

**EAST MANCHESTER TOWNSHIP
YORK, COUNTY PENNSYLVANIA**

ORDINANCE NO. 2025-

**AN ORDINANCE AMENDING THE EAST MANCHESTER
TOWNSHIP, YORK COUNTY, PENNSYLVANIA, ZONING
ORDINANCE TO CREATE A NEW AGRICULTURAL
INNOVATION (AI) DISTRICT AND TO PROVIDE FOR THE
REGULATION OF DATA CENTERS**

WHEREAS, East Manchester Township, York County, Pennsylvania (“Township”) is a second class township duly organized and existing under the Second Class Township Code, 53 P.S. § 35101 *et seq*; and

WHEREAS, the Township is governed in land use by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 *et seq*. (“MPC”); and

WHEREAS, pursuant to Article VI of the MPC, the Township has adopted a Zoning Ordinance, Chapter 255 of the Code of Ordinances of the Township of East Manchester (“Code”); and

WHEREAS, the Township’s Board of Supervisors (“Board”) desires to amend its Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted as follows:

Section 1: Section 255-2 [List of Districts], of Chapter 255 [Zoning] of the Code is hereby amended as follows (deletions ~~stricken~~ and additions underlined):

East Manchester Township is hereby divided into the districts listed below:

(CO) Conservation District

(A) Agricultural District

(AI) Agricultural Innovation District

(R-1) Low Density Residential District

(R-2) Medium Density Residential District

(R-3) High Density Residential District

(AO) Apartment/Office District

(V) Village District

(C) Commercial District

(I) Industrial District

(FP) Floodplain District (Overlay)

Section 2: Article III [District Regulations] of Chapter 255 [Zoning] the Code is hereby amended by adding new Subsection 255-10.1 [Agricultural Innovation District] as follows:

- A. Specific intent. In addition to the objectives established in Article I herein, it is the specific intent of these regulations to establish an Agricultural Innovation District which will:
- (1) Maintain traditional agricultural uses.
 - (2) Allow for the development of innovative technological uses and activities which are related to data storage and information technology and which require proximity to high voltage electric and abundant water resources.
 - (3) Encourage data center development on large lots near the artificial and natural resources necessary for their construction.
- B. Permitted uses. The following uses and activities shall be permitted by right in the (AI) Agricultural Innovation District limited to one such use and one principal building or structure per lot except for Subsection B(4) and (5):
- (1) Single-family dwellings.
 - (2) Public buildings and uses.
 - (3) Livestock auction.
 - (4) Agricultural operations.

- (5) Kennel or stable.
 - (6) No-impact home-based business. (See § 255-51.)
 - (7) Data Centers. (§ 255-57.3.)¹
- C. Uses by special exception. The following uses and activities shall be permitted by special exception upon approval of the Zoning Hearing Board, limited to one such use and one principal building or structure per lot except for Subsection C(3), (4), (6), (7), (10), (15) and (19):
- (1) Places of worship. (See § 255-22.)
 - (2) Cemeteries. (See § 255-23.)
 - (3) Educational institutions. (See § 255-24.)
 - (4) Health and welfare institutions. (See § 255-25.)
 - (5) Membership clubs; membership and commercial camps; and resorts. (See § 255-26.)
 - (6) Trailer camps. (See § 255-30.)
 - (7) Resources removal. (See § 255-31.)
 - (8) Airports and landing strips. (See § 255-32.)
 - (9) Auction house for household and other goods. (See § 255-35.)
 - (10) Farm equipment sales and service.
 - (11) Lawn and garden equipment and supplies sales and service.
 - (12) Bed-and-breakfast inn. (See § 255-36.)
 - (13) Wind energy conversion systems. (See § 255-39.)
 - (14) Commercial pools. (See § 255-47.)
 - (15) Junkyards.
 - (16) Home occupation. (See § 255-37.)
 - (17) Communication towers. (See § 255-54.)
 - (18) Public utility facilities.
 - (19) Group home. (See § 255-56.)
 - (20) Short-term rentals. (See Chapter 165.)

¹ Data Centers are proposed as a permitted use but could be changed to a special exception use or a conditional use.

