

**WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2026-07-01

AN ORDINANCE AMENDING THE WINDSOR TOWNSHIP ZONING ORDINANCE OF 2013, AS AMENDED, BY ADDING DEFINITIONS TO SECTION 112 FOR DATA CENTER, DATA CENTER ACCESSORY USES AND ADDING THE CONDITIONAL USE FOR A DATA CENTER.

WHEREAS, Windsor Township, York County, Pennsylvania ("Township") is a second-class township duly organized and existing under the Second-Class Township Code, 54 P.S. §35101 et seq.;

WHEREAS, the Township is governed in land use by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq. (MPC");

WHEREAS, pursuant to Article VI of the MPC, the Township has adopted a Zoning Ordinance and;

WHEREAS, the Township's Board of Supervisors ("Board") desires to amend its Zoning Ordinance.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Windsor Township, York County, Pennsylvania as follows:

PURPOSE: Due to the intensive land use nature of Data Centers, requirements of this type of use are designed to protect public health, safety, and welfare and mitigate the well documented continuous, consistent impacts of data centers.

SECTION 1. Section 112.3 of the Zoning Ordinance; "Definitions" is amended and modified to add and/or modify the following:

Data Center - A facility used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer and communications equipment and for handling, storing, and backing up the data necessary for the operation of a business or organizational entity. Data Center may also include Data Center Accessory Uses when located on the same tract or assemblage of adjacent parcels developed as a unified development or when located within any offsite easements or parcels when developed as part of the Data Center.

Data Center Accessory Uses - Data Center Accessory Uses generally include utilities, utility lines, electrical substations, electrical interconnection facilities, power suppliers, electrical generation equipment, battery storage, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.),

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redundant/backup power supplies, redundant data communications connections, and high security when located on the same tract or assemblage of adjacent parcels developed as a unified development for a data center or when located within any offsite easements or parcels when developed as part of the Data Center.

Sensitive Receptors - Schools, preschools, daycare centers, in-home daycares, health facilities such as hospitals; long-term care facilities; retirement and nursing homes; community centers; places of worship; playgrounds; municipal, county or state parks (excluding trails); campgrounds; prisons; dormitories; and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use as determined by the zoning officer or codes enforcement officer.

SECTION 2. Commercial (C-1) Zone; Section 211.3 is hereby amended as follows:

Section 211.3. Special Exceptions and Conditional Uses (Subject to the requirements listed in Section 605 and Section 700 of this Ordinance.)

Section 211.3.28 Data Centers (see Section 460)

SECTION 3. Industrial (I) Zone; Section 220.3 is hereby amended as follows:

Section 220.3 Special Exceptions and Conditional Uses (Subject to the requirements listed in Section 605 and Section 700 of this Ordinance.)

Section 220.3.21 Data Centers (see Section 460)

SECTION 4. Article 4, Specific Use Criteria is hereby amended as follows:

Section 400 Specific Standards for Special Exceptions and Conditional Uses

In addition to the general criteria listed in Section 605 and Article 7, the following sets forth standards that shall be applied to each individual special exception use and conditional use. These standards must be satisfied prior to approval of any application for a special exception use or conditional use. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception or conditional use specify different standards; in such cases, the specific special exception or conditional use standards shall apply.

Section 460 Data Centers

460.1 Within the Commercial (C-1) Zone and the Industrial (I) Zone, Data Centers are permitted as a conditional use subject to the following criteria:

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460.2 The Data Center shall be designed to meet applicable local utility and power supply requirements, and where appropriate, incorporate sustainability measures such as renewable energy sources, efficient cooling systems, and backup power provisions. Evidence must be provided, prior to Land Development Plan approval, from the public utility servicing the facility that an application for service has been approved.

- A. Burying power lines serving the Data Center is strongly encouraged. On-site power lines of 34.5kV and below must be buried to the greatest extent feasible.
- B. Prior to approval of the certificate of occupancy, the applicant shall provide written verification from the applicable service provider stating the following:
 - 1. Adequate 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 load growth envisioned by the provider,
 - 2. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use,
 - 3. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region,
 - 4. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
 - 5. The electrical work has passed a third-party final inspection.

