

**BEFORE THE SOUTH ANNVILLE TOWNSHIP BOARD OF SUPERVISORS  
LEBANON COUNTY, PENNSYLVANIA  
PETITION TO AMEND THE CODE OF ORDINANCES OF THE  
TOWNSHIP OF SOUTH ANNVILLE,  
CHAPTER 27, ZONING**

Pursuant to the Code of Ordinances of the Township of South Annville, Chapter 27, Zoning, as subsequently amended (the “Zoning Ordinance”), Section 27-2002, Amendments, 1235 Martina Drive Owner, LLC by and through their counsel, McNees Wallace & Nurick LLC, respectfully petitions the Board of Supervisors (the “Board”) of South Annville Township (the “Township”) to amend the Zoning Ordinance, including the Official Zoning Map, as hereinafter set forth. In support thereof, the following is averred:

**Background**

1. The petitioner in this matter is 1235 Martina Drive Owner, LLC with an address of 2950 Lewisberry Road, York, Pennsylvania 17404 (the “Petitioner”).
2. The Petitioner is the equitable owner of the following four (4) parcels of land located in the Township (collectively, the “Property”):
  - a. Map No. 29-2308014-360969-0000 – 740 Main Street, Annville, PA – Approximately 41.2 acres (“Parcel A”):
    - i. Northern Tract – Approximately 14.9 acres (“Parcel A – North”); and
    - ii. Southern Tract – Approximately 26.3 acres (“Parcel A – South”);
  - b. Map No. 29-2309771-363312-0000 – 401 Mount Pleasant Road, Annville, PA – Approximately 44.7 acres (“Parcel B”);
  - c. Map No. 29-2309329-361630-0000 – 517 Mount Pleasant Road, Annville, PA – Approximately 3.0 acres (“Parcel C”); and
  - d. Map No. 29-2309473-361284-0000 – 563 Mount Pleasant Road, Annville, PA – Approximately 10.4 acres (“Parcel D”).
3. The Property is located south of W. Main Street (SR 0422) and west of Mount Pleasant Road (T-416).
4. An aerial map of the Property is attached hereto as Exhibit ‘A’.
5. The Property is located in three (3) zoning districts, including the:
  - a. General Commercial District (the “C-1 District”);

- b. Agricultural District (the “A District”); and
  - c. Industrial District (the “I-1 District”).
6. The parcels are located in the following zoning districts:
- a. C-1 District:
    - i. Parcel A – North; and
    - ii. Parcel B;
  - b. A District:
    - i. Parcel C; and
    - ii. Parcel D;
  - c. I-1 District: Parcel A – South.
7. The Property and parcels are contiguous with land situated to the west already located in the I-1 District.
8. An exhibit generally depicting the zoning classifications of Property, the parcels and the surrounding area is enclosed herewith as Exhibit ‘B’.
9. The Petitioner desires to develop a portion of the Property with a data center facility.
10. For the reasons outlined in this Petition, the Petitioner is respectfully requesting that the Board adopt certain revisions to the Zoning Ordinance and Official Zoning Map (the “Proposed Amendment”), including:
- a. Rezoning portions of the Property from the C-1 District and A District to the I-District;
  - b. Rezoning another portion of the Property from the I-1 District to the A District; and
  - c. Defining three (3) new terms relating to data centers and permitting such use by conditional use approval in the I-1 District, subject to specific criteria.
11. In particular, the Petition proposes to amend Section 27-201, Official Zoning Map, of the Zoning Ordinance by rezoning from the:
- a. C-1 District to the I-1 District:
    - i. Parcel A – North; and

- ii. Parcel B;
    - b. A District to the I-1 District:
      - i. Parcel C; and
      - ii. Parcel D;
    - c. I-1 District to the A District: The southwestern portion of Parcel A – South.
12. The Petition also proposes to amend Section 27-102, Specific Terms Defined, of the Zoning Ordinance to define the following terms:
- a. “Data Center” as follows: “An establishment comprised of one (1) or more buildings, designed and intended primarily to house computers, networking and communication systems, equipment and components, such as routers, switches, firewalls, servers, storage systems and application-delivery controllers, for storing, processing, managing, transmitting and backing up electronic data necessary for the operation of a business, enterprise, institution, or other similar organizational entity.”;
  - b. “Data Center Accessory Uses, Structures and Equipment” as follows: “Ancillary uses, structures, equipment and appurtenances associated with and supporting data centers, including: office and administrative facilities, public and/or private utilities (e.g., power generation, substations, switch stations, electricity grid storage batteries, etc.), infrastructure systems (e.g., pipes, lines, etc.), mechanical equipment, components and environmental controls (e.g., heating/ventilation/air conditioning, cooling towers, tanks, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and enhanced security, including security guard buildings, storage and other similar uses, structures, equipment and appurtenances, all of which are located on the same lot or assemblage of adjacent lots developed as a unified development with a data center.”; and
  - c. “Security Guard House Building” as follows: “An accessory building designed and intended for monitoring, managing, and controlling access to a property or development.”
13. Additionally, the Petition proposes to amend Section 27-1002, Permitted Uses, of the Zoning Ordinance by adding a new Section 27-1002.P to permit Data Centers by conditional use approval in the I-1 District, subject to specific criteria, including:
- a. Building and lot requirements, including provisions for frontage and access to arterial or collector roads, compliance with existing lot size, setback, coverage,

and height standards, and allowances for multiple buildings and certain accessory facilities on a single lot;

- b. Landscaping and screening requirements, including provisions for landscape berms and screening, especially where the use adjoins residential properties;
  - c. Parking and loading requirements, including providing at least one parking space per employee on the largest shift, plus three visitor spaces, and each principal data center building must provide at least one loading space;
  - d. Utility requirements, including Applicants are required to demonstrate adequate water, sewer, and utility capacity, including SRBC approval for high-volume water use.
  - e. Compliance with industrial performance standards; and
  - f. Allowance for the Board of Supervisors to approve modifications to requirements if they meet the intent of the I-1 District, do not increase intensity, and provide only the minimum relief needed.
14. Further, the Petition proposes to amend Section 27-1004.6, Illumination, of the Zoning Ordinance by replacing the current language that includes incorrect section references relating to lighting with correct section references.
15. Finally, the Petition proposes to amend Section 27-1420.5.D of the Zoning Ordinance, relating to noise exemptions, by adding new Section 27-1420.5.D(4) to exempt operation of emergency backup generators or other redundant/backup power equipment during certain conditions from the noise standards.
16. The Petitioner believes, and therefore avers, that data center facilities align with both federal and Pennsylvania priorities. At the national level, the federal government has declared large-scale data centers—particularly those supporting artificial intelligence (“AI”)—to be critical infrastructure essential to national security, economic prosperity, and technological leadership. Federal directives issued in 2025 call for accelerating the permitting and construction of AI-focused data centers and supporting energy infrastructure, underscoring their importance to maintaining the United States’ economic competitiveness.

