TOWNSHIP OF SOUTH HANOVER
DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026 -_____

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HANOVER, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING ARTICLE 2 (DEFINITIONS), ARTICLE 3 (ZONING DISTRICTS), ESTABLISHING ARTICLE 22 (DATA CENTER OVERLAY) TO CREATE A DATA CENTER OVERLAY DISTRICT, AND AMENDING THE ZONING MAP TO INCLUDE CERTAIN LANDS WITHIN THE DATA CENTER OVERLAY DISTRICT.

WHEREAS, the Board of Supervisors of the Township of South Hanover, Dauphin County, Pennsylvania, having adopted a Zoning Ordinance at Chapter 27 of the Township of South Hanover Code of Ordinances to, *inter alia*, promote coordinated and practical community development within the Township; and set forth the definitions, uses, requirements and regulations for zoning in the township; and

WHEREAS, the Board of Supervisors finds it necessary to amend the Zoning Ordinance to include definitions of terms and conditional uses of Data Center Facilities, and

WHEREAS, the Board of Supervisors finds it necessary to establish within the Zoning Ordinance an Article providing regulations pertaining to Data Center Facilities.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the Board of Supervisors of the Township of South Hanover, Dauphin County, Pennsylvania, that the Code of Ordinances of the Township of South Hanover, Chapter 27 (Zoning) Article 2 (Definitions) and Article 11 (Industrial Park District: IP) section 27-1104 (Conditional Uses), be amended in accordance with the changes described herein; and that Article 22 (Data Centers) be established.

SECTION 1. The Code of Ordinances of the Township of South Hanover, Chapter 27, Zoning, Article 2, Definitions is hereby amended as follows:

DATA CENTER:
A facility used for the housing, operation, and/or co-location of computer and communication equipment for the purpose of storage, management, processing, and/or transmission of digital information necessary for the operation of one or more business, commercial, or governmental entities. A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, water storge and enhanced security features.

DATA CENTER ACCESSORY USE:
Those uses and structures customarily incidental to a Data Center, including administrative buildings and offices , utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies (gensets and associated fuel storage tanks), redundant communications connections, antenna (microwave tower or commercial), and high security (including guardhouses, crash-rated fencing, and controlled access equipment and structures) when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center.

SECTION 2: The Code of Ordinances of the Township of South Hanover, Chapter 27, Zoning, Article 3, Designation of Districts, Section 27-301, Zoning Districts, is hereby amended to include the following new overlay zoning district:

DCO Data Center Overlay District

SECTION 3: The Code of Ordinances of the Township of South Hanover, Chapter 27, Zoning, Article 3, Designation of Districts, Section 27-302, Zoning Map, Subsection 1, is hereby amended to include the following changes:

The boundaries of the R-A, ESC, R-S, R-U, R-M, R-MH, V, IP, OP, CH**, and DCO** Districts shall be as shown upon the map attached to and made a part of this chapter, which shall be designated "Zoning Map." The said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein.

SECTION 4: The Code of Ordinances of the Township of South Hanover, Chapter 27, Zoning, Article 3, Designation of Districts, Section 27-303, Boundaries between the R-A, ESC, R-S, R-U, R-M, R-MH, V, IP, OP, and CH Districts, is hereby amended to be entitled:

Boundaries between the R-A, ESC, R-S, R-U, R-M, R-MH, V, IP, OP, CH**, and DCO** Districts

SECTION 5: The Code of Ordinances of the Township of South Hanover, Chapter 27, Zoning, is hereby amended to Establish in its entirety Article XXII, Data Center Overlay, as follows:

§ 2201. Establishment of Data Center Overlay District.

1. Purpose. The purpose of the Data Center Overlay District (DCO District) is to accommodate data centers and Data Center Accessory Uses, subject to the requirements of this Article XXII.

2. Boundaries of District. The boundaries of the DCO District shall be as delineated on the Zoning Map specified in Section 27-302 of this Chapter.

3. Applicability. The DCO District shall be an optional overlay district for certain land as depicted on the Zoning Map. With the exception of the standards of Article XIV (Floodplain District: FP), which shall prevail and apply over the standards of Article XXII, the standards of Article XXII shall supersede all general use and bulk and area standards set forth in the underlying zoning district. In the event of a conflict between the provisions and standards of Article XXII and any other provision or standard of this Chapter, the standards of Article XXII shall prevail and apply.

