

**MOUNT JOY TOWNSHIP  
ADAMS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2026-\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MOUNT JOY TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, TO AMEND THE CODE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, CHAPTER 110, ZONING, TO REPEAL AND REPLACE THE SPECIFIC REQUIREMENTS FOR DATA CENTERS, TO DEFINE BATTERY ENERGY STORAGE SYSTEMS AND ENACT SPECIFIC REQUIREMENTS FOR THAT USE, AND TO AMEND THE TABLE OF USES.**

**WHEREAS**, the Township of Mount Joy, Adams County (the “Township”) is governed by Pennsylvania’s Second Class Township Code, 53 P.S. § 65101, *et seq.*, and must comply with Pennsylvania’s Municipalities Planning Code, 53 P.S. § 10101, *et seq.* (the “MPC”); and

**WHEREAS**, Article VI of the Pennsylvania MPC entitled “Zoning,” 53 P.S. § 10601, *et seq.*, authorizes the Township to enact, amend and repeal Zoning Ordinances within the Township; and

**WHEREAS**, Section 609 of the MPC, 53 P.S. § 10609, sets forth the procedures for zoning ordinance amendments; and

**WHEREAS**, the Mount Joy Township Zoning Ordinance is codified as Chapter 110 of the Code of the Township of Mount Joy; and

**WHEREAS**, the Board of Supervisors of the Township previously enacted Ordinance No. 2024-06 on November 21, 2024, which defined and established specific requirements applicable to Data Centers in the Township; and

**WHEREAS**, the Board of Supervisors of the Township now desire to amend Articles I and IV of the Mount Joy Township Zoning Ordinance to amend the definition of and regulations applicable to “Data Centers,” to define a new term “Battery Energy Storage Systems” and add regulations applicable to that use, and to amend the Table of Uses attached to the Zoning Ordinance to establish the Zoning Districts where Battery Energy Storage Systems are permitted; and

**WHEREAS**, the Board of Supervisors of the Township deems it to be in the best interest and general welfare of the citizens and residents of the Township to update and amend provisions of the Zoning Ordinance to provide for the uses of Data Centers and Battery Energy Storage Systems.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of the Township of Mount Joy, Adams County, Pennsylvania as follows:

**SECTION 1. Recitals.** The above recitals are incorporated herein by reference.

**SECTION 2.** Amendment to the Mount Joy Township Zoning Ordinance. Section 111, Definitions, of Chapter 110, Zoning, of the Code of the Township of Mount Joy is hereby amended by adding and ~~removing~~ the following terms from § 110-111(B):

**BATTERY ENERGY STORAGE SYSTEMS (BESS)**

A use involving one or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.

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**DATA CENTER**

A use involving a building or area within a property in which the majority of the use is for the housing, operation, and/or co-location of computer systems and associated components, including servers, storage devices, networking equipment, and supporting infrastructure such as power supply, cooling systems, and security systems, for storage, management, processing, and/or transmission of digital information necessary for the operation of one or more business, commercial, or governmental entities, primarily to/from offsite locations. This use includes but is not limited to co-location facilities, cloud computing centers, enterprise data centers, crypto mining, high-intensity computer only centers, and similar uses. A Data Center may include limited office space associated with facility operations but does not include general business offices or call centers. This use does not include computers or telecommunications-related equipment that is considered customarily accessory to an otherwise permitted use on the property, i.e., servers associated with an office building, both located on the same property.

**SECTION 3.** Amendment to the Mount Joy Township Zoning Ordinance. Section 110-402(WW) of Section 402, Specific Requirements, of Chapter 110, Zoning, of the Code of the Township of Mount Joy is hereby repealed and replaced with the following:

WW. Data Centers and Battery Energy Storage Systems.

Data Centers and Battery Energy Storage Systems (BESS) are permitted subject to the following criteria:

- (1) Data Centers and Battery Energy Storage Systems shall be permitted by Conditional Use only as specified in the Table of Uses included as Attachment 1 to Chapter 110, and only in compliance with the procedures, standards, and criteria contained in this section.

(2) In addition to all applicable underlying Zoning District regulations, a Data Center or BESS shall meet the following specified design criteria set forth herein. In the event of a conflict between the underlying Zoning District regulations and the design criteria set forth herein, the stricter of such regulations shall apply to the use.

(a) Dimensional Standards

- i. Minimum tract size: Twenty (20) contiguous acres.
- ii. Maximum impervious coverage: Sixty-five percent (65%) of tract area, including all driveways, parking areas, and truck loading areas.
- iii. Maximum gross building coverage: Fifty percent (50%) of tract area.
- iv. No roof-mounted mechanical or accessory equipment shall exceed fifteen (15) feet in height from the top edge of the roof.
- v. The maximum height of any accessory use to any Data Center shall be no greater than the height of the principal building, exclusive of any roof-mounted equipment.

