NORTH ANNVILLE TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA

ORDINANCE NO. 1-2026

AN ORDINANCE OF NORTH ANNVILLE TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, AMENDING THE NORTH ANNVILLE TOWNSHIP ZONING ORDINANCE TO DEFINE AND REGULATE DATA CENTERS; TO PERMIT DATA CENTERS IN THE MANUFACTURING ZONING DISTRICT BY CONDITIONAL USE ONLY; TO ESTABLISH SUPPLEMENTAL CONDITIONS, STANDARDS, AND REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, North Annville Township adopted the North Annville Township Zoning Ordinance of 1973, as amended (the "Zoning Ordinance"); and

WHEREAS, the Planning Commission has reviewed the proposed revisions to the text of the Zoning Ordinance and has recommended approval of such amendments.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF NORTH ANNVILLE TOWNSHIP THAT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE:

SECTION 1. - Background Provisions. Specific Words and Phrases shall be amended to include the following definitions:

DATA CENTER- A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use shall also include cryptocurrency mining, blockchain transaction processing, server farms, global financial system, cloud services, machine learning, artificial intelligence, quantum computing, or similar uses. A Data Center may include Data Center Accessory Uses.

DATA CENTER ACCESSORY USE - Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide

temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same parcel lot as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

SECTION 2 Data Centers are allowed in Manufacturing zone district by conditional use only.

Subject to the following:

A. The applicant shall provide a qualified traffic impact report in accordance with the SALDO (subdivision and land development ordinance) and any applicable township ordinances.

B. The minimum lot area for the use shall be one hundred (100) acres with no more than 50% of that area covered by buildings. The remaining lot area must be vacant (not contain diesel generators, storage, security, water treatment or any other buildings including accessory uses).

C. A minimum of three hundred (300) feet wide landscape strip shall be located along all property lines. Solar panels can be installed starting at 100 feet from property line. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. A permanent evergreen vegetative buffer must be provided. Any evergreen buffer installed shall consist of two (2) rows evenly spaced. The latter row being calculated to grow higher than the front row. The screen can be either a hedge ("planted three (3) feet on center maximum") or a row of evergreen trees ("planted height (8) feet on center maximum"). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to minimum of fifteen (15) feet at maturity. Additionally, a safety fence must be installed around the use as required by the National Electrical Code, as amended. A maintenance bond shall be supplied to the township for maintenance of the evergreen buffer in an amount estimated by a professional engineer to be an amount appropriate for the maintenance and/or replacement of the evergreen buffer if necessary.

D. The maximum building height for a Data Center shall be [50] feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, solar panels and cooling towers.

E. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.

F. Noise and Vibration.

a. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert*(paid by applicant)* that the sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 60 dB(a) and a maximum nighttime decibel level of *55* dB(a) and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(a) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI Sl .42104 and generally accepted methodology. During a power outage a maximum decibel level of 60 dB(a) for maximum of 24-hour period. A sound study shall be conducted at the following phases:

1. A preliminary study shall be conducted as part of the conditional use process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits *as well as vibration studies*.

2. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.

3. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the Township. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.

4. The sound studies shall also evaluate, and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

5. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

6. *Mandatory fan silencers be installed to attenuate fan noise in air handlers, chillers and cooling towers.*

G. Water and Sewer.

a. If the data center shall be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed. The township supervisors have the right to institute a bond to ensure the residents will not be responsible for the costs of the additional infrastructure required to serve the data center.

b. If the use is to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing surface waters in the vicinity. Data centers are prohibited to use ground water or well as a water source. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. Any changes exceeding the planned use of water would make the data center out of compliance.

c. The water feasibility study shall include the following information at a minimum:

1. The projected water demands of the Data Center;

2. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage);

3. The long-term safe yield of the water source;

4. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;

5. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;

6. A determination of the effects of the proposed water discharge system on the quality of water in nearby surface waters.

7. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

d. The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission for projects proposing:

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 Susquehanna River Basin; or

2. Any consumptive water use of 20,000 gpd or more over a 30day average from any water source.

3. *Any changes exceeding their planned use of water would make the data center out of compliance and the township supervisors could vote to shut down the data center.*

e. The applicant shall demonstrate that the means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the sewage enforcement officer and/or Pennsylvania Department of Environmental Protection. If public wastewater conveyance and treatment facilities are to be utilized, then applicant must obtain written approval from the public authority from whom requisite capacity is available.

f. An environmental impact study must be performed as a change in flow or temperature of a stream could impact fish.

H. Power Supply.

a. 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 that the necessary electrical consumption is available and that electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted. The township supervisors have the right to institute a bond to ensure the residents will not be responsible for the costs of the additional infrastructure required to serve the data center.

b. Any increase in utility costs, rates, charges, assessments, fees, system improvement costs, infrastructure costs, or other expenses

imposed by or through any electric, water, sewer, telecommunications, or other utility provider that is attributable, in whole or in part, to the Data Center use, including any Data Center Accessory Uses, shall be borne solely by the owner and/or operator of the Data Center and shall not be passed on to, assessed against, or otherwise imposed upon Township residents, other utility customers, or the Township. The Township may require the owner and/or operator to provide financial security, in a form and amount acceptable to the Township, to ensure compliance with this subsection.

c. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use. *25% of the roof must have solar panels for energy generation.*

I. Emergency Management.

a. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

1. Be reviewed and accepted by the local fire department and emergency management services as part of the [conditional use/special exception/land development] process;

2. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;

3. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

b. Ensure that all first responders receive adequate training specific to the installed system;

c. 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.

d. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar

standards and must include fire suppression systems designed specifically for battery storage.

e. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

1. Parking:

a. A minimum of 1 parking space per employee on the largest shift is required, plus an additional 3 visitor spaces.

2. Lighting;

a. Lighting must be dark sky compliant to minimize light pollution and light bleed to surrounding areas.

3. Decommissioning & Ownership change

a. Decommissioning Plan prepared by a qualified professional shall be submitted. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration.

b. The owner shall submit a notification of closure if operations are permanently ceased.

c. Decommissioning shall begin within 1 year of cessation of data center operations, or upon notice of abandonment by the operator, whichever occurs first. An extension of 1 year may be granted by the municipality if the property owner can demonstrate that they are actively marketing the site for a compatible replacement use. Decommissioning shall be completed within 18 months thereafter, unless extended by the municipality for good cause.

d. Standards for Decommissioning: a. All above-ground structures, equipment, and accessory facilities shall be removed. b. Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law. c. Disturbed soils

shall be stabilized and re-vegetated. d. Any utility connections shall be safely disconnected and capped. e. The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.

e. If ownership changes, the township must be notified 90 days prior. If this is not followed the data center will lose license for operation.

SECTION 3. Repealer. Preservation of Remaining Ordinance Provisions. All ordinances or parts of ordinances, and all provisions of the North Annville Township Zoning Ordinance, as amended, that are directly contradictory to or inconsistent with the provisions of this Ordinance are hereby repealed, revoked, and superseded only to the extent of such direct contradiction or inconsistency. All remaining provisions of the North Annville Township Zoning Ordinance, as amended, and all other ordinances of North Annville Township not directly contradictory to or inconsistent with this Ordinance, shall remain in full force and effect.

SECTION 4. Severability. The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance is for any reason held to be invalid, illegal, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect, impair, or invalidate the remaining sections, subsections, sentences, clauses, phrases, provisions, or portions of this Ordinance, which shall remain in full force and effect. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted had such invalid, illegal, unconstitutional, or unenforceable section, subsection, sentence, clause, phrase, provision, or portion not been included herein.

SECTION 5. This Ordinance shall become effective upon enactment by the Board of Supervisors of North Annville Township, County of Lebanon, and Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 14 day of Annville, 2026, by the Board of Supervisors of North Annville Township, Lebanon County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Adam D. Wolfe
Township Secretary

NORTH ANNVILLE TOWNSHIP
BOARD OF SUPERVISORS

By: Clyde B. Meyer
Chairman

By:
Vice Chairman