



# Cumberland County Planning Commission Agenda

## PLANNING DEPARTMENT

Cumberland County

Cumberland County Planning Department  
310 Allen Road, Suite 101  
Carlisle, PA 17013  
Telephone: (717) 240-5362

**January 15, 2026 - 7:30 AM\*\***

• **Call to order (Kirk Stoner).**

- Pledge of allegiance.
- Moment of silent reflection.
- Reorganization of CCPC officers.

• **Agenda modifications and approval (Chair).**

Additions to agenda must be approved by majority of CCPC members present and be de minimis in nature with no contractual or financial obligations.

• **Non-agenda public comment (Chair).**

- Written comments provided by residents.
- Comments by residents in person.
- Online virtual comments.

• **Action Items**

- Approval of minutes – December 18, 2025 (Chair)
- Middlesex Township-Proposed zoning map amendment to add parcels to the data center overlay district (Steve Hoffman).
- Southampton Township-proposed zoning map amendment to add parcels to the data center overlay district (Steve Hoffman).

• **Informational Items**

- Commissioners' liaison report (Commissioner Neiderer).
- Consistency Letters (Kirk Stoner)
  - ◊ No submissions in December 2025
- Plans and minor amendments (Steve Hoffman)
  - ◊ Monthly plan summary
    - ⇒ Plan list-19 plans. Notable submissions include
      - ◆ Middlesex Township data center phase 1B
      - ◆ Carlisle Borough-Carlisle Middle School
      - ◆ Middlesex Township-data center phase 2
      - ◆ Middlesex Township-data center phase 3
      - ◆ Lower Allen Township-Arcona phases 3-6



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- ⇒ Online growth dashboard: <https://gis.ccpa.net/growthtrends/>
- ◊ Monthly MPC review summary (Steve Hoffman)
  - ⇒ South Middleton Township-Solar energy systems
  - ⇒ East Pennsboro Township-College uses in the college overlay district
  - ⇒ North Newton Township-Keeping of chickens
  - ⇒ Silver Spring Township-Provide for data centers in the I2 zoning district and establish criteria.
- MPC Adoption Update (Steve Hoffman).
  - ◊ No resolutions received
- 2025 planning program report (Kirk Stoner).
  - ◊ January 2025 dashboard
- Coordinating agencies report (Kirk Stoner).
- Adjournment (Chair).
  - ◊ Next meeting scheduled for February 19, 2026.

*\*\*This meeting will be conducted in person with a video teleconference option. Video teleconference participants are advised that unforeseen technical difficulties may occur that would impede the ability to participate in the meeting. In-person meeting attendance or written input is encouraged.*

*Residents wishing to provide written comments should provide those comments to Kirk Stoner, [kdstoner@cumberlandcountypa.gov](mailto:kdstoner@cumberlandcountypa.gov) or by mail to 310 Allen Road, Carlisle, PA 17013. All written comments will be referenced during the public comment section of the agenda and provided to CCPC members in advance of the meeting.*



**PLANNING DEPARTMENT**  
Cumberland County

Cumberland County Planning Commission (CCPC)

Meeting Minutes

December 18, 2025

7:30 AM – In Person/Zoom

**Roll Call**

CCPC Members:	X Tim Johnson	X Tracey Vernon via Teams
	X George Tyson	X Matt Fisher via Teams
	X Fred Reddig	X Ed Franco
	X Jeanna Som	X Kelly Palmer
	X Brandon Weary	
	X (Commissioner Liaison) Kelly Neiderer	
CCPD:	X Kirk Stoner	X Elizabeth Grant
	X Steve Hoffman	X Jessica Cohick
	X Stephanie Williams	X Nathan Bard
		X Mike Carver – IMTO
Cooperating Agencies:	X CAEDC – Janet Anderson via Teams GIS – Derin Klick Conservation District	Public Safety – Mike Snyder X CCHRA-Mikayla Kitchen
Applicants/Guests:	Ted Tupper – via Teams Tamela Trussell, 612 Belvedere Street, Carlisle -via Teams	Charlie Thompson, Sentinel – via Teams Brad Mills, Scheer Partners

**1. Agenda Modifications and Approval**

None.

**2. Public Comment**

Kirk Stoner shared an email from Elias Kradel, 752 West South Street, Carlisle, regarding data centers in Cumberland County.

"I do not believe that the proposed data center is of benefit to Cumberland County. In fact, I think it would be much to our county's detriment to allow for a project with such an immense environmental, specifically water-based, cost to go through in our area. Cumberland County's waterways and their preservation are not only vital to the health and life of our area's people and ecosystems, but the Conodoguinet Creek is a major draw for outdoor recreation, given the prominence of the trout fish in its waters. For this reason, Carlisle is special to trout fishers who bring in money to our area when traveling to Carlisle. With a data center, the Conodoguinet's health and size would suffer greatly as would Carlisle's outdoor recreation economy. The jobs that a data center could bring are not worth our water, especially considering how much of a data center's profits would be exported to a company, not the people of Cumberland County."

### 3. Approval of Minutes

The November 20, 2025 meeting minutes were approved by unanimous vote on a motion by Kelly Palmer and seconded by Fred Reddig.

### 4. Action Items

#### **Blighted Property – Carlisle Borough - 127 Lincoln Street**

The Blighted Properties Reinvestment Board (BPRB) has a process by which it inspects the property, identifies conditions of blight, notifies the property owner, and establishes a timeframe for the blight conditions to be removed. There are seven conditions of blight examined by the BPRB and only one condition needs to be present for a property to be considered blighted. If the blight conditions are not removed, the BPRB moves through a process where property owners receive additional notifications and opportunities to remove the blight conditions from the subject property. If the blight conditions are still not removed, the BPRB refers the properties to the respective municipal and county planning commissions that certify the presence of the conditions of blight. After those determinations, the BPRB can acquire the property through eminent domain, remove the conditions of blight, and market the property to a new owner. CCHRA has funding sources that can help remove blight conditions and assist in the property's redevelopment.

Mikayla Kitchen noted this property was referred to the BPRB in August 2024. The property exhibited numerous conditions of severe blight. All steps were taken in the blighted process with no response or contact made with the property owner to remove the blighted conditions. A reinspection was done in June 2025, with no improvements.

**ACTION: Fred Reddig made a motion to certify the property located at 127 Lincoln Street is a blighted property, Brandon Weary seconded. The vote was unanimous.**

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#### **Hopewell Township – Rezoning VR to AG**

A property owner in Hopewell Township has submitted a proposed zoning map amendment that will change the zoning of a property from village residential (VR) to agricultural (AG). Parcel number 11-08-0603-032 consists of 73.14 acres and is owned by Dana and Susan Funk.

The property consists of an active farm with a single-family detached dwelling. According to the narrative, the property was originally zoned as agriculture and was changed to VR. The owners of the property intend to construct a poultry operation. The use is not permitted in the VR district.

#### **Consistency:**

##### Cumberland County Comprehensive Plan

The 2024 Cumberland County Comprehensive Plan is organized around the Cumberland Principles. These principles guide effective planning practices which benefit the environment, economic development, and the community. The following table determines consistency between the proposed amendment and the Cumberland Principles.

The Cumberland Principles (Comprehensive plan page number)	Consistency Determination
---------------------------------------------------------------	---------------------------

<b>The Cumberland Principles</b> (Comprehensive plan page number)	<b>Consistency Determination</b>
<b>Protect the Best First</b> (page 20)	<ul style="list-style-type: none"> <li>The proposed amendment will permit farming in the area and may protect the farmland.</li> <li>A majority of the site consists of class 2-4 soils. Class 2 are considered prime soil and class 3 are of statewide importance for agriculture.</li> </ul>
<b>Grow In Not Out</b> (page 29)	<ul style="list-style-type: none"> <li>The property is in an area served by public sewer.</li> <li>The existing and proposed use is agriculture.</li> </ul>
<b>Plan for People and Places</b> (page 44)	<ul style="list-style-type: none"> <li>The use of the property will remain agriculture.</li> <li>The proposed rezoning is consistent with rural character of area</li> </ul>
<b>Open for Business</b> (page 71)	<p>The rezoning will permit an agricultural operation to expand and may increase economic activity in the area.</p>
<b>Engage to Improve</b> (page 78)	<ul style="list-style-type: none"> <li>Hopewell Township should post the rezoning on their website.</li> <li>Due to proximity, the Borough of Newburg should be made aware of the rezoning.</li> </ul>

#### Hopewell Township Comprehensive Plan

The first objective in the comprehensive plan is to preserve agricultural land and the agriculture industry. One of the strategies is to use the zoning ordinance to limit development in areas of predominate agricultural activity with prime soils (page 8-2).

Discussion took place on the township's intent of placing the property in the agriculture zone. Staff noted the township included the property in the VR because of the presence of public sewer and water. Given the property has historically been used as a farm and is proposed to continue in that use, the agriculture zoning district is appropriate. The CCPC suggested that the township look at other VR zoned properties to determine if other rezonings back to agriculture were necessary.

**ACTION: Fred Reddig made a motion to recommend approval of the rezoning from VR to AG with consideration of staff comments to Hopewell Township, Ed Franco seconded. The vote was unanimous.**

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#### **Silver Spring Township – Agricultural Security Area – Schrim**

Silver Spring Township has submitted an application to add parcel 38-23-0581-051 located at 43 N. Old Stonehouse Road to its ASA program. The parcel is approximately 31.72 acres.

New ASA applicant parcels must be reviewed to assess their conformity with the evaluation criteria included in section §905 and §907 of the ASA Law.

ASA Evaluation Criteria	Consistent with ASA Criteria Y/N	Comments
<b>§905(a) Size/Income</b> The parcel shall be either 10 acres in size or have an anticipated yearly gross income of at least \$2,000.	Y	<ul style="list-style-type: none"> <li>The parcel is approximately 31.72 acres.</li> </ul>

ASA Evaluation Criteria	Consistent with ASA Criteria Y/N	Comments
<b>§907(a) Soils</b> Land proposed for inclusion to the ASA program shall have soils that are conducive to agriculture. This factor shall be satisfied if at least 50% of the parcel contains Class 1-4 Soils.	Y	<ul style="list-style-type: none"> <li>The parcel meets soils criteria. The parcel is approximately 87% in soil classes 1-4.</li> </ul>
<b>§907(a) Compatibility with Land Use Plans and Zoning</b> Use of land proposed for inclusion in the ASA program shall be compatible with local government unit comprehensive plans. Zoning shall permit agriculture use but need not exclude other uses.	Y	<ul style="list-style-type: none"> <li>The parcel is located in the Rural Character Area of the County 2024 FLU map. The Cumberland Principles can be used to further evaluate inclusion of this parcel into the ASA. "Protect the Best First" recommends preservation of prime farmland.</li> <li>The parcel is in the Agriculture area on the Silver Spring Township Future Land Use Map. A priority in this Land Use Area is to encourage their continued use for agricultural purposes and to preserve the best agricultural land in the Township.</li> <li>The parcel is located within the Rural Residential zoning district. This district permits agriculture use by right. Commercial livestock operations (CAFO/CAO) are a conditional use in this district.</li> <li>The parcel is located within "Area A" of the Township's Conservation Development Overlay map. "Area A" of the Conservation Development Overlay only permits the development of single-family residential dwellings in the Rural Residential zoning district.</li> </ul>
<b>§907(a) Viable for Agriculture</b> Land proposed for inclusion into the ASA shall be viable agricultural land. Viable agricultural land is defined in the ASA law as " <i>land suitable for agricultural production and which will continue to be economically feasible for such use if real estate taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of urban and related nonagricultural development.</i> "	Y	<ul style="list-style-type: none"> <li>The parcel is currently used for production of traditional row crops.</li> <li>The surrounding area is predominantly agricultural and residential land uses.</li> <li>The parcel does not have access to public water and sewer, limiting potential for non-ag development.</li> </ul>
<b>Additional Factors</b>	Y	<ul style="list-style-type: none"> <li>The parcel is adjacent to land preserved through</li> </ul>

ASA Evaluation Criteria	Consistent with ASA Criteria Y/N	Comments
The proximity to other ASA/ACE's, extent and nature of farm improvements, anticipated trends in agricultural economic and technological conditions and any other matter which may be relevant may be considered in evaluating a proposal.		<p>Silver Spring Township's Land Preservation Program to the west and there are farms in the general vicinity preserved through the County Agricultural Conservation Easement Program to the northeast on Biddle Road, northwest on Ridge Road and southwest on Byers Road.</p> <ul style="list-style-type: none"> <li>• Similarly, the parcel is adjacent to land enrolled in the ASA program. Over 2,300 acres of land are enrolled in Silver Spring Township's ASA program.</li> <li>• There are no agricultural improvements on this parcel.</li> </ul>

**ACTION: Kelly Palmer made a motion to recommend approval of the addition of parcel 38-23-0581-051 located at 43 N. Old Stonehouse Road to the ASA program for Silver Spring Township, Brandon Weary seconded. The vote was unanimous.**

#### **Dickinson Township – Agricultural Security Area – Reinford**

Dickinson Township has submitted an application to add parcel 08-12-0338-091 located at Mountain View Road to its ASA program. The parcel is approximately 14.22 acres.

New ASA applicant parcels must be reviewed to assess their conformity with the evaluation criteria included in section §905 and §907 of the ASA Law.

ASA Evaluation Criteria	Consistent with ASA Criteria Y/N	Comments
<b>§905(a) Size/Income</b> The parcel shall be either 10 acres in size or have an anticipated yearly gross income of at least \$2,000.	Y	<ul style="list-style-type: none"> <li>• The parcel is approximately 14.22 acres.</li> </ul>
<b>§907(a) Soils</b> Land proposed for inclusion to the ASA program shall have soils that are conducive to agriculture. This factor shall be satisfied if at least 50% of the parcel contains Class 1-4 Soils.	Y	<ul style="list-style-type: none"> <li>• The parcel meets soils criteria. 100% of the parcel is located within soil classes 1-4.</li> </ul>
<b>§907(a) Compatibility with Land Use Plans and Zoning</b> Use of land proposed for inclusion in the ASA program shall be compatible with local government unit comprehensive plans. Zoning shall permit agriculture	Y	<ul style="list-style-type: none"> <li>• The parcel is located in the Rural and Conservation character areas on the County 2024 Future Land Use map. The Cumberland Principles can be used to further evaluate inclusion of this parcel into the ASA. "Protect the Best First"</li> </ul>

ASA Evaluation Criteria	Consistent with ASA Criteria Y/N	Comments
use but need not exclude other uses.		<p>recommends the preservation of prime farmland.</p> <ul style="list-style-type: none"> <li>• The parcel is located in the Growth area on the Dickinson Township Future Land Use map. Despite this designation, the adjacency of the parcel to other land in the ASA and nearby preserved farmland demonstrate consistency with township land use planning.</li> <li>• The parcel is located in Dickinson Township's agricultural zoning district. This district permits agriculture use by right.</li> </ul>
<p><b>§907(a) Viable for Agriculture</b>            Land proposed for inclusion into the ASA shall be viable agricultural land. Viable agricultural land is defined in the ASA law as <i>"land suitable for agricultural production and which will continue to be economically feasible for such use if real estate taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of urban and related nonagricultural development."</i></p>	Y	<ul style="list-style-type: none"> <li>• The parcel is currently used for production of traditional row crops.</li> <li>• The surrounding area is predominantly agricultural and residential land uses.</li> <li>• The parcel does not have access to public water and sewer, limiting the potential for large-scale non-agricultural development.</li> </ul>
<p><b>Additional Factors</b>            The proximity to other ASA/ACE's, extent and nature of farm improvements, anticipated trends in agricultural economic and technological conditions and any other matter which may be relevant may be considered in evaluating a proposal.</p>	Y	<ul style="list-style-type: none"> <li>• The parcel is adjacent to land enrolled in the Dickinson Township ASA program to the west and east. Dickinson Township has over 5,000 acres enrolled in its ASA program.</li> <li>• Similarly, the parcel is in close proximity to land that is preserved through the county Agricultural Conservation Easement Program to the west and northeast.</li> <li>• There are no improvements on this parcel.</li> </ul>

**ACTION:** Brandon Weary made a motion to recommend approval of the addition of parcel 08-12-0338-091 located at Mountain View Road to the ASA program for Dickinson Township, Fred Reddig seconded. The vote was unanimous.

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#### Membership Committee – Recommendation of New CCPC member for 2026

Kirk Stoner gave an overview of the application process. The Membership Committee consisted of Tracey Vernon, Kelly Palmer, and Ed Franco. The committee reviewed the 20 applications and interviewed the top 4 candidates. The committee noted the outstanding qualifications of all candidates and recommended Anita Archambeau of Upper Allen Township.