Similarly, the Commonwealth of Pennsylvania has identified data centers as a central component of its economic development strategy. State leadership is actively pursuing investments in AI and data infrastructure as part of a long-term plan to modernize the energy system, strengthen regional competitiveness, and attract significant private-sector capital. Pennsylvania has seen major announcements of AI and data center investment, the introduction of regulatory frameworks to guide responsible siting and development,

and strategic initiatives to create streamlined permitting pathways and “no bottleneck” sites. Given the foregoing, the Proposed Amendment is appropriate and justified.

17. The Petitioner believes, and therefore avers, that data center facilities are necessary to operate phones, computers, vehicles, traffic lights, and thousands of other objects people interact with daily. Data center facilities are essential for the success of businesses, schools, hospitals, emergency medical services, and police and fire departments. Demand for data to support cloud-based operations, Artificial Intelligence, and other technologies is increasing exponentially. As it does, so does the need for powerful data centers connected to and served by reliable sources of energy, along with a full range of infrastructure and utilities. In addition to providing needed data services, data centers create well-paying jobs (many of which require only an associate's degree) and significant tax revenues for the municipalities, counties, and school districts where they are built. Given the foregoing, the Proposed Amendment is appropriate and justified.
18. The Petitioner believes, and therefore avers, that the Proposed Amendment is generally consistent with and helps to implement certain elements of the Annville-Cleona Regional Comprehensive Plan (the “Regional Plan”) for the following reasons:
  - a. First, the Township adopted the Regional Plan in 2012. The Regional Plan serves as the comprehensive plan for the Township, Annville and North Annville Townships, and Cleona Borough. The Regional Plan provides that the majority of the Property is within the Designated Growth Area. The purpose of the Designated Growth Area is to “provide for orderly and efficient development to accommodate the projected growth of the Region, provide for the economic and employment needs of the Region, and allow for increase of the tax base of the Region.” (p. 5-2) One of the overarching principles of the Regional Plan is that the Region’s future growth and development is to be managed and directed to the Designated Growth Area. (p. 5-1) Given that the majority of the Property is located within the Designated Growth Area, the Proposed Amendment is appropriate and justified.
  - b. Next, the majority of the Property is classified as Planned Economic Development. (Future Land Use Map) The purpose of the Planned Economic Development classification is to “allow for well-planned, attractive and integrated office and light industrial development which provides for job formation in the Region [and that m]ost of the development is expected to occur in a business park environment. (p. 5-5) Given that the majority of the Property is located within an area classified as Planned Economic Development, and the commercial/light industrial business nature of data center facilities, the Proposed Amendment is appropriate and justified.
  - c. An excerpt of the Future Land Use Map generally depicting the Property and the surrounding area is enclosed herewith as Exhibit ‘C’.

- d. Additionally, the majority of the Property is located in a Generalized Future Water and Future Sewer Service Area. (Sewer and Water Service Areas Map) Given that the majority of the Property is located in an area served or planned to be served with public water and public sewer services, the Proposed Amendment is appropriate and justified.
- e. An excerpt of the Sewer and Water Service Areas Map generally depicting the Property and the surrounding area is enclosed herewith as Exhibit 'D'.
- f. The Regional Plan identifies W. Main Street as a principal arterial roadway, while Mount Pleasant Road is identified as a major collector roadway. (Transportation Map) Given that the Property has frontage along major roadways, the Proposed Amendment is appropriate and justified.
- g. An excerpt of the Transportation Map generally depicting the Property and the surrounding area is enclosed herewith as Exhibit 'E'.
- h. Further, the Regional Plan includes a robust economic development component. One of the overarching principles of the Regional Plan is that the Region “will work to achieve economic growth that preserves the quality of life that has made the Region an attractive place for residents to live and work.” (p. 5-1) The economic development goal is to “[r]etain and enhance a vital multi-faceted economy.” (p. 3-8) Further, economic development objectives include:
  - i. Enhancing tax revenue from business development to maintain the Region as an affordable place to live with reasonable tax rates.
  - ii. Encouraging the appropriate adaptive reuse of vacant and underutilized properties.
  - iii. Relating economic development to available infrastructure
  - iv. Providing for well-planned, attractive and integrated office and light industrial development which provides for job formation in the Region, by requiring provisions for buffering, landscaping, lighting and signage. (pp. 3-8 and 3.9)
- i. Finally, the Regional Plan goes on to suggest a series of economic development implementation strategies, including the following relating to updating and revising zoning standards:
  - i. Encouraging the adaptive reuse of vacant and underutilized properties through necessary zoning revisions.

- ii. Making appropriate zoning revisions in support of economic development and maintaining zoning of areas for economic development. (pp. 9-2 and 9-3)

Given that the Proposed Amendment revises the Zoning Ordinance to enable data center facilities as a new business in an appropriate area that is planned for and able to accommodate such business developments, the Proposed Amendment is appropriate and justified.

19. The Petitioner believes, and therefore avers, that the Proposed Amendment is generally consistent with and helps to implement certain elements of the Lebanon County Comprehensive Plan (the "County Plan"), for the following reasons:

- a. First, the County adopted the County Plan in 2007. The County Plan serves as Lebanon County's comprehensive plan. Similar to the Regional Plan, the County Plan provides that the majority of the Property is within the Growth Area. The "majority of development and redevelopment should be guided to areas where water and sewer utilities, public services and transportation options are readily available." (Executive Summary) Given that the majority of the Property is located within the Growth Area, the Proposed Amendment is appropriate and justified.
- b. Next, the County Plan sets forth a series of land use and development principles that help to provide for and guide growth by:
  - i. Directing development toward existing communities and utilities to strengthen and revitalize them.
  - ii. Encouraging the appropriate redevelopment of existing underutilized sites.
  - iii. Discouraging zoning that encourages sprawl.
  - iv. Coordinating land use, utility and transportation planning to make development and redevelopment attractive to developers and sustainable by local government. (p. 4-2)

Given that the Proposed (zoning) Amendment helps to make the Property that is located within an area served or planned to be served by a full range of utilities, infrastructure, and services attractive for infill and (re)development, the Proposed Amendment is appropriate and justified.

