

**TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3-2025

**AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING
ORDINANCE NO. 3-89 ENACTED JUNE 30, 1989 KNOWN
AS THE “MIDDLESEX TOWNSHIP ZONING
ORDINANCE”, AS SUBSEQUENTLY AMENDED, BY
REVISING THE: (A) MIDDLESEX TOWNSHIP ZONING
MAP BY APPLYING THE DATA CENTER OVERLAY
DISTRICT TO ALL PARCELS OUTLINED IN RED ON
EXHIBIT A; AND (B) TEXT BY CREATING A DATA
CENTER OVERLAY DISTRICT.**

WHEREAS, the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania (“Board of Supervisors”), under the powers vested in it by the “Second 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 laws of the Commonwealth of Pennsylvania, has enacted Ordinance No. 3-89 enacted June 30, 1989 known as the “Middlesex Township Zoning Ordinance”, as subsequently amended (“Zoning Ordinance”), which includes the “Middlesex Township Zoning Map” (“Zoning Map”), to implement comprehensive plans and accomplish any of the purposes of the MPC; and

WHEREAS, the Zoning Ordinance does not specifically regulate data centers, and the Board of Supervisors believes that it is in the best interest of the Township to specifically provide for data centers and to impose standards for data centers that protect and promote the public health, safety and general welfare; and

WHEREAS, the Board of Supervisors desires to amend the Zoning Ordinance and Zoning Map to create a Data Center Overlay District and to impose standards for the development and use of data centers.

BE IT HEREBY ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania, as follows:

1. Ordinance No. 3-89 enacted June 30, 1989 known as the “Middlesex Township Zoning Ordinance”, as subsequently amended, is hereby amended as follows: Article III (Entitled “Establishment of Zoning Districts and Map”), specifically Section 3.02 (Entitled “Zoning Map”) and the “Middlesex Township Zoning Map” is hereby amended by adding and applying the limits of the Data Center Overlay District to include certain lands that are known and identified as Cumberland County Parcel Id. Nos. 21-06-0015-001, 21-06-0015-013, 21-06-0015-014, and 21-06-0015-015 and shown as the area outlined in red on Exhibit A.

2. Ordinance No. 3-89 enacted June 30, 1989 known as the “Middlesex Township Zoning Ordinance”, as subsequently amended, is hereby amended as follows: Article II (Entitled “Definitions”), Section 2.03 (Entitled “Terms Defined”) is hereby amended by adding and including and incorporating the following new definition in italics:

Data Center: A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, water storage and enhanced security features.

3. Ordinance No. 3-89 enacted June 30, 1989 known as the “Middlesex Township Zoning Ordinance”, as subsequently amended, is hereby amended as follows: Article III (Entitled “Establishment of Zoning Districts and Map”) is hereby amended by adding and including and incorporating the following language in italics as new Section 3.13 (Entitled “Establishment of Data Center Overlay District”):

SECTION 3.13 ESTABLISHMENT OF DATA CENTER OVERLAY DISTRICT.

- A. *Purpose. The purpose of the Data Center Overlay District (DCO District) is to accommodate data centers and complementary supporting uses in proximity to existing electric transmission lines and infrastructure, subject to and in exchange for complying with certain design criteria.*
- B. *Boundaries of District. The boundaries of the DCO District shall be as delineated on the Zoning Map specified in Section 3.02 of this Ordinance.*
- C. *Applicability. The DCO District shall be an optional overlay district for certain land as depicted on the Zoning Map. With the exception of the standards of Article XIII (FP – Floodplain Conservation Districts), which shall prevail and apply over the standards of Article XXIV, the standards of Section 3.13 and Article XXIV shall supersede all general use and bulk and area standards set forth in the underlying zoning district. In the event of a conflict between the provisions and standards of Article XXIV and any other provision or standard of the Zoning Ordinance, the standards of Article XXIV shall prevail and apply.*

4. Ordinance No. 3-89 enacted June 30, 1989 known as the “Middlesex Township Zoning Ordinance”, as subsequently amended, is hereby amended by adding and including and incorporating the following language in italics as new Article XXIV (Entitled “Data Center Overlay District”):

ARTICLE XXIV

DATA CENTER OVERLAY DISTRICT

SECTION 24.01 REQUIRED UTILITIES.

Public water and public sewer shall be required.