§ 2202. Principal Uses. The following principal uses may be established individually on separate lots or cumulatively on one parcel:

1. Data Center

2. Electric and water utility transmission and distribution facilities including substations, water pumping stations, reservoirs and the like.

§2203. Accessory Uses.

1. Data Center Accessory Use

§2204. Lot Area, Width and Yard Regulations.

1. Lot Area and Width Regulations

   A. The minimum lot area shall not be less than 30 contiguous acres.

   B. The width of any lot shall not be less than 200 feet at the right of way line or the building setback line.

   C. The minimum overall tract area for development of data centers is 410 acres. Upon development of any data center building within the overall tract area, the entirety of such overall tract area depicted on a land development plan shall be reserved for data center principal uses until all such data center principal uses on the overall tract area are abandoned or otherwise cease.

2. Yard Regulations

   A Front Yard: 100 feet

B. Side Yard: 75 feet

C. Rear Yard: 75 feet

D. Corner lots shall be provided two (2) front yards, one (1) side yard, and one (1) rear yard.

E. Data Center accessory uses, except stormwater management facilities, shall not be placed in the required yard setbacks.

§2205. Coverage Regulations.

1. Coverage shall not be more than 75% of the total lot area, including parking areas.

2. No less than 20% of the lot shall remain green or open space, not including stormwater management facilities.

§2206. Height Regulations.

1. No principal building or structure shall exceed 75 feet in height. Building height shall be calculated from ground to the top edge of the main roofline and exclude any mechanical or accessory equipment, screen walls and/or parapets.

   A. No accessory structure or uses, except public utility structures or facilities, shall exceed 50 feet in height.

   B. No mechanical or accessory equipment mounted on the roof shall exceed 20 feet in height from the top edge of the roof.

§2207. Buffer and Screening Regulations.

1. Buffer yards shall be required to meet the requirements of Section 27-1508, Subsection 1.F, except as otherwise provided in this Section 27-2207.

2. Along property lines that are shared with an adjoining, existing residential use, the depth of the buffer yard shall be increased to a minimum of 300 feet and shall include an earthen berm having a maximum slope of three feet of run to one foot of rise and a minimum height of 25 feet above grade. The top of the berm shall consist of a flat area having a minimum depth of 15 feet and shall be planted with evergreen trees in two staggered rows at intervals of 15 feet on center. Such evergreen trees shall have a minimum planting height of 10 feet. Notwithstanding the foregoing:

   A. Where existing trees and/or an existing berm are located within an area

where such a buffer yard is required, then in connection with the review of a land development plan the Board of Supervisors may (i) require that such existing trees and/or existing berm may be maintained in lieu of the requirements of this Subsection 2, provided that the Board of Supervisors determines that such existing trees and/or berm provides screening that is equally or more effective than the requirements of this Subsection 2 or (ii) require that such additional berm and/or trees be installed as may be accommodated outside of existing trees and/or existing berm but still within the required 300-foot buffer yard depth.

B. Where wetlands, ponds, streams or other waterways or natural features interfere with the installation of the required berm between the property line and proposed buildings or structures, a soundwall may be substituted for the berm or may be used to supplement a berm that is less than 25 feet in height, provided that (i) such soundwall is limited to the areas where the required berm at the required height is not installed, (ii) the minimum depth of the buffer yard remains at 300 feet, and (iii) the soundwall has a minimum height of either (a) 25 feet if the soundwall is not located on a berm or (b) a lesser height such that the sum of the height of the soundwall plus the height of any berm upon which the soundwall is to be located is a minimum of 25 feet.

§2208. Noise Regulations.

1. As part of any land development plan submission, the applicant shall submit a report providing the details of a sound study that estimates current sound levels and establishes post construction sound levels at the time of operation along all property lines, in compliance with the applicable provisions of this Section 27-2208. The report shall include proposed methods and materials to mitigate excess noise levels and limit the dbA and dbC levels at the property line to the levels stated in the table in paragraph 2 below. The study shall also estimate the dbA and dbC noise levels that adjacent existing dwellings would experience under the existing and/ or proposed conditions and mitigation measures.

