THE LOWHILL TOWNSHIP ZONING ORDINANCE OF 2025. The following Subsections of this Ordinance contain amendments to the Lowhill Township Zoning Ordinance of 2025, as codified (the Zoning Ordinance as defined herein).

SUBSECTION 2.1. Sections 984 through 989, currently titled, “Reserved,” are deleted in their entirety.

SUBSECTION 2.2. Article 300 of the Zoning Ordinance, titled “Definitions,” is amended as follows to insert the following new definitions:

1. A new Subsection 311E.a. is inserted containing the following definition of the term “Digital Infrastructure Facility (DIF).”

“311E.a. DIGITAL INFRASTRUCTURE FACILITY (DIF). A principal use of land consisting of one or more buildings or structures primarily designed and used for the housing, operation, and maintenance of computer servers, data storage equipment, or digital processing hardware, together with associated support infrastructure necessary to maintain continuous digital operations, including but not limited to electrical distribution equipment, backup power generation systems, battery energy storage systems, fuel storage, cooling systems, and water withdrawal infrastructure. This term shall include all types of data centers and shall not include:

1. Customary office uses where data processing is incidental to administrative functions;
2. Personal or consumer telecommunications equipment accessory to residential or commercial uses;
3. Facilities regulated as public utilities under Pennsylvania law; or
4. Wireless communications facilities regulated under federal telecommunications laws for commercial uses.”

2. A new Subsection 311E.b. is inserted containing the following definition of the term “Digital Infrastructure Facility Accessory Use.”

311E.b. DIGITAL INFRASTRUCTURE FACILITY ACCESSORY USE. Ancillary uses or structures secondary and incidental to Digital Infrastructure Facility or Hyper-Digital Infrastructure Facility uses, 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 condition or cooling towers, fire

suppression, and related equipment); security features, provided such Digital Infrastructure Facility Accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Digital Infrastructure Facility or Hyper Digital Infrastructure Facility use. The use shall not include energy generation systems used or intended to be used to supply power to the Digital Infrastructure Facility or Hyper Digital Infrastructure Facility during normal operations.”

3. A new Subsection 315I.a. is inserted containing the following definition of the term “Hyper Digital Infrastructure Facility (Hyper-DIF).”

“315I.a. HYPER DIGITAL INFRASTRUCTURE FACILITY (HYPER-DIF). A Digital Infrastructure Facility with a maximum designed electrical demand at full build-out of fifty (50) megawatts or greater, including all IT load, cooling systems, and supporting infrastructure. For purposes of zoning and land development review, classification as a Hyper Digital Infrastructure Facility or Digital Infrastructure Facility shall be based on the maximum designed electrical demand disclosed by the applicant, regardless of phased construction or initial deployment. A Hyper-DIF is characterized by:

1. The potential requirement for new or expanded electrical substations or transmission infrastructure;
2. Large-scale backup power generation and fuel storage systems;
3. Continuous 24-hour operations; and/or
4. Site impacts that materially exceed those of traditional office, warehouse, or light industrial uses.”

4. A new Subsection 326H.a. is inserted containing the following definition of the term “Sensitive Receptors.”

“326H.a. SENSITIVE RECEPTORS. All residential uses, schools (including commercial schools), preschools, daycare facilities, nursing homes and assisted living facilities, recreational facilities (public or private), places of worship, public parks (including trails), campgrounds, restaurants with outdoor dining, and municipal/government facilities with outdoor recreation facilities.”

SUBSECTION 2.3. Article 400, Section 434, Table 1, of the Zoning Ordinance, titled “Principal and Permitted Land Uses in Lowhill Township,” is amended to insert the following:

1. A new row “27.a,” titled “Digital Infrastructure Facility,” which shall be permitted by Conditional Use only in the Regional Use Overlay District 2 zoning district; and
2. A new row “40.a,” titled, “Hyper Digital Infrastructure Facility,” which shall be permitted by Conditional Use only in the Regional Use Overlay District 2 zoning district.”