(b) Setback Requirements: A Data Center or BESS and any accessory structures shall adhere to a minimum setback requirement of at least 300 feet where the Data Center or BESS abuts or is adjacent to a residential use or residential zoning district. A Data Center or BESS shall adhere to a minimum front setback requirement of at least 75 feet and minimum side and rear setback requirements of at least 50 feet where the Data Center or BESS abuts or is adjacent to other nonresidential uses and/or zoning districts, unless a greater setback is prescribed in the applicable zoning district.

(c) Facades

- i. Principal building facades: Principal building facades shall include all building facades visible from public roads. Principal building facades associated with new construction shall meet the following standards:
  - a. Principal building facades shall avoid the use of undifferentiated surfaces by including at least two of the following design elements: changes in building height; building step-backs or

recesses; fenestration; changes in building material, pattern, texture, or color; or use of accent materials.

- b. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.
- ii. Facades shall be designed so as to provide the appearance of an office building or similar professional space as opposed to a structure for the storing or logistics of computer and technological equipment.
- iii. No portion of a building which is visible from a public road, residential use, or residential zone shall be treated with smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels. The use of aluminum siding, vinyl siding, corrugated metal siding, or other metal cladding is limited to a maximum surface area of 50% on a principal building façade and 75% on any facades not visible from a public road but visible from a residential use or zone, unless these materials are textured and made visually indistinguishable from other materials such as stone, brick, glass, or wood.

(d) Buffering and Screening.

- i. Standard Minimum Screening: A buffer yard shall be provided, and shall be required to be maintained in perpetuity, where a Data Center or BESS abuts a residential zone or use or abuts a public roadway. Except to the extent that use of a preexisting screening alternative for some or all the areas required to be screened is permitted under Subsection (ii) of this Section in lieu of the screening requirements of this Subsection (i), the buffer yard shall consist of an earthen berm installed in the following manner:
  - a. The leading toe of slope shall be no more than ten (10) feet from the property line.
  - b. The height shall be a minimum of 7.5 feet and shall have a 2:1 slope measured from the top leading edge of the berm to the toe of slope.
  - c. Shall be landscaped with a screen planting located on the top of the berm. Such planting shall be designed by a landscape architect, registered as such with the Commonwealth of Pennsylvania.

- d. Screen plantings shall consist of eight (8) evergreen trees, one (1) deciduous tree, and a total of eight (8) shrubs from two (2) different species, having an equal planting of four (4) plants each, across each one hundred (100) foot section. All plantings shall be of a species native to the region and arranged so as to provide a visual blockage upon plant maturity. Such visual blockage shall be maintained year-round. Evergreen and deciduous tree plantings shall be a minimum of six (6) feet in height at the time of planting.
  - e. Screen plantings shall be permanently maintained so as to provide the minimum required screening at all times.
  - f. A sight line plan shall be submitted as part of the Conditional Use filing, showing how these provisions are to be fulfilled and provide a proper screen planting.
  - g. Where the submitted site line plan shows that preexisting vegetation or other conditions in required buffer yard areas of the subject property can achieve the same or greater screening result as these provisions in this Subsection (i), the Board of Supervisors may as part of its Conditional Use decision allow such preexisting vegetation or conditions to remain in place of these requirements and shall require in such decision that such screening be maintained permanently in accordance with Subsection (ii) below.
- ii. Preexisting Screening Alternative: If the Board of Supervisors, as part of the Conditional Use decision, determines that preexisting vegetation or other conditions in required buffer yard areas of the subject property can achieve the same or greater result as the Standard Minimum Screening requirements of Subsection (i) above for some or all of the areas required to be screened, the Board of Supervisors may approve the continuation of such preexisting condition in lieu of the installation of the Standard Minimum Screening measures in such areas, subject to at least the following conditions:
    - a. The owner (including owner's successors and assigns with respect to the subject property) shall be required in perpetuity to maintain such preexisting vegetation or conditions to continuously provide the same or greater screening result as

would be provided by the Standard Minimum Screening measures provided for in Subsection (i) above.

- b. In the event that the preexisting vegetation or other conditions ever are diminished or otherwise cease to continue to provide the same or greater screening as provided for by the Standard Minimum Screening measures under Subsection (i) above (for example, if a fire or natural disaster destroyed a preexisting woodland area used as alternative screening), the owner (including owner's successors and assigns with respect to the subject property) shall within one (1) year of such occurrence install screening that meets at least the requirements of Subsection (i) above.
  - c. The owner (including owner's successors and assigns with respect to the subject property) shall be required to record in the Adams County Recorder of Deeds Office a restrictive covenant or other instrument in a form approved by the Township that is enforceable by the Township and that cannot be amended or terminated without the written recorded agreement of the Township, setting forth the conditions of this Subsection (ii).
- iii. Screening shall be provided to all Data Center and BESS accessory uses and shall include but not be limited to cooling system components including fans, blowers, water or other liquid cooling pumps, and similar systems and components, power supply systems including electrical substations, transformers, fuel cells, generators, and similar systems and components. The requirements shall apply to both ground and roof mounted equipment and components and be in addition to the required buffer yards per Subsections (i) and (ii) above. Additionally:
- a. Screening must be provided on all sides of the structure except when one side is facing and completely enclosed by the primary Data Center building.
  - b. Screening must be provided on all sides of any roof mounted equipment that produces sound so as to encase such equipment.
- iv. Utility substations installed specifically for the transmission of power to a Data Center shall be visually screened with a man-made, opaque

barrier at a minimum of twelve (12) feet to lessen visual impact. Such screening shall be provided with proper access and ventilation to allow for the proper maintenance and functioning of the substation.