460.3 Public central water and sewer facilities shall be provided where such systems are reasonably available and have adequate capacity, as determined by the applicable utility provider. Where public water and/or sewer service is not reasonably available or lacks sufficient capacity, the Applicant shall demonstrate, to the satisfaction of the Township, that proposed alternative water supply and sewage disposal systems:

- A. Comply with all applicable Pennsylvania Department of Environmental Protection (DEP) requirements and the Township Act 537 Plan; and
- B. Will not adversely affect public health, safety, or groundwater resources.

The Township may require the Applicant to evaluate the feasibility of extending public water and/or sewer infrastructure where such extension is consistent with the Act 537 Plan and existing service areas.

Prior to approval of a Land Development Plan, the Applicant shall submit written confirmation of capacity and willingness to serve from the applicable public utility providers.

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460.4 A water feasibility study prepared by a qualified professional shall be provided with the land development application. The purpose of the study will be to determine if there is an adequate supply of water for the proposed Data Center and to estimate the impact of the Data Center on existing public systems and/or wells in the vicinity. No Data Center shall be approved without sufficient water and/or that poses adverse impact on existing wells in the vicinity. If the source is from a municipal system or a public utility, the applicant shall include documentation that the public authority or public utility will supply the water needed. A water feasibility study shall include the following minimum information:

- A. Calculations of the projected water needs.
- B. A geologic map of the area with a radius of at least one mile from the site.
- C. The location of all existing and proposed wells withing 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
- D. The location of all streams within 1,000 feet of the site and all known point sources of pollution.
- E. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
- F. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
- G. Identification of how water will be recycled or released into surrounding water bodies.
- H. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- I. The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC) for projects that have:
 1. Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the SRBC.
 2. Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.

460.5 Provisions for emergency backup power and cooling systems shall be integrated into the facility design and placed within an enclosed building. All emergency systems must comply with fire safety and emergency response standards as specified by local building and fire codes.

460.6 Any emissions of exhaust, gases, noxious odor or similar shall adhere to applicable State & Federal emission standards.

460.7 Prior to the approval of a Land Development Plan, an Emergency Response Plan prepared by a qualified professional must be submitted to the local Emergency Management Services for review and recommendations.

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- A. The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.
 - B. An applicant for a Data Center must prove compliance with the National Fire Protection Associates' (NFPA) Relevant Standards. The application for conditional use and any subsequent land development plans must be submitted to the Windsor Township Fire Chief for review and comment.
 - C. Specifically, an applicant for a Data Center must prove compliance with NFPA-75 (Fire Protection of Information Technology Equipment) and NFPA-76 (Standard for the Fire Protection of Telecommunications Facilities).
 - D. The applicant will be responsible for providing any specialized fire-fighting equipment required for the Data Center to the local fire emergency services.
- 460.8 A minimum lot area of five (5) acres shall be required to build or operate a Data Center.
- 460.9 A minimum setback of 100' from all property lines must be maintained for principle and accessory structures unless adjacent to a Residential Zone or Sensitive Receptor. In such instance, that a proposed development abuts a Residential Zone or Sensitive Receptor, setbacks shall be increased to a minimum of 400' and provide an Enhanced Buffer Strip as follows:
- A. Minimum three (3) foot high earthen berm must be installed.
 - B. Plantings must block one hundred (100) percent of the view year-round to a height of at least eight (8) feet at the time of planting.
 - C. Plantings shall be a mix of evergreen trees, small, medium and large shade/canopy/ornamental trees, shrubs, herbaceous perennials, and may include a fence, berm, and/or wall.
 - D. Plantings that become unhealthy shall be replaced as needed to maintain the required one hundred (100) percent blockage from the Residential Zone or Sensitive Receptor.
 - E. Upon notice of inadequate screening/buffering, owner has sixty (60) days to replace plantings.
 - F. Utilities should be located outside of buffer strips to the maximum extent feasible to maintain a cohesive buffer strip, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer strip, particularly when such crossings cannot be avoided.
 - G. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings if approved by the Windsor Township Board of Supervisors.

