

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF SWATARA, CHAPTER 295 (ZONING), BY MODIFYING CERTAIN ARTICLES AND SECTIONS SO AS TO: DEFINE, PERMIT AND INCLUDE STANDARDS FOR DATA CENTERS BY RIGHT IN THE MU MIXED USE DISTRICT; PROVIDE THAT THE MASTER PLAN PROCESS IN THE MU MIXED USE DISTRICT IS APPLICABLE FOR A MIX OF USES; PROVIDE EXEMPTION FOR CERTAIN NOISE SOURCES; CLARIFY AND AMEND PROVISIONS REGARDING STEEP SLOPES; AND REZONE CERTAIN LAND CURRENTLY ZONED A AGRICULTURAL DISTRICT OR R-S SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE MU MIXED USE DISTRICT

BE IT HEREBY ORDAINED AND ENACTED by the Board of Commissioners of the Township of Swatara, County of Dauphin, Commonwealth of Pennsylvania, as follows:

Section 1. Chapter 295 (Zoning), Article II (Terminology), Section 295-22 (Definitions) is hereby amended by inserting a new term and definition of “Data Center” in alphabetical order of the existing terms and definitions to read as follows:

DATA CENTER

A commercial use of one or more buildings, designed and intended primarily to house computer, 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. A data center also includes accessory and supporting public utilities (e.g., substations, switch stations, etc.), infrastructure systems, mechanical equipment, components and environmental controls (e.g., air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and enhanced security.

Section 2. Chapter 295 (Zoning), Article III (District Regulations), Section 295-34 (Additional Requirements for MU District), Subsection D (Uses; Dimensional and Sign Requirements), Subsection (1)(c) providing for uses within areas approved to be developed under the M-L Light Manufacturing/Industrial District standards, is hereby amended as indicated by the blackline interlineations below, with underlined interlineations indicating insertions of language as follows:

- (c) Within areas approved to be developed under the M-L District, the same uses shall be allowed in the same manner as is provided under § 295-28 for the M-L District, the same dimensional requirements shall apply as are provided for the M-L District in § 295-29, and the same sign requirements as provided for the M-L

District in Article VII shall apply. Notwithstanding any other provision of this chapter, within areas approved to be developed under the M-L District, data centers shall be allowed by right in accordance with the specific criteria set forth in § 295-57.1, the same dimensional requirements shall apply as are provided for the M-L District in § 295-29, and the same sign requirements as provided for the M-L District in Article VII shall apply.

Section 3. Chapter 295 (Zoning), Article IV (Additional Requirements for Specific Uses) is hereby amended by inserting new Section 295-57.1 (Data Centers) in numerical order of the existing sections to read as follows:

Section 295-57.1 Data Centers.

The following regulations shall apply to data centers:

- A. Each data center building shall be served by Township-approved public sewage service and central water service.
- B. Notwithstanding any other provision of this chapter, unless restricted to a lower height by the Federal Aviation Administration or the Pennsylvania Bureau of Aviation, the maximum building height shall be 120 feet, provided that any building greater than 38 feet shall be set back a distance equal to its height from any residential district.

Section 4. Chapter 295 (Zoning), Article VI (Off-Street Parking and Loading), Section 295-104 (Required Number of Spaces), Subsection A (Overall Requirements), Subsection (1) (Number of Spaces), “Table of Off-Street Parking Requirements”, is hereby amended by inserting “Data Centers” as a new use in alphabetical order of the existing list of “Commercial Uses”, so as to require “Data Centers” to be provided with at least one parking space per 8,000 square feet square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser.

Section 5. Chapter 295 (Zoning), Article III (District Regulations), Section 295-34 (Additional Requirements for MU District), Subsection A (Master Plan), the first sentence is hereby amended as indicated by the blackline interlineations below, with underlined interlineations indicating insertions of language and strikethrough interlineations indicating deletions of language as follows:

- A. Master plan. Where more than one type of use is proposed on a lot or lots within the MU District, before any new principal use or building is approved, the applicant shall submit a concept plan illustrating the intended types of development for all lands under the control of the applicant.

Section 6. Chapter 295 (Zoning), Article V (Environmentally Sensitive Areas), Section 295-101 (Noise), Subsection B providing exemptions from the noise standards for certain noise sources, is hereby amended by inserting a new Subsection (9) to read as follows:

- (9) Emergency backup generators used during a power failure or other emergency situation, except that no testing or recharge shall occur between the hours of 9:00 p.m. and 7:00 a.m.