- v. When noise producing equipment is abutting a residential district or use, such equipment shall be placed so that the Data Center is between the affected lot and the equipment.
  - vi. If the Data Center has more than one (1) lot line that abuts a residential district or use, the sound producing equipment shall be placed on the side of the Data Center that does not abut the residential district or use or the side that has the greatest setback from the affected property line(s).
- (e) Utility Substations: Electrical Substations, other utility substations necessary to serve the Data Center or BESS use, and all related structures and appurtenances to the Data Center or BESS shall be considered part of the Data Center / BESS Use.
- (f) Exterior Lighting: At a minimum, all exterior lighting shall meet the lighting requirements set forth for the underlying zoning district and shall be required to comply with all applicable lighting requirements set forth in this Chapter. In addition:
- i. A photometric plan shall be provided showing all exterior lighting for the Data Center or BESS and shall be designed so as to not produce more than 0.0 footcandles at any abutting lot line. Any intersection of an access drive to a public road where lighting is required for public safety shall be exempt.
  - ii. Exterior lighting shall not be mounted higher than fifteen (15) feet on a standard or other freestanding support of the exterior of a structure from the lowest adjacent grade. The fixture shall be fully shielded or cutoff so as to direct light at a downward angle and towards the interior of the lot and not equal to or higher than the horizontal plane of the bulb, bulb enclosure, or light shielding.
  - iii. No strobing or colored lighting shall be permitted.
  - iv. No pole-mounted lighting on the roof shall be permitted.
  - v. LED light sources shall have a correlated color temperature that does not exceed 3000k.

- (g) Hazardous Materials: A Hazardous Materials Plan shall be required to include the following at minimum:
- i. The Data Center or BESS shall not have any tank for the storage of flammable or otherwise hazardous material closer to any residential property than three hundred (300') feet and to any nonresidential property than fifty (50') feet.
  - ii. Any storage of hazardous materials must demonstrate compliance with all applicable Pennsylvania Department of Environmental Protection standards and shall implement all necessary spill containment systems and environmental protection measures to prevent groundwater or soil contamination.
  - iii. Evidence must be provided that the Township and local fire companies have been made aware of the potential for hazardous materials on site and any concerns addressed as part of the Plan.
- (h) Power Supply: Prior to Conditional Use approval, the applicant shall provide written verification from the applicable power service provider stating the following:
- i. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected growth envisioned by the provider.
  - ii. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.
  - iii. Above-ground utility boxes and other equipment must be co-located and screened.
  - iv. Installation of utility lines within or adjacent to all roads must not restrict the installation or adequate future growth of required street trees and landscaping.
  - v. All utility sites must conform to natural topography and minimize disturbance of steep slopes and natural drainage areas.

- (i) Parking and Loading Areas: Loading docks and truck maneuvering areas shall be setback not less than:
  - i. Fifty (50) feet from any public road right-of-way, non-residential district, or non-residential uses' property lines;
  - ii. Three hundred (300) feet from residential districts or residential uses' property lines.
  
- (j) Emergency Management and Response:
  - i. Owners of Data Centers or Battery Energy Storage Systems (BESS) shall submit an Emergency Response Plan (ERP) that must:
    - a. Be prepared by a qualified professional.
    - b. Be reviewed and accepted by the local fire company and Township emergency management coordinator.
    - c. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
    - d. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
    - e. Ensure that all first responders receive adequate equipment and training specific to the installed system, at the owner's sole cost.
    - f. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center or BESS.
    - g. BESS sites must be in compliance to NFPA 855 or similar standards and must include fire suppression systems designed specific to battery storage. Documentation must be provided showing coordination with the local Fire Code Officials and Fire Services.
  - ii. As a condition of Conditional Use approval, the applicant shall agree that a note shall be added to any related Land Development Plan that states "The Township shall not assume liability for the adequacy of

the ERP and reserves the right to require additional documentation or certifications to confirm compliance with national standards.”

