

**CUMBERLAND TOWNSHIP  
ADAMS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2025-201**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 19 OF THE CUMBERLAND TOWNSHIP CODE OF ORDINANCES, ENTITLED “SIGNS”, BY AMENDING SUBSECTION §19-113.1.E(1), ENTITLED “POLITICAL SIGNS”, BY DELETING THE CONTENTS THEREOF AND MARKING THE SECTION AS “RESERVED” AND AMENDING CHAPTER 27 OF THE CUMBERLAND TOWNSHIP CODE OF ORDINANCES, ENTITLED “ZONING”, TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS.**

**WHEREAS**, the Board of Supervisors of Cumberland Township, Adams County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Township to update and amend Chapter 19, Part 1, of the Code of Cumberland Township (the “Code”), entitled “Signs,” by amending subsection §19-113.1.E(1), entitled “Political Signs”, by deleting the contents thereof and marking set section as “Reserved”; and

**WHEREAS**, Cumberland Township, Adams County, Pennsylvania (the “Township”) is governed by Pennsylvania’s Second Class Township Code, 53 P.S. § 65101, *et seq.*, and must comply with Pennsylvania’s Municipalities Planning Code, 53 P.S. § 10101, *et seq.* (the “MPC”); and

**WHEREAS**, Article VI of the Pennsylvania MPC entitled “Zoning,” 53 P.S. § 10601, *et seq.*, authorizes the Township to enact, amend and repeal Zoning Ordinances within the Township; and

**WHEREAS**, Section 609 of the MPC, 53 P.S. § 10609, sets forth the procedures for zoning ordinance amendments; and

**WHEREAS**, the Cumberland Township Zoning Ordinance is enacted as Chapter 27 of the Code; and

**WHEREAS**, the Board of Supervisors of the Township desires to add provisions to the Township’s Zoning Ordinance relating to Data Centers; and

**WHEREAS**, the Board of Supervisors of the Township deems it to be in the best interest and general welfare of the citizens and residents of the Township to update and amend provisions of the Zoning Ordinance to provide for the use of Data Centers.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of Cumberland Township, Adams County, Pennsylvania as follows:

**SECTION 1: Recitals**. The above recitals are incorporated herein by reference.

**SECTION 2. Amendment to the Code of Cumberland Township**. Chapter 19 of the Code, §19-113.1.E(1), entitled “Political Signs”, is hereby amended by deleting the contents thereof and marking set section “Reserved”.

**SECTION 3.** Section 27-201 of the Code, entitled “Words and Terms Defined”, is hereby amended to add the term “Data Center” and its definition to read as follows:

**DATA CENTER**

A use involving a building or area within the property in which the majority of the use is occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred, and/or stored, primarily to/from offsite locations. This use does not include computers or telecommunications-related equipment that is considered customarily accessory to an otherwise permitted use on the property, i.e., servers associated with an office building, both located on the same property.

**SECTION 4.** Section 27-1403 of the Code, entitled “Mixed Multi-Family Overlay (MMFO)”, is hereby amended by adding “Data Centers” as a Permitted Use within the MMFO by establishing a new subsection to be numbered 27-1403.3(C) to read as follows:

3. Permitted Uses.

C. Data Centers, subject to the specific criteria set forth in § 27-1607.

**SECTION 5.** Chapter 27, Part 16 of the Code, entitled “Supplementary Uses” is hereby amended by establishing a new subsection to be numbered 27-1607, to be entitled “Data Centers” to read as follows:

**§ 27-1607 Data Centers**

1. Data Centers shall be a permitted use only in the Mixed Multi-Family Overlay (MMFO) area.
2. A Data Center shall meet the following design guidelines:
  - A. Maximum height for Data Center use shall be seventy-five feet (75’).
  - B. Principal building facades: Principal building facades shall include all building facades that face adjacent public roads. When a building has more than one principal facade, such principal building facades shall be consistent in terms of

design, materials, details, and treatment. Principal building facades associated with new construction shall meet the following standards:

- i. Principal building facades shall avoid the use of undifferentiated surfaces by including at least two of the following design elements: change in building height; building step-backs or recesses; fenestration; change in building material, pattern, texture, color; or use of accent materials.
  - ii. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.
- C. Screening of mechanical and electrical equipment: In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical and electrical equipment shall be screened. This screening may be provided by a principal building or existing vegetation that will remain on the property or part of the required buffer. Mechanical and electrical equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.
- D. Buffer requirements: A Type D1 buffer shall be installed along the perimeter of the subject property.
- E. Utility Substations: Electronic Substations or other utility substations necessary to serve the Data Center use shall be considered part of the Data Center Use.
- F. Emergency Management and Response:
- i. Owners of Data Centers shall submit an Emergency Response Plan (ERP) that must:
    - a. Be prepared by a qualified professional.
    - b. Be reviewed and accepted by the local fire department and emergency management services as part of the Land Development Plan process.
    - c. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.