Section 7. Chapter 295 (Zoning), Article III (District Regulations), Section 295-25 (Zoning Map), Subsection A the “Swatara Township Zoning Map” is hereby amended by rezoning from the A Agricultural District to the MU Mixed Use District, the following parcels:

A. Area South of Highland Street:

<u>Dauphin County Property Identification Number:</u>	<u>Address:</u>
63-062-040-000-0000 (southern portion)	4711 Highland Street
63-062-098-000-0000	4801 Rear Highland Street
63-062-041-000-0000	4961 Highland Street
63-062-051-000-0000	Highland Street
63-062-052-000-0000	Highland Street
63-062-123-000-0000	Highspire Road

B. Area North of Highland Street:

<u>Dauphin County Property Identification Number:</u>	<u>Address:</u>
63-062-126-000-0000	Route 441

The area that is to be rezoned from the A Agricultural District to the MU Mixed Use District is:

- C.** Hereby intended and deemed to include the entire contiguous area that is described in Section 9 of this Ordinance; and
- D.** Depicted with light green shading and blue short-dashed outline on Exhibit ‘A’ that is attached to and made a part of this Ordinance.

Section 8. Chapter 295 (Zoning), Article III (District Regulations), Section 295-25 (Zoning Map), Subsection A the “Swatara Township Zoning Map” is hereby amended by rezoning from the R-S Single-Family Residential District to the MU Mixed Use District, the following parcels:

A. Area South of Highland Street:

<u>Dauphin County Property Identification Number:</u>	<u>Address:</u>
63-062-040-000-0000 (northern portion)	4711 Highland Street
63-062-042-000-0000	4801 Highland Street
63-062-064-000-0000	4801 Rear Highland Street
63-062-109-000-0000	4831 Highland Street
63-062-043-000-0000	4901 Highland Street
63-062-044-000-0000	Highland Street

63-062-045-000-0000	4921 Highland Street
63-062-047-000-0000	4931 Highland Street
63-062-046-000-0000	4931 Rear Highland Street
63-062-090-000-0000	4941 Highland Street
63-062-049-000-0000	Route 441
63-062-050-000-0000	4951 Highland Street

B. Area North of Highland Street:

<u>Dauphin County Property Identification</u>	
<u>Number:</u>	<u>Address:</u>
63-062-120-000-0000	5050 Highland Street
63-062-121-000-0000	5070 Highland Street
63-062-059-000-0000	5080 Highland Street

The area to be rezoned from the R-S Single-Family Residential District to the MU Mixed Use District is:

- C.** Hereby intended and deemed to include the entire contiguous area that is described in Section 10 of this Ordinance; and
- D.** Depicted with light green shading and blue short-dashed outline on Exhibit ‘A’ that is attached to and made a part of this Ordinance.

Section 9. Chapter 295 (Zoning), Article III (District Regulations), Section 295-26 (District Boundaries), Subsection E describing territories added to and taken from certain zoning districts is hereby amended by adding new Subsection (4) to read as follows:

Section 295-26.E(4) Certain land to be removed from the A Agricultural District and added to the MU Mixed Use District includes the following:

(a) Area South of Highland Street:

<u>Dauphin County Property Identification</u>	
<u>Number:</u>	<u>Address:</u>
63-062-040-000-0000 (southern portion)	4711 Highland Street
63-062-098-000-0000	4801 Rear Highland Street
63-062-041-000-0000	4961 Highland Street
63-062-051-000-0000	Highland Street
63-062-052-000-0000	Highland Street
63-062-123-000-0000	Highspire Road

The area south of Highland Street, which is to be rezoned from the A Agricultural District to the MU Mixed Use District is hereby

intended and deemed to include the entire contiguous area that is bounded to the:

- [1] North by the northern portion of the parcel identified as Dauphin County Property Identification Number: 63-062-040-000-0000 with an address of 4711 Highland Street, which adjoins and is located in the R-S Single-Family Residential District;
- [2] East by the parcels identified as Dauphin County Property Identification Numbers: [1] 63-062-042-000-0000 with an address of 4801 Highland Street; and [2] 63-062-064-000-0000 with an address of 4801 Rear Highland Street;
- [3] North by the parcels identified as Dauphin County Property Identification Numbers: [1] 63-062-064-000-0000 with an address of 4801 Rear Highland Street; [2] 63-062-043-000-0000 with an address of 4901 Highland Street; [3] 63-062-044-000-0000 with an address of Highland Street; [4] 63-062-046-000-0000 with an address of 4931 Highland Street; and [5] 63-062-049-000-0000 with an address of Route 441;
- [4] West by the parcels identified as Dauphin County Property Identification Numbers: [1] 63-062-049-000-0000 with an address of Route 441; and [2] 63-062-050-000-0000 with an address of 4951 Highland Street;
- [5] North by the right-of-way of Highland Street, together with the portions of the parcels identified as Dauphin County Property Identification Numbers: [1] 63-062-051-000-0000 with an address of Highland Street; and [2] 63-062-052-000-0000 with an address of Highland Street, which adjoin and are located south of the centerline of such right-of-way;
- [6] East by the parcel identified as Dauphin County Property Identification Number: 63-062-075-000-0000 with an address of 181 Highland Street and the following parcels located in Lower Swatara Township identified as Dauphin County Property

Identification Numbers: [1] 36-004-025-000-0000 with an address of Oberlin Road; [2] parcel with no identification number or address; [3] 36-007-006-000-0000 with an address of 3140 Fulling Mill Road; [4] 36-007-075-000-0000 with an address of 3146 Fulling Mill Road; and [5] 36-007-PDH with no address;

- [7] South by the right-of-way of Interstate 283 (SR 0283), together with the portion of the parcel identified as Dauphin County Property Identification Number: 63-062-123-000-0000-0000 with an address of Highspire Road, which adjoins and is located north of the centerline of such right-of-way; and
- [8] West by the right-of-way of Interstate 283 (SR 0283), together with the portions of the parcels identified as Dauphin County Property Identification Numbers: [1] 63-062-123-000-0000-0000-0000 with an address of Highspire Road; and [2] 63-062-040-000-0000 with an address 4711 Highland Street, which adjoin and are located east of the centerline of such right-of-way.

(b) Area North of Highland Street:

Dauphin County Property Identification

Number:

Address:

63-062-126-000-0000

Route 441

The area north of Highland Street, which is to be rezoned from the A Agricultural District to the MU Mixed Use District is hereby intended and deemed to include the entire contiguous area that is bounded to the:

- [1] North by the right-of-way of Lindle Road (SR 0441), together with the portion of the parcel identified as Dauphin County Property Identification Number: 63-062-126-000-0000 with an address of Route 441, which adjoins and is located south of the centerline of such right-of-way;
- [2] East by the parcel identified as Dauphin County Property Identification Number: 63-062-075-000-0000 with an address of 181 Highland Street;

- [3] South by the right-of-way of Highland Street, together with the portion of the parcel identified as Dauphin County Property Identification Number 63-062-126-000-0000 with an address of Route 441, which adjoins and is located north of the centerline of such right-of-way; and
- [4] East by the parcel identified as Dauphin County Property Identification Number: 63-062-059-000-0000 with an address of 5080 Highland Street.

Section 10. Chapter 295 (Zoning), Article III (District Regulations), Section 295-26 (District Boundaries), Subsection E describing territories added to and taken from certain zoning districts is hereby amended by adding new Subsection (5) to read as follows:

Section 295-26.E(5) Certain land to be removed from the R-S Single-Family Residential District and added to the MU Mixed Use District includes the following:

- (a) Area South of Highland Street:

Dauphin County Property

<u>Identification Number:</u>	<u>Address:</u>
63-062-040-000-0000	
(northern portion)	4711 Highland Street
63-062-042-000-0000	4801 Highland Street
63-062-064-000-0000	4801 Rear Highland Street
63-062-109-000-0000	4831 Highland Street
63-062-043-000-0000	4901 Highland Street
63-062-044-000-0000	Highland Street
63-062-045-000-0000	4921 Highland Street
63-062-047-000-0000	4931 Highland Street
63-062-046-000-0000	4931 Rear Highland Street
63-062-090-000-0000	4941 Highland Street
63-062-049-000-0000	Route 441
63-062-050-000-0000	4951 Highland Street