D. Lot area and bulk regulations:

Use	Minimum		Minimum Setbacks			Maximum Cover (%)	Maximum Height (feet)
	Area (acres)	Width (feet)	Front (feet)	Side (feet)	Rear (feet)		
Single-family dwelling and group home	2	200	50	30	30	20	35
With public water and public sewer	1	150	50	30	30	20	35
Public buildings and uses	1	150	50	30	30	20	35
Data Centers	5	300	100	50	50	80	55
All other permitted uses except those regulated elsewhere herein	5	300	50	30	30	20	55

E. Limitations with respect to dwelling units. Dwelling units in the Agricultural Innovation District shall be subject to the following limitations:

(1) There shall be permitted on each tract of land the following number of dwelling units:

Gross Area of Property (as of 1-1-2006) (acres)	Total Number of Dwelling Units Permitted (including those existing)
0 to 1	1
More than 1 to 10	1
Over 10	2, plus one per additional 10 acres

(2) For purposes of calculating tract size, any portion of the tract located in any other district shall not apply and shall be regulated according to applicable regulations for such other district.

(3) A property owner submitting a subdivision plan will be required to specify on his plans which lot or lots shall carry with them the right to erect or place any unused quota of dwelling units his tract may have. The property owner shall be required to assign to each lot the right to erect or place at least one dwelling unit unless the lot is being permanently merged with another parcel which has either an existing dwelling or the right to erect or place at least one dwelling.

(4) Each dwelling unit shall be located on an individual lot.

- (5) The use of a lot as a data center shall require the use of all dwelling units attached to the lot, unless the Board of Supervisors approves by resolution the transfer of the dwelling units to another lot. The landowner desiring to transfer the dwelling units must prove the transferred dwelling units can be used on the receiving lot. At least one dwelling unit must remain with the transferring lot and be allocated to the data center.

Section 3: Article IV [Supplementary Regulations] of Chapter 255 [Zoning] the Code is hereby amended by adding new Subsection 255-57.3 [Data Centers] as follows:

A. Data centers shall be permitted in the Agricultural Innovation District when in compliance with the standards contained herein.

B. Standards

(1) Location/Dimensional Standards.

- (a) Unless specifically pre-empted, data centers must comply with the lot area and bulk regulations of the underlying district.
- (b) Data centers shall not be closer than 500 feet (measured radially from the exterior of the data center building and any exterior equipment to residential property) from any residential district or existing occupied residential dwellings.
- (c) Data centers shall be limited to no more than 150,000 gross square feet for any one building. This size limit may be exceeded with special exception approval in accordance with § 255-86.
- (d) Parking, loading and driveway setbacks shall be 50 feet from an ultimate right-of-way and 25 feet from any other lot line.
- (e) Except the minimum building setback and minimum loading, truck parking, and truck idling setbacks shall be 400 feet from a residential district or existing occupied residential dwellings. In the alternative, the minimum building setback, minimum loading, truck parking, and truck idling setbacks are permitted to be 200 feet from a residential district or existing occupied residential dwelling provided it is demonstrated through the required sound studies prepared in accordance with the noise standards of Chapter 137 that the use does not exceed the sound limits or the installation of one or more sound reducing materials or systems effectively reduced the sound to the aforesaid sound limits.

- (f) Maximum building height (feet) for all other buildings on the same parcel shall be in accordance with the height standards set forth in the underlying district(s) in which the tax parcel is situated.

(2) Substations.

- (a) Substations are considered accessory uses to data centers and shall not be located within 300 feet from a residential district or existing occupied residential dwelling. Substations whether to be utility-owned or otherwise shall be included in the required sound studies prepared in accordance with the noise standards of Chapter 137

(3) Utility Connections.

- (a) Any proposal for a data center shall include a letter from the electrical provider that certifies that the network has the capacity to meet the demands of the proposed facility while maintaining sufficient levels of service to the existing residents and business in the Township.
- (b) Public central water and sewer facilities shall be provided. If existing public capacity is insufficient, Applicant must demonstrate alternative measures showing that all water and sewer needs will be met without expansion of Township services or facilities.

(4) Aesthetic Standards.

- (a) Data centers shall not have blank exterior walls on any side of a building. There shall be adequate fenestration as well as horizontal and vertical breaks every 35 lineal feet. Building materials shall be durable, consisting of brick or other context sensitive masonry materials with variation of color. Rooflines shall have variation throughout.
- (b) Data centers must include a main entrance feature that is differentiated from the remainder of the building façade by a change in building material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.
- (c) All building façades must include:
 - 1. A change in the façade surface for every 150 horizontal feet of at least one of the following: building material, pattern, texture, color, or accent material; and

2. Windows, doors, or similar fenestration design features such as faux windows, which must be distributed horizontally and vertically across the façade and comprise a minimum of 30 percent of the individual façade.
- (d) Loading bays located in building façades that face adjacent public roads or adjacent residential uses shall be screened from view.
 - (e) Equipment used for cooling, ventilating, or powering the facility, including emergency power generators and other emergency power supply equipment, when located closer to an adjacent public road or adjacent residential use than a principal building, must be contained within an enclosed building or be encompassed on three sides by an opaque barrier extending at least 12 inches in height above the mechanical equipment and screened from view with dense vegetation.
 - (f) Any proposal for a data center shall include architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

(5) Lighting.