- c. Additionally, the majority of the Property is classified as Suburban Business. (Land Use Policy Map) Business uses envisioned in the Suburban Business classification include a mix of commercial offices, light and heavy industrial and other similar uses in industrial and business parks served by a full range of

utilities, infrastructure, and services, including public water and public sewer. (p. 5-14)

- d. An excerpt of the Land Use Policy Map generally depicting the Property and the surrounding area is enclosed herewith as Exhibit 'F'.
- e. Further, the County Plan sets forth a series of economic development principles that help to provide for and guide growth by:
  - i. Planning for economic growth and development that expands employment, sustains businesses and provides family-sustaining jobs.
  - ii. Enhancing the stability of the local economy through business retention, expansion and diversification efforts (p. 4-2)
- f. The economic development goal of the County Plan is to “retain and expand existing businesses and attract new businesses that enhance the overall quality of life of county residents by meeting all or most of the following characteristics:
  - i. Provide stable jobs
  - ii. Offer job compensation (wages & benefits) that is family-sustaining
  - iii. Are net contributors to the tax base
  - iv. Pose minimal to no impact on the transportation system (after any associated improvements)
  - v. Are located in ... within walkable distance of existing or planned neighborhoods or accessible by public transportation and/or are located on underutilized properties . . . where infra-structure investment has already been made
  - vi. Adhere to high quality design and construction standards that are compatible with surrounding areas.” (p. 8-25)

The County Plan goes on to suggest:

- vii. Revising existing municipal zoning codes to provide appropriate opportunities to expand business and industry development within designated growth areas.
- viii. Coordinating land use planning and infrastructure investment for economic stability and smart growth.

- ix. Directing economic investment compatible with growth management goals for suburban expansion.
- x. Attracting new businesses that enhance the overall quality of life of county residents.
- xi. Providing other needed support to keep existing businesses competitive. (pp. 8-26, 8-32, 8-34 and 8-35)

Given that the Proposed Amendment revises the Zoning Ordinance to enable data center facilities as a new business in an appropriate area that is planned for and able to accommodate such business developments, the Proposed Amendment is appropriate and justified.

- 20. The Petitioner believes, and therefore avers, that the Proposed Amendment will provide for a legal business use that is not defined, permitted or prohibited anywhere in the Township. Data centers are neither defined, permitted nor prohibited in any zoning district in the Township. Rather than requesting the Zoning Hearing Board decide as to the similarity or compatibility of a data center to the other permitted uses in the I-1 District pursuant to Section 27-306 of the Zoning Ordinance, the Petitioner requests that the Board approve the Proposed Amendment defining the term “data center” and permitting such new business use by conditional use approval of the Board in the I-1 District, subject to specific criteria. Given the foregoing, the Proposed Amendment is appropriate and justified.
- 21. The Petitioner believes, and therefore avers, that the amount of remaining potentially developable industrial land in the Township is limited and the Proposed Amendment will provide additional land in a suitable and appropriate area. The Township currently has one (1) industrial zoning district that permits a mix of industrial businesses. But there is minimal developable remaining in the Township for industrial businesses. It appears that most of the industrially-zoned land in the Township has been developed or built out previously, is planned and approved for development, or is inadequate and cannot be developed properly due to its size, location, access or other natural or physical constraints. While the Proposed Amendment rezones approximately 73 acres of the Property from the C-1 District and A District to the I-1 District, while removing approximately 15 acres of land currently located in the I-1 District, the overall net total of land to be added to the I-1 District is approximately 58 acres. Given the foregoing, the Proposed Amendment is appropriate and justified.
- 22. The Petitioner believes, and therefore avers, that the majority of the Property is already planned for and zoned, so as to permit business development. Approximately 85.9 acres of the Property are currently located in the C-1 and I-1 Districts and therefore already permit commercial and industrial business development. Given the foregoing, the Proposed Amendment is appropriate and justified.

23. The Petitioner believes, and therefore avers, that the Proposed Amendment will help to maximize and avoid wasting prior and continuing public and private investment. The Property is in an area of the County, region and Township where several million private and public dollars have been invested and continue to be invested. Significant investments and improvements to land, buildings, businesses, roads, sewer and water services, electric service and other elements have been planned for, made, and are continuing to be made in the area around the Property. Given that public and private investment in developing, maintaining, or enhancing these improvements and infrastructure could be wasted if the Proposed Amendment is not approved and the area is bypassed, remaining underdeveloped, the Proposed Amendment is appropriate and justified.
24. The Petitioner believes, and therefore avers, that the Proposed Amendment will permit an appropriate and compatible business use with impacts less than or equal to those of other permitted businesses and nonresidential uses. The C-1 and I-1 Districts permit a range of commercial and industrial businesses and other nonresidential uses. The C-1 District permits: (i) retail sales; (ii) personal services; (iii) food and beverage services; (iv) vehicle sales, service/repair, washing and fueling; (v) business offices and services; and (iv) other nonresidential uses. While the I-1 District permits less intense uses such as: (i) business and medical offices and services; (ii) personal services; and (iii) contracting and repair services, it also permits more intense uses including: (iv) light manufacturing, fabricating, processing, packaging, compounding, or assembling activities; (v) wholesale, warehousing distribution centers and contractors' supply centers; (vi) vehicle fueling and recycling, including junkyards used for storage, wrecking, and converting used or discarded materials; and (vii) airstrips/landing strips. The I-1 District also permits sexually oriented businesses.

Data center facilities are more like office-type businesses rather than other business uses generally involving the sale of goods and provision of services to the general public, designed and intended to be visited regularly by customers/clients, because data center facilities do not have customers or clients that visit the facility regularly or with any frequency. Further, data center facilities are more similar to office-type businesses than to industrial uses, which generally involve the assembly, production, storage, transfer, distribution, and disposal of goods or products.