The area south of Highland Street, which is to be rezoned from the R-S Single-Family Residential District to the MU Mixed Use District is hereby intended and deemed to include the entire contiguous area that is bounded to the:

- [1] North by the right-of-way of Highland Street, together with the portions of the parcels identified as Dauphin County Property Identification

Numbers: [a] 63-062-042-000-0000 with an address of 4801 Highland Street; [b] 63-062-109-000-0000 with an address of 4831 Highland Street; [c] 63-062-043-000-0000 with an address of 4901 Highland Street; [d] 63-062-044-000-0000 with an address of Highland Street; [e] 63-062-045-000-0000 with address of 4921 Highland Street; [f] 63-062-047-000-0000 with an address of 4931 Highland Street; [g] 63-062-090-000-0000 with an address of 4941 Highland Street; [h] 63-062-050-000-0000 of 4951 Highland Street, which adjoin and are located south of the centerline of such right-of-way;

- [2] East by the parcel identified as Dauphin County Property Identification Number: 63-062-051-000-0000 with an address of Highland Street;
- [3] South by the: [a] parcel identified as Dauphin County Property Identification Number: 63-062-098-000-0000 with an address of 4801 Rear Highland Street; and [b] southern portion of the parcel identified as Dauphin County Property Identification Number: 63-062-040-000-0000 with an address of 4711 Highland Street, which adjoins and is located in the A Agricultural District; and
- [4] West by the right-of-way of Interstate 283 (SR 0283), together with the portion of the parcel identified as Dauphin County Property Identification Number: 63-062-040-000-0000 with an address of 4711 Highland Street, which adjoins and is located east of the centerline of such right-of-way.

(b) Area North of Highland Street:

Dauphin County Property

Identification Number:

Address:

63-062-120-000-0000	5050 Highland Street
63-062-121-000-0000	5070 Highland Street
63-062-059-000-0000	5080 Highland Street

The area north of Highland Street, which is to be rezoned from the R-S Single-Family Residential District to the MU

Mixed Use District is hereby intended and deemed to include the entire contiguous area that is bounded to the:

- [1] North and east by the parcel identified as Dauphin County Property Identification Number: 63-062-055-000-0000 with an address of Highland Road;
- [2] North by the right-of-way of Lindle Road (SR 0441), together with the portion of the parcel identified as Dauphin County Property Identification Number: 63-062-059-000-0000 with an address of 5080 Highland Street, which adjoins and is located south of the centerline of such right-of-way;
- [3] East by the parcel identified as Dauphin County Property Identification Number: 63-062-126-000-0000 with an address of Route 441; and
- [4] South by the right-of-way of Highland Street, together with the portions of the parcels identified as Dauphin County Property Identification Numbers: [a] 63-062-059-000-0000 with an address of 5080 Highland Street; [b] 63-062-121-000-0000 with an address of 5070 Highland Street; and [c] 63-062-120-000-0000 with an address of 5050 Highland Street, which adjoin and are located north of the centerline of such right-of-way.

Section 11. Chapter 295 of the Code, entitled “Zoning,” Article III thereof, entitled “District Regulations,” §295-32. thereof, entitled “Steep slopes,” is hereby amended by replacing the existing language in subsection B with the following:

Regrading. The regulations for non-man-made slopes of over 15% shall apply based upon natural slopes that existed as of the effective date of this chapter. This section shall not regulate (i) slopes that were clearly man-made prior to the adoption of this chapter and (ii) slopes permitted to be removed or reduced to a slope of 15% or less pursuant to an erosion and sedimentation control plan approved by the Dauphin County Conservation District and/or PADEP, as evidenced by the issuance of the required erosion and sedimentation control permit.

Section 12. The Secretary of the Township of Swatara, or assigned designee, is directed to revise the "Swatara Township Zoning Map" to delineate the rezoned area and boundary line changes as adopted hereby.

Section 13. All other sections, parts and provisions of the Code of the Township of Swatara shall remain in full force and effect as previously enacted and amended.

Section 14. 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 Commissioners that the remainder of the Ordinance shall remain in full force and effect.

Section 15. This amendment shall take effect and be enforced from and after its approval as provided by law.

