

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 public 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>
--------------------	----------	-----------------------------

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 structures cumulative of 100,000 square feet or more, or that include 100,000 square feet or more of impervious surface, shall comply with the following:

(1) Minimum Setback.

- (a) Facilities with cumulative building area or impervious surface area of one hundred thousand (100,000) square feet to less than two hundred fifty thousand (250,000) square feet shall maintain a minimum setback of three hundred (300) feet.**
- (b) Facilities with cumulative building area or impervious surface area of two hundred fifty thousand (250,000) square feet or greater shall maintain a minimum setback of five hundred (500) feet.**
- (c) Measurement of Setback. The required setback shall be measured from the property boundary line of the subject tract to the nearest point of any disturbance-producing site feature.**
- (d) No disturbance-producing site feature shall be located within the required setback area, except for Stormwater management facilities designed to function as passive systems and utilities installed underground.**
- (e) For purposes of this Section, disturbance-producing site features shall include, but not be limited to:**
 - [1] Principal and accessory buildings or structures;**
 - [2] Truck courts, loading and unloading areas, drive aisles, internal roadways, and parking areas;**
 - [3] Emergency and backup power generation equipment, including generators and associated infrastructure;**
 - [4] Cooling, ventilation, and mechanical equipment, whether ground-mounted or roof-mounted;**
 - [5] Electrical substations, transformers, and similar utility infrastructure; and**
 - [6] Any other site feature or area that generates noise, vibration, light, air emissions, traffic, or operational activity as a result of human-caused development, construction, maintenance, or operations associated with the use, excluding naturally occurring conditions or sources.**

(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 minimum buffer yard width shall be determined based on the cumulative building area or impervious surface area of the use, as follows:

[1] One hundred thousand (100,000) to less than two hundred fifty thousand (250,000) square feet shall have a minimum buffer yard of one hundred fifty (150) feet.

(b) Two hundred fifty thousand (250,000) square feet or greater shall have a minimum buffer yard of three hundred (300) feet.

(c) Buffer yard widths shall be measured from the applicable property boundary line.

(d) The buffer yard shall include a dense, planted landscape buffer located along the outer edge of the buffer yard and consisting predominantly of native vegetation, designed to provide year-round visual screening, noise attenuation, and mitigation of light and operational impacts. At a minimum, the landscape buffer shall include the following plant materials, per linear feet of buffer:

[1] Evergreen Trees:

One (1) large evergreen tree per twenty-five (25) linear feet of buffer.

Minimum height at planting: eight (8) feet.

[2] Canopy (Shade) Trees:

One (1) canopy tree per seventy-five (75) linear feet of buffer.

Minimum size at planting: two and one-half (2½) inch caliper.

[3] Ornamental / Flowering Trees:

One (1) ornamental or flowering tree per fifty (50) linear feet of buffer.

Minimum size at planting: eight (8) feet in height (multi-stem) or two and one-half (2½) inch caliper (single stem).

[4] Shrubs:

Five (5) shrubs per twenty-five (25) linear feet of buffer.

Minimum height at planting: three (3) feet.

[5] With no less than fifty percent (50%) being evergreen species.

(e) Plant material shall:

[1] Be composed of native species resistant to diesel exhaust and industrial conditions;

[2] Not include species identified as invasive or on DCNR invasive species lists;

[3] Be arranged to form a continuous visual screen with a minimum height of twelve (12) feet within three (3) years of planting; and

[4] Be designed to provide four-season screening effectiveness.

[5] Existing vegetation may be credited toward buffer requirements only where the Board of Supervisors determines that it meets the intent and performance objectives of this subsection.

(f) 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.

(g) Alternative Buffering Plans. In lieu of strict compliance with the landscape buffer design standards set forth above, the Board of Supervisors may approve an alternative buffering plan, upon non-binding recommendation of the Township Engineer and Planning Commission, provided the applicant demonstrates through competent evidence that the proposed alternative:

[1] Provides equivalent or superior mitigation of visual impacts, noise, light spillover, and operational disturbance;

[2] Achieves year-round screening effectiveness;

[3] Utilizes native or adaptive vegetation and/or topographic features; and

[4] Is consistent with the intent of protecting nearby residential districts, Sensitive Receptors, and public roadways.