**ACTION: Ed Franco made a motion to recommend approval of Anita Archambeau to the Board of Commissioners. Kelly Palmer seconded. The vote was unanimous.**

## **5. Informational Items**

### **Consistency Letters**

In November, the CCPD received 2 letters of support:

- North Newton Township LSA Grant-payloader replacement.
- Newville Borough LSA Grant-feasibility study to dredge pond along Big Spring Creek.

A copy of the letters was provided to the board.

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### **Plans and Minor Amendments**

Steve Hoffman noted there were 11 plans received in November. There were 3 ordinance amendment submissions in November. He also reviewed the growth trends dashboard that provides a one-page summary of plan activity.

An MPC Adoption Summary was provided to the board as a follow-up to the amendments that have been reviewed by CCPC.

The Middlesex Township data center plan for phase 1 was received on December 5<sup>th</sup>. Steve Hoffman summarized the CCPD staff review, and the board was provided a copy. Discussion ensued on various elements of the plan. Ed Franco made several comments on the staff review of phase 1. Brief discussion took place and his comments were noted. Tamela Trussell, Carlisle resident, shared a few comments on water usage and generators needed for this size project. She also shared concerns about stormwater and wastewater discharge and the negative impacts data centers may have on the community. Matt Fisher commented regarding the stormwater waiver and noted DEP guidelines.

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### **2025 Planning Program Report**

Kirk Stoner referred CCPC members to the written planning program report. He noted the data center public forum on January 20<sup>th</sup> held at Dickinson College from 6:30-8:30pm. More details will be shared, and registration will go out soon.

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### **Farmland Preservation Program Update**

Stephanie Williams gave a presentation on the farmland preservation program and a look ahead into 2026.

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### **Commissioner Liaison Report**

None.

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### **Coordinating Agency Reports**

GIS – None.

**6. Other Business**

Tracey Vernon was presented with a certificate for her years of service on the board. The board wishes her well in the future.

**7. Adjournment:**

**On a motion from Kelly Palmer, the meeting was adjourned at 9:15am. Next meeting is January 15, 2025, at 7:30 am at 310 Allen Road.**

Minutes Submitted By: Jessica Cohick, Office Manager



## PLANNING DEPARTMENT

Cumberland County

## Cumberland County Review Report

Cumberland County Planning Department  
310 Allen Road, Suite 101  
Carlisle, PA 17013  
Telephone: (717) 240-5362

**Recommendation:** Choose an item.

<i>Name of Amendment:</i>				
Heckman-Sunday Data Center Overlay				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
Middlesex Township	12/10/2025	1/15/2026	SH, EG, KS	Planning Commission
<i>Type of Amendment:</i>				
Zoning Map Amendment				

### Explanation of Amendment:

A property owner in Middlesex Township has submitted a zoning ordinance map amendment. The map amendment would extend the data center overlay district to include the parcels listed below. The total acreage of this map amendment is over 214 acres. The parcels are currently in the commercial highway (C1) district.

The current data center overlay district was established on May 30, 2025. The overlay was then added to the new zoning ordinance that was adopted on September 3, 2025. The current data center overlay occupies approximately 694 acres.

Parcel Number	Property Owner	Underlying Zoning	Address	Acreage
21-07-0467-012	Walter, John D & Heidi A	Commercial Highway (C1)	Harrisburg Pike	118.85
21-07-0467-013	Heckman Irrev Trust, Joan C Etal & C/O Sally Mentzer	Commercial Highway (C1)	1166 Harrisburg Pike	60.33
21-17-2696-023	Heckman Irrev Trust, Joan C Etal & C/O Sally Mentzer	Commercial Highway (C1)	1170 Harrisburg Pike	13.31
21-07-0467-015	Hempt Real Estate Holdings LLC	Commercial Highway (C1)	Harrisburg Pike	21.92
<b>TOTAL:</b>				<b>214.41</b>



## Consistency:

### Cumberland County Comprehensive Plan

The 2024 Cumberland County Comprehensive Plan<sup>1</sup> is organized around the Cumberland Principles. These principles guide effective planning practices which benefit the environment, economic development, and the community. The following table determines consistency between the proposed amendment and the Cumberland Principles.

The Cumberland Principles (Comprehensive plan page number)	Consistency Determination
<b>Protect the Best First</b> (page 20)	<ul style="list-style-type: none"> <li>Parcel number 21-07-0467-016 is located adjacent to the Letort Spring Run. The other parcels are in proximity to the Conodoguinet Creek. The township should consider additional requirements to protect these sensitive features.</li> <li>Most of the area proposed for rezoning is agricultural in nature.</li> <li>Water requirements should be closely evaluated to ensure viability of existing and future water supplies.</li> </ul>
<b>Grow In Not Out</b> (page 29)	<ul style="list-style-type: none"> <li>The area proposed for rezoning is adjacent to public sewer and public water service.</li> <li>The area is near the Pennsylvania Turnpike.</li> <li>Energy needs should be evaluated to determine appropriate system upgrades or new generation needs for the community as a whole.</li> </ul>
<b>Expand Transportation Choices</b> (page 51)	<ul style="list-style-type: none"> <li>The subject parcels located north of the Pennsylvania Turnpike could access the Harrisburg Pike via Sunday Boulevard. The limited amount of truck traffic and lower overall traffic volumes generated by a data center would be compatible with the existing access.</li> </ul>

<sup>1</sup> <https://www.cumberlandcountypa.gov/4888/Comprehensive-Plan>

<b>The Cumberland Principles</b> (Comprehensive plan page number)	<b>Consistency Determination</b>
	<ul style="list-style-type: none"> <li>The subject parcels located south of the Pennsylvania Turnpike connect to the Carlisle Pike via an access drive.</li> <li>Consultation with PennDOT would be required to determine connections with the Carlisle Pike needed to support increased traffic from a data center at both locations.</li> </ul>
<b>Plan for People and Places</b> (page 44)	<ul style="list-style-type: none"> <li>The character of the area is agricultural.</li> <li>While not densely developed now, data centers should be attractively and thoughtfully designed to facilitate compatibility with new development.</li> </ul>
<b>Open for Business</b> (page 71)	<ul style="list-style-type: none"> <li>If constructed, a data center will provide economic development for the area. Temporary construction jobs and permanent data center operation jobs may increase the income to the area.</li> <li>Tax revenue from data center development(s) will help to improve municipal and county services and provide improvements for the school district.</li> <li>There is a demand for data centers as evidenced by recent developments in Cumberland County. Residents and businesses rely on modern technology to properly function.</li> </ul>
<b>Engage to Improve</b> (page 78)	<ul style="list-style-type: none"> <li>The township should provide the public with an opportunity to speak regarding the proposed amendment to the data center overlay district. Announcements and advertisements should be placed at the township building, online and on social media.</li> <li>All parties property owners identified in the amendment request should provide their support in writing if they are not represented by the Sunday's attorney.</li> </ul>

#### Middlesex Township Comprehensive Plan

The Middlesex Township Comprehensive Plan was adopted in 2003. The plan is now considered obsolete as land uses, traffic patterns and development patterns have changed.

#### **Comments and Recommendations:**

1. The township should consider updating its comprehensive plan prior to acting on any amendments to its September 2025 zoning ordinance. The comprehensive plan was last updated in 2003 which has led to uncertainty about long-term development goals and frustration from residents who feel disconnected from the planning process. A comprehensive plan update would enable the township to work in conjunction with staff, residents, businesses, and neighbors to make informed, proactive land use planning decisions on the following issues that are relevant to the current rezoning request.
  - a. The location and extent of data centers. There is a significant area that is already designated as data center overlay in Middlesex Township that is under development. The township should consider how much land is appropriate for data centers while leaving room for other necessary uses in the township. The location of the overlay should be closely linked to data center infrastructure needs while considering land use compatibility with existing uses.

- b. Infrastructure capacity and availability. The electric, fiber optic, and water needs of data centers should be balanced with existing uses to safeguard existing users while reserving appropriate levels of infrastructure for future, diverse economic development opportunities.
- c. Public engagement. Data centers are a rapidly emerging use in the county that have garnered significant public interest and attention. A thorough, inclusive process to develop the data center overlay district will enable the township to transparently develop land use policy that accommodates business interest while protecting residents' quality of life.

*"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."*

# Stevens & Lee

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(717) 234-1090  
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December 3, 2025

## **VIA HAND DELIVERY**

Middlesex Township Board of Supervisors  
Middlesex Township Planning Commission  
Middlesex Township Municipal Building  
350 N. Middlesex Road  
Carlisle, PA 179013

Re: Middlesex Township Zoning Ordinance – Zoning Map Amendment Request

Dear Supervisors and Commissioners:

As you are aware, we represent the owners of the Sunday Property, two contiguous properties located in Middlesex Township located at 1166 Harrisburg Pike (Cumberland County Tax Parcel 21-07-0467-013) and 1170 Harrisburg Pike (Cumberland County Tax Parcel 21-17-2696-023). The Sunday Property is located in the Township's Commercial Highway (C-1) District as is set forth in the Township's Zoning Map enacted on September 3, 2025. The purpose of this correspondence is to supplement and amend the request initially made via letter dated March 25, 2024, September 26, 2025, concerning the zoning of the Sunday Property and the uses to be permitted under the Middlesex Township Zoning Ordinance that was adopted by the Supervisors on September 3, 2025 (the "Zoning Ordinance"). Specifically, the Sunday Family is requesting that the Middlesex Township Zoning Map be amended so as to include the Sunday Property, together with Cumberland County Tax Parcel 21-07-0467-016 and Cumberland County Tax Parcel 21-07-0467-012, within the Township's Data Center Overlay District in accordance with Section 2.18(C) of the Zoning Ordinance.

The Sunday Family respectfully requests that these requests be forwarded to the Middlesex Township Planning Commission and the Cumberland County Planning Commission for review and comment, and further requests that the Board of Supervisors consider adopting the proposed amendment to the Township Zoning Map.

Very truly yours,

STEVENS & LEE

Sean P. Delaney

PENNSYLVANIA | NEW JERSEY | DELAWARE | NEW YORK | RHODE ISLAND | FLORIDA  
A PROFESSIONAL CORPORATION



## PLANNING DEPARTMENT

Cumberland County

## Cumberland County Review Report

Cumberland County Planning Department  
310 Allen Road, Suite 101  
Carlisle, PA 17013  
Telephone: (717) 240-5362

**Recommendation:** Choose an item.

<i>Name of Amendment:</i>				
Data Center Overlay				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
Southampton Township	12/22/2025	1/15/2026	SH, KS	Planning Commission
<i>Type of Amendment:</i>				
Zoning Map Amendment				

### Explanation of Amendment:

A property owner in Southampton Township has submitted a proposed zoning ordinance map amendment to add 2 parcels to the data center overlay district. The property owner has also recommended additional properties to further expand the district. A list of all the parcels is shown on the table below.

Parcel Number	Name	Address	Current Zoning	Acreage
39-13-0102-003	Collingsworth, William M & Cheryl A	54 Airport Road	Village Center	64.27
39-34-2409-018	Collingsworth, William M & Cheryl A	Airport Road	Village Center	0.63
39-33-1873-004	Rauber, Garth J & Judith A	26 Airport Road	Village Center	3.35
39-13-0102-272	Oberholzer, Mervin R & Lori D	Walnut Bottom Road	Commercial	11.45
39-13-0102-030	Reiff, Martin H	180 Walnut Bottom Road	Commercial	18.68
39-12-0320-078	Dymond, John B	Walnut Bottom Road	Commercial	0.09
39-13-0102-005	Parson Real Estate LLC	196 Walnut Bottom Road	Commercial	14.42

<span style="background-color: yellow; width: 15px; height: 15px; display: block;"></span>	<i>Parcels owned by the applicant</i>
<span style="background-color: lightblue; width: 15px; height: 15px; display: block;"></span>	<i>Additional parcels recommended by the applicant</i>

The total area of the proposed data center overlay includes 2 parcels totaling 64.9 acres. The additional recommended parcels total 47.99 acres. The properties are currently occupied by residential, agricultural, and

commercial land uses. The area included in the proposed data center overlay is shown in the orange and blue shading below.

Pursuant to direction from Southampton Township staff on January 5, 2026 this review only includes the property owner's tracts (shown below in orange). .



**Consistency:**

[Cumberland County Comprehensive Plan](#)

The 2024 Cumberland County Comprehensive Plan<sup>1</sup> is organized around the Cumberland Principles. These principles guide effective planning practices which benefit the environment, economic development, and the community. The following table determines consistency between the proposed amendment and the Cumberland Principles.

<b>The Cumberland Principles</b> (Comprehensive plan page number)	<b>Consistency Determination</b>
<b>Protect the Best First</b> (page 20)	Water requirements should be closely evaluated to ensure viability of existing and future water supplies.
<b>Grow In Not Out</b> (page 29)	<ul style="list-style-type: none"><li>Public infrastructure is available in proximity to the proposed data center overlay district.</li><li>The area is designated as regional activity center on the Cumberland County FLU map. The area should expect concentrations of large-scale commercial, industrial, and institutional development clustered around major transportation corridors</li></ul>
<b>Expand Transportation Choices</b> (page 51)	<ul style="list-style-type: none"><li>The applicant's property has access to Airport Road. Traffic volumes, circulation patterns, and necessary upgrades would be considered during land development.</li></ul>

<sup>1</sup> <https://www.cumberlandcountypa.gov/4888/Comprehensive-Plan>

<b>The Cumberland Principles</b> (Comprehensive plan page number)	<b>Consistency Determination</b>
<b>Plan for People and Places</b> (page 44)	<ul style="list-style-type: none"> <li>There is a demand for data centers as evidenced by recent developments in Cumberland County. Residents and businesses rely on modern technology to properly function.</li> <li>Adjoining residential properties may be impacted if development occurs.</li> <li>Data centers should be attractively and thoughtfully designed to facilitate compatibility with adjacent residential development.</li> </ul>
<b>Open for Business</b> (page 71)	<ul style="list-style-type: none"> <li>If constructed, a data center will provide economic development for the area. Temporary construction jobs and permanent data center operation jobs may increase the income to the area.</li> <li>Tax revenue from data center development(s) will help to improve municipal and county services and provide improvements for the school district.</li> </ul>
<b>Engage to Improve</b> (page 78)	<ul style="list-style-type: none"> <li>The proposed amendment should be posted on the township website.</li> <li>Each of the “recommended” property owners should be legally notified if those properties receive any further consideration for rezoning.</li> </ul>

### Southampton Township Comprehensive Plan

The comprehensive plan recommends providing for more intensive commercial and industrial land uses in areas with existing or planned infrastructure. The plan specifically references the Interstate 81 interchange (exit 29) and Walnut Bottom Road. (page 51). However, the proposed amendment will not include the area next to the Interstate 81 interchange and the Walnut Bottom Road Corridor.

#### **Comments and Recommendations:**

1. The application for rezoning appears to be at the request of a single property owner. Rather than respond to piecemeal requests to expand the data center overlay district, the township should pause consideration of zoning amendments until comprehensively evaluating data center uses. The township planning committee, in conjunction with its hired professionals, should conduct a thorough reevaluation of the data center overlay district given the recent surge in interest. That analysis should examine the following issues:
  - a. The location and extent of data centers. There is a significant area that is already designated as data center overlay in Southampton Township that remains undeveloped. The township should evaluate the existing data center overlay and determine which parcels can support a data center and which parcels are restricted by preservation easements, and limitations that are established in the underlying zoning district (see zoning ordinance section 350-405.A).
  - b. The township should consider how much land is appropriate for data centers while leaving room for other necessary uses in the township. The location of the overlay should be closely linked to data center infrastructure needs while considering land use compatibility with existing uses.
  - c. Infrastructure capacity and availability. The electric, fiber optic, and water needs of data centers should be balanced with existing uses to safeguard existing users while reserving appropriate levels of infrastructure for future, diverse economic development opportunities.

- d. Public engagement. Data centers are a rapidly emerging use in the county that have garnered significant public interest and attention. A thorough, inclusive process to develop the data center overlay district will enable the township to transparently develop land use policy that accommodates business interest while protecting residents' quality of life.
- 2. The overlay district provides included properties with the ability to develop a single use, data centers, in addition to those used permitted in the underlying zoning district. The township solicitor should evaluate if expanding a non-contiguous overlay zone to a single property to develop a single use constitutes spot zoning.
- 3. One of the subject parcels appears to be within the ASA recorded for the township. Based on the rezoning, the property will no longer proposed to be for agricultural use. If approved, the township should consider removal of the parcel from the ASA record during the ASA review process pursuant to Act 43 of 1981.