SUBSECTION 2.4. A new Section 984, titled “Digital Infrastructure Facility, Hyper-Digital Infrastructure Facility, and Digital Infrastructure Facility Accessory Uses,” is inserted, reading as follows:

“984. Digital Infrastructure Facility, Hyper Digital Infrastructure Facility, and Digital Infrastructure Facility Accessory Uses.

984.01. Applicability and Where Permitted. The provisions and requirements of the following Sections 984, 985, and 986 shall apply to Digital Infrastructure Facilities, Hyper Digital Infrastructure Facilities, and Digital Infrastructure Accessory Uses. As used in Sections 984, 985, and 986, the terms Digital Infrastructure Facility and DIF shall be interpreted to include Hyper Digital Infrastructure Facilities. Additional requirements applicable solely to Hyper Digital Infrastructure Facilities are indicated within Sections 985 and 986. Digital Infrastructure Facilities, Hyper Digital Infrastructure Facilities, and Digital Infrastructure Facility Accessory Uses are permitted by Conditional Use only in the Regional Use Overlay 2 zoning district in accordance with the Conditional Use procedure outlined in Sections 970 through 979 and 983, and provided that the applicant has:

1. Identified during the conditional use approval process, the proposed end user(s), if any, and the specific purpose and/or function of the Digital Infrastructure Facility use and/or Digital Infrastructure Accessory Use(s) and;
2. Met its burden of proof that the proposed use meets all applicable regulations contained within this Zoning Ordinance, including but not limited to the general criteria for all Conditional Use approvals contained in Article 900.”

SUBSECTION 2.5. A new Section 985, titled, “Conditional Use Regulations Applicable to Digital Infrastructure Facility, Hyper Digital Infrastructure Facility, and Digital Infrastructure Facility Accessory Uses,” is inserted, reading as follows:

“985. Conditional Use Regulations Applicable to Digital Infrastructure Facilities, Hyper Digital Infrastructure Facilities, and Digital Infrastructure Facility Accessory Uses. Digital Infrastructure Facilities and their Digital Infrastructure Facility Accessory Uses shall comply with the following requirements in addition to the general Conditional Use standards contained in this Article 900. The applicant shall bear the burden of proving, at the Conditional Use hearing stage, that the proposed use can satisfy all performance standards identified in Sections 984, 985, and 986. Where a phased development is proposed, the applicant must demonstrate that such standards can be satisfied at the time of completion of the first phase as well as all subsequent phases of development. If the applicant fails to affirmatively demonstrate compliance with any required standard through

competent, substantial, and credible evidence, the proposed use shall be deemed not permitted in the Regional Use Overlay District 2 zoning district and the Conditional Use application shall be denied. Demonstration of future or speculative compliance, promises of future compliance, or reliance on potential third-party upgrades not contractually secured shall not satisfy this requirement.

The following requirements are objective land-use performance criteria intended to evaluate site-specific impacts and shall not be construed to regulate telecommunications services, utility rates, or energy markets:

- a. Electrical Demand Disclosure, Infrastructure Capacity, and Impact Standard.
 1. The applicant shall disclose the total electrical demand of the proposed facility at full build-out, expressed in megawatts (MW), including IT load, cooling systems, and all supporting infrastructure. The applicant shall disclose the maximum designed electrical demand at full build-out, expressed in megawatts (MW), including all supporting systems. Disclosure of electrical demand shall be used solely for land-use impact evaluation and shall not be deemed approval or denial of utility service.
 2. No DIF or Hyper-DIF shall be approved unless the applicant demonstrates, through competent and credible studies, that adequate infrastructure capacity exists to serve the proposed facility at full build-out without creating adverse impacts to public health, safety, or welfare in Lowhill Township.
 3. The Township shall evaluate adequacy with phased energization based on utility capacity confirmation.
- b. Utility Infrastructure Impact. The applicant shall identify any required new or expanded electrical substations, transmission lines, or utility upgrades and shall provide written documentation identifying financial responsibility for such improvements and any anticipated capacity issues. Nothing herein shall require the Township to approve or deny utility interconnections.
- c. Backup Power Generation and Fuel Storage. The applicant shall disclose:
 1. The number of backup generators;
 2. The combined standby generation capacity (MW);
 3. Anticipated generator testing hours; and
 4. Total on-site fuel storage volume, expressed in gallons. This fuel storage area shall be no closer than five-hundred feet

(500') from any property line.