[5] Alternative buffering plans may include, but are not limited to enhanced woodland buffers, earthen berms combined with vegetation, preserved existing forest stands, or hybrid buffer designs.

(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.

(g) Screening measures shall be coordinated with, and not in lieu of, required buffer yards and landscape buffers under § 415-215.E.

(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) The use shall be served by public water supply and public sanitary sewer facilities where such facilities are available or accessible to the subject property, or can be made available through reasonable extension. No Conditional Use approval shall be granted unless the Board of Supervisors finds, based upon competent evidence, that the public water and sanitary sewer systems have sufficient capacity to serve the use without adversely affecting existing or planned service to other users.
- (b) Availability Determination. Public water or sanitary sewer shall be deemed available where a main or facility is located:
 - [1] On the subject property; or
 - [2] Within 1,000 feet of the property boundary; or
 - [3] Where the applicant has the legal ability to extend such facilities to the property at the applicant's sole cost.
- (c) Capacity Certification Required. As a condition of Conditional Use approval, the applicant shall submit written certification from the applicable public water and sewer authority stating that:
 - [1] Adequate existing or committed capacity is available to serve the proposed use; or
 - [2] Adequate capacity will be available as a result of system improvements to be constructed or funded by the applicant.
- (d) The use of on-lot wells, springs, surface water withdrawals, on-lot sewage disposal systems, community non-public systems, or any other non-public water or wastewater facilities shall be prohibited for any Conditional Use subject to this subsection, except where the applicant demonstrates to the satisfaction of the Board of Supervisors that neither public water nor public sanitary sewer is reasonably available. For clarity, the provisions of this Water and Sewer subsection allowing non-public water or wastewater systems shall apply only where the Board of Supervisors has first determined, pursuant to this subsection (d), that public water and public sanitary sewer are not reasonably available.

(e) 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.

(f) 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 Susquehanna River Basin; or

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

(g) 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.

(h) Applicant-Funded Improvements. Any off-site or on-site improvements, extensions, upgrades, or fees necessary to provide adequate water supply or wastewater capacity shall be the sole responsibility of the applicant and shall be completed or financially secured prior to the recording of any land development plan.

(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.

(c) Backup and emergency power generator equipment shall minimize air pollutant emissions and shall meet or exceed applicable state and federal laws regulating emissions. In the case that backup or emergency generators are used, EPA Tier 4 emissions standards, or equivalent, must be achieved notwithstanding exemptions under state or federal laws.

(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 (ITE) Land Use Code that is possible under the application. At the applicant's election, the traffic study may instead analyze a lesser-intensity ITE Land Use Code, provided that:
- (a) The specific ITE Land Use Code relied upon is clearly identified in the traffic study and shall be incorporated into the conditional use approval; and
 - (b) The applicant agrees, as a condition of approval, that the use shall be permanently limited to the intensity and operational characteristics represented by that lesser-intensity ITE Land Use Code.
 - (c) Binding Effect; Future Intensification. Where a Conditional Use approval is granted based upon a traffic study utilizing a lesser-intensity ITE Land Use Code, the approved use shall be expressly limited to that intensity. Any future proposal to operate, expand, modify, or repurpose the use in a manner that would result in traffic generation exceeding the approved ITE Land Use Code shall be deemed an intensification of use and shall not be permitted unless:
 - [1] The applicant files an application for modification of the Conditional Use approval;
 - [2] A new traffic impact study is submitted analyzing the proposed intensified use; and
 - [3] The Board of Supervisors approves such modification following a public hearing, applying the standards for conditional uses under this Chapter.
 - [4] No intensification beyond the approved ITE Land Use Code shall be permitted by right, administratively, or through land development approval alone.
- (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:

(1) 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.

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**

Secretary

Chairman

SEAL