*"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."*

## ADDENDUM 1

### **Recommended parcels to be added to the Overlay District, in addition to those parcels of Applicant**

#### Parcel No. 39-33-1873-004

Address: 26 Airport Road  
Owner: Garth J. Rauber  
Zoning District: Village Center (VC)

#### Parcel No. 39-13-0102-272

Address: Walnut Bottom Road  
Owner: Mervin R. & Lori D. Oberholzer  
Zoning District: Commercial (C)

#### Parcel No. 39-13-0102-030

Address: 180 Walnut Bottom Road  
Owner: Martin H. Reiff  
Zoning District: Commercial (C)

#### Parcel No. 36-12-0320-078

Address: Walnut Bottom Road  
Owner: John B. Diamond  
Zoning District: Commercial (C)

#### Parcel No. 39-13-0102-005

Address: 196 Walnut Bottom Road  
Owner: Parson Real Estate  
Zoning District: Commercial (C)

### **Rationale for including Applicants' property in the Data Center Overlay District**

Art. III sec. 305-601 of the Southampton Zoning Ordinance explains that data centers require "vast energy and water infrastructure and should be located in close proximity to the source [of such utilities]" and that they should "be located close to the Interstate infrastructure for Al purposes". The Applicants' properties total 64.9 consecutive acres and are adjacent to or in close proximity to the following established utilities and infrastructure:

Public Water a 12' water line runs along Walnut Bottom Road and is 825' from Applicants' property,

Natural Gas a 4" high pressure gas line runs along Airport Road and a 6" high pressure gas line runs along I-81, both of which are adjacent to Applicants' property,

Public Sewer public sewer lines run along both Airport Road and Walnut Bottom Road,

I-81 Applicants' property is adjacent to I-81.

In addition, the Applicants' property is large enough on its own to meet the plan design criteria for Data Centers, as described in Art. III sec. 350-605 *et seq.* And, other properties within the Village District are included in the Data Center Overlay District, indicating that the additional use is not incompatible with comparable uses within the Village Center District.

**Rationale for including the additional recommended properties in the Data Center Overlay District**

The additional properties included on this Addendum 1, taken together, possess the same attributes as the Applicants' property, making them suitable for inclusion in the Data Center Overlay District. Three of the additional properties are located within the Commercial District, which is also already represented in the current Data Center Overlay District.

In addition, the Applicant recommends that the additional properties be included in the Data Center Overlay District in order to present a contiguous connection between the existing Overlay District and the Applicants' property. Although the Applicants' property on its own is both large enough and close enough to existing infrastructure to warrant inclusion in the overlay, and to address concerns over spot zoning, a contiguous connection of the Applicants' property to the existing boundaries of the overlay would be desirable for continuity with the existing zoning scheme of the township and Cumberland County Comprehensive Plan.

**Applicant is represented by:**

Paul T. Schemel, Esq.

DSS Law

119 East Baltimore Street

Greencastle, PA 17225

(717)597-0200

[REDACTED]



Map depicting Applicants' property



Map depicting Applicants' property together with additional properties recommended for inclusion in the Data Center Overlay District.

## Cumberland County Subdivision and Land Development Activity

December 2025

Plan #	Plan Title	Municipality	Status	Type	Purpose
P25-112	Steven E. & Kathy A. Snyder	Penn Twp	P/F	S	Subdividing 16.0787 Acres from Steven A Snyder to be conveyed to his brother Thomas E. Snyder as a lot addition.
P25-113	Pennsylvania Digital 1 (PAX-1) Phase 1B	Middlesex Twp	P	LD	<p>PAX-1 IS A 693-ACRE DATA CENTER DEVELOPMENT IN MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PA, ALONG COUNTRYCLUB RD, BORDERED BY THE CONODOGUINET CREEK AND INTERSTATE 81. THE PROJECT IS COMPRISED OF THREE CAMPUSES, A PPL SUBSTATION, 3 CUSTOMER SUBSTATIONS, A NEW PROPOSED PRIVATE STREET WITH PUBLIC ACCESS ROAD</p> <p>"PA DATA DRIVE" IS PROPOSED. PHASE IB SPECIFICALLY CONSISTS OF A DATA CENTER CAMPUS CONTAINING APPROXIMATELY 6 BUILDING, PRIVATE ACCESS DRIVE, A SECURITY BUILDING, AND ON-SITE WATER AND SEWER STORAGE.</p>
P25-115	CASD Middle School	North Middleton Twp Carlisle Boro	P/F	LD	The purpose of this plan is to develop lands along Waggoners Gap Road adjacent to the Carlisle School District property into a new Carlisle Middle School. The subject property (pin# 29-07-0471-042BEX) is located within R1 Low to Medium Density Residential District. The plan will propose a new middle school with supporting features such as a parking lots, utility extensions, stormwater management and landscaping.
P25-115	Reykjavik Creamery	Lower Mifflin Twp	P/F	LD	The purpose of this plan is to add a building addition to the existing building. As a part of the building, additional site features will be built including parking lots, stormwater facilities, utility extensions and landscaping.

Plan #	Plan Title	Municipality	Status	Type	Purpose
P25-117	1497 Kuhn Road	Monroe Twp	P/F	S	The purpose of the plan is to subdivide a 2-acre lot addition from a 103 acre farm and add it to an adjoining 2-acre residential building lot. The lot addition and receiving lot will be consolidated into a single lot/description.
P25-117	755 Eppley Road	Monroe Twp	P/F	S	The purpose of this plan is to subdivide Proposed Lot 2 (19.151 acres) from Existing Lot 1. Proposed Lot 2 will be used for agricultural and residential purposes. Residual Lot 1 is and will continue to be used for agricultural and residential purposes. No earthmoving or construction is proposed by this plan.
P25-117	Pennsylvania Digital 1 (PAX-1) Phase 2	Middlesex Twp	P	LD	<p>PAX-1 IS A 693-ACRE DATA CENTER DEVELOPMENT IN MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PA, ALONG COUNTRYCLUB RD, BORDERED BY THE CONODOGUINET CREEK AND INTERSTATE 81. THE PROJECT IS COMPRISED OF THREE CAMPUSES, A PPL SUBSTATION, 3 CUSTOMER SUBSTATIONS, A NEW PROPOSED PRIVATE STREET WITH PUBLIC ACCESS ROAD</p> <p>"PA DATA DRIVE" IS PROPOSED. PHASE 2 SPECIFICALLY CONSISTS OF A DATA CENTER CAMPUS CONTAINING APPROXIMATELY 6 BUILDING, PRIVATE ACCESS DRIVE, A SECURITY BUILDING, AND ON-SITE WATER AND SEWER STORAGE.</p>

Plan #	Plan Title	Municipality	Status	Type	Purpose
P25-117	Pennsylvania Digital 1 (PAX-1) Phase 3	Middlesex Twp	P	LD	<p>PAX-1 IS A 693-ACRE DATA CENTER DEVELOPMENT IN MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PA, ALONG COUNTRYCLUB RD, BORDERED BY THE CONODOGUINET CREEK AND INTERSTATE 81. THE PROJECT IS COMPRISED OF THREE CAMPUSES, A PPL SUBSTATION, 3 CUSTOMER SUBSTATIONS, A NEW PROPOSED PRIVATE STREET WITH PUBLIC ACCESS ROAD</p> <p>"PA DATA DRIVE" IS PROPOSED. PHASE 3 SPECIFICALLY CONSISTS OF A DATA CENTER CAMPUS CONTAINING APPROXIMATELY 6 BUILDING, PRIVATE ACCESS DRIVE, A SECURITY BUILDING, AND ON-SITE WATER AND SEWER STORAGE.</p>
P25-118	120 Peach Glen Road	Dickinson Twp	P/F	S	THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE ONE EXISTING LOT INTO THREE (3) LOTS.
P25-118	Douglas R. Bradley	Mt Holly Springs Boro	P/F	LD	The purpose of this plan is to obtain approval for the construction of a pole building, which will be used for the storage of four work vehicles and sign assembly equipment.
P25-121	Arcona Lots 3-6	Lower Allen Twp	P/F	S & LD	The intent of this plan is to further subdivide existing Arcona Neighborhood Lots 3, 4, 5, 6, into residential and nonresidential lots and to provide for land development of these lots. This plan is a preliminary subdivision and land development plan for existing Arcona Neighborhood Lots 3, 4, 5, 6, and 7 and a final subdivision and land development plan for Arcona Neighborhood Lots 3, 4, 5, and 6 only. This plan does not propose a final subdivision and land development plan for Arcona Neighborhood Lot 7.
P25-121	PRVCA Training Center	Upper Allen Twp	P/F	S & LD	The purpose of this plan is to design an 18,305 SF Training Center along with the associated site improvements situated on a proposed consolidated lot totaling approximately 4.33 acres.

Plan #	Plan Title	Municipality	Status	Type	Purpose
P25-122	JODY L. & TIMOTHY J. RHODY	Upper Frankford Twp	P/F	S	The purpose of this plan is to subdivide an existing 97.581 acre tract (Ex. Lot 10) to create three new building lots (Pr. Lot 11, Pr. Lot 12, Pr. Lot 13) and one new non-building lot (Pr. Lot 14) with the residual lands (Reconfig. Lot 10) to remain.
P25-122	1924 Fisher Road	Upper Allen Twp	P/F	LD	to develop an undeveloped parcel with 19 townhouse residential units
P25-122	Jim Thorpe Center for the Futures of Native Peoples	Carlisle Boro	P/F	LD	The purpose is for the development of the Jim Thorpe Center for the Futures of Native Peoples & Sam Rose '58 Art Gallery.
P25-122	101 Crossroad School Road	West Pennsboro Twp	P/F	S	The purpose of the plan is to subdivide Proposed Lot 2 from Existing Lot 1. Residual Lot 1 will continue to be used for a house of worship. Proposed Lot 2 will continue to be used for agricultural purposes. No construction or earthmoving is being proposed by this plan.
P25-123	Brian L. Reiff	Southampton Twp	P/F	LD	Construct 120 x 200' building
P25-123	Amos R. Leid Poultry Operation	Southampton Twp	P/F	LD	construct a poultry building
P25-123	605 Brentwater Road	East Pennsboro Twp	F	S	The purpose of this plan is to subdivide Lot #2 from existing Lot #1 and apply the small projects stormwater management approach to construct a single-family dwelling on Lot #2

**Report Total**

Plan Count: 19

**Year To Date**

Plan Count: 169

**Previous Year To Date**

Plan Count: 152

## Cumberland County - MPC Review

### December MPC reviews

Review #	Description	Municipality	Review Type	Date Received	Date Reviewed	County Recommendation
M25-51	The purpose of this Zoning Ordinance Amendment is to include provisions, and associated definitions, for solar energy systems.	South Middleton Twp	Zoning - Text	12/1/2025	12/3/2025	Approval with comments
M25-52	An applicant in East Pennsboro Township has applied for a zoning ordinance text amendment. The amendment will change the college overlay district to permit the following: Non-college accessory uses, A parcel in the overlay district to be sold to a non-college entity and still apply to the uses and requirements in the college overlay district and Condominium development where individual units do not need to meet the lot area and width requirements.	East Pennsboro Twp	Zoning - Text	12/4/2025	12/19/2025	See comments below
M25-53	To include Cumberland County Tax Parcels 21-07-0467-013, 21-17-2696-023, 21-07-0467-016 and 21-07-0467-012 within the Middlesex Township Data Center Overlay District in accordance with Section 2.18(C) of the Middlesex Township Zoning Ordinance.	Middlesex Twp	Zoning - Map	12/10/2025		
M25-54	Rezone the 73.14 acre property from Village Residential to Agricultural to permit poultry operation.	Hopewell Twp	Zoning - Map	12/11/2025	12/18/2025	Approval with comments
M25-55	This amendment adds the limited keeping of chickens as an accessory use in the VMU, R-2, and C-I zoning districts, which previously did not address chickens.	North Newton Twp	Zoning - Text	12/11/2025	1/5/2026	See comments below
M25-56	Applicant requests that their property be included in the Data Center Overlay District. Applicant further recommends that the properties listed in the attached addendum 1 also be included in the Data Center Overlay District.	Southampton Twp	Zoning - Map	12/22/2025		
M25-57	PROVIDE FOR DATA CENTERS AND THEIR ACCESSORY USES AS A CONDITIONAL USE IN THE GENERAL INDUSTRIAL (I-2) ZONING DISTRICT, TO ESTABLISH ADDITIONAL PROVISIONS AND CRITERIA FOR CONDITIONAL USES IN THE I-2 ZONING DISTRICT, AND TO ESTABLISH SPECIFIC CRITERIA FOR DATA CENTERS AND THEIR ACCESSORY USES.	Silver Spring Twp	Zoning - Text	12/29/2025		

Review #	Description	Municipality	Review Type	Date Received	Date Reviewed	County Recommendation
	<b>Report Total</b>	7				
	<b>Year To Date</b>	53				
	<b>Previous Year To Date</b>	46				



**PLANNING DEPARTMENT**  
Cumberland County

**Cumberland County Review Report**

Cumberland County Planning Department  
310 Allen Road, Suite 101  
Carlisle, PA 17013  
Telephone: (717) 240-5362

**Recommendation: Approval With Comments**

<i>Name of Amendment:</i>				
Solar Energy Systems				
<i>Municipality:</i> South Middleton Township	<i>Date Received:</i> 12/1/2025	<i>Date Reviewed:</i> 12/3/2025	<i>Reviewed By:</i> SH	<i>Checked By:</i> KS
<i>Type of Amendment:</i>				
Zoning Text Amendment				

**Explanation of Amendment:**

South Middleton Township has submitted a zoning ordinance text amendment that will adopt requirements for solar energy systems in the township. The use will be permitted by conditional use in the agricultural and conservation (AC) district and by right in the industrial (I1, I2, and I3) districts. The proposed language includes definitions and specified requirements for solar energy systems.

In addition, solar energy systems in the AC district are subject to additional requirements that limit the impact to outlying areas and prime soils in South Middleton Township (see section 1657.3.b.viii on page 10).

**Consistency:**

Cumberland County Comprehensive Plan

The 2024 Cumberland County Comprehensive Plan<sup>1</sup> is organized around the Cumberland Principles. These principles guide effective planning practices which benefit the environment, economic development, and the community. The following table determines consistency between the proposed amendment and the Cumberland Principles.

<b>The Cumberland Principles</b> (Comprehensive plan page number)	<b>Recommendations for Enhanced Consistency</b>
<b>Protect the Best First</b> (page 20)	The proposed amendment will permit a solar energy system in the AC agriculture conservation district and in the three established industrial districts. Due to the limitations proposed, slight agricultural and environmental features may be impacted.
<b>Grow In Not Out</b> (page 29)	<ul style="list-style-type: none"><li>Areas not serviced by public sewer and public water may be occupied by solar energy systems.</li><li>There are restrictions and limitations established for solar energy systems in the AC district.</li></ul>

<sup>1</sup> <https://www.cumberlandcountypa.gov/4888/Comprehensive-Plan>

<b>The Cumberland Principles</b> (Comprehensive plan page number)	<b>Recommendations for Enhanced Consistency</b>
<b>Plan for People and Places</b> (page 44)	Buffering and screening are required. Enhanced requirements are established for solar systems that abut residential uses.
<b>Adapt and Stay Safe</b> (page 64)	Solar energy is a clean renewable energy that reduces greenhouse gas emission.
<b>Open for Business</b> (page 71)	Slight economic growth from construction and maintenance of the solar energy system is anticipated.

### South Middleton Township Comprehensive Plan

The plan recommends maintaining up-to-date land development regulations consistent with the goals and objectives (appendices updated goal and objective #21). In addition, the plan notes flexibility in the review and permitting of solar energy systems that are consistent with the aesthetic and environmental goals of the comprehensive plan (appendices updated goal and objective #23).

#### **Comments and Recommendations:**

1. Page 7, section 1657.3.b.iv.1. The township solicitor should review the requirements for water testing. It appears that the township does not require water testing for other uses.
2. Page 11, section 1657.3.b.ix.4. Do these setbacks apply if screening is included? Section 1657.2.a.1 indicates that a freestanding solar energy system must meet building setback requirements unless screening is provided.
3. Page 13, section 1657.3.b.xii. Decommissioning requirements are included in the county model and in many municipal ordinances. However, the township should be aware that these requirements have been questioned as other land uses do not have decommissioning requirements.