- d. Noise Standards. The applicant shall demonstrate an ability to comply with the decibel limitations identified in Section 917.04 of this Ordinance.
- e. Cooling Systems and Water Use. The applicant shall identify the type of cooling system utilized and disclose the maximum anticipated annual water consumption, expressed in gallons per year.
- f. Traffic and Construction Impacts. The applicant shall submit a traffic impact analysis addressing construction-phase traffic, including oversized equipment deliveries. Where impacts are identified, the Township may require reasonable traffic management or mitigation measures.
- g. Emergency Coordination Plan. The applicant shall submit an emergency services coordination plan addressing fire protection, HAZMAT response, battery systems, and fuel storage. Site design shall provide adequate emergency access and safety features consistent with applicable adopted Township codes.”
- h. Compliance with Use Regulations. The applicant shall demonstrate an ability to comply with the use regulations applicable to Digital Infrastructure Facility, Hyper Digital Infrastructure Facilities, and Digital Infrastructure Facility Accessory Uses, as applicable, identified in Section 986 of this Ordinance, including the Subsections contained therein.”

SUBSECTION 2.6. A new Section 986, titled, “Use Regulations Applicable to Digital Infrastructure Facility, Hyper Digital Infrastructure Facility, and Digital Infrastructure Facility Accessory Uses,” is inserted, reading as follows:

“Section 986. Use Regulations Applicable to Digital Infrastructure Facility, Hyper Digital Infrastructure Facility, and Digital Infrastructure Facility Accessory Uses.

986.01. Dimensional Standards. Digital Infrastructure Facilities and Digital Infrastructure Facility Accessory Uses shall comply with the dimensional standards applicable to the Regional Use Overlay 2 zoning district identified in Sections 821, 824, and 825, as modified and/or supplemented as follows:

- a. The maximum building height of Digital Infrastructure Facility Accessory Uses shall be thirty-five feet (35’), inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers.
- b. In no event shall the maximum height of a Digital Infrastructure Facility Accessory Use (inclusive of roof-

mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers) exceed the height of the principal building to which the use is accessory.

- c. Digital Infrastructure Facilities and Digital Infrastructure Accessory Uses shall be set back at least five hundred feet (500') from any property boundary line.

986.02. Water and Sewer Service Standards.

- a. If the use will be served by a public water supply, the applicant shall submit documentation from the public authority providing such water service that certifies that said public authority can and will supply such water service. The applicant shall submit a water feasibility study containing, at a minimum, the following information:
 - 1. The projected water demands of the use;
 - 2. The source of the water to be provided for the use; A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g., cooling, humidity control, fire suppression, and domestic usage);
 - 3. The long-term safe yield of the water source;
 - 4. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
 - 5. A hydrogeological map and detailed study of the area with a radius of at least one (1) mile from the parcel containing the use;
 - 6. The location of all existing and proposed wells within one thousand feet (1,000') of any boundary line of the parcel containing the use, with a notation of the capacity of all high-yield wells;
 - 7. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps within one thousand feet (1000') of the property boundary;
 - 8. A determination of the effects of the proposed water supply system on the quantity and quality of water in wells, surface waters, and the groundwater table located within one thousand feet (1000') of the

property boundary; and

9. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- b. The applicant shall provide proof of review and approval from the Delaware River Basin Commission (DRBC) for projects proposing water withdrawals of one hundred thousand gallons per day (100,000 gpd) or more over a thirty-day (30-day) average from any source or combination of sources within the Delaware River Basin; or Any consumptive water use of twenty thousand gallons per day (20,000 gpd) or more over a 30-day average from any water source.
- c. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling and industrial purposes, have been provided and approved by the Township's Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection (PADEP).