- d. The ERP must include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
    - e. Ensure that all first responders receive adequate training specific to the installed system.
    - f. 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.
  - ii. All Data Center applications must ensure coordination with the Emergency Management Coordinator, considering potential conflicts with any adjacent and nearby helicopter flight paths.
  - iii. A note shall be added to the Land Development Plan that states “The Township shall not assume liability for the adequacy of the ERP and reserves the right to require additional documentation or certifications to confirm compliance with national standards.”
- G. Traffic Impact: A traffic impact study is required in accordance with the standards set forth in Chapter 22 of the Code, regardless of the projected trip generation.
- H. Noise Control: Sound Studies conducted by a professional acoustical expert shall be required and the Applicant must demonstrate that the sound generated by the Data Center and associated equipment during operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to generators running) to a daytime (7:00 AM to 8:00 PM Monday-Friday) and a nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level does not exceed pre-development ambient noise levels by greater than 10 dB(A), with a maximum decibel level of 55 dB(A) during daytime hours and 45 dB(A) during nighttime hours, as measured from the property line of the Data Center use. In the event these levels cannot be met unmitigated, or if the proposed site is adjacent to an existing residential use, the installation of one or more sound reducing materials or systems must be utilized to reduce the sound generated to the decibel levels set forth above. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted industry criteria. The Sound Study shall identify potential mitigation measures in the event that decibel levels actually exceed the maximum set forth herein. The potential efficacy of the mitigation measures shall be outlined in such study. Sound studies shall be conducted at the following:

- i. A preliminary sound study for the Data Center and associated equipment shall be conducted prior to preliminary approval for the development of the Data Center. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits. Additionally, the study shall include a frequency analysis and evaluate vibration impacts as part of the noise impact assessment.
    - a. The frequency analysis shall include measurements across octave or 1/3 octave bands, consistent with ANSI S1.11 or an equivalent standard.
    - b. The frequency analysis shall demonstrate compliance with property line sound limits across all relevant frequency bands under typical operating conditions.
  - ii. An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Center and associated equipment depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center.
  - iii. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy for any Data Center and associated equipment prior to the final escrow release for any Data Center land development phase. An as-built sound study may also be required thereafter by the Township upon request. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Center shall promptly mitigate the violation so that decibel levels do not exceed the limit set forth herein. The as-built sound study shall confirm compliance with the sound limits and frequency analysis requirements established in the preliminary sound study, including measurements across octave or 1/3 octave bands consistent with ANSI S1.11 or an equivalent standard.
- I. Vibration Study: A Vibration Study shall be provided that demonstrates that any vibration result from equipment or materials associated with the Data Center use (fans, pumps, chillers, generators, etc.) do not extend past the property line. This study shall be prepared by a qualified professional in accordance with industry standards.

**SECTION 6. Repealer.** All prior ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent they are inconsistent with this Ordinance. Except as expressly

amended, nothing herein shall be deemed to affect or alter any other provision of the Cumberland Township Code.

**SECTION 7. Savings Clause.** In all other respects, the Code of Cumberland Township shall remain as previously enacted and ordained.

**SECTION 8. Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be illegal or invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion or provision shall be severable and shall not affect or impair any remaining portion of this Ordinance and Chapter, which shall remain in full force and effect.

**SECTION 9. Effective Date.** This Ordinance shall take effect in accordance with law.

**DULY ENACTED AND ORDAINED** this 27th day of May, 2025 by the Board of Supervisors of Cumberland Township, Adams County, Pennsylvania, in lawful session duly assembled.

**ATTEST:**

**CUMBERLAND TOWNSHIP**

  
Secretary

  
Shaun A. Phiel, Chair

(SEAL)