- iii. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuations are sufficiently protective of the public health, safety, and welfare.
- (k) Traffic Impact: Applicants must submit a traffic impact study, addressing both daily operational traffic and emergency response access, to demonstrate that the facility will not adversely affect local road capacity.
- (l) Water Supply: A water supply feasibility study shall be prepared to demonstrate that sufficient water resources are available to serve the proposed use. In the event that the proposed use will be served by a public water system or public utility, the applicant shall provide the Township with proof in the form of a will-serve letter. If the use of a private well is proposed, in addition and in conjunction with completion of a feasibility study, the following requirements shall apply:
  - i. A professional geologist or hydrogeologist licensed in the Commonwealth of Pennsylvania and qualified to conduct groundwater investigations shall prepare a water resources impact study. The purpose of the study will be to determine if there is an adequate supply of water for the proposed use and to determine the impact of the additional water withdrawals on existing nearby wells, underlying aquifers and/or nearby surface water features (i.e., streams, wetlands, etc.). The Township Engineer and/or the Township’s appropriate professional consultant shall review the impact study work plan, including proposed test well locations and pumping test procedures. Approval of the work plan by the Township Engineer and/or the Township’s appropriate professional consultant shall be required prior to implementation.
  - ii. The adequacy of water supply shall be determined and based upon the peak demand calculations for the proposed use, including, but not limited to, domestic usage and any cooling usage, and used as a conservative estimate by which to perform a groundwater budget analysis. A water system that does not provide the minimum rate of supply of water for the proposed use, does not meet drinking water quality standards (if applicable), and/or adversely impacts nearby wells, ponds, and streams, shall not be approved.

- iii. Water Resources Impact Studies: The water resources impact study shall contain at a minimum the following information:
- a. Calculations of projected peak and annual consumption water demands, including a determination of required fire flows specific to the use.
  - b. A determination of fire flows to meet existing firefighting demands.
  - c. Literature review and reference of published geologic and hydrogeologic reports.
  - d. A geologic map of the area within a minimum of a one (1) mile radius of the proposed property boundaries and site.
  - e. The location of all faults, lineaments and fracture traces on-site and within 0.5 miles of the proposed property boundaries.
  - f. The locations of all existing and proposed wells within 0.5 miles of the site and all large withdrawal wells (100,000 gpd+) within 1 mile of the site.
  - g. The locations of all test wells (both pumped and observation), along with the proposed lot boundaries, shall be located on an accurate site plot plan or base map at a minimum scale of one inch to 500 feet.
  - h. Define/map the boundary of the surface watershed in which the proposed development is located (use relevant USGS 7.5-minute topographic map, and/or LIDAR, as a base map). The approximate property boundary for the development shall be delineated on this surface watershed map.
  - i. Define known sources of groundwater contamination within this mapped surface watershed boundary and evaluate the potential impact(s), if any of this contamination on the proposed ground water use.
  - j. The location of all existing and proposed on-lot septic systems within 0.5 miles of the site.
  - k. The location of all streams, perennial and intermittent, within 0.5 miles of the site.

- l. Define existing municipal, community, industrial and/or agricultural demands on groundwater resources located within one (1) mile of the proposed development boundaries.
  - m. A water-table or potentiometric surface map showing groundwater elevation contours and the direction of groundwater flow.
  - n. Calculate a water budget for the subject site from available information contained in published literature and government sources for the geologic formation(s) occupying the site. The budget calculations should document long-term average precipitation (inches per year, in/yr), total surface runoff (in/yr), evapotranspiration (in/yr), and groundwater recharge rates (in/yr and gallons per day per acre). The long-term average groundwater recharge rate should be reduced by 40% to estimate the annual amount of groundwater recharge expected during years of drought conditions.
  - o. Confirm that there are no nearby groundwater users whose withdrawal would inhibit the development from meeting its proposed groundwater usage rate.
  - p. Compare the total annual groundwater recharge calculated for drought conditions for the proposed development with the peak water demand for the proposed use to determine whether the proposed development can be adequately supplied by the groundwater resources underlying the subject development site.
  - q. A description of how the 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).
  - r. Evaluate the impact of any water, whether used or not used, which is discharged
- iv. Site Specific Report Requirements: The following site-specific investigations shall be carried out in preparation of the water resources impact study:

- a. The installation and testing of new water supply wells for data center developments shall follow the frequency given below:
  1. For a Data Center use proposing to withdraw 25,000 gpd or less, a minimum of one (1) new test well shall be installed and tested. At least one (1) observation well is required to be monitored during both the pumping/recovery phase of the well test.
  2. For a Data Center use proposing to withdraw more than 25,000 gpd but less than 100,000 gpd, a minimum of two (2) new test wells shall be installed and tested.
  3. Additional test wells may be required by the Township Engineer and/or the Township's appropriate professional consultant.
  4. Prior to the construction of any test wells, the Township must approve the locations.
  5. In the event that the proposed well(s) for the Data Center use will fall under the jurisdiction of the any other governmental agencies (e.g., DEP, Susquehanna River Basin Commission (SRBC), etc.), the Township shall not grant final plan approval until all necessary permits are obtained from all applicable regulatory agencies, as permitted by law.
- b. During the drilling and construction of a well, proper techniques of well development shall be utilized so as to obtain the best practical yield and quality, which is representative of the aquifer.
- c. Each test well shall have an accurate geologic log prepared under the direction of a professional geologist licensed by the Commonwealth during the drilling of the well, giving a detailed description of the type and thickness of soils and bedrock formations encountered. Additionally, the log should contain information on the depth and thickness of all water bearing zones encountered and the yield from each zone.
- d. Pumping Tests and Recovery Tests. Each new test well shall be pumped at a constant discharge rate for a minimum period

of eight (8) continuous hours. The discharge rate shall be appropriate to the blown yield of the well to adequately stress the aquifer but not dewater the well. Recovery levels shall be measured at regular intervals immediately following the pumping period until 90% recovery of the pre-test water level is achieved.