986.03. Utility Infrastructure Coordination.

- a. Infrastructure Identification. The applicant shall identify all required utility infrastructure improvements necessary to serve the DIF, including but not limited to electrical substations, transmission or distribution upgrades, on-site electrical yards, and interconnection facilities.
- b. Infrastructure Adequacy Determination. The Township shall determine infrastructure adequacy based on objective criteria such as written confirmation from the serving electric utility identifying the available capacity at the proposed interconnection point and any required system upgrades.
- c. Furnishing of Information Concerning Applications or Requests to Utility Providers. The owner or operator of the Digital Infrastructure Facility shall provide copies of all correspondence between the operator of the DIF and any utility provider providing utilities to the DIF where such correspondence relates to requests or applications for new or expanded utility services.
- d. Non-Regulation of Utilities. Nothing herein shall be construed to regulate utility service provision, interconnection approval, or energy markets, which remain under the jurisdiction of applicable utility providers and regulatory agencies.

986.04. Backup Power Generation and Fuel Storage.

- a. Generator Capacity Disclosure. The applicant shall disclose the total number of backup generators and the combined standby generation capacity (MW).
- b. Fuel Storage Disclosure. The applicant shall disclose the total on-site fuel storage capacity (gallons), fuel type, and storage configuration. This fuel storage area shall be no closer than five hundred feet (500') feet from any property line.
- c. Testing and Operations. The applicant shall disclose anticipated generator testing frequency and duration. Routine generator testing shall comply with Township noise and operational standards. Routine generator testing shall be prohibited between the hours of 9:00 PM and 7:00 AM.

986.05. Noise Impacts. The applicant shall demonstrate compliance with the noise standards contained in Section 917.04 of this Ordinance.

986.06. Closed-Loop Cooling Operational System Standards.

- a. Closed-Loop Cooling Preference. All DIFs shall utilize closed-loop cooling systems to the maximum extent feasible, such that cooling water is recirculated and reused, and cooling operations do not rely on continuous once-through withdrawal and discharge.
- b. Cooling System Disclosure. The applicant shall identify the type of cooling system utilized, including whether cooling will occur through evaporation, blowdown, or other mechanisms, and the maximum anticipated annual water consumption (gallons/year) associated with said cooling system.
- c. Infrastructure Compatibility. The applicant shall demonstrate that proposed cooling and water use are compatible with available infrastructure and environmental constraints.
- d. Prohibition on Once-Through Cooling Unless Proven Necessary. Once-through cooling systems are prohibited unless the applicant demonstrates, through engineering documentation, that:
 1. A closed-loop cooling system is not feasible due to specific site or operational constraints;

2. Proposed withdrawal and discharge will not adversely affect local water resources; and
 3. All non-contaminated cooling water system water must be discharged into a surface naturalized basin with aerators before being discharged offsite or into the ground.
- f. Closed-Loop Stormwater and Process Water Containment. Any process water, coolant, or chemical-containing liquids associated with facility operations shall be managed in a manner that prevents discharge to the ground or stormwater system, including:
1. Secondary containment for chemical storage;
 2. Spill prevention and response procedures; and
 3. Compliance with all applicable state and federal requirements.
- g. Reuse and Recycling Plan. The applicant shall provide a plan describing how water will be reused or recycled on-site to minimize total withdrawal demand and discharge.

986.07. Stormwater System Resiliency and Cooling Return Flows.

- a. Purpose. To ensure that stormwater systems remain resilient where DIF operations involve cooling systems that may generate blowdown, return flows, or process water.
- b. Disclosure. Applicants shall disclose:
 1. Cooling system type;
 2. Expected return flow volumes (gallons/day and gallons/year);
 3. Temperature and water quality characteristics; and
 4. Discharge points and timing.
- c. Design Standards. Stormwater facilities shall be designed to:
 1. Isolate cooling return flows from stormwater where feasible;
 2. Prevent thermal or water-quality impacts to receiving systems;

3. Accommodate peak return flows without reducing stormwater capacity; and
 4. Maintain function during design storm events.
- d. Hyper-DIF Enhanced Resiliency. For Hyper-DIFs, applicants shall demonstrate:
1. Redundant containment for process water;
 2. No adverse interaction between cooling return flows and stormwater during extreme weather events; and
 3. Emergency shutdown and containment protocols.

