DRAFT 1/5/2026

EAST MANCHESTER TOWNSHIP
YORK, COUNTY PENNSYLVANIA

ORDINANCE NO. 2026-

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: The Zoning Map of East Manchester Township, §255-3 of the East Manchester Township Zoning Ordinance, is hereby amended to include a Data Center Overlay District, overlaid on portions of the Agricultural District located on parcels 26-000-MI-0148.00-00000 and 26-000-MI-0148.A0-00000. A copy of the amended Zoning Map with the Data Center Overlay District is attached, marked Exhibit "A", and incorporated by reference.

Section 2: Article III [District Regulations] of Chapter 255 [Zoning] of the Code is hereby amended by adding new Subsection 255-18.1 [Data Center Overlay District] as follows:

A Data Center Overlay (DC) District is hereby established in the Township comprising portions of the Agricultural District located on parcels 26-000-MI-0148.00-00000 and 26-000-MI-0148.A0-00000. Any and all uses and structures existing or proposed in the Data Center Overlay (DC) District shall comply, where not explicitly superseded, with § 255-10 [Agricultural District], of the Code of the Township of East Manchester, as amended from time to time. Data Centers shall be allowed as a special exception in the Data Center Overlay (DC) District pursuant to the standards outlined in § 255-57.3. (5).

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

A. Data Centers shall be permitted as a special exception in the Data Center Overlay District when in compliance with the standards contained herein.

B. Only one principal Data Center building shall be allowed per parcel.

C. 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. 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.

(b) Data Centers shall be limited to no more than 150,000 gross square feet for any one building. This size limit may be increased up to 300,000 gross square feet upon demonstration that the increase will allow for reductions in the number of buildings without any adverse impacts to surrounding properties.

(c) Parking, loading and interior driveway setbacks shall be 50 feet from any public street right-of-way and 25 feet from any other lot line.

(d) Truck parking and truck idling setbacks shall be 300 feet from a residential district or existing occupied residential dwellings. 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 they will not exceed the sound limits without taking into account any sound mitigation measures.

(e) Buildings shall be sited and oriented to:

1. Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets, residential use buildings, and sensitive receptor areas.

2. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates.

3. Accommodate adequate parking.

4. Minimize impacts to natural resources.

5. Incorporate appropriate stormwater management practices. Data Center campuses containing more than one building are encouraged to provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site. Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location, such as the high point of the property, or along a public street.

(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) Setbacks and Buffer Strips.

(a) Data Center sites abutting sensitive receptors, residential uses, residential districts, or collector/arterial roads must include an enhanced buffer strip with required plantings located on an earthen berm with a grade no steeper than 2:1.

(b) Where the combined footprint of the principal structure or structures is less than 100,000 square feet:

1. A minimum 300-foot buffer strip shall be provided along the entire length of any public street frontage of any property upon

which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or district, school, daycare center, hospital, place of worship, designated park, or public open space.

2. A minimum front 100-foot buffer strip and a minimum side or rear 50-foot buffer strip shall be provided along any property line adjacent to a non-residential use or zone.

(c) Where the combined footprint of the principal structure or structures is between 100,000 square feet and 250,000 square feet:

1. A minimum 400-foot buffer strip shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or district, school, daycare center, hospital, place of worship, designated park, or public open space.

2. A minimum front 100-foot buffer strip and a minimum side or rear 50-foot buffer strip shall be provided along all other property lines.

(d) Where the combined footprint of the principal structure or structures exceeds 250,000 square feet:

1. A minimum 500-foot buffer strip shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or district, school, daycare center, hospital, place of worship, designated park, or public open space.

2. A minimum front 100-foot buffer strip and a minimum side or rear 50-foot buffer strip shall be provided along all other property lines.

(e) Utilities should be located outside of buffer strips to the maximum extent feasible to maintain a cohesive buffer strip, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer strip, particularly when such crossings cannot be avoided.

(f) Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings if approved by the East Manchester Township Board of Supervisors.

(g) The required number of plant units shall be calculated in accordance with other municipal screening requirements.

(h) Buffer strips along roadways shall be measured from the street right-of-way line.

(i) Where a lot line drainage or utility easement is required, the buffer strip shall be measured from the inside edge of the easement.

(j) Buffer strips shall not include environmental encumbrances such as, but not limited to, wetlands, wetland transition areas, riparian buffers, and flood hazard areas as may be imposed by outside agencies.

(k) The buffer strip shall include a dense landscape buffer consisting of the following:

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. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1. No more than 25% of the total required large evergreen species can be substituted with narrow/upright species.

2. One (1) canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.

3. One (1) 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 2 ½ inch caliper at the time of planting for single-stemmed varieties.

4. Five (5) shrubs per 25 linear feet of buffer. Shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% evergreen.

(l) The landscape buffer shall be located along the outer edge of the buffer strip, unless a more interior portion of the buffer strip provides more effective screening due to topography.

(m) Plant material within buffer plantings shall meet the following requirements:

1. Be resistant to diesel exhaust.

2. Not identified on the most current DCNR invasive species or watch lists.

3. Be hardy within USDA hardiness Zone 6(b).

4. Shall be planted on the top and the exterior of any berm in order to provide effective screening.

5. Shall be arranged in groupings to allow for ease of maintenance and to provide a natural appearance.

6. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.