2. Sound levels shall not exceed the following dBA and dBC levels for the zoning district contiguous to the property line of the subject property measured at the property line:

Maximum Sound Levels for Data Centers at Property Line				
Affected Zoning District(s)	**Daytime Maximum dbA**	**Nighttime Maximum dbA**	**Daytime Maximum dbC**	**Nighttime Maximum dbC**
Residential	55	55	55	55

(R-A, ESC, R-S, R-U, R-M, V, R-MH, R-MT and R-C)				

* Such sound level limits shall not apply to any property line of a lot that is located within the Data Center Overlay District and incorporated as part of a principal use permitted in the Data Center Overlay District.

3. For the purposes of this section: "Daytime" means 7 a.m. to 7 p.m. and "Nighttime" means 7 p.m. to 7 a.m. for the 24-hour period in question.

4. The sound levels set forth above may be exceeded for:

   A. Testing of auxiliary power generating systems, including generators, between the hours of 7:00 AM and 7:00 PM EST, provided that such testing shall (i) occur only on weekdays between the hours of 7:00 AM and 7:00 PM EST, (ii) not produce sound levels that exceeds a maximum of 75 dbA and 85 dbC as measured at the property line, (iii) be limited to a maximum period of three hours per day, and (iv) be performed a maximum of one time per week.

   B. Auxiliary power generating systems in use when the primary power generating system fails. Auxiliary power generating systems exceeding the sound levels set forth in Subsection 2 above shall not be used to augment the primary power generating system for purposes of increased data processing capacity.

5. Within two years after issuance of a certificate(s) of occupancy for all Data Center buildings that have been constructed pursuant to an approved land development plan, the Township reserves the right, in its sole discretion, to engage a third-party sound expert of its choosing to perform a post-occupancy noise study at the Data Center facilities at the Owner's expense to confirm compliance with the sound level standards set forth in this section 272208. If the study shows that the noise standards are not met, the Owner shall undertake any modifications needed to bring the facilities into compliance with the noise standards.

§2209. Lighting and Glare Regulations.

1. Lighting shall be designed so as to not produce objectionable or nuisance glare onto neighboring properties and conform to § 27-1512 Performance Standards.

2. A photometric plan shall be provided showing all exterior lighting shall be designed so as to not produce more than .25 foot-candles at any abutting lot line or right of way line. In addition, a report or plan shall be provided that includes details on the type of lighting fixtures, poles, and other pertinent materials and equipment upon which the photometric plan is based.

3. Exterior lighting shall not be mounted higher than 38 feet on a standard or other freestanding support or 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.

§2210. Signs.

1. Signs shall be provided in accordance with Article XVII, "signs," of this chapter.

§ 2211. Environmental Requirements.

1. Water use

   A. Water Source and Use Assessment: A report shall be provided for any proposed Data Center facilities stating what source(s) of water is proposed for the data processing equipment and heat mitigation needs along with a water needs and usage analysis for the project. If a public water system is not proposed as a selected water source for the project equipment and heat mitigation needs, water from a public water system providing the supply for the sanitary facilities shall not be used to augment the primary water source for the purpose of increasing the data processing capacity.

   B. Raw Water: To the extent required by state or federal law, Applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC) for all projects that have ground or surface water consumption of 20,000 gpd or more and supply a raw water needs analysis showing required quantities from any private or public source. Any proposed usage of groundwater for heat mitigation cooling (excluding quarry water) shall require submission of a report with the land development plan which includes a hydrogeological study documenting the effect on the area groundwater aquifer and no adverse effects on existing residential water wells in adjacent areas.

   C. Public Water: Applicant shall provide a will serve letter from the public

utility confirming that the required quantities will be supplied and shall supply a water needs analysis confirming required quantities.

D. Any water-cooling system use where water is taken directly from a riverine water source shall be designed and installed in accordance with all Federal and State regulatory and permitting requirements and the area and components be secured from access by fencing of at least 6 feet in height.

2. Public water and sewer shall be provided for all sanitary facilities.

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

4. A decommissioning plan shall be submitted as part of any Land Development submission showing the handling of any hazardous material and protection of any water sources upon closure of the facility and shall show how the site will be returned to a neutral state, being a condition that is easily adapted to similar uses, and the handling and removal of any Electronic Waste (also known as "E-Waste") and/or any other hazardous material that may be present on the site. Such decommissioning plan shall include the requirement as set forth in Section 2213 (Bond Required for Data Centers).