986.08. Emergency Services and Public Safety.

- a. Emergency Coordination Plan. The applicant shall submit an emergency services coordination plan addressing fire protection, HAZMAT response, battery systems, and fuel storage.
- b. Access and Safety Features. Site design shall provide adequate emergency access and safety features consistent with applicable codes.

986.09. Decommissioning and Site Restoration. Upon cessation of operation of the Digital Infrastructure Facility or any Digital Infrastructure Facility Accessory Use for a period of at least eighteen (18) months, except where the owner or operator intends to recontinue such use in the future, the owner or operator of the use shall remove all generators, tanks, battery systems, electrical infrastructure, and related improvements associated with such use from the subject property. Said removal activities shall commence within one (1) year of the conclusion of the eighteen (18) month period referenced above and shall be completed no later than three (3) years following the commencement of the removal activities. To ensure removal as described in this Section 986.09, the applicant shall provide a Decommissioning and Site Restoration Bond or Letter of Credit, in a form acceptable to the Township and naming the Township as a beneficiary, sufficient to remove all generators, fuel tanks, battery systems, electrical infrastructure, and related improvements and to restore the site for future reuse. If the owner or operator of the use fails to comply with this Section 986.09, the Township may utilize such financial security to perform or cause the performance of the removal of all generators, fuel tanks, battery systems, electrical infrastructure, and related improvements associated with the abandoned use. Such financial security shall be maintained until the completion of the removal activities described

in this Section 986.09, and may be reviewed periodically by the Township to ensure that the amount of the security remains adequate to secure removal.

986.10. Purpose, Applicability, and Supersedence of Landscaping and Buffer Requirements. The purpose of the following standards is to mitigate visual, noise, environmental, and operational impacts of Digital Infrastructure Facilities and Digital Infrastructure Facility Accessory Uses to ensure compatibility with adjacent land uses. These standards are in addition to all other applicable Township ordinance requirements. Where these standards conflict with other standards set forth in this Ordinance, the stricter of the conflicting standards shall apply.

986.11. Buffer Yard Types and Minimum Widths.

- a. Buffer Triggers. A buffer yard shall be provided along any property line that adjoins a sensitive receptor or a public street/right-of-way.
- b. Minimum Buffer Widths. Unless a greater buffer is required by another ordinance provision, the minimum buffer widths shall be fifty feet (50') along property lines adjoining a lot containing a sensitive receptor (Type 1 Buffering) and twenty-five feet (25') along any public street/right-of-way (Type 2 Buffering).
- c. Encroachments. Buffer yards shall be free of buildings, structures, parking, loading, outdoor storage, generator pads, fuel tanks, substations, HVAC/cooling yards, and any other principal DIF infrastructure, except for: driveways crossing the buffer at right angles where no reasonable alternative exists; utilities permitted by easement; and stormwater facilities only where specifically approved as necessary and where planted screening is not reduced.

986.12. Screening Requirements.

- a. Continuous Visual Screen. Where a DIF requires a Type 1 buffer, the applicant shall provide a continuous visual screen intended to provide year-round opacity.
- b. Screening Methods. Screening shall be satisfied by a combination of at least two (2) of the following methods:
 1. Evergreen planting screen;
 2. Berm with plantings;
 3. Solid fence or wall combined with plantings; and

4. Existing mature vegetation preserved and supplemented as necessary.
- c. Minimum Opacity Standard. For Type 1 buffers, the screen shall achieve:
1. Seventy-five percent (75%) opacity within two (2) years of installation; and
 2. Ninety percent (90%) opacity within five (5) years of installation, as measured from ground level to a height of eight (8) feet.
- d. Roadway Screening. Along Type 2 roadway buffers, the applicant shall provide a landscape strip and plantings sufficient to break up building mass and screen ground equipment where visible from the public right-of-way.
- e. Additional Screening Standards. The applicant must provide visual screening of ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment that is located within five hundred feet (500') of a public roadway or the lot line of any parcel developed with a sensitive receptor and must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:
1. A fully landscaped berm averaging a minimum of five feet (5') in height above the adjacent average ground level with a maximum side slope of three (3) horizontal to one (1) vertical, provided that the berm shall be covered by a well-maintained, all-season natural ground cover and any required screening plantings shall be arranged on the outside (i.e., the side of the berm closest to the area benefiting from the screening) and the top of the berm; or
 2. A visually solid vinyl colorized fence, screen wall or panel, parapet wall, or other visually solid screen constructed of materials compatible with those used in the exterior construction of the principal building. Fencing is permitted, provided that fencing along public and private roadways is not chain-link (with or without slatted inserts) and does not include barbed wire or other similar visibly intrusive