7. The plantings shall be arranged to provide a complete uninterrupted year-round screen of the property that is at least 12 feet in height, measured in addition to the height of any required berm, within three (3) years.

(n) The buffer strip may be located within the required building setback lines. No impervious surface is permitted within the buffer strip aside from access drives, sidewalks, and associated improvements.

(o) Landscaping plans, along with a landscape management plan, shall be submitted at the time of application for a special exception. The plans shall demonstrate compliance with the applicable screening and buffer strip requirements. The landscape management plan shall provide for financial security for the ongoing maintenance of the landscape buffer.

(3) 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.

(4) Utility Connections.

(a) Power.

1. Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below must be buried.

2. Prior to approval of the certificate of completion or occupancy, the applicant shall provide written verification from the applicable service provider stating the following:

    I. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider,

    II. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use,

    III. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region,

    IV. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and

    V. The electrical work has passed a third-party final inspection.

(b) Water and Sewer.

1. 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.

(5) 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.

(6) Rooftop.

(a) All rooftop-mounted equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides that is constructed of materials complementary to those used in the exterior construction of the Data Center Principal Building. This shall be accomplished by setting the penthouse or screened area back from the façade of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the top of the parapet.

(b) Rooftop-mounted equipment to be screened includes, but is not limited to, the following: cooling, ventilation, and power supply machinery.

(c) Rooftop-mounted equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less than the height of said equipment.

(d) Rooftop-mounted equipment shall be placed on the farthest part of the rooftop from any residential use or zone or any sensitive receptor to the maximum extent feasible.

(7) Lighting.

(a) The lighting for all Data Center uses must comply with the Performance Standards set forth in Section 255-40 wherever not specifically addressed in this section. In the event of any conflicts, the more restrictive provisions will be deemed to apply.

(b) Horizontal Surfaces.

1. For the lighting of predominantly horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.

(c) Non-Horizontal Surfaces.

1. For the lighting of predominantly non-horizontal surfaces, such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.

(d) Adjacent Residential Uses.

1. The illumination projected onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property.

(e) Adjacent Non-Residential Uses.

1. The illumination projected from any property onto a non-residential use shall at no time exceed 0.5 initial footcandle, measured line-of-sight from any point on the receiving property.

(f) LED Lights.

1. LED light sources shall have a correlated color temperature that does not exceed 3000K.

(g) Luminaires.

1. Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated.

2. No pole-mounted lighting on the roof shall be permitted.

(8) 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.

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. The study should also incorporate any relevant sound emitted from existing Data Centers.

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. 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 to achieve compliance with the aforesaid sound limits.

4. A post-construction sound study shall be completed within six (6) months after the issuance of a certificate of occupancy and achievement of commercial operation. A post-construction sound study may also be required thereafter by the Township upon request. If it is determined by the post-construction 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 to achieve compliance with the aforesaid sound limits.

(b) All rooftop equipment that produces 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 produces 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.

(9) Fire.

(a) The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.

(b) An applicant for a Data Center must prove compliance with the National Fire Protection Associations' (NFPA) Relevant Standards. The application for special exception and any subsequent land development plans must be submitted to the East Manchester Township Fire Chief for review and comment.

(c) 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).

(d) The applicant will be responsible for providing any specialized fire-fighting equipment required for the Data Center to the local fire emergency services.

(10) Performance Standards.

(a) Unless otherwise expressly pre-empted, all Data Center uses must comply with the Performance Standards set forth in Section 255-40.

(b) Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.

(c) Electromagnetic Field (EMF).

1. The purpose of this section is to protect public health and safety and ensure that electromagnetic field (EMF) emissions from Data Center Equipment and associated electrical infrastructure do not exceed levels generally accepted as safe for human exposure and do not interfere with nearby electronic devices or communication systems.

2. All Data Centers and associated electrical transmission or distribution equipment shall comply with the exposure limits established by the Institute of Electrical and Electronics Engineers (IEEE) Standard C95.6 and the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines, as adopted or updated from time to time.

3. Measurement and Monitoring.

    I. EMF levels shall not exceed 2 milligauss (mG) above ambient background levels, measured at the nearest property line or at any point accessible to the general public.

    II. Measurements shall be taken by a qualified professional using calibrated instrumentation and consistent with recognized IEEE or ICNIRP measurement protocols.

    III. If required by the Township, the applicant shall provide pre-construction baseline measurements and post-construction verification demonstrating compliance with the standards herein.

4. Design and Mitigation.

    I. Electrical equipment, substations, switchgear, transformers, and cabling shall be designed and configured to minimize EMF emissions through

appropriate shielding, grounding, and separation of conductors.

II. To the extent practicable, underground cable routing, phase balancing, and equipment orientation shall be used to reduce EMF exposure at adjacent properties.

III. The applicant shall submit an EMF management plan identifying expected field strengths, mitigation measures, and monitoring protocols at the time of application for special exception.