*"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."*

SOUTH MIDDLETON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-

AN ORDINANCE AMENDING THE  
SOUTH MIDDLETON TOWNSHIP ZONING ORDINANCE  
TO AMEND ARTICLE III TO ADD DEFINITIONS RELATIVE TO SOLAR ENERGY SYSTEMS;  
AMEND ARTICLE VI TO ADD PRINCIPAL SOLAR ENERGY SYSTEMS AS A CONDITIONAL  
USE, AMEND ARTICLE XIII TO ADD PRINCIPAL SOLAR ENERGY SYSTEMS AS A  
PERMITTED USED; AMEND ARTICLE XVI TO ADD REQUIREMENTS FOR PRINCIPAL  
AND ACCESSORY SOLAR ENERGY SYSTEMS INCLUDING PLANNING, SCREENING,  
ENVIRONMENTAL PROTECTION, STORMWATER, SOLAR EASEMENTS, SITE PLAN  
DOCUMENTATION, SITE DESIGN CRITERIA, CERTIFICATION/COMPLIANCE, SAFETY  
AND DECOMMISSIONING.

**WHEREAS**, the Board of Supervisors of South Middleton Township has adopted a Zoning Ordinance under the enabling authority of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10101, *et seq.* (MPC); and

**NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED** by the Board of Supervisors in and for the Township of South Middleton, as follows:

**SECTION 1. PURPOSE**

The purpose of this Ordinance is to amend the Zoning Ordinance to allow for both principal and accessory solar energy systems in the Township of South Middleton in use appropriate zoning districts and as accessory uses in all zoning districts whereby the solar energy system will be regulated by applied standards and criteria with appropriate approvals as defined in this Ordinance and by the Township permitting process.

**SECTION 2. ENABLING AUTHORITY**

This Ordinance is enacted pursuant to the enabling authority of the Pennsylvania Municipalities Planning Code, Article 6, Section 603 (Ordinance Provisions) and Section 609 (Enactment of Zoning Ordinance Amendments).

**SECTION 3. ARTICLE III**

Section 300 shall be amended to add the following definitions:

**GLARE** - The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**SOLAR EASEMENT:** A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

**SOLAR ENERGY** – Radiant energy (direct, diffuse, and/or reflective) received from the sun.

**SOLAR ENERGY DEVELOPMENT AREA** - The total area of a Principal Solar Energy System that encompasses all of the principal and accessory structures that are part of the solar energy system, as well as all substations, inverters and any other supporting equipment. This area shall also include all access drives providing access to a public road, buffer yards/screening, utilities and stormwater management facilities.

**SOLAR ENERGY FENCED AREA** - The total area of the Solar Energy Development Area that encompasses all the principal and accessory structures that are part of the solar energy system, as well as all substations, inverters and any other supporting equipment that are enclosed by the required fencing. This area shall not include any access drives providing access to a public road, buffer yards/screening, utilities or stormwater management facilities located outside of the required fencing.

**SOLAR ENERGY SYSTEM** – A device or design feature or features used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power.

**ACCESSORY SOLAR ENERGY SYSTEM** – An area of land or other area used for a solar energy system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use to offset part or all of the beneficiary's requirement for electricity. An Accessory Solar Energy System consists of one (1) or more free-standing ground, or roof-mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. For residential ground mounted or freestanding Accessory Solar Energy Systems, the output size shall not exceed 10kw.

**PRINCIPAL SOLAR ENERGY SYSTEM** – An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**SOLAR PANEL** – That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

**SOLAR RELATED EQUIPMENT** – Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. **SOLAR CELL** – The smallest basic solar electric device which generates electricity when exposed to light.
2. **SOLAR MODULE** – A grouping of solar cells with the purpose of harvesting solar energy.

**SOLAR ARRAY** – A grouping of multiple solar modules with purpose of harvesting solar energy.

*\*Definitions shall be alphabetically added to Article 300 and renumbered accordingly.*

## **SECTION 4.**      **ARTICLE VI**

Section 602 shall be amended to add the following use:

### **602. Conditional Uses, Subject to Article XVI and Article XX**

18. Principal Solar Energy Systems

## **SECTION 5.**      **ARTICLE XIII**

Section 1301(1) shall be amended to add the following use:

### **1301.(1) Permitted Uses, Subject to Article XVI**

- (w). Principal Solar Energy Systems

## **SECTION 6.**      **ARTICLE XIII**

Section 1302(1) shall be amended to add the following use:

### **1302.(1) Permitted Uses, Subject to Article XVI**

- (y). Principal Solar Energy Systems

## **SECTION 7.**      **ARTICLE XIII**

Section 1303(1) shall be amended to add the following use:

### **1303.(1) Permitted Uses, Subject to Article XVI**

- (y). Principal Solar Energy Systems

## **SECTION 8.**      **ARTICLE XVI**

Section 1657 is hereby added as follows:

### **1657. Solar Energy Systems**

- 1. The following regulations apply to all Solar Energy Systems:
  - a. Where there may be a discrepancy between this Section and Sections elsewhere in this or any other applicable Ordinance, the most restrictive requirement shall be followed.
  - b. Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.
  - c. Solar Energy Systems constructed prior to the effective date of this Section shall not be required to meet the requirements of this section, provided that any physical modifications to an existing solar energy system that materially alters the size and type of the solar energy system shall require a permit under this Section.
  - d. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
  - e. The display of advertising is prohibited, except for the reasonable identification of the manufacturer of the system.
  - f. All solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
  - g. Any proposed Ground Mounted Solar Energy Systems shall not exceed the maximum permitted building coverage requirements for the zoning district in

which it is located. The area of the proposed Ground Mounted Solar Energy System shall be considered in addition to all existing buildings on the property.

- h. Building and Zoning permit applications, as required by this ordinance, for all proposed solar energy systems shall document that the layout, design, and installation of Solar Energy Systems shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC), or other similar certifying organizations, and shall comply with PA Uniform Construction Code as enforced by the Municipality and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- i. Upon completion of installation, the solar energy system shall be maintained in good working order and kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare, in accordance with standards of the municipal codes under which the solar energy system was constructed. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the Solar Energy System to conform or to remove the Solar Energy System.
- j. The building and/or zoning permit shall be revoked if the Solar Energy System, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the Solar Energy System not to be in conformity with this Ordinance.

## 2. Accessory Solar Energy Systems

Permitted in all zoning districts by right as a secondary use to the property. Accessory Solar Energy Systems must be located on the lot that it is intended to benefit and shall conform to the following requirements:

### a. Ground Mounted or Freestanding Accessory Solar Energy Systems

1. Any freestanding solar energy system must meet building setback requirements, for the property's respective zoning district, unless screening is provided in accordance with this Ordinance, the Subdivision and Land Development Ordinance, and any other Township Ordinance.
2. Ground Mounted Solar Energy Systems may not be located in any required front yard. In addition, the ground mounted solar energy systems shall not be located in any easement located on the property. Corner lots shall have front yard requirements along all streets.

3. Shall not exceed twenty (20') feet in height.
4. Shall not exceed the greater of one-half (1/2) the footprint of the principal structure or six hundred (600) square feet, whichever is greater.
5. Shall conceal solar collector's structures, fixtures and piping

b. Roof or Wall Mounted Accessory Solar Energy Systems

1. May be located on a principal or accessory building.
2. Shall conceal solar collector's structures, fixtures and piping.
3. Shall not extend more than twelve (12") inches above the roof line.
4. Shall not exceed the maximum height permitted in the zoning district in which it is located.
5. Solar panels shall not extend beyond any portion of the roof edge.
6. As part of the permit application, a structural certification that the roof is capable of holding the load of the Solar Energy System is required.
7. Roof Mounted Accessory Solar Energy Systems are exempt from obtaining a zoning permit.

3. Principal Solar Energy Systems

a. Permitted in specified zoning districts based upon the table below:

District	Use
Agricultural & Conservation (AC) *	By Conditional Use*
Residential (RL, RM, & RH)	Not Permitted
Commercial (C1, C2, & AD)	Not Permitted
Town Center (TC)	Not Permitted
Industrial (I-1, I-2, & I-3)	By Right

\*Shall also comply with Section 1657(3)(b)(viii)(1-6)

b. Planning Requirements

- i. Principal Solar Energy Systems, where permitted, shall be considered a land development under the Township's Subdivision & Land Development Ordinance.

- ii. The Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Principal Solar Energy System.
- iii. Screening/Landscaping Requirements.
  - 1. Screening shall be required along all abutting property lines and shall comply with screening requirements in this Ordinance, the Subdivision and Land Development Ordinance, and any other Township Ordinance.
    - a. Buffer/screening shall be twenty-five feet (25') wide and is permitted either within the area located immediately outside of the perimeter of the Solar Energy Fenced Area or along the perimeter of the lot(s) on which the Principal Solar Energy System is developed, or a combination of both options. In any case, the buffer/screen shall be increased to a depth of forty (40') feet in areas parallel to property lines shared with an existing residential use.
    - b. The buffer/screen may include existing vegetation.
    - c. Newly planted areas must provide a minimum height of six (6') feet at the time of planting and evergreen trees or shrubs must reach a minimum of ten (10') at maturity.
    - d. The buffer/screen may be located in any setback and is not in addition to any setback and shall not impact sight distance.
  - 2. Vegetative cover must have a minimum uniform 90% perennial vegetative covers with a density capable of resisting accelerated erosion and sedimentation.
    - a. A meadow condition is required for project located on slopes between 5% - 10%.
    - b. Vegetated areas will not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover and in accordance with an approved Erosion and Sedimentation Control Plan.
- iv. Environmental Protection.
  - 1. For properties located in the Wellhead Protection District. Prior to the start of development of the use, baseline testing of water samples from domestic supply wells on lots adjacent to the

proposed solar energy facility for cadmium, zinc, nickel, mercury, and copper shall be performed by a recognized Pennsylvania laboratory. Results of such testing shall be provided to the Township and to the owners of the wells prior to the start of development. In the event that a well owner refuses access to a well for sampling, the applicant shall notify the Township in writing of the refusal, with a copy to the well owner, and shall not be required to sample the well.

2. All Principal Solar Energy Systems must be setback a distance of 20 feet from any area designated as a wetland, a FEMA Floodplain, or an area containing 15% slope or greater.
3. All Principal Solar Energy Systems shall be set back 70 feet from a property listed on, or eligible for listing on the National Register of Historic Places as designated by the State Historic Preservation Office of the National Park Service.

v. Stormwater Requirements.

1. All Principal Solar Energy Systems shall comply with the Township's stormwater management requirements.
2. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.

vi. Solar Easements.

1. Where a subdivision or land development proposes a solar energy system, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instruments recording requirements as other easements.
2. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
  - a. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;

- b. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
  - c. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
  - d. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- 3. If necessary, a solar energy system owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

vii. Site Plan Documentation subject to Subdivision & Land Development Ordinance and following criteria:

- 1. The contact information for the Owner(s) and Operator(s) of the Principal Solar Energy System as well as contact information for the owner(s) all properties on which the Principal Solar Energy System is located.
- 2. An authorization letter or statement from the property landowner(s) of the leased area authorizing the filing of the application.
- 3. Anticipated construction schedule.
- 4. The proposed number, representative types and height of each component of the system to be constructed.
- 5. A copy of the Operation and Maintenance plan for the Principal Solar Energy System.
- 6. The owner of a Principal Solar Energy System shall provide the Township written confirmation that the local distribution company with jurisdiction over the transmission or distribution system to which the Principal Solar Energy System will be connected has been informed of the Principal Solar Energy System's owner's intent to install a grid connected system. Prior to the issuance of a building permit, the owner of the Principal Solar Energy System shall provide to the Township written confirmation that the local distribution company with jurisdiction over the transmission

system to which the Principal Solar Energy System will be connected has approved of such connection.

7. A written description of the anticipated life of the Principal Solar Energy System; estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the Principal Solar Energy System becomes inoperative or non-functional.
8. The applicant shall submit a decommissioning plan that will be carried out at the end of the Principal Solar Energy System's useful life.
9. Signature of the Applicant.

viii. In addition to all other planning requirements, all Principal Solar Energy System proposals in the Agricultural and Conservation District shall meet the following criteria:

1. The lots on which the Principal Solar Energy System is located must have a minimum of eighty (80) acres under common ownership, which may be a combination of land area located on multiple adjacent lots, subject to a lot consolidation plan.
2. At least one lot on which the Principal Solar Energy System is located must have 400 feet abutting the I-1, I-2, & I-3 Zoning Districts.
3. The Solar Energy Fenced Area may not exceed twenty-five percent (25%) of the total area of the lot(s).
4. The remainder of the lot(s) must be temporarily reserved for agricultural, forestry, and residential purposes, to the extent permitted by the zoning district, until the Principal Solar Energy System is decommissioned. A document reserving the remainder of the lot(s) for such use shall be recorded in the Office of the Recorder of Deeds in and for Cumberland County.
5. The solar energy development area shall only be located on 25% of the total class I and class II soils within the parcel boundary.

ix. Additional Site Design Criteria.

1. Use of Principal Solar Energy Systems may not exceed twenty-five (25) years from the first date of operation and must be removed in accordance with Section 1657(3)(b)(xii), unless approved by the Township as an amendment to an approved

conditional use or land development application or as a new conditional use or land development application.

2. Any physical modification to an existing and permitted Principal Solar Energy System that alters the site layout shall require an amendment to the conditional use or land development approval. In-kind replacement of equipment shall not require an amendment.
3. Freestanding collection systems shall not exceed twenty (20') feet in height.
4. The Solar Energy Fenced Area shall be set back from any adjoining property line that is located outside of the Solar Energy Development Area and not subject to the application a distance not less than the minimum yard setback requirements of the applicable zoning district. Except that the required Solar Energy Fenced Area setback shall be increased to forty (40') feet of any adjoining property line of an existing residential use or public or private road. The required setbacks do not apply to interior lot lines where the Solar Energy Development Area includes multiple lots.
5. Maximum Site Disturbance. Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of the Principal Solar Energy System shall be minimized to the extent practicable.
6. A minimum twenty-six (26') foot wide gravel access drive shall be provided within a minimum twenty-six (26') foot wide access easement connecting the Solar Energy Fenced Area to a public or private road to assure adequate emergency and service access is provided.
7. Gravel access drives shall be spaced 500 ft. apart between ground mounted arrays, at a maximum, to allow for emergency fire access.
8. Parking for a Principal Solar Energy Systems shall be adequate for general maintenance workers, but no less than two parking spaces.

x. Certification and Compliance.

1. The Township must be notified of a change in ownership of a Principal Solar Energy System or a change in ownership of the property on which the Principal Solar Energy System is located.

2. The Township reserves the right to inspect any Principal Solar Energy System to ensure compliance with the Township Zoning Ordinance.

xi. Safety Requirements.

1. If the Principal Solar Energy System is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation set forth in the public utility's then current service regulations applicable to solar power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. All principal and accessory structures that are part of the solar energy system, as well as all substations, inverters and any other supporting equipment, must be enclosed by fencing at least six (6') feet in height, unless specified otherwise in the Pennsylvania Uniform Construction Code or other applicable industry code or standard incorporated therein. All access gates shall be locked as appropriate when authorized person(s) are not onsite.
3. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner and disposed of in accordance with current DEP regulations.
4. Each Principal Solar Energy System shall have a minimum one sign, not to exceed two (2) square feet in area, posted on the security fence that contains at least the following:
  - a. The words "Warning High Voltage";
  - b. The manufacturer and operator's name; and
  - c. Emergency contact numbers for the operator.
5. Licenses and Other Requirements. The Applicant shall demonstrate that the required permits and licenses from applicable agencies, possibly including the Federal Energy Regulatory Commission, the Pennsylvania Department of Environmental Protection, and the Pennsylvania Public Utility Commission, among others, are in process or have been obtained, to the extent possible. Applicant shall secure all such permits prior to receiving a building permit for the Principal Solar Energy System except where any such permit or license cannot be obtained until construction of the Principal Solar Energy System is complete.

xii. Decommissioning of Principal Solar Energy Systems.

1. The owner or operator of the Principal Solar Energy System or then owner of the land on which the Principal Solar Energy System is located ("Owner/Operator") shall complete decommissioning within twelve (12) months after the end of the useful life, or twenty-five (25) years, whichever is sooner. Upon request of the Owner/Operator or assigns, and for a good cause, the Township Board of Supervisors may grant a reasonable extension of time to complete decommissioning. The Principal Solar Energy System will be presumed to be at the end of its useful life if no electricity or other form of power is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the Owner/Operator.
2. Decommissioning shall include the removal of all of the principal and accessory structures that are part of the Principal Solar Energy System, as well as all inverters, underground wires, and any other supporting equipment.
3. All access drives or roads to the Principal Solar Energy System shall be removed and cleared by the Owner/Operator, unless the owner(s) of the land requests, in writing, that the access drive or road remain. The Township will not be assumed to take ownership of any access road unless through official action of the Township Supervisors.
4. The Solar Energy Development Area and any disturbed earth shall be stabilized and cleared of any debris by the Owner/Operator or their assigns. If the Solar Energy Development Area is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

xiii. In addition to the Decommissioning Requirements listed previously, the Principal Solar Energy System shall also be subject to the following:

1. Prior to the issuance of a building or zoning permit for the Principal Solar Energy System, Owner/Operator shall enter into a decommissioning agreement with the Township and provide financial security for decommissioning as set forth below.
2. The Owner/Operator shall post and maintain financial security ("Decommissioning Security") in an amount equal to the "Net Decommissioning Costs" (as defined below); provided that at no point shall the amount of the Decommissioning Security be less

than one hundred percent (100%) of the then estimated cost of decommissioning.