deterrence devices. Digital Infrastructure Facilities and Digital Infrastructure Accessory Uses shall not be required to comply with this requirement if fencing is fully screened from view by one (1) or more of the means identified above.

986.13. Screening Planting Quantity and Composition.

- a. Planting Density (Type 1 Buffers). Within Type 1 buffers, plantings shall be installed at the following minimum rates per one hundred linear feet (100 lf) of buffer length:
 1. Evergreen trees: minimum ten (10) trees (six to eight feet (6–8') height at planting);
 2. Deciduous canopy trees: minimum four (4) trees (2.5–3 inch caliper) and;
 3. Large shrubs and understory plantings: minimum twelve (12).
- b. Planting Density (Type 2 Buffers). Within Type 2 buffers, plantings shall be installed at the following minimum rates per one hundred linear feet (100 lf):
 1. Evergreen trees: minimum six (6) trees;
 2. Deciduous canopy trees: minimum three (3) trees;
 3. Large shrubs/understory plantings: minimum twelve (12).
- c. Native Species. Plantings shall be predominantly native species suitable for site conditions. Invasive species are prohibited. All landscaping Planting must comply with the Lowhill Township SALDO for landscaping plantings and native species design.
- d. Existing Vegetation Credit. Existing healthy vegetation may be credited toward compliance if preserved by easement or deed restriction and supplemented as necessary to meet opacity standards.

986.14. Maintenance and Replacement of all Buffering, Screening, and Landscaping.

- a. The applicant shall maintain all buffer plantings, berms, fences, and walls in healthy condition.
- b. Any dead or diseased plant material shall be replaced within

eighteen (18) months after the Township provides written notice.

- c. Buffer areas shall not be used for any type of storage, staging, or snow dumping.

986.15. Lighting Standards.

- a. All exterior lighting shall be full cutoff, dark sky compliant, directed downward, and designed to prevent glare onto adjacent properties and public rights-of-way and shall also meet and comply with all other Township ordinances.
- b. The applicant shall provide a photometric plan demonstrating no more than 0.0 foot-candles at any property line, except at approved driveway crossings.

986.16. Air Quality Standards.

- a. Backup power equipment shall minimize air pollutant emissions and meet or exceed applicable state and federal laws regulating emissions. In the case that backup generators are used, EPA Tier 4 emissions standards, or equivalent must be achieved.
- b. Annual testing shall be performed, and reports shall be provided to the Township and other relevant state and federal agencies to ensure that Digital Infrastructure Facility equipment is performing as designed and emissions from the Digital Infrastructure Facility do not exceed allowable limits.

986.17. Noise Study Requirements.

- a. An applicant seeking conditional use approval for a Digital Infrastructure and/or Digital Infrastructure Facility Accessory Use shall demonstrate through a sound study conducted by a professional acoustical expert that sound generated by the Digital Infrastructure and/or Data Center Accessory Use during normal operations shall be limited to the sound level limits identified in Section 917.04 of this Ordinance.
 - 1. A preliminary study shall be conducted as part of the conditional use approval process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.
 - 2. An interim sound study shall be conducted during the

building permit approval process based upon the proposed user(s) of the Digital Infrastructure Facility or Digital Infrastructure Facility Accessory Uses depicted on the plans associated with the building permit application. Any sound reducing materials or systems recommended by the interim sound study shall be incorporated into the constructions plans for the use. If the proposed user(s) and specific purpose and/or function of the Digital Infrastructure Facility and/or the Digital Infrastructure Facility Accessory Use(s) is/are identified at the time of the performance of the preliminary sound study identified in subsection 1., above, then the applicant shall not be required to conduct an interim sound study, provided that the proposed user(s) and specific purpose and/or function of the Digital Infrastructure Facility and/or Digital Infrastructure Facility Accessory Uses remain(s) the same as identified at the time of the performance of the preliminary sound study.