SECTION 24.02 USE STANDARDS.

The following use standards shall apply:

- A. *Multiple Uses and Structures, and Mixed Uses. Multiple Uses and Structures Permitted. More than one (1) principal use or structure or accessory use or structure that are permitted in the DCO and listed in Section 24.02.B (Permitted Uses) shall be permitted to occupy the same building or lot, provided the applicable standards of Article XXIV (Data Center Overlay District) and the Zoning Ordinance are met.*
- B. *Permitted Uses. The following uses shall be permitted by right in the DCO. Notwithstanding the introductory sentence in Article XIV (Supplementary Regulations) to the contrary, the following permitted uses are subject to additional specific standards in Article XIV (Supplementary Regulations) only when specifically listed below:*
 - 1. *Residential Uses: None*
 - 2. *Nonresidential Uses:*
 - a. *Data centers.*
 - b. *Offices.*
 - c. *Essential services.*
 - 3. *Accessory Uses. Any accessory building, structure or use that is secondary and incidental to a principal building or use on a lot shall be permitted by right on such lot, specifically including, but not limited to:*
 - a. *Water cooling and/or storage systems for data centers.*
 - b. *Mineral and resource extraction activities associated with a land development project.*
 - c. *Other accessory uses customarily incidental to a permitted principal use.*

SECTION 24.03**AREA AND DIMENSIONAL STANDARDS.**

Permitted Uses	Bulk and Area Regulations							
	Min. Lot Area	Min. Lot Width	Max. Lot Coverage	Max. Impervious Coverage	Min. Yard Requirements			Max. Building Height
					Front	Side	Rear	
PUBLIC WATER AND PUBLIC SEWER								
All Permitted Uses	25 acres	200 ft.	70%	70%	35 ft.	35 ft.	75 ft.	

SECTION 24.04**DESIGN CRITERIA.****A. Façade Standards.**

1. Principal Façades. The principal Façade requirements apply to all Building Façades that are oriented and face toward an abutting: (i) public Street; (ii) lot with an existing residential use within 1,000 feet of the Building Façade; or (iii) lot within a Residential District within 1,000 feet of the Building Façade.

a. Requirements.

- (1) Differentiated Surfaces. Principal Façades of a Building must incorporate the following standards at horizontal linear intervals that may vary in frequency but must be no less frequent than every one hundred fifty (150) horizontal linear feet or no less frequent than three (3) times (x) the average height of the Building:
 - a. Fenestration or Fenestration and (Optional) Green-Wall; and
 - b. A change in one of the following design elements:
 - i. Building material;
 - ii. Pattern;
 - iii. Texture;
 - iv. Color; or
 - v. Accent materials.

- (2) *Consistent Design. When a Building has more than one (1) principal Façade, the principal Façades of such Building must be consistent in terms of design, materials, details, and treatment.*
- (3) *Fenestration. Each principal Façade of a Building must include Fenestration as follows:*
 - a. *Fenestration Surface Coverage of the Façade. Fenestration must comprise at least thirty (30) percent of the total surface coverage area of the principal Façade.*
 - (1) *Distributed Fenestration Coverage. Fenestration provided to meet the:*
 - (a) *Required thirty (30) percent total surface coverage area of the principal Façade must be located in separated, individual placements or clustered bays; and*
 - (b) *Each placement or bay may count towards no more than seven and one-half (7.5) percent of such total surface coverage area.*
 - b. *Fenestration Coverage Pattern. The placement pattern of individual or clustered bays of Fenestration must be distributed horizontally and vertically across the principal Façade.*
 - c. *Fenestration Consistent Design with Principal Façade. The Fenestration must be compatible with the other design, materials, details, and treatment used on the same principal Façade.*
 - d. *Green-Wall Treatment.*
 - (1) *A Green-Wall treatment may be provided in lieu of up to half of the Fenestration surface coverage of the Façade requirement of Section 24.04.A.1.a.(3).a of this Ordinance.*
 - (2) *When provided, Green-Wall treatments must provide the following:*