- e. During the performance of each pumping recovery test, time-drawdown measurements (within accuracy of 1/10 foot) shall be taken from the pumped well and at least one (1) nearby observation well. The time-drawdown measurements must be taken in both the pumped well and the observation well at the following minimum frequencies:
  - 1. One reading every minute for the first 10 minutes of the test.
  - 2. One reading every two minutes for the 10 to 100 minute test interval.
  - 3. One reading every 10 minutes for the 100 to 300 minute test interval.
  - 4. One reading every 20 minutes from 300 minutes to the end of the pumping period.
  - 5. Repeat frequency for recovery phase of test.
- f. All observation wells should be located within 200 feet horizontal distance from the pumping well, or be close enough to incur measurable drawdown during the pumping phase of the test. The observation well can be either a) an existing domestic well, but only if the domestic well is not actively pumped for the entire duration of testing (pumping and recovery phases) and its construction details (total depth and cased depth) penetrate the same hydro-geologic unit as the new well, or b) a new supply well on an adjacent lot if that adjacent well penetrates the same hydro-geologic unit and its construction details (total depth and cased depth) are compatible with the new well being tested, or c) a new well specifically installed as an observation well for test purposes and scheduled for permanent abandonment following relevant Township requirements after the testing has been completed.

- g. The time-drawdown data collected from each pumping test should be used to define the local aquifer characteristics, including hydraulic conductivity, transmissivity, coefficient of storage, and the expected long-term yield of the well(s) being tested. Distance drawdown relationships and impact on surrounding water users from the proposed groundwater withdrawal should be included in the assessment. A groundwater availability analysis should be included in the impact study to demonstrate that there are sufficient groundwater resources within the drainage basin to support both existing users and the proposed withdrawal. Raw time-drawdown data and field testing notes should be included in the report as an appendix.
- h. Water samples for chemical analyses should be collected from the pumped wells within one hour of the scheduled end of the pumping phase of each test. Samples shall be analyzed at a DEP-certified laboratory for pH, total dissolved solids, iron, manganese, nitrate-nitrogen and coliform bacteria. A copy of the laboratory analytical report for each sample shall be included and summarized in the report.
- i. All water supply wells to be used for domestic purposes shall have a minimum yield of one (1) gallons per minute (gpm). In the case of low yielding wells, i.e., less than 5 gpm, the proposed water system shall be designed to be able to provide sufficient storage via oversize tanks and/or storage in the well bore to meet expected peak demand (i.e., 300 gpd).
- v. Provide a plan to reduce water use and loss during times of drought.
- vi. When deemed appropriate and necessary by the Township Engineer and/or the Township's appropriate professional consultant, the analysis of the potential hydrologic impact using a groundwater model (i.e., MODFLOW) may be required in addition to the above fieldwork to adequately characterize and predict the overall impact the proposed project will have on available groundwater resources.
- vii. Board of Supervisors shall approve the use of on-lot nonresidential use wells only when all three of the following conditions are met:
  - 1. The report indicates that justification of the project necessitates consideration of this type of water supply.

2. The anticipated water supply yield is adequate for the type of development proposed.
3. The installation of such systems will not endanger or adversely decrease the groundwater supplies to adjacent properties.

(m) Noise Control:

- i. For Data Center and BESS uses, it shall be demonstrated through a sound study conducted by an independent professional acoustical expert that the sound generated by the Data Center or BESS, accessory uses, and associated equipment during operations and testing and maintenance operations (i.e., all standby emergency equipment, including but not limited to generators running or being tested) to a daytime (7:00 AM to 7:00 PM Monday-Friday) and a nighttime (7:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level shall not exceed pre-development ambient noise levels by greater than 10 dB(A), with a maximum decibel level of 55 dB(A) during daytime hours (as described above) and 45 dB(A) during nighttime hours (as described above), as measured from the property line of the Data Center or BESS use. In the event these levels cannot be met unmitigated, or if the proposed site is adjacent to an existing residential use or zone, the installation of one or more sound reducing materials or systems must be utilized to reduce the sound generated to the decibel levels discussed above and shall be approved by the Township Engineer and/or the Township's appropriate professional consultant. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria, including but not limited to a time-weighted average. The maximum decibel level specified herein is exempt during a time of power outage conditioned that the sound study shall also evaluate and report anticipated decibel levels when all Data Center or BESS equipment is running; however, the exemption from the above decibel levels shall be lifted three (3) hours after the outage ends. A sound study shall be conducted at the following phases:
  - a. Applicant shall conduct a preliminary sound study for the proposed Data Center or BESS and submit the same with the conditional use application or other applicable land use permit application. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits. Additionally, the study shall include a frequency analysis

and evaluate vibration impacts as part of the noise impact assessment.