3. An as-built sound study shall be conducted no sooner than six (6) months but no later than nine (9) months after issuance of the certificate of occupancy for the principal building and prior to the final financial escrow release for any land development phase. With respect to phased developments, the as-built sound study shall be updated within six (6) months after substantial completion of each phase but no later than the final financial escrow release for each phase. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance, and the Township may issue a cease and desist order preventing occupancy or use of the Digital Infrastructure Facility and/or Digital Infrastructure Accessory Use until remediation efforts have been completed which reduce the noise levels generated by the use to levels compliant with Section 917.04.
- b. Study Scope. The study shall model worst-case operating conditions, including:
1. Continuous equipment operation;
 2. Simultaneous operation of all backup generators during testing; and
 3. Combined effects of equipment, cooling systems, and on-site electrical infrastructure.

- c. Modeling Standards. Noise modeling shall be performed using industry-standard predictive software and accepted methodologies, including ISO or FHWA methods, and shall account for: terrain; ground absorption; existing vegetation; proposed landscaping, berms, walls, and structures; and distance to Sensitive Receptors.
- d. Maximum decibel levels specified in Section 917.04 of this Ordinance shall not apply during times of power outage; however, the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

986.18. Electrical Utility Impact Study.

- a. Study Requirement. All DIF applications shall submit an Electrical Utility Impact Study prepared by a qualified professional engineer or utility consultant.
- b. Minimum Study Contents. The Electrical Utility Impact Study shall include:
 - 1. The maximum designed electrical demand at full build-out (MW);
 - 2. Identification of required new or expanded substations, switching stations, transmission lines, or distribution facilities;
 - 3. Location, size, and land area requirements of any proposed substation or on-site electrical yard;
 - 4. Anticipated construction activities and durations associated with electrical infrastructure; and
 - 5. Potential land-use, noise, visual, and safety impacts associated with substations and electrical facilities.
- c. Hyper-DIF Enhanced Requirement. For Hyper-DIFs, the study shall additionally:
 - 1. Evaluate cumulative electrical infrastructure impacts at full build-out;
 - 2. Identify alternative substation siting or design options where applicable; and

3. Address redundancy and resiliency infrastructure with potential land-use impacts.

986.19. Fiber and Telecommunications Infrastructure Disclosures.

- a. Disclosure Requirement. All DIF applications shall provide information concerning on-site and off-site fiber-optic facilities necessary to serve the DIF.
- b. Minimum Disclosures. The applicant shall disclose the following:
 1. Identification of required fiber routes, conduit, vaults, handholes, and interconnection points;
 2. Location of any new or expanded fiber corridors within Township rights-of-way or easements;
 3. Construction methods, including trenching, boring, or aerial installation;
 4. Anticipated impacts on roadways, sidewalks, drainage facilities, and other public infrastructure;
 5. Restoration methods for disturbed rights-of-way or private property; and
 6. Identification of responsible parties for installation, maintenance, and restoration.
- c. Non-Regulation Clause. Nothing herein shall be construed to regulate telecommunications services or providers. The Township's review shall be limited to physical infrastructure and land-use impacts.

986.20. Maximum Build-Out Disclosure and Additional Standards Applicable Only to Hyper Digital Infrastructure Facilities (Hyper-DIFs).

- a. The standards set forth in this section apply only to Hyper Digital Infrastructure Facilities.
- b. All Hyper-DIFs shall also comply with the general DIF standards and all other applicable provisions of this Ordinance.
- c. Phasing for Hyper DIFs shall include maximum electrical demand disclosure and the applicant shall disclose the maximum designed electrical demand at full build-out,

expressed in megawatts (MW), including all IT load, cooling systems, and supporting infrastructure, regardless of phased construction, modular deployment, or initial operational capacity.