- (a) Exterior lighting shall be designed and constructed with fully shielded adjustable fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.

(6) Noise Control.

- (a) Any proposal for a data center shall include pre, during, and post-construction sound studies which examine all exterior utility functions of the building (rooftop and ground-mounted) that produce sound. The sound study shall identify compliance with Chapter 137 as applicable. A post-construction sound study shall be submitted prior to an occupancy permit being issued for the building.
 1. The preliminary sound study for the data center and associated DCE shall be submitted with the land development plan. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits.
 2. The interim sound study shall be conducted during the building permit process based upon the proposed user or users of the data center and associated DCE depicted on the building plans. The sound reducing materials or systems recommended by the

interim sound study shall be incorporated into the construction plans for the data center.

3. The as-built sound study shall be conducted prior to issuance of the certificate of occupancy for any data center and associated DCE. An as-built sound study may also be required thereafter by the Township upon request. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the data center shall promptly remediate the violation into compliance with the aforesaid sound limits.

- (b) All rooftop equipment that produce sound (e.g., HVAC, cooling towers, generators, and the like) shall be fully screened from view and screening shall be placed to shield the direction of emitted sound.
- (c) All ground-mounted equipment that produce sound (e.g., HVAC, cooling towers, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of emitted sound.

(7) Fire.

- (a) An Applicant for a data center must prove compliance with the National Fire Protection Associations' (NFPA) Relevant Standards.
- (b) Specifically, an Applicant for a data center must prove compliance with NFPA-75 (Fire Protection of Information Technology Equipment) and NFPA-76 (Standard for the Fire Protection of Telecommunications Facilities).

(8) Water Feasibility Study.

- (a) 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:

1. Calculations of the projected water needs.

2. A geologic map of the area with a radius of at least one mile from the site.
3. 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.
4. The location of all streams within 1,000 feet of the site and all known point sources of pollution.
5. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
6. 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.
7. Identification of how water will be recycled or released into surrounding water bodies.
8. A statement of the qualifications and the signature(s) of the person(s) preparing the study
9. The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC) for projects that have:
 - a. 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.
 - b. Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.

Section 4: Section 255-90 [Definitions], Article X [Terminology] of Chapter 255

[Zoning] of the Code is hereby amended by adding new the new “DATA CENTER” definition as follows:

DATA CENTER - A facility used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer and communications equipment and for handling, storing, and backing up the data necessary for the operation of a business or organizational entity. Data center may also include data center equipment or DCE and/or

data center accessory uses when located on the same tract or assemblage of adjacent parcels developed as a unified development.

Section 5: Section 255-90 [Definitions], Article X [Terminology] of Chapter 255

[Zoning] of the Code is hereby amended by adding new the new “DATA CENTER ACCESSORY USES” definition as follows:

DATA CENTER ACCESSORY USES - Data center accessory uses generally include utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and high security when located on the same tract or assemblage of adjacent parcels developed as a unified development for a data center.

Section 6: Section 255-90 [Definitions], Article X [Terminology] of Chapter 255

[Zoning] of the Code is hereby amended by adding new the new “DATA CENTER ACCESSORY EQUIPMENT” definition as follows:

DATA CENTER EQUIPMENT – Data center equipment or DCE includes any data center Accessory Uses when in an un-muffled state generate noise in excess of the permitted maximum dB(A) in Chapter 137 at the point of generation. DCE shall be accessory to the data center and be located on the same tract or assemblage of adjacent parcels developed as a unified development for a data center.

Section 7: Section 255-90 [Definitions], Article X [Terminology] of Chapter 255

[Zoning] of the Code, definition “WAREHOUSE” is hereby amended as follows (deletions ~~stricken~~ and additions underlined):

WAREHOUSE – A building or group of buildings primarily used for the commercial storage, transfer and distribution of products and materials, ~~but not including mini-storage facilities.~~ This definition shall not include data centers or mini-storage facilities.

Section 8: Any Ordinance inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 9: In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such

invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 10: This Ordinance shall become effective following its enactment by the Board of Supervisors of East Manchester Township, York County, Pennsylvania, as provided by law.

ORDAINED and **ENACTED** this ____ day of _____, 2025.

ATTEST:

EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS

Kristie Masemer, Secretary

By:_____
David L. Naylor, Chairman

By:_____
Darryl L. Albright, Supervisor

By:_____
Dean E. Kohr, Supervisor