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- 460.10 A parapet or another similar barrier, visual screen shall be constructed to provide a sound barrier and screen rooftop-mounted components on all sides of the building. Rooftop-mounted components shall be placed on the farthest part of the rooftop from any residential use or zone or any Sensitive Receptor to the maximum extent feasible.
- 460.11 Any proposal for a Data Center Use shall include an industry standard pre and post-construction sound study compliant with nationally accepted ANSI-ASA standards. The study must examine all exterior utility functions of the building (rooftop and ground-mounted) that produce sound. The pre-construction sound study, to be submitted with the Conditional Use application by an independent qualified acoustical engineer, shall identify compliance with the Zoning Ordinance, as applicable. A post-construction sound study at occupancy load, prepared by an independent qualified professional, shall be submitted when the Data Center is fully operational with a maximum permitted noise level of 65 dBA at all property lines. All rooftop equipment that produces sound (e.g., HVAC, cooling towers, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of emitted sound.
- A. Anti-vibration mounts and soft-start features are required on all components that generate noise and vibration.
 - B. An exemption for noise levels and vibration shall be granted at times of documented power outages while generators are required to maintain operations.
 - C. A post-construction sound study shall be completed within six (6) months after the issuance of a certificate of occupancy and achievement of commercial operation. A post-construction sound study may also be required thereafter by the Township upon request. If it is determined by the post-construction sound study that there is a violation of the aforesaid sound limits, then the owner or occupancy of the Data Center shall promptly remediate the violation to achieve compliance with the aforesaid sound limits.
 - D. Upon written receipt of a noise complaint, the Township shall require noise level testing by a qualified acoustical engineer retained by the Township. All reasonable costs for such testing shall be reimbursed to the Township by the owner or operator of the Data Center within thirty (30) days of invoicing.
 - E. The periodic exercising of generators shall only be during daytime hours and weekdays.
- 460.12 Every access point shall provide a vehicle rejection area located outside of the security fence.
- 460.13 Building height shall comply with all applicable Zoning Ordinance requirements per Sections 211.6 and 220.8.

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460.14 Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number. Contact information shall be filed with the County 911 Dispatch.

460.15 An Environmental Impact Assessment shall be submitted with the conditional use application. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

- A. Air pollution impacts from emissions from any primary or backup power sources, power equipment, and vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The applicant shall also provide the Township with copies of any air quality permit applications to any state or federal agencies at the time of submission of the land development application. The applicant should provide copies of final air quality permits to the Township prior to issuance of occupancy for any buildings or structures requiring such permits.
- B. The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles.
- C. A stormwater management plan will be required.
- D. A PA-Share Report will be required to ensure the Data Center does not disrupt important and protected Pennsylvania heritage or archeological sites.

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- E. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective County and Township comprehensive plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
- F. Additional considerations. The following shall also be addressed:
 - a. Alternative analysis. A description of alternatives to the impacts.
 - b. Adverse impacts. A statement of any adverse impacts that cannot be avoided.
 - c. Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.
 - d. Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.
- G. Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.
 - a. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
 - b. A statement of impact upon critical areas and of adverse impacts that cannot be avoided.
 - c. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.
- H. Threatened and Endangered Species.
 - a. A Pennsylvania Natural Diversity Inventory study (PNDI Report) dated within two (2) years of the submission of a land development application, whichever is first as well as any state agency clearance letters required thereby, shall be provided to the municipality.

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- b. 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.

460.16 Data Centers must comply with all applicable provisions provided in this Ordinance and any other applicable municipal ordinance.

SECTION 5. Repealer. All Ordinances or parts thereof conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. Severability. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7. Effective Date. This Ordinance shall be effective immediately after its enactment by the Board of Supervisors of Windsor Township, York County, Pennsylvania.

ORDAINED AND ENACTED, this_ day of _____,2026.

ATTEST:

WINDSOR TOWNSHIP
BOARD OF SUPERVISORS

Jennifer Gunnet

Katherine A. Kerchner, Chairperson

Kim Moyer, Vice Chairperson

Stanley Saylor