- d. Phasing Plan Requirement. If the Hyper-DIF is proposed to be constructed or expanded in phases, the applicant shall submit a phasing plan identifying:
 - 1. The electrical demand (MW) associated with each phase;
 - 2. The anticipated timing of each phase; and
 - 3. The cumulative electrical demand and site impacts at full build-out.

986.21. Construction Traffic Management Plan Requirement. A Construction Traffic Management Plan shall be submitted detailing haul routes, hours of operation, staging, flagging, and public safety measures.

986.22. Requirement for Operations, and Maintenance Plan for Cooling Return Flows. An operations and maintenance plan for cooling return flows shall be provided addressing inspection, sediment control, thermal controls, and emergency response for cooling return flows.

986.23. Electronic Waste Plan.

An Electronic Waste Plan shall be submitted with the Conditional Use application outlining procedures for safe removal and recycling or disposal of server infrastructure, hazardous material, batteries, electronic waste, and related products, which will apply in cases when the Digital Infrastructure Facility is updated or decommissioned. The Electronic Waste Plan is subject to approval by the Township.

986.24. Aesthetics.

- a. The facades of every Digital Infrastructure Facility and its Digital Infrastructure Accessory Use should be designed to incorporate the following design elements at least every one hundred fifty (150) horizontal feet:
 - 1. A change in building material, pattern, texture, or color;
 - 2. A change in building height;

3. Building step-backs or recesses having a minimum depth of five feet (5’); or
 4. No solid block or concrete walls without window treatments.
- b. Submission of graphic elevations and associated documentation depicting the exterior designs of proposed facilities is encouraged as part of the Conditional Use approval process.

986.25. Parking.

- a. Digital Infrastructure Facilities shall provide the lesser of: at least one (1) parking space for every employee of the Digital Infrastructure Facility, or at least one (1) parking space for each employee on site during the largest shift.
- b. All parking shall be designed in accordance with applicable parking provisions this Ordinance and the Township’s SALDO, both as may be amended from time to time.

986.26. Signage. On-site signage shall be subject to the requirements and standards as set forth in the Lowhill Township RV Zoning District for Individual Business/Commercial Signs as amended. Digital or video signage is prohibited.”

SUBSECTION 2.7. A new Section 987, titled “Relationship to Other Ordinances,” is inserted, reading as follows:

“987. Relationship to Other Ordinances. Every Subdivision and Land Development plan relating in whole or part to a Digital Infrastructure Facility use shall be subject to the regulations contained in this Zoning Ordinance, the Lowhill Township Subdivision and Land Development Ordinance and all other applicable ordinances and resolutions of Lowhill Township and shall be subject to municipal review and approval in accordance therewith, except as otherwise expressly set forth in this Section.”

SUBSECTION 2.8. A new Section 988, titled, “Reserved,” is added, reading as follows:

“988. Reserved.”

SUBSECTION 2.9. A new Section 989, titled, “Reserved,” is added, reading as follows:

“989. Reserved.”

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SECTION 3 – SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, then such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Lowhill Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein. These standards shall be enforceable as conditions of Conditional Use approval and as ongoing zoning compliance requirements.


SECTION 4 – EFFECTIVE DATE. In accordance with Subsection 1601(a.1) of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, § 1601(a.1), as reenacted and amended, 53 P.S. § 66601(a.1), this Ordinance shall take effect immediately after enactment by the Board of Supervisors of Lowhill Township.

DULY ENACTED AND ORDAINED, this 6 day of April, 2026, by the Board of Supervisors of Lowhill Township, Lehigh County, Pennsylvania, in lawful session duly assembled.

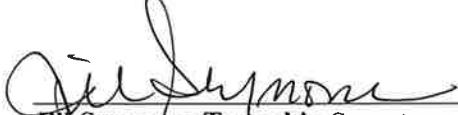
**LOWHILL TOWNSHIP
BOARD OF SUPERVISORS**

By: 
Curtis Dietrich, Chairman

By: 
Michael Divers, Vice Chairman

By: 
Jack Iannantuono, Supervisor

ATTEST:


Jill Seymour, Township Secretary