1. The frequency analysis shall include measurements across octave or 1/3 octave bands, consistent with ANSI S1.11 or an equivalent standard.
  2. The frequency analysis shall demonstrate compliance with property line sound limits across all relevant frequency bands under typical operating conditions.
- b. An interim sound study shall be conducted during the building permit process and prior to the issuance of a building permit based upon the proposed user or users of the Data Center or BESS and associated equipment depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center or BESS.
  - c. An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Center or BESS and associated equipment prior to the final escrow release for any Data Center or BESS. An as-built sound study may also be required thereafter by the Township upon request. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Center or BESS shall promptly remediate the violation into compliance with the aforesaid sound limits. The as-built sound study shall confirm compliance with the sound limits and frequency analysis requirements established in the preliminary sound study, including measurements across octave or 1/3 octave bands consistent with ANSI S1.11 or an equivalent standard.
  - d. The costs for all sound studies will be incurred by the applicant. Should additional sound studies be required after the conclusion of the as-built sound study, the costs the Township incurs related to such additional studies will be reimbursed to the Township by the Data Center or BESS user if such studies demonstrate that the user is violating the required Noise Control parameters described above.
  - e. In order to limit the effects of sound during a time of local or regional power outage:

1. Redundant/backup power supplies (generators, batteries, etc.) shall be surrounded by absorptive noise barriers, sound walls, or similar structures of minimum height two (2) feet higher than the power supply itself. These barriers, walls, etc. may be combined with any architectural paneling, screening, and/or cover requirements that may also apply. Location and design of these barriers, walls, etc. shall include consideration for emergency service access.
  2. Generators that utilize fuel shall, to the maximum extent practicable, be multi-fuel capable and utilize on-site fuel sources, such as natural gas pipelines, to reduce the noise inherent to diesel-based generators.
- (n) Vibration/Electromagnetic Study: A Vibration/Electromagnetic Study shall be provided with any required zoning application that demonstrates: (1) that the proposed use will not create ground vibration that is perceptible, without instruments, at any point of any property line of the lot on which the use is located (vibrations from temporary construction and vehicles which leave the lot are excluded); and (2) that no electromagnetic waves emanating from the proposed use will extend past a property line. This study shall be prepared by an independent qualified professional. Prior to permit issuance, the applicant shall establish baseline seismograph readings at property lines consistent with reasonable industry standards and submit certification that installed equipment complies with FCC Part 15 or equivalent EMI standards. Within ninety (90) days after issuance of the certificate of occupancy, the owner shall file a post-commissioning compliance report. Any exceedances shall be corrected within sixty (60) days.
- (o) Wastewater Management: The applicant shall demonstrate to the Township that adequate means of wastewater disposal (including both domestic wastewater as well as any wastewater used for cooling or industrial purposes) have been provided for and approved by the Sewage Enforcement Officer, DEP, and the White Run Regional Municipal Authority, where appropriate. If wastewater is proposed to be treated by the sanitary sewer system:
- i. Evidence must be provided that the receiving wastewater collection system and wastewater treatment plant have the means to handle the additional flow and to adequately treat the discharged water.

- ii. The applicant shall provide the Township with proof in the form of a will-serve letter. The appropriate authority may require metering of water being discharged into its system.
  - iii. The applicant shall provide the Township with all data sufficient to ensure that the Township may account for all wastewater generation associated with applicant's cooling or processing systems in the Township's Act 537 plan.
- (p) Landscaping and Site Design: In addition to other requirements, 33% of all lawn, open, non-wooded, and/or pervious space shall utilize a combination of trees, non-turf-grass lawns, and meadow plantings to soften the appearance of buildings and integrate them with their surroundings. Every area landscaped in this nature shall include elements of each of these three items (trees, non-turf-grass lawns, and meadow plantings).
- (q) Mandatory Cooling System Requirements:
- i. All new data centers and qualifying expansions must employ closed-loop cooling for server racks and IT equipment.
    - a. A closed-loop cooling system is defined as a cooling system that circulates a single contained coolant or fluid that is not discharged to the environment as a normal part of operation (may include plate-and-frame heat exchangers, rear-door heat exchangers, immersion, or other sealed liquid cooling approaches).
  - ii. Use of open, evaporative cooling towers for facility heat rejection is prohibited unless an applicant demonstrates by clear and convincing evidence that closed-loop technology is infeasible for the specific project and the applicant obtains a conditional exemption under this Section and all applicable state permits.
  - iii. Conditional Exemption. An exemption may be granted by the Board of Supervisors upon a written request made at the time of application for Conditional Use approval and must include:
    - a. Detailed engineering documentation prepared by a licensed professional engineer demonstrating that closed-loop technology is infeasible for the specific project.
    - b. Proposed alternative technologies such as geothermal, air-cooled, direct-to-chip liquid cooling, or waste-heat recovery

systems so long as they meet water-use, noise, and environmental standards set forth herein.