Data centers generally have traffic and/or other external impacts that are less than or equal to several other commercial, industrial and nonresidential uses that already are permitted on the Property via the existing zoning, including: (i) light manufacturing, fabricating, processing, packaging, compounding, or assembling activities; (ii) wholesale, warehousing distribution centers and contractors' supply centers; (iii) vehicle fueling and recycling, including junkyards used for storage, wrecking, and converting used or discarded materials; and (iv) airstrips/landing strips. Regardless, data centers provide support for and are compatible with commercial and industrial businesses and other

nonresidential uses. Given the foregoing, the Proposed Amendment is appropriate and justified.

25. A proposed ordinance amending the Zoning Ordinance as outlined herein (the “Proposed Ordinance”) is enclosed as Exhibit ‘G’.

WHEREFORE, the Petitioner respectfully asks the Board of Supervisors to adopt the Proposed Ordinance after consideration by the Township Planning Commission and Lebanon County Planning Department.

Respectfully submitted,

McNees Wallace & Nurick LLC

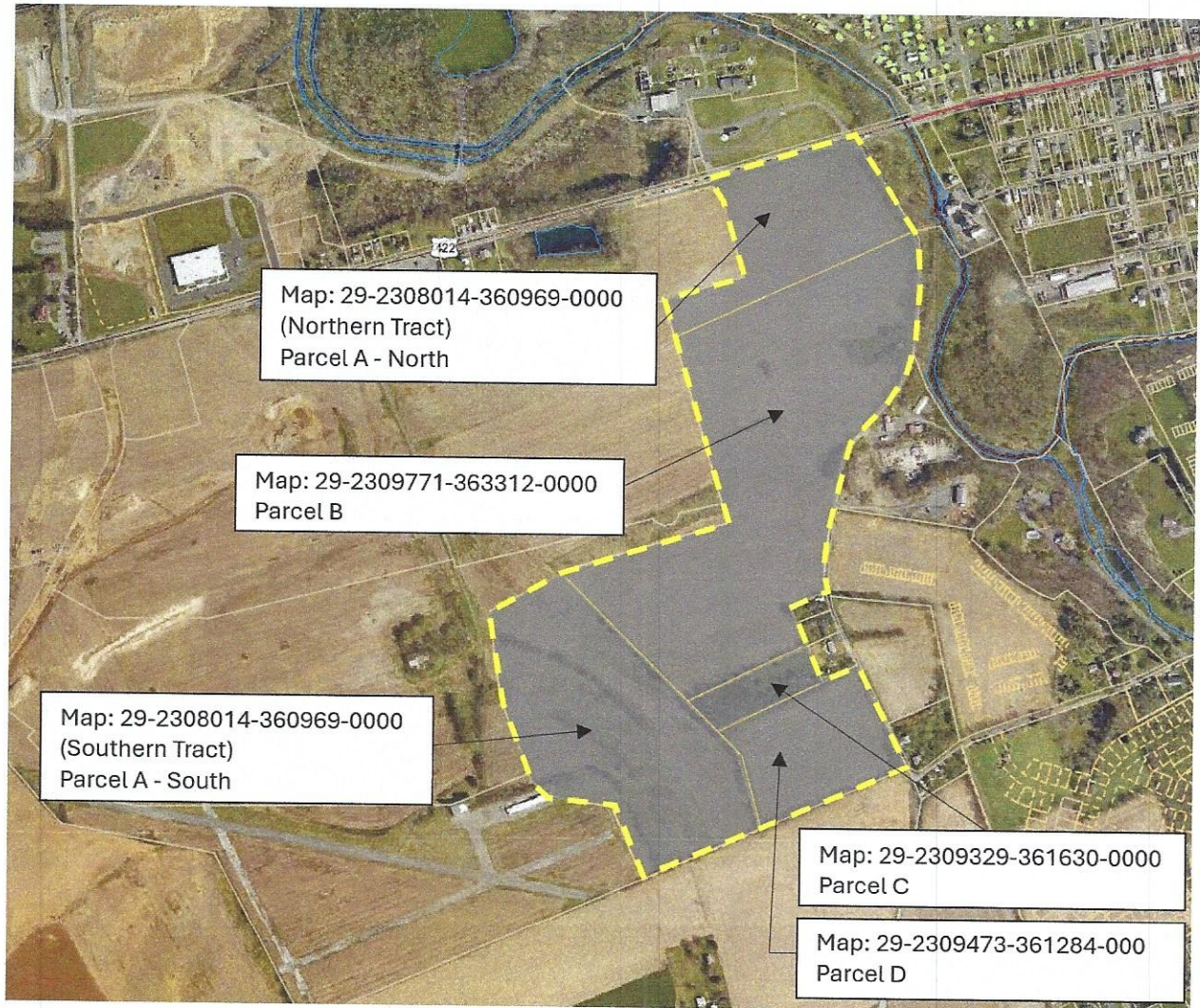


By:

Jonathan D. Andrews, Esq.