- (a) *Maintenance.* The owner, or the owner's agent, is responsible for the repair, replacement, and maintenance of the Green-Wall for the duration of the use.
 - (b) *Distributed Green-Wall Surface Coverage.* Green-Wall areas must be provided to meet up to half of the required thirty (30) percent total surface coverage area of the principal Façade of a Building.
 - (c) *Green-Wall Coverage Pattern.* The Green-Wall areas must be distributed horizontally and vertically across the principal Façade.
- 2. *Mechanical Equipment Façade Standards.* Where two (2) principal Façades are required on opposing sides of a Building pursuant to Section 24.04.A of this Ordinance up to one (1) mechanical equipment Façade pursuant to Section 24.04.A.2.a may be provided in lieu of one (1) such required principal Façade if such principal Façade is oriented and faces toward an abutting public Street.

a. *Requirements.*

- (1) *Mechanical Equipment Façade.* Optional mechanical equipment Façades must provide the following:
 - (a) *Partial or Full Visual Screening of Mechanical Equipment.* Mechanical equipment attached to or mounted on the Building Façade must be partially or fully visually screened from view at the ground level from the nearest abutting public Street using mesh, lattice, cladding, or grillwork or a combination of these methods, or similar methods so as to ensure that the mechanical equipment is partially or fully screened to the maximum extent that permits necessary ventilation for any equipment; and
 - (b) *Differentiated Surfaces.* The mechanical equipment Façade, including any provided screening methods, must incorporate a change in at least one (1) of the following design

elements at horizontal linear intervals that may vary in frequency but must be no less frequent than every one hundred fifty (150) horizontal linear feet or no less frequent than three (3) times (x) the average height of the Building:

- i. Building material;*
- ii. Pattern;*
- iii. Texture;*
- iv. Color; or*
- v. Accent materials.*

3. *Main Entrance Feature Standards. Each Building must include at least one (1) main entrance feature that meets the requirements of Section 24.04.A.3.a of this Ordinance.*

a. *Requirements.*

(1) *Main Entrance Feature. Main entrance features must meet the following requirements:*

- (a) Entrance Feature Design. Main entrance features must either project or recess from the main Building plane, and/or be differentiated from the remainder of the Building Façade by a change in Building material.*
- (b) Foundation Plantings or Enhanced Landscaping. Main entrance features must incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs, grasses, sedges, or rushes, and/or herbaceous perennials, ferns, or vines for a minimum of fifty (50) percent of the length of the Façade. These foundation plantings are in addition to any required plantings and landscape treatments.*

B. *Site Design Standards.*

- 1. *Loading Space Location.* Loading spaces are permitted to be located on only one (1) Façade.
- 2. *Mechanical Equipment.*

- a. Location and Screening of Mechanical Equipment. All ground level and roof top mechanical equipment must meet the following standards:
 - (1) Mechanical equipment must be fully screened on all sides. Such visually solid screen must be constructed with a design, materials, details, and treatment compatible with those used on the nearest principal Façade of the Building;
 - (a) Perforation for Ventilated Screening. Screening for mechanical equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of mechanical equipment.
 - (b) Separation from Residential. Ground mounted mechanical equipment must be separated from an abutting lot: (i) with an existing residential use; or (ii) within a Residential District, by a principal Building, or fully screened from view from abutting residential lot(s).
 - (c) Ground Mounted Prohibited in Front Yards. Ground mounted mechanical equipment must not be located in any required front yard setback.
- 3. Setbacks and Building Massing Adjacent to Residential. Unless specified herein, the following requirements apply when a Building is to be located on a lot abutting a lot: (i) with an existing residential use; or (ii) within a Residential District, or separated by a Public Local, Collector Minor Arterial Street from a lot: (i) with an existing residential use; or (ii) within a Residential District (i.e., common lot line):
 - a. Minimum Parking Setback. Parking must be setback at least fifty (50) feet from such common lot or abutting right-of-way line.
 - b. Minimum Setback for Structures. Structures must be setback at least one hundred (100) feet from such common lot line abutting right-of-way.
- 4. Soundproofing. Mechanical equipment, whether on a roof top, on the ground level, or elsewhere on the exterior of the lot abutting a lot (i) with an existing residential use or (ii) within a Residential District, must be screened on all four (4) sides by an acoustical barrier. For

purposes of this section, acoustical barrier is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution.

SECTION 24.05 ACCESS.

Vehicle access shall be provided pursuant to the requirements specified in the Middlesex Township Subdivision and Land Development Ordinance.

SECTION 24.06 TRAFFIC IMPACT STUDY.