5. Energy Use: A report shall be submitted showing the estimated electrical energy needs and use and the proposed sources. The report shall also include an analysis of any renewable energy source(s) proposed with design details, a decommissioning plan and cost estimate for decommissioning any onsite solar and wind energy sources proposed along with the proposed bonding source to cover the estimated decommissioning cost.

6. Utilities – Applicant shall provide proof that the amount of anticipated utility use is feasible with the source from which the utilities are derived.

7. Emergency Management: A report shall be submitted with an analysis of emergency situations and occurrences which could be expected in a data center operation along with response plans and procedures for handling each situation. This report shall be excluded from the public record and not subject to right-to-know law due to security risks.

§ 2212. Off-Street Parking and Loading.

1. Except as provided herein below, off-street parking and loading shall be provided in accordance with the following and meet all other applicable

requirements of Chapter 27, Article XVIII, Off- Street Parking.

2. For each Data Center principal building, 1.5 off-street parking spaces per on-site employee on the largest shift shall be provided.

3. For each Data Center principal building, the greater of (i) 1 off-street loading space per 125,000 square feet of gross floor area or (ii) 2 off-street loading spaces shall be provided.

§ 2213. Bond Required for Data Centers.

1. The Data Center facility owner must post a bond when the application for such a system is filed with the Township in an amount determined by the Township's Engineer, to ensure the proper decommissioning of the handling and removal of any Electronic Waste (also known as "E-Waste") and/or any other hazardous material that may be present on the site of Data Center. The applicant for a zoning permit for a Data Center shall execute an agreement with the Township providing financial security in an amount equal to one hundred twenty-five percent (125%) of the estimated cost to decommission the handling and removal of any Electronic Waste (also known as "E-Waste") and/or any other hazardous material that may be present on the site of the Data Center. The estimated cost shall be prepared by the Applicant and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be in the form of one of the following:

   A. funds deposited with the Township; or
   B. a bond from an entity acceptable to the Township.

2. The agreement and financial security shall remain in effect until the decommissioning process has concluded and any Electronic Waste (also known as "E-Waste") and/or any other hazardous material that may be present on the site have been removed or remediated at the discretion of the Township. The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal and/or restoration of the Data Center or the land as provided herein. Every five (5) years, a new estimate of the said costs shall be submitted to the Township in writing by the owner of the Data Center. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to remain equal to one hundred twenty-five percent (125%) of the said estimated costs. In the event the Township utilizes the said financial security as herein provided, the owner of the Date Center shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred twenty-five percent (125%). The Township shall be entitled to an administrative fee of ten percent (10%) of the cost of any work

done by it pursuant hereto. The same may be deducted from the financial security. Should the financial security not be sufficient to pay the costs and fees, the owner of the Data Center and landowner shall be held jointly and severally liable for the costs and fees not paid from the financial security. The agreement referred to herein shall be prepared by the Applicant. All costs, expenses and fees incurred by the Township in reviewing the estimates or enforcing the said agreement shall be paid by the Applicant within ten (10) days of receiving a bill for the same.

SECTION 6. The Zoning Map of the Code of Ordinances of the Township of South Hanover, Chapter 27, Zoning, is hereby amended by adding and applying the limits of the Data Center Overlay District to include certain lands that are known and identified as Dauphin County Parcel Id. Nos. 56-016-058-000-0000, 56-016-124-000-0000, 56-016-125-000-0000, 56-016-115-000-0000, 56-016-004-000-0000, , 56-016-101-000-000 and 56-011-063-000-0000 and shown as the area outlined in red on Exhibit A.

SECTION 7. Except only as amended, modified and changed herein, Chapter 27 of the Township of South Hanover Code of Ordinances as originally enacted and as previously amended shall remain in all other respects in full force and effect.

SECTION 8. If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Chapter 27 of the Code as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Chapter 27 of the Code. The Township Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, sub-section, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

SECTION 9. This Ordinance shall become effective in accordance with applicable law.

DULY ORDAINED this ___ day of _____, 2026, by the Board of Supervisors of South Hanover Township, Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

SOUTH HANOVER TOWNSHIP
BOARD OF SUPERVISORS

_____
Secretary

By: _____