DULY ORDAINED AND ENACTED this ____ day of _____, 2025, by the Board of Commissioners of Swatara Township, Dauphin County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF SWATARA
Dauphin County, Pennsylvania

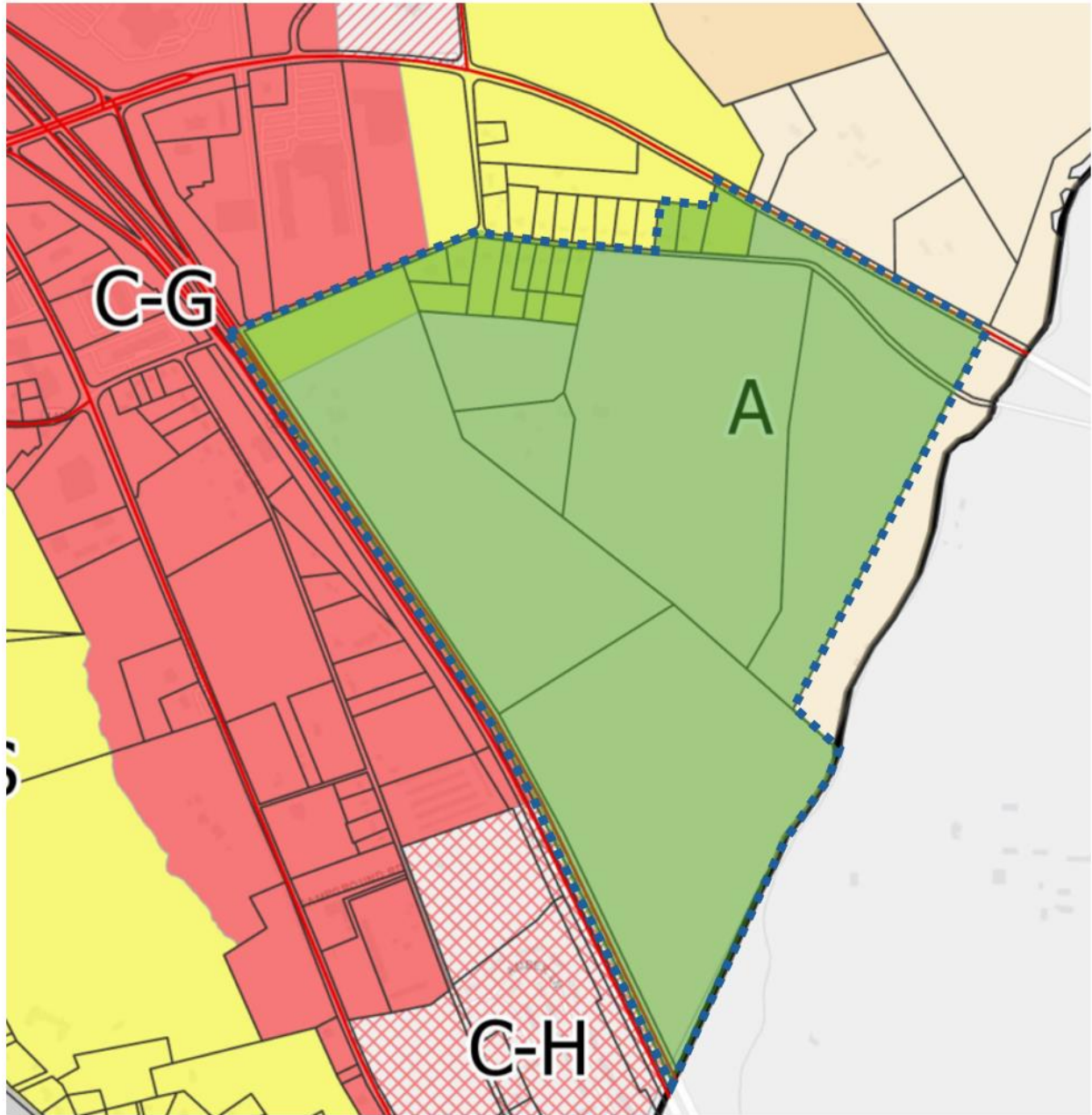
Attest: _____
(Assistant) Secretary

By: _____
(Vice) President
Board of Commissioners

(SEAL)

EXHIBIT 'A'

MAP DEPICTING THE AREAS TO BE REZONED FROM THE A AGRICULTURAL DISTRICT OR R-S SINGLE-FAMILY DISTRICT TO THE MU MIXED USE DISTRICT



Land to be Rezoned to the
MU Mixed Use District