A traffic impact study prepared by a Registered Design Professional pursuant to the requirements specified under the Middlesex Township Subdivision and Land Development Ordinance shall be reviewed and approved by the Township Engineer.

SECTION 24.07 WATER FEASIBILITY STUDY.

A water feasibility study prepared by a qualified professional shall be provided with the zoning permit application. The purpose of the study will be to determine if there is an adequate supply of water for the proposed data center and to estimate the impact of the data center on existing public system and/or wells in the vicinity. No data center shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. If the source is from a municipal system, the applicant shall include documentation that the public authority will supply the water needed. A water feasibility study shall include the following minimum information:

- A. Calculations of the projected water needs.*
- B. A geologic map of the area with a radius of at least one mile from the site.*
- C. The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.*
- D. The location of all streams within 1,000 feet of the site and all known point sources of pollution.*
- E. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.*
- F. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.*
- G. Identification of how water will be recycled or released into surrounding water bodies*

- H. *A statement of the qualifications and the signature(s) of the person(s) preparing the study*
- I. *The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC) for projects that have:*
 - 1. *Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Susquehanna River Basin.*
 - 2. *Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.*

SECTION 24.08 ELECTRIC.

The applicant should provide an interconnection agreement from the electric service provider indicating that capacity is available, and the data center will be served. Known impacts on electric rates or availability for others uses directly attributable to the data center project should be noted.

SECTION 24.09 NOISE.

A noise study shall be performed and included in the application. The noise study shall be performed by an independent noise study expert and paid for by the Applicant. Noise from a Data Center shall not exceed 70 dBA, as measured at the property line. This requirement does not apply during a time of power outage.

SECTION 24.10 MODIFICATION OF STANDARDS.

Consistent with Sections 603(c)(5) and 605(3) of the Pennsylvania Municipalities Planning Code, the Board of Township Supervisors may, by conditional use approval, authorize a modification of the DCO District standards of Article XXIV of this Ordinance, or other area, dimensional and design related standards of this Ordinance, which impact the layout and design of development within the DCO District, in order to encourage the use of innovative design. Any conditional use application requesting a modification of a DCO District standard or other applicable zoning standard shall be subject to the following standards:

- A. *The modification is generally consistent with the applicable elements of the:*
 - 1. *Intended purpose of DCO District as specified under Section 3.13 of this Ordinance;*
 - 2. *Statement of Purposes (Section 1.02) of this Ordinance; and*
 - 3. *Township Comprehensive Plan.*

- B. *The modification will not result in any danger to the public health and safety, nor adversely impact adjoining properties or future inhabitants of the DCO District.*
- C. *The modification will allow for equal or better results and represents the minimum amount of relief necessary to ensure compliance with the applicable standard.*

5. The Zoning Officer of the Township of Middlesex Township, or assigned designee, is directed to revise the "Middlesex Township Zoning Map" to delineate the rezoned area and boundary line changes as adopted hereby.

6. Except only as amended, modified and changed herein, Ordinance No. 3-89 enacted June 30, 1989 known as the "Middlesex Township Zoning Ordinance", as subsequently amended, shall remain in all other respects in full force and effect.

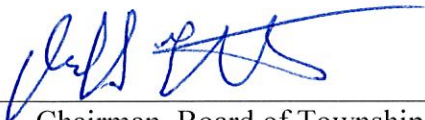
7. If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this Ordinance or Ordinance No. 3-89 enacted June 30, 1989 known as the "Middlesex Township Zoning Ordinance", as subsequently amended, as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Ordinance No. 3-89 enacted June 30, 1989 known as the "Middlesex Township Zoning Ordinance", as subsequently amended.

8. In the event any provision added by this Ordinance or Ordinance No. 3-89 enacted June 30, 1989 known as the "Middlesex Township Zoning Ordinance", as subsequently amended, has been numbered, lettered or otherwise designated out of sequence, the same shall be corrected and/or correctly numbered, lettered or designated upon discovery of same.

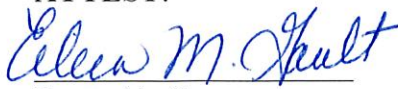
9.. This Ordinance shall become effective in accordance with applicable law.

ENACTED AND ORDAINED this 30th day of May, 2025.

TOWNSHIP OF MIDDLESEX

By: 
Chairman, Board of Township Supervisors

ATTEST:


Township Secretary

(Township Seal)

EXHIBIT A