3. The Owner/Operator, or its licensed engineer, shall provide an opinion of estimated cost for performing the decommissioning activities required herein together with an administrative and inflation rate to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value.
4. Updated estimates for decommissioning shall be provided every five years from the date the land development plan for the Principal Solar Energy System is approved, detailing adjustments for inflation, cost, and value changes. If the decommissioning security amount changes, the Owner shall remit the increased financial security to the municipality within 30 days of the approval of the updated decommissioning security estimate by the municipality.
5. At no time shall the financial security be an amount less than \$500,000.00.
6. The Decommissioning Security shall be in the form of a letter of credit, cash, or other form of financial security as may be acceptable to the Township.
7. Failure to keep the approved Decommissioning Security in effect while a Principal Solar Energy System is in place will be a violation of the zoning permit. If the Decommissioning Security lapses, the Township may take action, including ceasing operation of the Principal Solar Energy System until the Decommissioning Security is reposted.
8. The Township shall release the Decommissioning Security when the Owner/Operator has demonstrated to the Township that decommissioning has been satisfactorily completed or upon written approval of the Township to permit Owner/Operator to implement the decommissioning plan.
9. If the Owner/Operator fails to complete decommissioning within the periods addressed above, the Township may take such measures as necessary to complete decommissioning.

## **SECTION 9.**

## **SEVERABILITY**

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any remaining provision of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as it such unconstitutional, illegal or invalid provision had not been included therein.

**SECTION 10.** **REPEALER**

Any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 11.** **EFFECTIVE DATE**

This Ordinance shall become effective immediately.

**DULY ENACTED AND ORDAINED INTO LAW** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**BOARD OF SUPERVISORS  
SOUTH MIDDLETON TOWNSHIP**

Attest:

JARRETT A. SWEENEY, Secretary

SHELLY L. CAPOZZI, Chairperson

WALTER G. REIGHARD, Vice Chairperson

BRYAN A. GEMBUSIA

RONALD P. HAMILTON

R. DUFF MANWEILER

\_\_\_\_\_  
Date



## PLANNING DEPARTMENT

Cumberland County

## Cumberland County Review Report

Cumberland County Planning Department  
310 Allen Road, Suite 101  
Carlisle, PA 17013  
Telephone: (717) 240-5362

### Recommendation: *See Comments Below*

<i>Name of Amendment:</i>				
Central Penn College Overlay				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
East Pennsboro Township	12/4/2025	12/19/2025	NB, SH	KS
<i>Type of Amendment:</i>				
Zoning Text Amendment				

### Explanation of Amendment:

An applicant in East Pennsboro Township has applied for a zoning ordinance text amendment. The amendment will change the college overlay district to permit the following:

- Non-college accessory uses
- A parcel in the overlay district to be sold to a non-college entity and still apply to the uses and requirements in the college overlay district
- Condominium development where individual units do not need to meet the lot area and width requirements.

In 2019, Central Penn College (CPC) worked with East Pennsboro Township to create the college overlay district. The district created a zoning overlay for all the property owned by CPC. The overlay permits several uses typically found on or associated with a college campus. One of the conditions in the 2019 overlay district is that all uses must be land owned by a college.

CPC is currently planning to sell a portion of their property. The proposed amendment will permit CPC to sell land in the college overlay district to a non-college entity while maintaining the provisions of the college overlay district.

### Consistency:

#### Cumberland County Comprehensive Plan

The 2024 Cumberland County Comprehensive Plan<sup>1</sup> is organized around the Cumberland Principles. These principles guide effective planning practices which benefit the environment, economic development, and the community. The following table determines consistency between the proposed amendment and the Cumberland Principles.

<sup>1</sup> <https://www.cumberlandcountypa.gov/4888/Comprehensive-Plan>

<b>The Cumberland Principles</b> (Comprehensive plan page number)	<b>Consistency Determination</b>
<b>Protect the Best First</b> (page 20)	<ul style="list-style-type: none"> <li>The college overlay district includes two parcels that are currently owned by the college but used for agricultural purposes.</li> </ul>
<b>Grow In Not Out</b> (page 29)	<ul style="list-style-type: none"> <li>The college overlay district is in areas served by public sewer and public water.</li> </ul>
<b>Housing for All</b> (page 37)	<ul style="list-style-type: none"> <li>The overlay district permits single-family semi-detached dwellings, single-family attached dwellings and college dwellings.</li> <li>The proposed amendment will permit condominium developments.</li> </ul>
<b>Plan for People and Places</b> (page 44)	<ul style="list-style-type: none"> <li>The area surrounding the college overlay district consists of residential, commercial and institutional land uses. The amendment is consistent with the character of the area.</li> </ul>
<b>Open for Business</b> (page 71)	<ul style="list-style-type: none"> <li>The amendment allows land in the college overlay to be sold to a non-college entity and developed using the college overlay standards. There is potential for economic growth.</li> </ul>
<b>Engage to Improve</b> (page 78)	<ul style="list-style-type: none"> <li>The township should consider placing the proposed amendment on the website and informing adjacent property owners of the text amendment.</li> </ul>

#### East Pennsboro Township Comprehensive Plan

The comprehensive plan recommends an update of the zoning ordinance to increase diversity of commercial opportunities and mixed use development, to re-evaluate permissible densities, land uses and supporting regulations and reduce the separation of residential areas from business and service uses promoting a pedestrian oriented pattern (page 18).

#### **Comments and Recommendations:**

1. It appears that the proposed amendment will permit development regardless of college ownership. Does the intent of the college overlay and the underlying agricultural district still apply?

The township should consider removing the college overlay district and applying one of the existing zoning districts to the area. If the current districts are not consistent with the vision for the area, a new district may be established.

*"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."*



McNees Wallace & Nurick LLC  
100 Pine Street  
Harrisburg, PA 17101

James M. Strong  
Direct Dial: 717.237.5200  
[REDACTED]

November 7, 2025

**VIA HAND DELIVERY & E-MAIL**

Board of Commissioners  
c/o Dearan Quigley, Director of Housing &  
Community Development  
East Pennsboro Township  
98 South Enola Drive  
Enola, PA 17025

**RE: Central Penn College  
Application for Zoning Amendment  
Our File No. 80493-0003**

Dear Board Members:

We are writing on behalf of Central Penn Inc. d/b/a Central Penn College, the owner of five (5) parcels of land ("College-Owned Land") totaling approximately 54 acres located along both sides of Valley Road (SR 1004) in the 500 – 700 blocks in the Summerdale area of East Pennsboro Township ("Township").<sup>1</sup> Over the past 55 years, Central Penn College has become a vital community asset and partner, helping to enhance and improve the quality of life and local economy for residents, institutions, and businesses within the Township. The College-Owned Land is located in the Township's College Overlay ("College Overlay") in recognition of Central Penn College and other supporting or compatible uses.

Pursuant to Sections 27-401.1 and 27-401.2.A of the Township's Zoning Ordinance ("Zoning Ordinance"), Central Penn College envisions submitting a Master Plan for the College-Owned Land, where educational, residential, and commercial uses are commingled in a mutually supportive manner, designed in such a way so as to promote a connected, walkable and bikeable community. However, the current College Overlay provisions do not encourage innovation or promote flexibility, economy, and ingenuity in development, thereby hindering the achievement of this vision. Additionally, certain provisions of the College Overlay do not align with established Pennsylvania land use law. Therefore, Central Penn College requests that the Township's Board of Commissioners ("Board") amend the text of a few provisions of Section 27-401 of the Zoning Ordinance so as to encourage innovation and promote flexibility, economy, and ingenuity in the development of the College Overlay, as well as to reflect established Pennsylvania land use law ("Amendment").

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<sup>1</sup> College-Owned Land includes the following Parcel Identification Nos. and addresses: (i) 09-12-2994-088 at Valley Road; (ii) 09-12-2993-052 at Valley Road; (iii) 09-12-2993-072B at 500 Valley Road; (iv) 09-12-2993-018 at 701 Valley Road; and (v) 09-12-2993-061 at 722 & 730 Valley Road

Enclosed in support of the Application are twenty (20) paper copies and one (1) digital copy of the following:

1. East Pennsboro Township Zoning Amendment Application form;
2. Draft public hearing and enactment notice;
3. Current College Overlay standards (Section 27-401);
4. Proposed Amendment revising certain provisions of the College Overlay (Section 27-401); and
5. Redlined version of the College Overlay standards (Section 27-401) highlighting the proposed revisions.

Additionally, included with this Application are two (2) checks made payable to the Township in the amount of: (i) One Thousand Five Hundred Dollars (\$1,500.00) for the application fee; and (ii) One Thousand Two Hundred Fifty Dollars (\$1,250.00) for the escrow fee.

#### **A. BACKGROUND**

##### **1. College Overlay - 2019**

By way of background, in October 2019, Central Penn College proposed, and the Township adopted, Ordinance 810-2019 creating the optional College Overlay that applied to the College-Owned Land. Similar to today, the College-Owned Land was located in three (3) separate base zoning districts, which permitted vastly different land uses and development patterns. The regulations were inconsistent and incompatible with one another, stymying the coordinated and practical use and development of the College-Owned Land. Therefore, the College Overlay was created so as to eliminate these disparate conditions by providing uniform and consistent zoning standards for the College-Owned Land.

##### **2. Impacts on the College Overlay Since 2019**

Unfortunately, several unforeseen events, circumstances, and conditions have impacted colleges and universities, including Central Penn College, since October 2019. These include the COVID-19 pandemic, demographic shifts, economic pressures, technological innovations, and changes in public perception. Even before 2019, colleges and universities were struggling due to declining enrollment, rising institutional costs and stagnant endowments. While public colleges and universities rely on, and indeed benefit from, government funding and subsidies, private colleges and universities do not; therefore, they must rely more heavily on tuition. Unfortunately, tuition is directly tied to enrollment and has a greater impact on private colleges and universities than on public colleges and universities. While some struggling colleges and universities have cut staff, programs or services, or sold underutilized assets to remain solvent, others have merged or closed altogether. In recent years, colleges and universities, as well as local officials of municipalities in which these institutions are located, have begun working collaboratively on proactive approaches to ensure that such institutions remain solvent and viable community assets. One solution involves revisions to zoning and development regulations to encourage innovation and promote flexibility, economy, and ingenuity in the development of lands in and around college and university campuses. Fortunately, for Central Penn College and the Township, the College Overlay already exists.

Next, Pennsylvania courts have repeatedly held that while zoning ordinances may regulate the physical use of land, municipalities cannot regulate the manner of ownership of the land. See *Frederick v. Zoning Hearing Bd. Of Conewago Tp.*, 713 A.2d 139, 141 (Pa. Cmwlth. Ct. 1998) citing *County of Fayette v. Cossell*, 430 A.2d 1226, 1228 (Pa. Cmwlth. Ct. 1981); see also *Kaufman & Broad, Inc. v. Board of Supervisors of West Whiteland Tp.*, 340 A.2d 909, 911 (Pa. Cmwlth. Ct. 1975). In *Frederick* and *Fayette*, the court stated: “[z]oning regulations concern the physical use to which land is put. Zoning laws, enactments under the police power, are not concerned with the method of ownership of property. Zoning ordinances regulate usage; ***if a use is permitted, a municipality may not regulate the manner of ownership of the legal estate.***” (emphasis added). Unfortunately, the College Overlay regulates ownership of land, uses and buildings.

Additionally, 68 Pa.C.S.A Section 3106(a) states: “a zoning, subdivision, building code or other real estate law, ordinance or regulation may not prohibit the condominium form of ownership or impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership.” Comment #1 of 68 Pa.C.S.A Section 3106(a) explains the purpose of this section and further supports our argument that the fee simple ownership requirement in this zoning ordinance is unlawful when it states as follows: “[t]he first sentence of this section prohibits discrimination against condominiums by local law-making authorities. Thus, if a local law, ordinance, or regulation imposes a requirement which cannot be met if property is subdivided as a condominium but which would not be violated if all of the property constituting the condominium were owned by a single owner, this section makes it unlawful to apply that requirement or restriction to the condominium . . .” Unfortunately, the lot requirements of the College Overlay are onerous and impractical, thereby prohibiting the development of certain permitted uses. Further, the College Overlay does not recognize or permit land to be developed and owned as part of a condominium or planned community.

## **B. PROPOSED TEXT AMENDMENT**

To address the issues stated above, the proposed text Amendment revises the current language of four (4) provisions of the College Overlay in Section 27-401 of the Zoning Ordinance. First, Section 27-401.3 of the Zoning Ordinance lists several uses that are permitted by right in the College Overlay. The list of permitted uses includes both College-owned uses and non-College-owned uses. Specifically, while Section 27-401.3.W of the Zoning Ordinance currently permits “accessory college uses, buildings and improvements”, it does not recognize or permit non-College-owned accessory uses, buildings or improvements. Accordingly, no non-College-owned use (e.g., dwelling, daycare center, museum) is permitted to have any accessory use, building, or improvement. This means that non-College-owned uses are not permitted to have parking, signage, fencing, or even a swimming pool. Therefore, the proposed text Amendment revises Section 27-401.3.W by deleting the term “college” as it relates to accessory uses.

Second, Section 27-401.4 of the Zoning Ordinance includes certain conditions and requirements for developments in the College Overlay. Specifically, the current language of Sections 27-401.4.A and 27-401.B of the Zoning Ordinance negatively impacts future use, disposition and ownership of College-Owned Land, as it requires uses to be: (i) located on land owned by the College; and (ii) designed to serve students, alumni, faculty and employees of the College. This language essentially binds the College to own such land in perpetuity, or otherwise severely impacts the future marketability and resale value of such land. If, in the future, the College-Owned Land is sold to a non-college or non-university entity, the land would become nonconforming in terms of ownership and use. Zoning Ordinances generally are designed so as not to encourage the creation of new nonconforming conditions through actions of owners, especially via resale.

Therefore, the proposed text Amendment revises Section 27-401.4.A of the Zoning Ordinance so as to include supplemental language stating that the College Overlay provisions continue to apply, as long as the uses are on land owned in fee simple by the College at the time of submission of an application for subdivision and/or land development approval for any parcel within the College Overlay as depicted on the Master Plan. It goes on to state that the sale of any land within the College Overlay following conditional approval of a final subdivision and/or land development plan will not remove such land from the College Overlay, and the provisions of the College Overlay continue to apply for all future owners and run with the land, as applicable by law, provided that the permitted use of such land depicted on the conditionally approved final subdivision and/or land development plan remains the same use, and is generally consistent with the Master Plan. Additionally, the proposed text Amendment revises Section 27-401.4.B of the Zoning Ordinance so as to remove the current language requiring that all non-residential uses must primarily be designed to serve the students, alumni, faculty and employees of the College.

Additionally, Section 27-401.8 of the Zoning Ordinance provides minimum lot area (1 acre) and width (100') requirements for land within the College Overlay, which are onerous and impractical, and otherwise prohibit the development of certain permitted uses, including single-family attached dwellings. Additionally, there is no express language recognizing or permitting land to be developed and owned as part of a condominium or planned community. Therefore, the proposed text Amendment revises Section 27-401.8 of the Zoning Ordinance by adding the following additional sentence: "Notwithstanding the foregoing, minimum lot area and width requirements shall not apply to individual units created pursuant to the Pennsylvania Uniform Condominium Act of 1980 or the Uniform Planned Community Act of 1996, as amended."

The proposed text Amendment is generally consistent with and implements elements of the Township's and County's planning initiatives. Given the foregoing and based upon the timing, location and character as described above, the proposed text Amendment is appropriate and justified. Therefore, Central Penn College respectfully requests that the proposed Amendment be adopted.

We request that this Application be placed on the Board's agenda for November 19, 2025, to be formally accepted and referred to the Township and County Planning Commissions for their recommendations. In the meantime, should you require any additional information, please do not hesitate to contact me. Lastly, please send all correspondence related to this Application to the undersigned rather than to Central Penn College.

We look forward to presenting this Application to the Township.