**EXHIBIT 'A'**

Aerial Image



**EXHIBIT 'B'**

Generalized Zoning

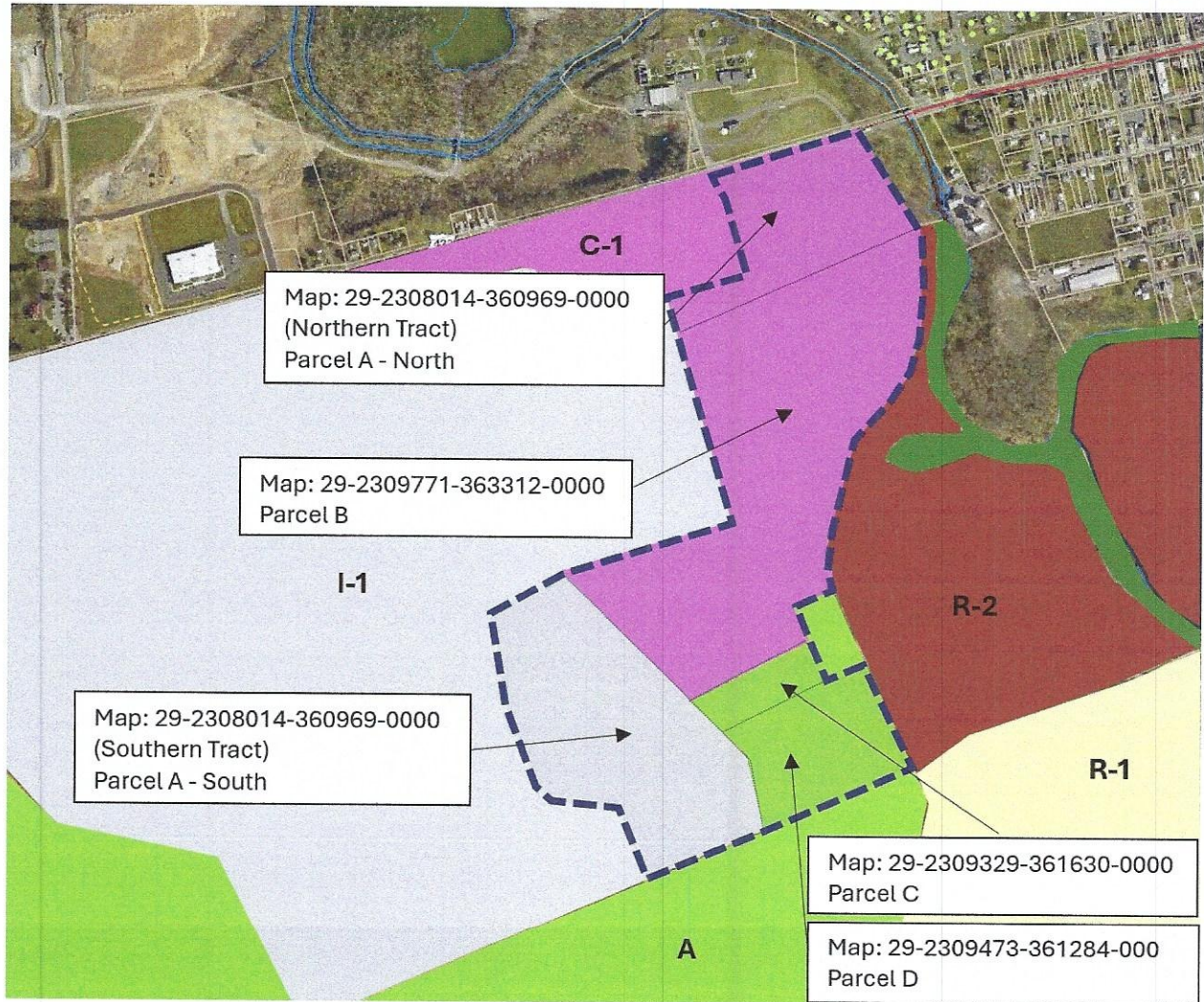
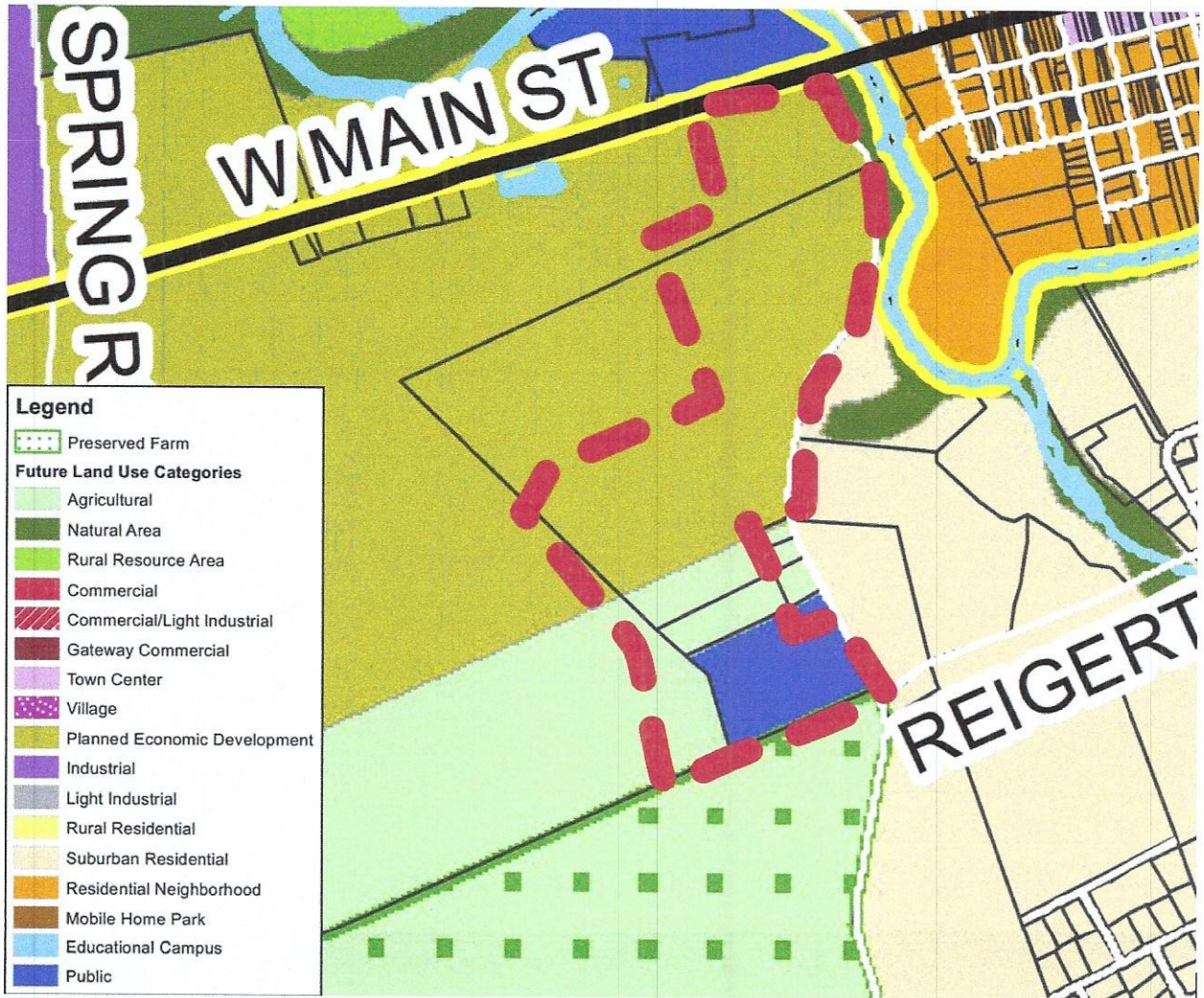


Exhibit 'C'