- c. Board of Supervisors may impose reasonable conditions on any exemption.
  - iv. Prohibition on private well dependency. Data centers may not be designed to draw primary cooling make-up water from private potable wells.
- (r) Access and Security:
- i. Primary access shall be from an arterial or collector street with secondary egress and emergency access provided from any adjacent street.
  - ii. Any gated emergency access or secondary access shall be fitted with a “knox-box” type device as approved by the fire company.
  - iii. All fencing, including security fencing, may not exceed ten (10) feet in height at the highest point of the fencing or any appendages, including but not limited to barbed wire.
  - iv. All access roads, including emergency access roads, shall have a total lane width of not less than twenty-six (26) feet, excluding any on-street parking areas and shoulders.
  - v. A minimum of one (1) fire lane intended for aerial apparatus access to roof structures shall be provided. The lane shall be:
    - a. A minimum of twenty-six (26) feet wide restricted to travel and not including any on-street parking areas or shoulder;
    - b. Clearly identified with ground markings and post-mounted signs;
    - c. Free from any overhead obstructions; and
    - d. Able to access the area not less than fifteen (15) feet nor greater than thirty (30) feet from the Data Center or BESS and be on the same side of the structure as the access road.
  - vi. A traffic control plan showing planned construction routes for the duration of construction shall be submitted as part of the Conditional Use submission for review. All traffic for the purpose of construction

of a Data Center shall access the site via an arterial road and shall not use collector or other minor or secondary streets, if possible.

vii. Each Data Center primary and secondary access point, including emergency access routes, shall provide signage detailing the twenty-four (24) hour emergency contact for the site, including name and twenty-four (24) hour phone number, and include the following: company name (if applicable), owner or representative's name, owner or representative's phone number, name of the power company or utility, and emergency contact phone number for the power company or utility.

(s) Threatened and Endangered Species: The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

(t) Green Building Techniques: Provided that such practices do not conflict with other sections of these regulations, the Zoning Ordinance, or other ordinances, Data Centers and BESS are encouraged to implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

i. Site design

a. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes;

b. Minimize land disturbance;

c. Maximize tree preservation;

d. Minimize impervious surfaces; and

e. Minimize potential nuisance impacts (noise, glare, vibration, etc.).

ii. Energy/resource efficiency

a. Orient buildings to take advantage of passive cooling and daylight opportunities;

b. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible;

- c. Provide an energy storage system to monitor and regulate the usage of alternative energy for usage during off-peak hours;
  - d. Utilize reclaimed water for cooling, if available;
  - e. Encourage systems that limit the use of finite natural resources and their disposal;
  - f. Encourage fuel storage that limits impacts on the environment from potential spills;
  - g. Install water-efficient landscape materials; and
  - h. Utilize LED exterior/interior lighting.
- (u) LEED Certification: All new Data Centers are strongly encouraged to be designed and constructed to achieve Leadership in Energy and Environmental Design (LEED) certification or comply with any equivalent state or federal requirement for green building standards.
- (v) Woodland Disturbance
- i. Woodland disturbance, including the alteration or removal of hedgerows, shall be minimized to the maximum extent practicable. No portions of tree masses, tree lines, hedgerows, or individual freestanding trees measuring six (6) inches or greater in diameter at breast height (DBH) shall be removed unless such removal is demonstrated to be necessary to accommodate the proposed development.
  - ii. Under no circumstances shall more than fifty percent (50%) of any existing tree mass, tree line, hedgerow, or group of freestanding trees with a diameter of six (6) inches or greater DBH be removed as part of the development.
  - iii. For the purposes of this section, woodland shall mean a tree mass or plant community in which tree species are dominant or co-dominant and where the branches and leaves of adjacent trees form a complete or nearly complete overhead canopy. Any area, grove, or stand of mature or predominantly mature trees measuring six (6) inches or greater DBH that covers an area of at least one-quarter (0.25) acre, or that contains more than fifty (50) individual trees of six (6) inches or greater DBH, shall be considered a woodland.

- (w) Decommissioning Plan:
- i. A decommissioning plan that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities that have no ongoing purpose, shall be provided by the applicant as part of any application for Conditional Use approval.
  - ii. The decommissioning plan shall include, but not be limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash, to be determined by the applicant. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the facility, after deducting salvage or recycling value, as calculated by a third party with expertise in decommissioning, hired by the applicant.
  - iii. In no event shall the security be less than one hundred percent (100%) of the estimated cost of decommissioning. The owner shall provide a new estimate of the cost of decommissioning every ten (10) years thereafter and increase its security if the cost increases.
  - iv. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the owner or owner successor for decommissioning costs in excess of the financial assurance and to file a lien against any real estate owned by the owner or owner successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- (x) Annual Operating Compliance Report (AOCR): On or before March 31 each year, the owner shall submit an AOCR documenting compliance with water-use reporting, including an updated water supply feasibility study, updated impacts on availability of groundwater resources, and copies of any SRBC/DEP filings, if applicable.

**SECTION 4.** Amendment to the Mount Joy Township Zoning Ordinance. Chapter 110, Zoning, of the Code of the Township of Mount Joy is hereby amended as follows: The Table attached to Chapter 110 entitled “Table of Uses” is repealed and replaced with the Table attached hereto as Exhibit “A”, adding Battery Energy Storage Systems as a use permitted by conditional use approval only in the BPC-O zoning district.