Sincerely,



James M. Strong  
McNEES WALLACE & NURICK LLC

Enclosures  
c: Linda Fedrizzi-Williams, Ed.D. (via e-mail w/enclosures)

DRAFT

NOTICE IS HEREBY GIVEN by the Board of Commissioners of East Pennsboro Township, Cumberland County, Pennsylvania, that it will conduct a public hearing on [DAY, MONTH, YEAR] at [INSERT TIME] in the East Pennsboro Community and Municipal Center, 98 S. Enola Drive, Enola, Pennsylvania for the purposes of receiving public comment on the proposed ordinance summarized below. The full text of the proposed ordinance may be examined without charge and copies obtained for a price no greater than the cost thereof during regular business hours at the East Pennsboro Community and Municipal Center, at the address noted above. A copy of the proposed ordinance is filed with the newspaper publishing this notice and an attested copy of the proposed ordinance is on file at the Cumberland County Law Library, 1 Courthouse Square #304, Carlisle, Pennsylvania 17013. After the hearing, the Board of Commissioners will consider enacting the ordinance at the same public meeting that starts at [INSERT TIME] on [INSERT DAY, MONTH, YEAR], prevailing time, and is held at the East Pennsboro Community and Municipal Center, at the address noted above. The public hearing may be conducted virtually via conference call. For call-in access and additional meeting rules and requests to participate in the public hearing, please consult [www.eastpennsboro.net](http://www.eastpennsboro.net) or send a request to [REDACTED]. If you are a person with a disability and require an auxiliary aide, service, or other accommodation to participate in the public hearing, please contact the Township Manager at least 48 hours prior to the meeting at 717-732-0711 or [REDACTED] to discuss how your needs may be best accommodated.

The summary of the proposed ordinance is as follows: If enacted, the proposed ordinance will amend the Code of Ordinances of the Township of East Pennsboro, specifically Chapter 27 (Entitled "Zoning"), Part 4 (Entitled "Overlay District"), Section 27-401 Entitled ("College Overlay") by modifying certain provisions relating to: (i) permitted uses (Section 27-401.3.W); (ii) conditions (Sections 27-401.4.A and 27-401.4.B); and (iii) lot area and width requirements (Section 27-401.8), so as to encourage innovation and promote flexibility, economy, and ingenuity in the development, as well as to reflect established Pennsylvania land use law.

Lisa Marie Coyne, Esq., Solicitor, East Pennsboro Township

## **Part 4**

### **OVERLAY DISTRICTS**

#### **§ 27-401 College Overlay.**

1. Purpose. The College Overlay is established to recognize the areas as well as other uses that support or coexist with a Post-Secondary School use, now or in the future. This Overlay will provide areas in which educational, residential, and commercial uses may be commingled in a mutually supportive manner, designed in such a way so as to promote a connected, walkable and bikeable community.
2. Applicability. This Section shall apply to the following locations:
  - A. Any area associated with a previously approved Master Plan or any future expansion to an approved Master Plan for a Post-Secondary School.
  - B. Where there happens to be a conflict between the provisions or requirements of this overlay district and those of any underlying district, the provisions of this district shall apply.
  - C. Where there happens to be a conflict between the provisions or requirements of this overlay district and any other overlay district, the more restrictive provisions shall apply.
3. Permitted Uses. In the College Overlay, a building may be erected or used, and a lot may be used or occupied for any of the following uses, subject to the conditions set forth in Subsection 4 below:
  - A. Single-family detached dwellings.
  - B. Single-family semi-detached dwellings.
  - C. Single-family attached dwellings.
  - D. College Dwellings.
  - E. College Bookstores.
  - F. College Food Service Facilities.
  - G. College Special Events.
  - H. Offices for educators and college staff.
  - I. College conference centers.
  - J. Libraries and museums.
  - K. Infirmarys, health suites and counseling centers.

- L. Banks, credit unions, brokerages, financial services offices and electronic banking kiosks (as an accessory use).
- M. Instructional facilities.
- N. Parks, quads, open spaces, and passive recreation areas.
- O. Athletic fields and courts (without event lighting).
- P. Theaters and assembly halls seating no more than 750 attendees.
- Q. Pedestrian walkways, overpasses, and underpasses.
- R. Day-care centers operated as part of an educational program of studies.
- S. Religious Institutions.
- T. Government Uses.
- U. Public utility facilities
- V. Public and private off-street parking lots and garages.
- W. Accessory college uses, buildings and improvements customarily incidental to the above uses.

4. Conditions. Permitted uses in the College Overlay District are subject to the following conditions:

- A. All uses must be on land owned fee simple by the college.
- B. All non-residential uses must primarily be designed to serve the students, alumni, faculty and employees of the college.
- C. Athletic and recreational facilities may be open to and used by the public, so long as such use is subordinate to the use of the same by the college.
- D. College Dwellings:
  - (1) Must be occupied only by students, faculty or employees of the College, or by College Special Event, College Conference Center or academic or athletic program or camp attendees.
  - (2) May be occupied by immediate family members of permitted occupants.
  - (3) May not be occupied as fraternity or sorority houses.
  - (4) Must be supervised by on-campus residential advisors who reside on campus.
  - (5) Must have a minimum of eighty (80) square feet of habitable area for each occupant and a total minimum total 700 square feet per dwelling.
  - (6) College Dwellings may be occupied by students of other schools if such occupancy

is contracted for by and between the College and such other school or schools.

E. No use shall, by design, physical layout, service, or packaging procedures, encourage or permit the receiving of goods or services by individuals while remaining in their motor vehicles.

5. Conditional Uses. The following conditional uses and no other may be allowed by the Township Board of Commissioners after recommendation by the Planning Commission, pursuant to Part 8 of this Chapter:

- A. Field houses.
- B. Athletic fields and courts with event lighting.
- C. Theaters and assembly halls with a capacity in excess of 750 attendees.

6. Building Height. No building shall be erected to a height in excess of four stories or 60 feet; provided, however, that this height may be increased 1 foot for each additional foot that each and every setback exceeds the minimum requirement, up to a maximum height of 75 feet.

7. Minimum Setbacks.

- A. Front - 10 feet.
- B. Side - 8 feet.
- C. Rear - 25 feet.

8. Lot Area and Width Requirements. The minimum lot area permitted shall not be less than one acre, and the minimum lot width shall not be less than 100 feet measured at the building setback line.

9. Lot Coverage. No more than 75% of the lot shall be covered with buildings, structures, and other impervious surfaces.

10. Off-Street Parking. Off-street parking shall be in accordance with the Design and Natural Resources Ordinance in addition to the following requirements:

- A. Parking may be located off-site so long as the parking is located on land owned or leased by the college.
- B. Parking lots and spaces for uses in the College Overlay Zone shall be readily accessible to the buildings or uses served.
- C. Required parking lots and spaces that are located in excess of 300 feet of the building or use that they serve shall comply with the following conditions:
  - (1) Pedestrian pathways shall be established with appropriate directional signage that directs pedestrians to and from parking areas and the buildings or uses that they serve.

- (2) Pedestrian pathways and parking areas shall not be arranged in such a manner as to unreasonably impact neighboring residential uses outside the College Overlay Zone.
- (3) Safety lighting shall be provided along pedestrian pathways and upon parking areas as appropriate.

11. Supplemental Regulations.

- A. All uses shall be connected to public sewer and public water.
- B. Residences may be located in the same building as other uses.
- C. All screening and buffering shall comply with §27-603 of this Chapter.
- D. Sign regulations shall conform to the Design and Natural Resources Ordinance.
- E. Outdoor Storage and Dumpsters shall comply with § 27-607, of this Chapter.
- F. More than one principal use shall be permitted on a lot.

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

**AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA, SPECIFICALLY CHAPTER 27 (ENTITLED "ZONING"), PART 4 (ENTITLED "OVERLAY DISTRICTS"), SECTION 27-401 (ENTITLED "COLLEGE OVERLAY") BY MODIFYING CERTAIN PROVISIONS RELATING TO: PERMITTED USES (SECTION 27-401.3.W); CONDITIONS (SECTIONS 27-401.4.A AND 27-401.4.B); AND LOT AREA AND WIDTH REQUIREMENTS (SECTION 27-401.8).**

**WHEREAS**, the Board of Township Commissioners in and for the Township of East Pennsboro, Cumberland County, Pennsylvania ("Board of Commissioners"), under the powers vested in it by the "First Class Township Code" of Pennsylvania, as enacted and amended, and the authority and procedures of the "Pennsylvania Municipalities Planning Code," as enacted and amended, ("MPC") as well as other applicable laws of the Commonwealth of Pennsylvania, has enacted the Code of Ordinances of the Township of East Pennsboro, specifically Chapter 27 (Entitled "Zoning", the "Zoning Ordinance"), to implement the East Pennsboro Township Comprehensive Plan 2019 *Tools for Tomorrow* ("Township Plan") and accomplish any of the purposes of the MPC; and

**WHEREAS**, Central Penn College, an established post-secondary educational institution tracing its history back to 1881, has been located in the Summerdale area of East Pennsboro Township ("Township"), Cumberland County, Pennsylvania, since 1970;

**WHEREAS**, for the past 55 years, Central Penn College has been a vital community asset and partner, helping to enhance and improve the quality of life and local economy for residents, institutions and businesses within the Township;

**WHEREAS**, Central Penn College (under the name Central Penn Inc.) owns five (5) parcels of land totaling approximately 54 acres located along both sides of Valley Road (SR 1004) in the 500 – 700 blocks ("College-Owned Land") in the Township;

**WHEREAS**, in October 2019, Central Penn College proposed, and the Township adopted Ordinance 810-2019, creating the optional College Overlay that applied to the College-Owned Land, so as to provide uniform and consistent zoning standards for the College-Owned Land;

**WHEREAS**, the College Overlay is incorporated into the current Zoning Ordinance as Section 27-401 (Entitled "College Overlay");

**WHEREAS**, Section 27-401.1 (Entitled "Purpose") of the Zoning Ordinance states that the College Overlay: (i) is established to recognize the areas as well as other uses that support or coexist with a Post-Secondary School [i.e., Central Penn College] use, now or in the future; and

(ii) will provide areas in which educational, residential, and commercial uses may be commingled in a mutually supportive manner, designed in such a way so as to promote a connected, walkable and bikeable community;

**WHEREAS**, the College Overlay requires uses to be: (i) located on land owned by the College; and (ii) designed to serve students, alumni, faculty and employees of the College, which negatively impacts future use, disposition and ownership of College-Owned Land;

**WHEREAS**, several unforeseen and unanticipated events, circumstances and conditions impacting colleges and universities, including Central Penn College, have occurred since October 2019, including: (i) COVID-19 pandemic; (ii) demographic shifts; (iii) economic pressures; (iv) technological innovations; and (v) changes in public perception, resulting in reductions or elimination of staff, programs, services and underutilized assets to remain solvent, or mergers or closures;

**WHEREAS**, in recent years, colleges and universities, and local officials of municipalities in which such institutions are located, have begun working collaboratively on proactive approaches helping to ensure such institutions remain solvent as viable community assets, including making revisions to zoning and development regulations to encourage innovation and promote flexibility, economy, and ingenuity in the development of lands in and around college and university campuses;

**WHEREAS**, the vision statement of the Township Plan states that the “Township will embrace opportunities of growth and positive change and will continue to enhance and improve its quality of life and local economy so that the community remains desirable to its residents, business owners, and visitors while continuing to be a leader in the region.” (p. 1);

**WHEREAS**, the Township Plan recognizes the importance of forging lasting relationships and partnerships with certain institutions and entities, such as Central Penn College, as a way of forward-thinking for the overall benefit of the community (p. 6);

**WHEREAS**, to increase the workforce, add quality services and provide affordable housing options for young and first-time home buyers, the Township Plan suggests using the redevelopment/revitalization/infill strategy via: “[r]eadjust[ing] development regulations [e.g., zoning] with a focus on right-sizing, repurposing and revitalizing as per the new economy and the Township’s exceptional qualities.” (p. 4)

**WHEREAS**, economic forces, ownership changes, consumer preferences, and varying industry standards have resulted in vacant or underutilized properties in infrastructure-served areas, and the Cumberland County Comprehensive Plan 2024 suggests increasing development opportunities in existing communities through redevelopment, infill and reuse of existing properties for a mix of uses, including housing, institutional uses and businesses (pp. 33, 85 and 86, Future Land Use 2024);

**WHEREAS**, the Board of Commissioners believes that it is in the best interest of the Township as a whole to implement elements of the Township Plan and the MPC, by revising Section 27-401 (Entitled “College Overlay”) of the Zoning Ordinance, so as to encourage innovation and promote flexibility, economy, and ingenuity in the development of the College Overlay, as well as to reflect established Pennsylvania land use law.

**BE IT HEREBY ENACTED AND ORDAINED** by the Board of Township Commissioners in and for the Township of East Pennsboro, Cumberland County, Pennsylvania, as follows:

**SECTION 1:** The Code of Ordinances of the Township of East Pennsboro, specifically Chapter 27 (Entitled “Zoning”), Part 4 (Entitled “Overlay District”), Section 27-401 (Entitled “College Overlay”) is hereby amended as indicated by the blackline interlineations below, with: (i) underlined interlineations indicating insertions of language; and (ii) strikethrough interlineations indicating deletions of language, as follows:

**§ 27-401 College Overlay.**

...

3. Permitted Uses. In the College Overlay, a building may be erected or used, and a lot may be used or occupied for any of the following uses, subject to the conditions set forth in Subsection 4 below:

...

- W. Accessory ~~college~~ uses, buildings and improvements customarily incidental to the above uses.

4. Conditions. Permitted uses in the College Overlay District are subject to the following conditions:

- A. All uses must be on land owned in fee simple by the college at the time of submission of an application for subdivision and/or land development approval for any parcel within the College Overlay as depicted on the Master Plan. The sale of any land within the College Overlay following conditional approval of a final subdivision and/or land development plan will not remove such land from the College Overlay, and the provisions of this § 27-401 shall continue to apply for all future owners and run with the land, as applicable by law, provided that the permitted use of such land depicted on the conditionally approved final subdivision and/or land development plan remains the same permitted use, and is generally consistent with the Master Plan.

B. [RESERVED FOR FUTURE USE.] All non-residential uses must primarily be designed to serve the students, alumni, faculty and employees of the college.

...

8. Lot Area and Width Requirements. The minimum lot area permitted shall not be less than one acre, and the minimum lot width shall not be less than 100 feet measured at the building setback line. Notwithstanding the foregoing, minimum lot area and width requirements shall not apply to individual units created pursuant to the Pennsylvania Uniform Condominium Act of 1980 or the Uniform Planned Community Act of 1996, as amended.

...

**SECTION 2:** Except only as amended, modified and changed by this Ordinance, the Code of Ordinances of the Township of East Pennsboro, as codified and amended, shall remain in all other respects in full force and effect.

**SECTION 3:** The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal, or otherwise invalid, the decision shall not affect the remaining provisions of this Ordinance or the Code of Ordinances of the Township of East Pennsboro.

**SECTION 4:** This Ordinance shall become effective in accordance with applicable law.

**DULY ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2025, by the Board of Township Commissioners of the Township of East Pennsboro in public session duly assembled.

TOWNSHIP OF EAST PENNSBORO

By: \_\_\_\_\_  
President, Board of Commissioners

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Township Secretary

(Township Seal)

## § 27-401 College Overlay.

1. Purpose. The College Overlay is established to recognize the areas as well as other uses that support or coexist with a Post-Secondary School use, now or in the future. This Overlay will provide areas in which educational, residential, and commercial uses may be commingled in a mutually supportive manner, designed in such a way so as to promote a connected, walkable and bikeable community.
2. Applicability. This Section shall apply to the following locations:
  - A. Any area associated with a previously approved Master Plan or any future expansion to an approved Master Plan for a Post-Secondary School.
  - B. Where there happens to be a conflict between the provisions or requirements of this overlay district and those of any underlying district, the provisions of this district shall apply.
  - C. Where there happens to be a conflict between the provisions or requirements of this overlay district and any other overlay district, the more restrictive provisions shall apply.
3. Permitted Uses. In the College Overlay, a building may be erected or used, and a lot may be used or occupied for any of the following uses, subject to the conditions set forth in Subsection 4 below:
  - A. Single-family detached dwellings.
  - B. Single-family semi-detached dwellings.
  - C. Single-family attached dwellings.
  - D. College Dwellings.
  - E. College Bookstores.
  - F. College Food Service Facilities.
  - G. College Special Events.
  - H. Offices for educators and college staff.
  - I. College conference centers.
  - J. Libraries and museums.
  - K. Infirmarys, health suites and counseling centers.
  - L. Banks, credit unions, brokerages, financial services offices and electronic banking kiosks (as an accessory use).