Future Land Use Map Excerpt



**Exhibit 'D'**

Sewer and Water Service Area Map Excerpt

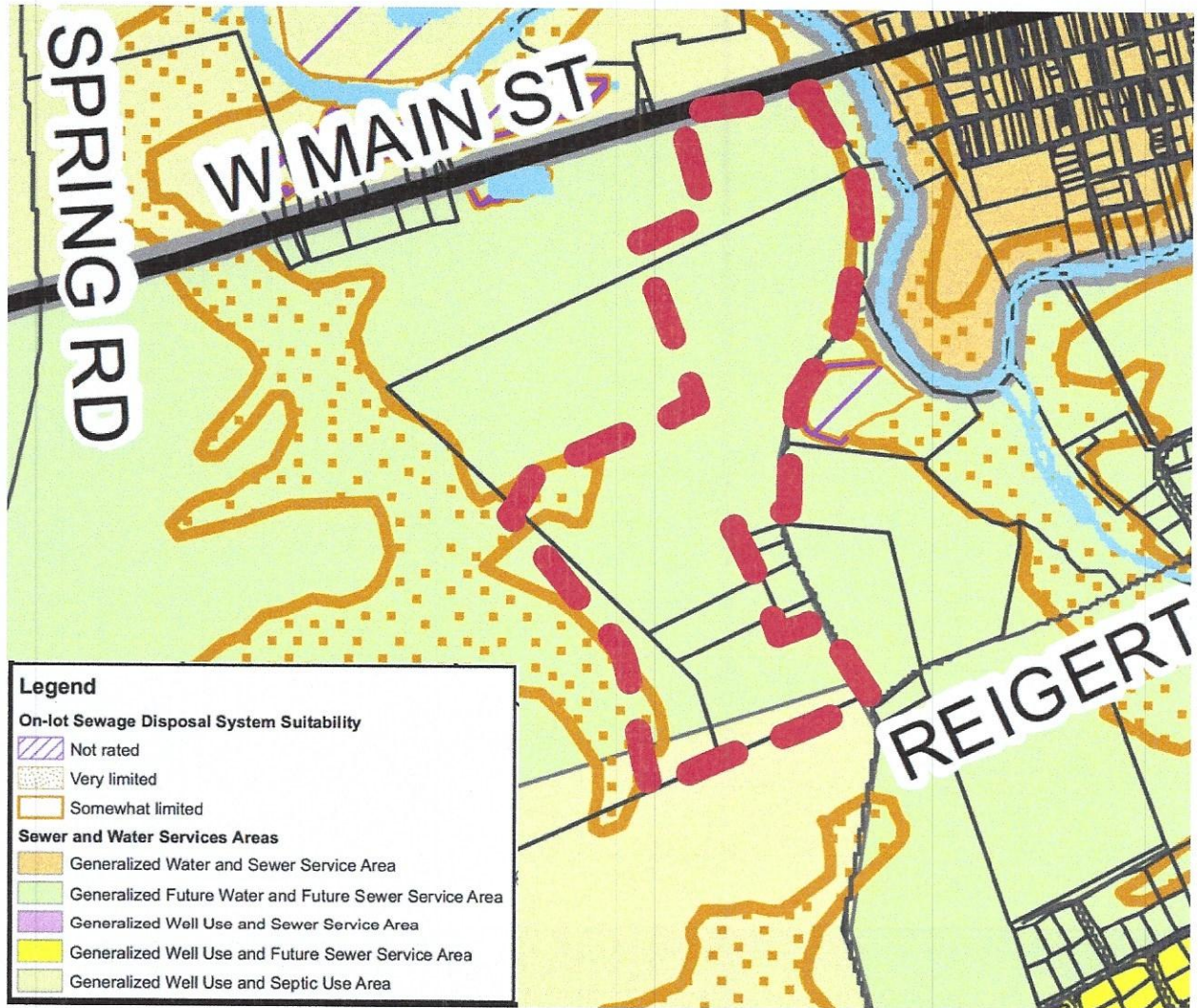


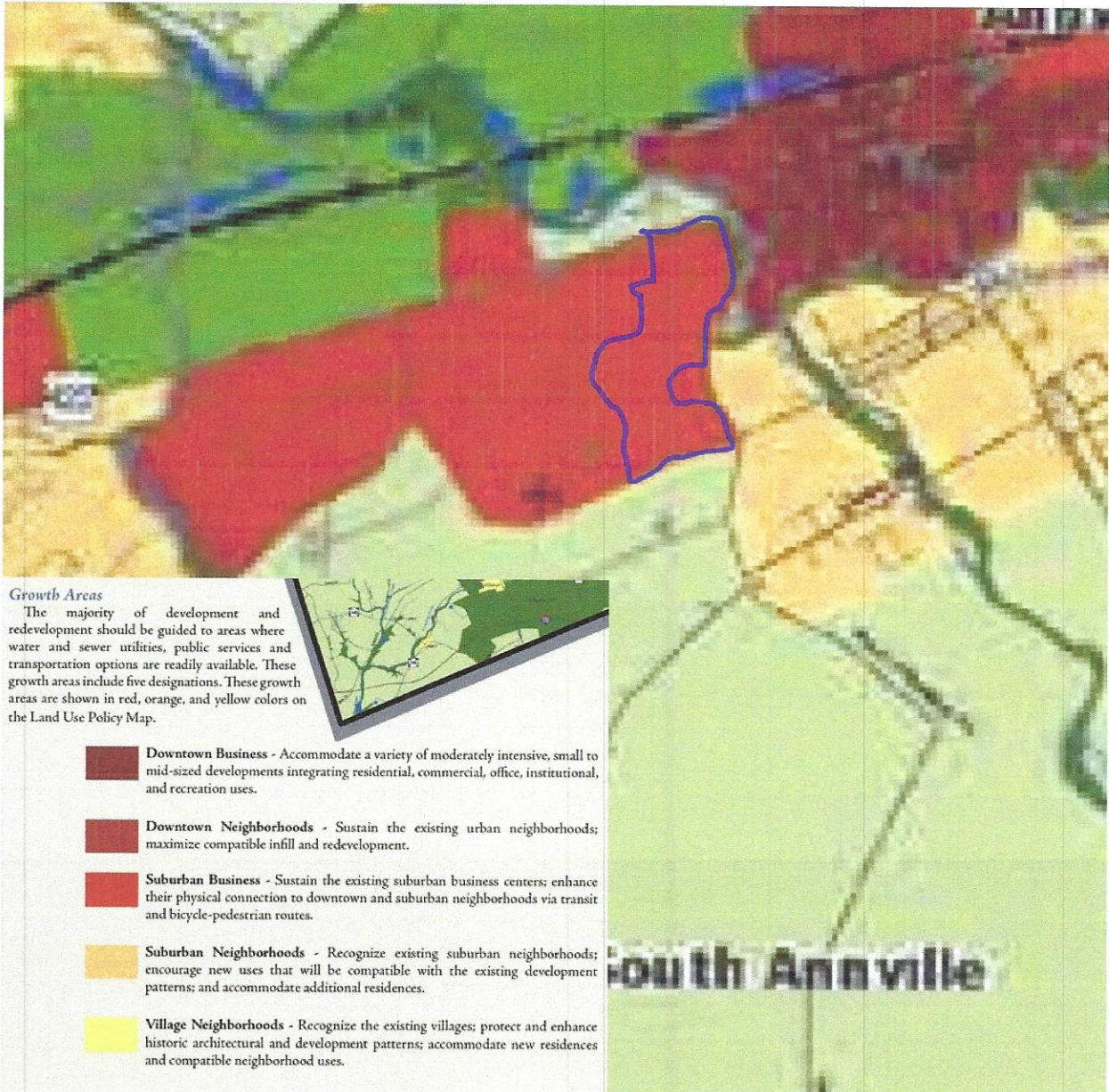
Exhibit 'E'