**SECTION 5.** Repealer. All provisions of previous Ordinances of the Township, which are contrary to this Ordinance, are expressly repealed.

**SECTION 6. Savings Clause.** In all other respects, the Ordinances of the Township shall remain as previously enacted and ordained.

**SECTION 7. Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be illegal or invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion or provision shall be severable and shall not affect or impair any remaining portion of this Ordinance or the Mount Joy Township Zoning Ordinance, which shall remain in full force and effect.

**SECTION 8. Effective Date.** This Ordinance shall be effective in accordance with law.

**DULY ENACTED AND ORDAINED** this \_\_\_ day of \_\_\_\_\_, 2026 by the Board of Supervisors of the Township of Mount Joy, Adams County, Pennsylvania, in lawful session duly assembled.

**ATTEST:**

**MOUNT JOY TOWNSHIP**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Christine Demas, Chair

(SEAL)

# **EXHIBIT “A”**

ZONING				
110 Attachment 1				
Township of Mount Joy				
Table of Uses				
[Amended 9-3-2020 by Ord. No. 2020-05; 11-4-2021 by Ord. No. 2021-01; 3-17-2022 by Ord. No. 2022-02; 3-17-2022 by Ord. No. 2022-03]				
P = Permitted by Right Use				
(A) = Accessory Use				
CU = Permitted as a Conditional Use				
SE = Permitted as a Special Exception				
= Prohibited Use				
(See § 110-107 for uses not provided for)				
Use	Zoning Districts			
	AC	OC	BPC	BPC-O
Accessory use (A)	P	P	P	P
Adult day-care center			P	
Adult use				CU
Agriculture, excluding CAO and CAFO	P	P	P	
Agritourism and agritainment (A)	P		P	
Airport or heliport	CU			
Animal grooming and indoor training			P	P
Auction house or flea market			P	P
Bakery			P	
<b>Battery Energy Storage System (BESS)</b>				<b>CU</b>
Bed-and-breakfast	P	CU	P	
Billboard				P
Campground			P	
Car wash			P	P
Care dwelling (A)	P	P	P	P
Catering facility (no on-site consumption)			P	P
Cemetery	P			
Community solar facility (A)	CU	CU	CU	P
Concentrated animal operation (CAO)/concentrated animal feeding operation (CAFO)	CU			
Construction company or tradesperson's headquarters - office only			P	P
Construction company or tradesperson's headquarters - outside storage of equipment and materials			CU	P
Convenience store			CU	P
Crafts or artisan studio			P	P
Data center				CU
Day-care center, children			P	P
Direct commercial sales of agricultural commodities (A)	P	P	P	

Dry cleaners, laundries and laundromats			P	P
Dwelling, single-family	P	P	P	P
Dwelling, 2-family	P	P	P	P
Dwelling, multiple-family			CU	
Fence, wall (A)	P	P	P	P
Financial institution			P	
Forestry	P	P	P	P
Funeral home			P	
Gaming				CU
Gasoline service station			CU	P
Golf course			P	P
Grocery store			P	P
Group home	P	P	P	P
Historic building	P	P	P	P
Hobby school			P	P
Hotel or motel			CU	P
Junkyard				CU
Kennel	CU		CU	P
Limited lodging (A)	P	P	P	P
Manufacturing, light			CU	P
Manufacturing, heavy				CU
Massage parlor				P
Medical office			P	P
Mining, quarrying and related processing operations				CU
Motor freight terminal				CU
Motor vehicle repair facility			CU	P
Motor vehicle sales				P
No-impact home-based business (A)	P	P	P	P
Nursing home			P	P
Office			P	P
Parking lot, as a principal use				P
Pets (keeping of) accessory to dwelling (A)	P	P	P	P
Personal services			P	P
Place of assembly			P	P
Place of worship			P	P
Plant nursery or garden center	CU		P	P
Professional services			P	P
Racetrack	CU			
Recreation facility	CU		CU	P
Repair facility (appliances, equipment, bicycles but excluding motor vehicles)			P	P

Restaurant			P	P
Retail (sales and rental)			P	P
Self-storage				P
Slaughterhouse				CU
Small wireless facility use (within a right-of-way)	P	P	P	P
Sober living residence			P	P
Solar energy system			CU	CU
Solar energy system (A)	P	P	P	P
Stable (commercial)	P	CU	P	
Storage facility	CU		CU	CU
Target range	CU		CU	CU
Tavern or bar			P	P
Theater			P	P
Trade school			P	P
Truck stop				CU
Truck stop with major vehicle repair services				CU
Use not provided for			CU	CU
Veterinary office	CU		P	P
Warehouse/Distribution Center and Other Logistics Uses				CU
Wholesale sales			CU	P
Wireless telecommunications facility, tower-based			CU	P
Wireless telecommunications facility, non-tower-based (DAS, DCU, small cell)	P	CU	P	P