- M. Instructional facilities.
- N. Parks, quads, open spaces, and passive recreation areas.
- O. Athletic fields and courts (without event lighting).
- P. Theaters and assembly halls seating no more than 750 attendees.
- Q. Pedestrian walkways, overpasses, and underpasses.
- R. Day-care centers operated as part of an educational program of studies.
- S. Religious Institutions.
- T. Government Uses.
- U. Public utility facilities
- V. Public and private off-street parking lots and garages.
- W. Accessory ~~college~~ uses, buildings and improvements customarily incidental to the above uses.

4. Conditions. Permitted uses in the College Overlay District are subject to the following conditions:

- A. All uses must be on land owned in fee simple by the college at the time of submission of an application for subdivision and/or land development approval for any parcel within the College Overlay as depicted on the Master Plan. The sale of any land within the College Overlay following conditional approval of a final subdivision and/or land development plan will not remove such land from the College Overlay, and the provisions of this § 27-401 shall continue to apply for all future owners and run with the land, as applicable by law, provided that the permitted use of such land depicted on the conditionally approved final subdivision and/or land development plan remains the same permitted use, and is generally consistent with the Master Plan.
- B. [RESERVED FOR FUTURE USE.] All non-residential uses must primarily be designed to serve the students, alumni, faculty and employees of the college.
- C. Athletic and recreational facilities may be open to and used by the public, so long as such use is subordinate to the use of the same by the college.
- D. College Dwellings:
  - Must be occupied only by students, faculty or employees of the College, or by College Special Event, College Conference Center or academic or athletic program or camp attendees.
  - (1) May be occupied by immediate family members of permitted occupants.

- (2) May not be occupied as fraternity or sorority houses.
- (3) Must be supervised by on-campus residential advisors who reside on campus.
- (4) Must have a minimum of eighty (80) square feet of habitable area for each occupant and a total minimum total 700 square feet per dwelling.
- (5) College Dwellings may be occupied by students of other schools if such occupancy is contracted for by and between the College and such other school or schools.

E. No use shall, by design, physical layout, service, or packaging procedures, encourage or permit the receiving of goods or services by individuals while remaining in their motor vehicles.

5. Conditional Uses. The following conditional uses and no other may be allowed by the Township Board of Commissioners after recommendation by the Planning Commission, pursuant to Part 8 of this Chapter:

- A. Field houses.
- B. Athletic fields and courts with event lighting.
- C. Theaters and assembly halls with a capacity in excess of 750 attendees.

6. Building Height. No building shall be erected to a height in excess of four stories or 60 feet; provided, however, that this height may be increased 1 foot for each additional foot that each and every setback exceeds the minimum requirement, up to a maximum height of 75 feet.

7. Minimum Setbacks.

- A. Front - 10 feet.
- B. Side - 8 feet.
- C. Rear - 25 feet.

8. Lot Area and Width Requirements. The minimum lot area permitted shall not be less than one acre, and the minimum lot width shall not be less than 100 feet measured at the building setback line. [Notwithstanding the foregoing, minimum lot area and width requirements shall not apply to individual units created pursuant to the Pennsylvania Uniform Condominium Act of 1980 or the Uniform Planned Community Act of 1996, as amended.](#)

9. Lot Coverage. No more than 75% of the lot shall be covered with buildings, structures, and other impervious surfaces.

10. Off-Street Parking. Off-street parking shall be in accordance with the Design and Natural Resources Ordinance in addition to the following requirements:

- A. Parking may be located off-site so long as the parking is located on land owned or leased by the college.
- B. Parking lots and spaces for uses in the College Overlay Zone shall be readily accessible to the buildings or uses served.
- C. Required parking lots and spaces that are located in excess of 300 feet of the building or use that they serve shall comply with the following conditions:
  - (1) Pedestrian pathways shall be established with appropriate directional signage that directs pedestrians to and from parking areas and the buildings or uses that they serve.
  - (2) Pedestrian pathways and parking areas shall not be arranged in such a manner as to unreasonably impact neighboring residential uses outside the College Overlay Zone.
  - (3) Safety lighting shall be provided along pedestrian pathways and upon parking areas as appropriate.

11. Supplemental Regulations.

- A. All uses shall be connected to public sewer and public water.
- B. Residences may be located in the same building as other uses.
- C. All screening and buffering shall comply with §27-603 of this Chapter.
- D. Sign regulations shall conform to the Design and Natural Resources Ordinance.
- E. Outdoor Storage and Dumpsters shall comply with § 27-607 of this Chapter.
- F. More than one principal use shall be permitted on a lot.



**PLANNING DEPARTMENT**  
Cumberland County

**Cumberland County Review Report**

Cumberland County Planning Department  
310 Allen Road, Suite 101  
Carlisle, PA 17013  
Telephone: (717) 240-5362

**Recommendation:** *See Comments Below*

<i>Name of Amendment:</i>				
Noncommercial Keeping of Chickens & Livestock				
<i>Municipality:</i> North Newton Township	<i>Date Received:</i> 12/11/2025	<i>Date Reviewed:</i> 1/5/2026	<i>Reviewed By:</i> NB, SH	<i>Checked By:</i> KS
<i>Type of Amendment:</i>				
Zoning Text Amendment				

**Explanation of Amendment:**

North Newton Township has submitted a zoning ordinance text amendment. The amendment adds provisions to permit and regulate the keeping of chickens and noncommercial livestock as an accessory use.

**Consistency:**

Cumberland County Comprehensive Plan

The 2024 Cumberland County Comprehensive Plan<sup>1</sup> is organized around the Cumberland Principles. These principles guide effective planning practices which benefit the environment, economic development, and the community. The following table determines consistency between the proposed amendment and the Cumberland Principles.

<b>The Cumberland Principles</b> (Comprehensive plan page number)	<b>Consistency Determination</b>
<b>Plan for People and Places</b> (page 44)	<ul style="list-style-type: none"><li>The proposed text will allow for flexibility of land uses in the local community, which will help to preserve the rural character of the area (p.48).</li></ul>

North Newton Comprehensive Plan

The Township Comprehensive Plan acknowledges that the continuation of the Township's rural character and quality of life is to be expected into the future (p.6-5). The proposed text amendment will help to achieve this, as it will permit flexibility for the noncommercial keeping of livestock in residential areas.

**Comments and Recommendations:**

1. Section 5: The proposed amendment indicates zoning ordinance section 300-28 regulates "Livestock and Poultry Limits". This section regulates "Accessory uses". It appears that the proposed amendment will add noncommercial keeping of livestock as an accessory use in the R1 district.

<sup>1</sup> <https://www.cumberlandcountypa.gov/4888/Comprehensive-Plan>

2. Section 6: The proposed amendment indicates zoning ordinance section 300-33 is entitled "Livestock and poultry limits". Zoning ordinance section 300-33 is titled "Livestock and poultry regulations". The proposed amendment should be consistent.
3. Section 10: proposed section 300-16.1.2.b and c appear to contradict. Will residents be permitted to keep chickens or poultry for an agricultural operation? The township should review the proposed language.
  - a. Subsection b: The proposed amendment notes that the keeping of chickens shall not be undertaken for commercial or agricultural operations and/or use purposes.
  - b. Subsection c: This section appears to exempt agricultural operations. "These regulations do not apply to the raising of poultry and other fowl as an agricultural operation/use."
4. Section 10: Proposed section 300-16.1.A.2.g. This section requires pens and coops to be in the rear or side yard. The rear and side yard is defined as the area between a lot line and the setback line. It appears that the township wants these structures to be located to the side or rear of the principal dwelling, but not within the accessory setback area.
5. The township should consider the following requirements for a coop and an outdoor run.
  - a. The township should consider a minimum size for the coop. Another township in Cumberland County has established a requirement of 3 square feet per fowl.
  - b. The language includes area requirements for the lot, but not for the outdoor run. The industry standard is 10 square feet per chicken for an outdoor run.
  - c. The outdoor run should include a fence/roof cover to prevent predatory birds and prevent the spread of disease into the wildlife population.
  - d. The requirements for a coop should include ventilation
  - e. Coops should be constructed to prevent rodents, and food should be stored in a sealed container.
6. The township should consider requiring a plan for the storage and composting of manure.
7. Residents should be required to complete a voluntary premises registration with the Pennsylvania Department of Agriculture. The state uses this information to track the spread of avian flu.

*"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."*

**NORTH NEWTON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA**

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

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NORTH NEWTON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 300 OF THE NORTH NEWTON TOWNSHIP CODE OF ORDINANCES, ENTITLED "ZONING", TO ADD PROVISIONS TO PERMIT AND REGULATE THE LIMITED KEEPING OF CHICKENS AND NONCOMMERCIAL KEEPING OF LIVESTOCK AS AN ACCESSORY USE.**

**WHEREAS**, North Newton Township, Cumberland County, Pennsylvania (the "Township"), is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, Section 1506 of the Pennsylvania Second Class Township Code, 53 P.S. §§ 65101, *et seq.*, provides that the Township is authorized to make regulations as may be necessary for the health and welfare of the Township and its citizens, trade, commerce, and manufacturers; and

**WHEREAS**, the Board of Supervisors of North Newton Township has determined, in order to best protect the health and safety of the citizens of the Township and both public and private property throughout the Township, that it is necessary to amend Chapter 300, entitled "Zoning", of the North Newton Township Code of Ordinances (the "Code") to permit the limited keeping of chickens and noncommercial keeping of livestock as an accessory in certain zoning districts.

**NOW THEREFORE BE IT ENACTED AND ORDAINED** by the Board of Supervisors of North Newton Township, Cumberland County, Pennsylvania, and it is enacted and ordained as follows:

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

**SECTION 2.** Section 300-10 of the Code, entitled "Definitions", is hereby amended to add the following terms and their definitions:

**NONCOMMERCIAL KEEPING OF LIVESTOCK**

An accessory use to a principal single-family detached dwelling, whereupon livestock, are kept exclusively by the residents of the site, which shall include any activity involving the raising, caring for, housing, and principally the hobby/personal use of livestock and products derived from such livestock by the occupant, owner or leaser of the lot on which such use is located. This definition excludes all commercial animal operations including, but not limited to, livestock production for wholesale and retail markets, and boarding and riding stables and

liveries. This definition does not apply to the use and storage of carriage horses as a mode of transportation.

**SECTION 3.** Article IV, entitled “A Agriculture Zoning District”, Section 300-17, entitled “Accessory uses”, is hereby amended to add a new subsection §300-17(H), which shall read as follows:

H. Noncommercial keeping of livestock (see §300-21).

**SECTION 4.** Section 300-21 of the Code, entitled “Livestock and poultry limits”, shall be amended to read as follows:

**§300-21. Noncommercial Keeping of Livestock.**

The noncommercial keeping of livestock and/or poultry on parcels of land less than ten (10) acres in area shall be limited to the keeping and raising of two head of livestock or 48 fowl per 40,000 square feet of area

**SECTION 5.** Section 300-28 of the Code, entitled “Livestock and poultry limits”, shall be amended to read as follows:

H. Noncommercial keeping of livestock (see §300-33).

**SECTION 6.** Section 300-33 of the Code, entitled “Livestock and poultry limits”, shall be amended to read as follows:

**§300-33. Noncommercial Keeping of Livestock.**

The noncommercial keeping of livestock and/or poultry on parcels of land less than ten (10) acres in area shall be limited to the keeping and raising of two head of livestock or 48 fowl per 40,000 square feet of area

**SECTION 7.** Article VI, entitled “R-2 Residential Zoning District”, Section 300-40 of the Code, entitled “Accessory uses”, is hereby amended to add a new subsection §300-40(F), which shall read as follows:

F. Noncommercial keeping of chickens (see §300-116.1(A)(2)).

**SECTION 8.** Article VII, entitled “VMU Village Mixed-Use Zoning District”, Section 300-50 of the Code, entitled “Accessory uses”, is hereby amended to add a new subsection §300-50(F) which shall read as follows:

F. Noncommercial keeping of chickens (see §300-116.1(A)(2)).

**SECTION 9.** Article VIII, entitled “C-I Commercial-Industrial Zoning District”, Section 300-61 of the Code, entitled “Accessory uses”, is hereby amended to add a new subsection §300-61(F) which shall read as follows:

F. Noncommercial keeping of chickens (see §300-116.1(A)(2)).

**SECTION 10.** Article X, entitled “Specific Criteria for Conditional Uses and Uses Permitted by Right”, is hereby amended to add a new subsection §300-116.1, to be entitled “Noncommercial keeping of livestock”, setting forth specific criteria for the keeping of chickens and the noncommercial keeping of livestock throughout the Township, which shall read as follows:

**§300-116.1 Noncommercial keeping of livestock.**

A. Noncommercial keeping of livestock shall be permitted as an Accessory Use to Single-Family Detached Dwellings, subject to the following limitations and specific criteria:

- (1) In the (A) Agriculture and (R-1) Rural Residential Zoning Districts, all noncommercial keeping of livestock shall comply with Sections 300-21 and 300-33, respectively.
- (2) In all other Zoning Districts (R-2; VMU; and C-I), the noncommercial keeping of livestock shall be limited to the noncommercial keeping of chickens, subject to the provisions contained herein.
  - (a) Minimum lot area: one-half (0.5) acre. The noncommercial keeping of Chickens shall be permitted subject to the following density and lot area restrictions:
    - (i) A maximum of four (4) chickens shall be permitted for the first one-half (0.5) acre.
    - (ii) Two (2) additional chickens shall be permitted for each additional one-half (0.5) acre, up to a maximum of fifty (50) chickens per Lot.
  - (b) The keeping of chickens shall not be undertaken for commercial or Agricultural Operations and/or use purposes.
  - (c) These regulations do not apply to the raising of poultry and other fowl as an Agricultural Operation/use.
  - (d) The following activities shall be considered as commercial purposes:

- (i) Sale of chickens;
- (ii) Egg producing (i.e., more than 50% of the total eggs produced); or
- (iii) Fertilizer production.

(d) Type: Chickens shall be hens. Roosters and English Gamecocks are prohibited.

(e) Chicken coops. Chicken coops shall be either commercially built and/or designed or built by the Owner of such chickens.

(f) Pens. Pens shall be constructed in a manner to prevent chickens from roaming free.

(g) Location. Pens and Coops shall be located in the Rear or Side Yard only and shall comply with the applicable setback requirements for accessory buildings or structures in the underlying Zoning District.

(h) Living Conditions.

- (i) Chickens shall have access to feed and clean water at all times.
- (ii) Feed shall be secured to prevent rodents or other pests from accessing the feed.

(i) Disposition of Disposed Chickens. Chicken carcasses shall be disposed of in compliance with 3 Pa. C.S. §2352. Any slaughtering of chickens must be done out of sight of any neighboring properties.

**SECTION 11.** Repealer. All provisions of previous Ordinances of North Newton Township which are contrary to this Ordinance are expressly repealed.

**SECTION 12.** Savings Clause. In all other respects, the Code of North Newton Township shall remain as previously enacted and ordained.

**SECTION 13.** Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

**SECTION 14.** Effective Date. This Ordinance shall take effect in accordance with law.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, on this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by the Board of Supervisors of North Newton Township, Cumberland County, Pennsylvania in lawful session duly assembled.

**Attest:**

**North Newton Township  
Board of Supervisors**

By: \_\_\_\_\_

By: \_\_\_\_\_  
Ralph Fisher, Chairman

DRAFT

TOWNSHIP OF SILVER SPRING

CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 01 of 2026

**AN ORDINANCE OF THE TOWNSHIP OF SILVER SPRING, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING CHAPTER 415 [ZONING] OF THE CODE OF THE TOWNSHIP OF SILVER SPRING, AS AMENDED, TO PROVIDE FOR DATA CENTERS AND THEIR ACCESSORY USES AS A CONDITIONAL USE IN THE GENERAL INDUSTRIAL (I-2) ZONING DISTRICT, TO ESTABLISH ADDITIONAL PROVISIONS AND CRITERIA FOR CONDITIONAL USES IN THE I-2 ZONING DISTRICT, AND TO ESTABLISH SPECIFIC CRITERIA FOR DATA CENTERS AND THEIR ACCESSORY USES.**

**PREAMBLE**

**WHEREAS**, the Board of Supervisors of Silver Spring Township recognizes the growing demand for data centers and the need to regulate their development in a manner that protects the health, safety, and welfare of the community; and

**WHEREAS**, the purpose of this Ordinance is to establish standards for the siting and operation of data centers and to provide additional requirements of heavy industrial uses within the General Industrial (I-2) Zoning District, consistent with the goals and objectives of the Silver Spring Township Comprehensive Plan, which encourages responsible economic development while preserving community character and environmental quality; and

**WHEREAS**, the I-2 General Industrial District is intended to accommodate a wide range of industrial and technology-based uses that require access to infrastructure and transportation networks, while ensuring compatibility with surrounding land uses through appropriate buffering and performance standards; and

**WHEREAS**, this Ordinance is adopted in furtherance of Article I, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment, which guarantees the people's right to clean air, pure water, and the preservation of the natural, scenic, historic, and aesthetic values of the environment; and

**WHEREAS**, the Board of Supervisors finds that the regulations herein are necessary to ensure that industrial uses are developed in a manner that is consistent with the Township's land use policies and environmental stewardship responsibilities.