Transportation Map Excerpt



## Exhibit 'F'

### Land Use Policy Map Excerpt



**Exhibit 'G'**

Proposed Ordinance

**TOWNSHIP OF SOUTH ANNVILLE**

Lebanon County, Pennsylvania

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**ORDINANCE NO.** \_\_\_\_\_

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF SOUTH ANNVILLE, CHAPTER 27, ZONING, AS PREVIOUSLY AMENDED TO REVISE THE OFFICIAL ZONING MAP BY REZONING CERTAIN LAND FROM THE GENERAL COMMERCIAL DISTRICT (C-1) AND THE AGRICULTURAL DISTRICT (A DISTRICT) TO THE INDUSTRIAL DISTRICT (I-1 DISTRICT) AND CERTAIN LAND FROM THE INDUSTRIAL DISTRICT (I-1 DISTRICT) TO THE AGRICULTURAL DISTRICT (A DISTRICT); AND TO DEFINE CERTAIN TERMS RELATING TO DATA CENTERS AND PERMITTING SUCH USE IN THE INDUSTRIAL DISTRICT (I-1 DISTRICT) BY CONDITIONAL USE APPROVAL, SUBJECT TO SPECIFIC CRITERIA.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of South Annville, Lebanon County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Township of South Annville, Chapter 27, Zoning, as previously amended, Part 2, Establishment of Districts; Provision for Official Zoning Map, Section 201, Official Zoning Map, the "Official Zoning Map", shall be amended by rezoning from the General Commercial District (C-1 District) to the Industrial District (I-1 District), the following parcels:

Lebanon County Map Number:  
29-2308014-360969-0000 (Northern Tract)  
29-2309771-363312-0000

Address:  
740 W. Main Street  
401 Mount Pleasant Road

The area that is to be rezoned from the General Commercial District (C-1 District) to the Industrial District (I-1 District) totals approximately 59.6 acres and is depicted with light gray shading and a yellow long-dashed outline on Exhibit 'A' that is attached to and made a part of this Ordinance.

Section 2. The Code of Ordinances of the Township of South Annville, Chapter 27, Zoning, as previously amended, Part 2, Establishment of Districts; Provision for Official Zoning Map, Section 201, Official Zoning Map, the "Official Zoning Map", shall be amended by rezoning from the Agricultural District (A District) to the Industrial District (I-1 District), the following parcels:

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Lebanon County Map Number:  
29-2309329-361630-0000  
29-2309473-361284-0000

Address:  
517 Mount Pleasant Road  
563 Mount Pleasant Road

The area that is to be rezoned from the Agricultural District (A District) to the Industrial District (I-1 District) totals approximately 13.4 acres and is depicted with light gray shading and a yellow long-dashed outline on Exhibit 'A' that is attached to and made a part of this Ordinance.

Section 3. The Code of Ordinances of the Township of South Annville, Chapter 27, Zoning, as previously amended, Part 2, Establishment of Districts; Provision for Official Zoning Map, Section 201, Official Zoning Map, the "Official Zoning Map", shall be amended by rezoning from the Industrial District (I-1 District) to the Agricultural District (A District), the southwestern portion of the following parcel:

Lebanon County Map Number:  
29-2308014-360969-0000 (Southern Tract)

Address:  
740 W. Main Street

The area that is to be rezoned from the Industrial District (I-1 District) to the Agricultural District (A District) totals approximately 15 acres and is depicted with light green shading and a red short-dashed outline on Exhibit 'A' that is attached to and made a part of this Ordinance, and being generally bounded and more particularly described as follows:

Beginning at a point along the northwestern boundary of the tract; thence proceeding northeasterly along the northern boundary approximately 477 feet to a point; thence continuing east-northeasterly along said northern boundary approximately 212 feet to a point; thence continuing easterly along the northern boundary approximately 530 feet to the northeastern corner of the tract; thence proceeding southeasterly along the eastern boundary approximately 425 feet to a point; thence continuing south-southwesterly along the southeastern boundary approximately 625 feet to a point along the southern boundary of the tract; thence proceeding westerly along the southern boundary approximately 407 feet to a point; thence proceeding west-northwesterly along the southwestern boundary approximately 409 feet to a point; thence continuing north-northwesterly along the western boundary approximately 486 feet to the place of Beginning.

Section 4. The Code of Ordinances of the Township of South Annville, Chapter 27, Zoning, as previously amended, Part 1, Definitions, Section 102, Specific Terms Defined, shall be amended by inserting the following terms and definitions in alphabetical order as follows:

DATA CENTER – An establishment comprised of one (1) or more buildings, designed and intended primarily to house computers, networking and communication systems, equipment and components, such as routers, switches, firewalls, servers, storage systems and application-delivery controllers, for storing, processing, managing, transmitting and backing up electronic data necessary for the operation of a business, enterprise, institution, or other similar organizational entity.

DATA CENTER ACCESSORY USES, STRUCTURES AND EQUIPMENT – Ancillary uses, structures, equipment and appurtenances associated with and supporting data centers, including: office and administrative facilities, public and/or private utilities (e.g., power generation, substations, switch stations, electricity grid storage batteries, etc.), infrastructure systems (e.g., pipes, lines, etc.), mechanical equipment, components and environmental controls (e.g., heating/ventilation/air conditioning, cooling towers, tanks, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and enhanced security, including security guard buildings, storage and other similar uses, structures, equipment and appurtenances, all of which are located on the same lot or assemblage of adjacent lots developed as a unified development with a data center.

SECURITY GUARD HOUSE BUILDING – An accessory building designed and intended for monitoring, managing, and controlling access to a property or development.

Section 5. The Code of Ordinances of the Township of South Annville, Chapter 27, Zoning, as previously amended, Part 10, I – Industrial Districts, Section 1002, Permitted Uses, shall be amended by adding a new Section 1002.P, which shall provide as follows:

P. The following conditional uses when authorized by the Board of Supervisors as provided in Part 12 of this Chapter:

(1) Data centers subject to the following criteria:

(a) Lot and Building Dimensional Requirements.

[1] Frontage and Access. A data center shall be located on a lot that has frontage along and direct access to: (i) an arterial or collector roadway (including internal collector), as defined in Section 102 of this Chapter (see terms and definitions under “Roadway Classification”); or (ii) a roadway designed and proposed to be constructed to either arterial or collector roadway standards of the Subdivision Ordinance defined in Section 102 of this Chapter, as applicable.

[2] Other Dimensional Standards. Compliance is required with the following:

[A] Lot width and coverage requirements of Section 1005 of this Chapter;

[B] Setback requirements of Section 1006 of this Chapter; and

[C] Building height requirements of Section 1007 of this Chapter.

- [3] Notwithstanding any other limitation of this Chapter, including Section 1405, more than one structure housing a permitted or permissible principal or accessory use shall be permitted on a single lot without each building or structure designed as though it were on an individual lot, as long as such lot proposed for development is designed in accordance with all applicable dimensional standards of Section 1002.P(1)(a) of this Chapter.
- [4] Notwithstanding any other limitation of this Chapter, including Section 1406:
  - [A] Unless otherwise exempt as set forth in Sections 1002.P(1)(a)[4] or 1415 of this Chapter, data center accessory uses, structures and equipment shall comply with the applicable setback requirements of Section 1006 of this Chapter.
  - [B] Security guard house buildings are permitted to be located in any required front or side yard, but shall be set back a minimum of 50 feet from the street right-of-way line, front lot line and side lot line.
  - [C] Fences and stormwater management facilities are permitted to be located in any required yard, and shall not be subject to any yard setback requirements of this Chapter.
- (b) Landscaping and Screening Requirements. Landscape berms shall be provided in accordance with Section 1004.4.A of this Chapter. Additionally, landscape berms designed and constructed in accordance with Section 1004.4.A of this Chapter shall be provided along all property lines that adjoin land in a residential zone or an existing residential building. Further, all other applicable Screening and Landscaping Requirements as required in Section 1418 of this Chapter shall apply.
- (c) Parking Requirements. In addition to the applicable parking requirements of Article 15 of this Chapter, a minimum of one (1) parking space per employee on the largest shift, plus three (3) additional parking spaces for visitors, shall be provided.
- (d) Loading Requirements. In addition to the applicable loading requirements of Article 15 of this Chapter, a minimum of one (1) loading space per principal data center building shall be provided.

- (e) Utility Requirements.
  - [1] An applicant shall demonstrate that adequate sewage and water facilities are available and properly sized for the proposed occupancy. Notwithstanding any other limitation of this Chapter, in the event that public water service/capacity and/or public sewer service/capacity is not available, a community, on-lot or other approved private water service and/or private sewer service shall be permitted.
  - [2] To the extent applicable, will serve or capacity confirmation letters from the applicable public water, public sewer and power generation system providers shall be provided upon receipt.
  - [3] An approval or confirmation letter from the Susquehanna River Basin Commission (SRBC) for all projects that have ground and/or surface water consumption of 20,000 gpd or more and shall supply a raw water needs analysis showing required quantities from any private or public source, shall be provided upon receipt.
- (f) Industrial Performance Standards. Data centers shall comply with the applicable performance standards provided for in Section 1420 of this Chapter.
- (g) Modification of Standards. The Board of Supervisors may, by conditional use approval, permit the modification of the standards of this Chapter in order to encourage the use of innovative building or development design or emerging technological or operational practices. An applicant desiring to obtain such conditional use approval shall, when making application for conditional use approval for a data center, also make application for conditional use approval under this subsection. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the standards shall be subject to the following standards:
  - [1] Such modifications of standards equally or better serve the intent of the I-1 District.
  - [2] Such modifications of the standards would not result in adverse impact to adjoining properties, nor future inhabitants within the data center development.

- [3] Such modifications will not result in an increase in intensities permitted for the data center development.
- [4] Such modifications will not result in a decrease in the landscape area below that required for the data center development.
- [5] The extent of modification provides the minimum amount of relief necessary to ensure compliance with the applicable criteria in this Chapter.

Section 6. The Code of Ordinances of the Township of South Annville, Chapter 27, Zoning, as previously amended, Part 10, I – Industrial Districts, Section 1004, Use Limitations, Section 1004.6, Illumination, shall be amended by adding a new Section 1004.6, to provide as follows:

- 6. Illumination. All illumination shall be provided in accordance with the requirements of § 1420.16, § 1515 and § 1516.L of this Chapter, as applicable.

Section 7. The Code of Ordinances of the Township of South Annville, Chapter 27, Zoning, as previously amended, Part 14, Supplementary District Regulations, Section 1420, Industrial Performance Standards, Section 1420.5, Noise, Section 1420.5.D relating to exemptions, shall be amended by adding a new Section 1420.5.D(4), to provide as follows:

- (4) Emergency backup generators or other redundant/backup power equipment intended to be used during a power failure or other emergency situation, including but not limited to periodic testing, recharge and maintenance of such equipment weekdays (i.e., Monday – Friday) between the hours of 9:00 a.m. and 5:00 p.m.

Section 8. All other sections, parts and provisions of the Code of Ordinances of the Township of South Annville, Chapter 27, Zoning, as previously amended, shall remain in full force and effect as previously enacted and amended.

Section 9. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 10. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of South Annville as provided by law.

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