**IT IS HEREBY ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Silver Spring, Cumberland County, Pennsylvania, that the Code of the Township of Silver Spring ("the Code"), Chapter 415 [Silver Spring Township Zoning Ordinance of 2022], as amended, is hereby amended as follows:

## **SECTION 1:**

Silver Spring Township Zoning Ordinance shall be amended as follows:

A. Section 415-111.C [SPECIFIC WORDS AND PHRASES] is hereby amended as follows:

The following definition to be inserted in proper alphabetical order:

### **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 does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. 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 tract or assemblage of adjacent parcels developed 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.

### **Sensitive Receptor**

Residential uses, schools, preschools, daycare centers, in-home daycares, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, and dormitories.

## **SECTION 2:**

A. Section 415-215.B shall be amended to include Data Centers as a conditional use in alphabetical order:

<u>Data Center</u>	<u>C</u>	<u>§ 415-454; § 415-804</u>
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## **SECTION 3:**

Section 415-215 [General Industrial Zone (I-2)] shall be amended to add the following subsection E:

### **E. Additional Provisions for Conditional Uses**

All uses that include any structure of 100,000 square feet or more shall comply with the following:

- (1) Minimum building setback from any residential district or sensitive receptor shall be at least 500 feet.
- (2) **Landscape Buffer.** A landscape buffer is required between uses and any adjoining residential zoning district, sensitive receptor, or public roadway. The landscape buffer shall comply with the following requirements
  - (a) The landscape buffer shall be at least 25 feet in depth and may be part of the minimum setback distance.
  - (b) Buffer plantings shall consist of native species planted as follows:
    - [1] One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
    - [2] One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2½ inch caliper at the time of planting.
    - [3] One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2½ inch caliper at the time of planting for single-stemmed varieties.
    - [4] Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.
  - (c) In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the use from adjoining residential zoning districts, sensitive receptors, and public roadways, the Board of Supervisors, upon non-binding recommendation by the Township Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.

(3) Screening and Fencing. To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within 300 feet of a public roadway, residential zoning district(s), or the lot line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:

- (a) The landscape buffer required by subsection (2) above.
- (b) By existing vegetation that will remain on the property.
- (c) By the principal building or an accessory building
- (d) A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 4:1, provided that the berm shall be covered by a well-maintained all season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.
- (e) 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.
- (f) Fencing of the property is permitted, provided that fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one or more of the means identified in subparagraph 1 above.

(4) Noise and Vibration. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by the Use and 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 67 dB(A) and a maximum nighttime 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 S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:

- (a) A preliminary study shall be conducted as part of the [conditional use/special exception/land development] process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.

- (b) An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Conditional Use and 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.
- (c) 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.
- (d) Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.
- (e) The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Conditional Use or Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

(5) Water and Sewer.

- (a) If the use will 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.
- (b) If the use is to rely upon nonpublic sources of water and is projected to have a consumptive water use of 20,000 gallons per day (gpd) or more over a 30-day average from any water source, 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 wells, groundwater, and surface waters in the vicinity. No Conditional Use 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. The water feasibility study shall include the following information at a minimum:
  - [1] The projected water demands of the Conditional Use;
  - [2] The source of water to be used;

- [3] 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);
- [4] The long-term safe yield of the water source;
- [5] A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
- [6] A geologic map of the area with a radius of at least one mile from the site;
- [7] The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells;
- [8] 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;
- [9] A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table;
- [10] A statement of the qualifications and the signature(s) of the person(s) preparing the study.

(c) The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission for projects proposing:

- [1] Water withdrawals of 100,000 gpd or more over a 30-day average from any source or combination of sources within the Delaware River Basin; or
- [2] Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.

(d) The applicant shall demonstrate that adequate 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 the Pennsylvania Department of Environmental Protection.

(6) Power Supply.

(a) If the applicant proposes to connect the Conditional Use to the electric grid and the projected electrical consumption exceeds 5 Megawatts per year, the applicant shall provide documentation from the applicable electric service provider certifying that that

the necessary capacity is available and that electric service provider will serve the Conditional Use. Known impacts on electric rates or availability for other uses directly attributable to the Conditional Use project shall be noted.

- (b) Any energy generation system designed or used to supply power directly to a Conditional Use during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Conditional Use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.
- (7) Emergency Management. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
  - (a) Be submitted for review by the Township Emergency Management Agency (EMA), and EMA approval must be provided by the applicant as evidence in the conditional use hearing;
  - (b) Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
  - (c) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
  - (d) Ensure that all first responders receive adequate training specific to the installed system;
  - (e) Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the owner.
  - (f) Any Conditional 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.
  - (g) No Conditional Use 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.
- (8) The applicant shall furnish expert evidence, including testimony from the expert relied upon, that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;

(9) Aesthetics.

- (a) Any building façade that faces a road, residential zoning district or sensitive receptor must incorporate at least two of the following design elements every 150 horizontal feet:
  - [1] A change in building material, pattern, texture, or color;
  - [2] A change in building height;
  - [3] Building step-backs or recesses having a minimum depth of five (5) feet;

(10) Lighting.

- (a) The applicant shall establish the following by expert testimony and evidence that the maximum light level at all property boundary lines shall be no more than 0.1 horizontal footcandles.
- (b) All lighting shall be fully shielded and downward-directed.
- (c) No flashing or beacon lights shall be permitted.

(11) Traffic and Access. A traffic study prepared by a professional traffic engineer, according to § 360-402E of the SLDO, which shall include an analysis of the most intensive Institute of Transportation Engineers Land Use Code that is possible under the application. The proposed use may be limited by the applicant to a use under a lesser intensity Land Use Code.

(12) Community Notification. All property owners within 300 feet of the proposed site shall be notified at least thirty (30) days prior to the conditional use hearing at the expense of the applicant by writing approved by the Zoning Officer, and proof of notification shall be submitted in evidence by the applicant at the commencement of the conditional use hearing.

**SECTION 4:**

Article IV [Specific Criteria] shall be amended to add § 415-454 as follows:

**§ 415-454. Data Centers.**

All Data Centers shall comply with the following standards:

(13) Decommissioning.

- (a) If a Data Center ceases operation for a continuous period of twelve (12) months, it, along with any associated Data Center Accessory Use, shall be considered abandoned.

- (b) The owner or operator shall begin decommissioning activities within twelve (12) months of abandonment or cessation of operations.
- (c) Decommissioning shall include the removal of all structures, equipment, fencing, foundations, and impervious surfaces associated with the Data Center and Data Center Accessory Use.
- (d) All disturbed areas shall be graded and reseeded to restore the site to its pre-development condition or to a condition approved by the Township.
- (e) A decommissioning plan shall be submitted as part of the conditional use application, including estimated costs and financial assurance for removal and restoration, which must be secured prior to the recording of the land development plan by a bond provided by a surety listed in United States Department of Treasury Circular 570.

**SECTION 5:** Severability.

If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision. Such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 6:** Effective Date.

This Ordinance shall become effective as soon as permissible by law after its enactment by the Board of Supervisors of the Township of Silver Spring, County of Cumberland, Commonwealth of Pennsylvania.

**DULY ENACTED AND ORDAINED INTO LAW** as Ordinance No. 01 of 2026 this \_\_\_\_ day of \_\_\_\_\_ 2026.

**ATTEST:**

**SILVER SPRING TOWNSHIP  
BOARD OF SUPERVISORS**

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Secretary

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Chairman

SEAL



## Cumberland County Planning Department

### Vision, Mission, Goals, Objectives, and Action Update

#### January 2026

#### Vision

Securing Cumberland County's future through collaboration, innovation, and planning excellence.

#### Mission

The Cumberland County Planning Department partners with our urban, suburban, and rural communities to create and implement plans that promote economic development, provide more housing and transportation choices, and protect clean air, land, and water.

#### Goals

1. Plan for the future of Cumberland County by developing, maintaining, and updating required countywide planning documents.
2. Achieve success through active implementation of countywide planning documents.
3. Engage with residents and partner organizations with a shared interest in executing the CCPD's mission.

#### Objectives

Each of the 3 departmental goals includes a series of objectives that work to achieve the goal. Staff performance measures are then based on those objectives to track implementation progress

Plan		
Objective (Project)	Action Update	Lead Staff/Support
Comprehensive Plan	<ul style="list-style-type: none"><li>• Plan adopted 12/19/2024.</li></ul>	KS/All
Land Partnerships Plan	<ul style="list-style-type: none"><li>• Plan adopted 9/11/25</li></ul>	SW/KS
Hazard Mitigation Plan	<ul style="list-style-type: none"><li>• Plan approved by FEMA.</li><li>• Plan adopted 12/18/25</li></ul>	SH/KS
Clean Water Plan	<ul style="list-style-type: none"><li>• Meeting held with SRBC to discuss clean water model ordinance.</li><li>• Ordinance under review by SRBC legal.</li><li>• 2026 Implementation and Coordinator submission to DEP was 10/31/2025.</li><li>• Milestone report submission was 10/31/2025.</li></ul>	EG/KS
Climate Action Plan	<ul style="list-style-type: none"><li>• Plan adopted January 2022</li></ul>	KS/EG
Bridge CIP	<ul style="list-style-type: none"><li>• Small Bridge Program grant contracts in process</li><li>• Upper Frankford Township joined the SBP</li></ul>	KS/SH



PLANNING DEPARTMENT  
Cumberland County

**Cumberland County Planning Department**  
**Vision, Mission, Goals, Objectives, and Action Update**  
**January 2026**

Achieve		
Objective (Project)	Action Update	Lead Staff/Support
Technical Assistance Projects		
Audubon PA	Updating 2015 Return on Environment Report. Committee meetings held June 26, Sept 30, Jan 7	SW
Dickinson Township	CCPD staff to provide draft data center regulations	EG
Lemoyne Borough	<ul style="list-style-type: none"><li>Assisting with West Shore Gateway Trail Feasibility Study.</li><li>Discussed new comp plan Cumberland Plans Grant application.</li></ul>	SW
Lower Allen Township	Staff support for a new zoning ordinance	SH
Lower Mifflin Township	CCPD staff to provide draft data center regulations	SH
Mechanicsburg Borough	Grant supplement approved. Comp plan project restarting.	KS
Middlesex Township	<ul style="list-style-type: none"><li>Zoning ordinance adopted 9/3/25</li><li>Discussions on comp plan to begin.</li></ul>	EG, SH, KS
Newville Borough	Comprehensive plan update is pending in 2025	KS
Shippensburg Borough	Discussing staff support for new comprehensive plan.	SH
Shiremanstown Borough	Borough discussing potential zoning ordinance updates.	KS
South Mountain Partnership	2005 Natural Area Inventory Report Update. Field work underway.	SW
South Newton Township	New Comprehensive Plan under development.	SH
Upper Allen Township	CCPD staff to complete more detailed municipal plan reviews and attend PC meetings CCPD staff provided draft data center regulations	SH
West Pennsboro Township	New Zoning Ordinance adopted.	SH
Financial Assistance		
Cumberland Plans Grant Program	<ul style="list-style-type: none"><li>2024 application from CCHRA for \$10K and Lower Allen Township for \$17,500 to support housing plan update and zoning ordinance update approved. \$23,500 remaining at year end.</li><li>Mechanicsburg \$14,000 supplement approved</li><li>Submission for park master plan from North Newton Township approved.</li><li>Hampden Township new comprehensive plan grant approved 12-4-25 by Commissioners.</li></ul>	KS/CCPC
Land Partnerships Grant Program	<ul style="list-style-type: none"><li>137 Land Partnerships grants, totaling \$3,221,433 has been awarded between 2006-2022</li><li>Grant program launched September 11, 2025 with ~\$650K available. 13 applications received in December round.</li></ul>	SW



**Cumberland County Planning Department**  
**Vision, Mission, Goals, Objectives, and Action Update**  
**January 2026**

Achieve																												
Objective (Project)	Action Update			Lead Staff/Support																								
Planning Reviews	<table border="1"><thead><tr><th>Review Type</th><th>2025 Month</th><th>2025 YTD</th><th>2024 YTD</th></tr></thead><tbody><tr><td>S/LD Plan</td><td>19</td><td>169</td><td>152</td></tr><tr><td>Ordinance Amendment</td><td>7</td><td>53</td><td>46</td></tr><tr><td>Sewage Module</td><td>1</td><td>10</td><td>12</td></tr><tr><td>ASA</td><td>2</td><td>13</td><td>14</td></tr><tr><td>Total</td><td>29</td><td>245</td><td>224</td></tr></tbody></table>			Review Type	2025 Month	2025 YTD	2024 YTD	S/LD Plan	19	169	152	Ordinance Amendment	7	53	46	Sewage Module	1	10	12	ASA	2	13	14	Total	29	245	224	SH/All
Review Type	2025 Month	2025 YTD	2024 YTD																									
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ASA	2	13	14																									
Total	29	245	224																									
Clean Water Cumberland Plan	<ul style="list-style-type: none"><li>NFWF Innovative Nutrient and Sediment Reduction funded creation of 57 Conservation Plans (Ag E&amp;S, MMP, NMP). Two farmer workshops held. Two projects proposed for construction, water quality monitoring to occur on one site. NFWF Grant closeout in May 2025.</li><li>DEP CAP Implementation grant award notice received for projects totaling \$859,862 including agricultural stormwater, exclusion fencing, cover cropping and urban stormwater projects.</li><li>CAP team issued subaward notifications for \$901,372 in 2025 through Clean Water Grant Program.</li><li>Critical aquifer recharge areas (CARAs) map developed to help guide upcoming water quality protection efforts.</li><li>Planning underway for 2026 focus on impairment delisting strategy.</li></ul>			EG																								
HATS/Transportation Planning	<ul style="list-style-type: none"><li>I-81 improvement plans shared during 12-5-25 HATS meeting.</li><li>New TIP under development with no funds available for new projects.</li></ul>			KS/SH																								
Farmland Preservation	<ul style="list-style-type: none"><li>25,767 acres (235 farms) preserved to date</li><li>1,079 acres (9 farms) in process for preservation (2023-2025 selections)</li><li>56 Applications for consideration for 2026 ranking and selection</li></ul>			SW/KS/EG/ NB																								



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Outreach Meetings	<ul style="list-style-type: none"><li>March 11 held with focus on aquifer protection. 35 participants.</li><li>June 3 meeting held. Return on Environment and the HATS Transportation Study was reviewed. 49 attendees.</li><li>September 4 meeting held. Included discussions regarding EPA Brownfields and Land Partnership Grants. Approximately 35 attendees.</li><li>Outreach meeting held on December 16, 2025. 57 RSVPs were received.</li></ul>	KS/SH																																															
Training Sessions	<ul style="list-style-type: none"><li>Commercial Property Assessed Clean Energy (CPACE) kickoff session held February 27, 2025 (20 participants)</li><li>Greater Harrisburg Association of Realtors training session on zoning held on 2/12/25. (40 participants)</li></ul>	EG																																															



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	<ul style="list-style-type: none"><li>PEMA training for floodplain Compliance Audit Assessment 2/10/2025 (30 participants)</li><li>Community Garden event held 4/25/2025 with CCFSA (33 participants)</li><li>Farmland Preservation community meetings held August 19 at 10am &amp; 6pm (22 participants)</li><li>PEMA “Essentials of Floodplain Management” training scheduled (8/5, 8/19 and 8/26)</li><li>Massage industry and human trafficking training held on September 9 with 27 attendees.</li><li>Greater Harrisburg Association of Realtors training session on zoning held on 9/24/25 with 12 attendees.</li></ul>	SW SW/EG/NB SH SH EG/KS
Online Submission	Application portal is active. Online payment is active 11/3/2025.	SH/KS
Partner Organization Participation	<ul style="list-style-type: none"><li>CAEDC/CCHRA</li><li>Capital RC&amp;D</li><li>Central PA Transportation Authority / Susquehanna Regional Transportation Authority</li><li>Central Pennsylvania Conservancy</li><li>Conservation District</li><li>Cumberland Conservation Collaborative</li><li>Cumberland County Food System Alliance</li><li>Cumberland Valley Rails to Trails Council, Inc.</li><li>HATS</li><li>Kittatinny Ridge Coalition</li><li>PA Climate Network</li><li>PA State Planning Board</li><li>South Mountain Partnership</li><li>Local Government Advisory Committee</li></ul>	KS NB KS SW SH SW SW SW SW KS SW EG KS SW/EG EG