5. Data Centers shall be operated and maintained so as not to cause electromagnetic interference (EMI) with radio, television, telecommunications, or other electronic equipment on nearby properties. Any interference complaints verified by the Township shall require prompt corrective action by the operator.

6. If EMF or EMI levels exceed the thresholds specified in this section, the operator shall immediately implement corrective measures, which may include equipment shielding, rerouting of cables, modification of grounding systems, or other mitigation methods approved by the Township Engineer.

(d) Vibration.

1. No construction activity or Data Center operation shall cause ground vibration levels to exceed a peak particle velocity (PPV) of 0.2 inches per second measured at the nearest property line or at any point on an off-site structure.

2. Vibration Monitoring Requirements.

I. Pre- and post-Construction Studies. For any Data Center located within 1,000 feet of any residential use or zone, or any sensitive receptor, the applicant shall submit pre-construction and post-construction vibration studies prepared by a qualified professional to establish baseline conditions and demonstrate compliance. The pre-construction vibration study must be submitted at the time of application for a special exception. The initial post-construction vibration study must be submitted no later than six (6) months after issuance of a certificate of occupancy and start of commercial operation.

II. Operational Monitoring. The Township may require continuous or periodic vibration monitoring during construction, commissioning, and initial operation to verify compliance.

3. All ground-mounted mechanical, electrical, and power generation equipment shall be mounted on anti-vibration foundations, isolation pads, or equivalent devices designed to minimize vibration transmission to the ground and nearby structures.

4. In the event vibration levels exceed the allowable threshold, the operator shall promptly implement corrective measures as required by the Township Engineer, which may include equipment modification, relocation, or enhanced isolation.

(11) 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 that poses adverse impact on existing wells in the vicinity. If the source is from a municipal system or a public utility, the applicant shall include documentation that the public authority or public utility 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:

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

(12) Emergency Responders.

(a) The applicant shall coordinate with the East Manchester Township Emergency Management Coordinator and Fire Chief to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the East Manchester Township Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems as needed to meet compliance.

(13) Environmental Impact Assessment.

(a) An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of

any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

1. Air pollution impacts from emissions from any primary or backup power sources, power equipment, and vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The applicant shall also provide the Township with copies of any air quality permit applications to any state or federal agencies at the time of submission of the special exception application. The applicant should provide copies of final air quality permits to the Township prior to issuance of occupancy for any buildings or structures requiring such permits.

2. The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.

3. A stormwater management plan will be required.

4. A PA-Share Report will be required to ensure the Data Center does not disrupt important and protected Pennsylvania heritage or archeological sites.

5. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective County and Township comprehensive plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

6. Additional considerations. The following shall also be addressed:

    I. Alternative analysis. A description of alternatives to the impacts.

    II. Adverse impacts. A statement of any adverse impacts that cannot be avoided.

III. Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

IV. Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.

7. Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.

I. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

II. A statement of impact upon critical areas and of adverse impacts that cannot be avoided.

III. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

(14) Threatened and Endangered Species.

(a) A Pennsylvania Natural Diversity Inventory study (PNDI Report) dated within two (2) years of the submission of an application for special exception or subdivision and land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to the municipality.

(b) The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

(15) Green Building Techniques.

(a) Data Centers are encouraged to implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

1. Site Design.

I. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes.

II. Minimize land disturbance.

III. Maximize tree preservation.

IV. Minimize impervious surfaces.

V. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

2. Energy/Resource Efficiency.

I. Orient buildings to take advantage of passive cooling and daylight opportunities.

II. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible.

III. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours.

IV. Utilize reclaimed water for cooling, if available.

V. Encourage systems that limit the use of finite natural resources and their disposal.

VI. Encourage fuel storage that limits impacts on the environment from potential spills.

VII. Install water-efficient landscape materials.

VIII. Utilize LED exterior/interior lighting.

IX. Implement energy management best practices and carbon reduction techniques such as, but not limited to,

those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.

(16) LEED Certification.

(a) LEED certification is strongly encouraged, as well as the installation of roof-mounted accessory solar energy systems.

(17) Solar.

(a) All building roofs shall be solar-ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed.

(b) Any portion of a building's rooftop that is not covered with solar panels or other utilities shall be constructed with light colored roofing material with a solar reflective index of not less than 78. This shall be the minimum solar reflective rating of the roof material for the life of the building.

(c) On buildings over 250,000 square feet, prior to the issuance of a certificate of occupancy, East Manchester Township shall ensure rooftop solar panels are installed and operated in such a manner that they will supply as much power as needed to operate the facility as is feasible.

(18) Cooling.

(a) A Data Center shall utilize the best available cooling technology (BACT) as determined at the time of site plan approval. For the purposes of this ordinance, BACT shall mean the cooling system or combination of systems that:

1. Achieves the lowest reasonably achievable Power Usage Effectiveness (PUE).

2. Minimizes potable water consumption, prioritizing water-efficient technologies.

3. Demonstrates commercial availability and proven feasibility for Data Center applications.

4. Produces the least environmental impact, considering energy demand, water use, waste heat potential, and local climatic conditions.

5. Complies with the noise requirements outlined in Chapter 137.

(19) Decommissioning.

(a) Applicability.

1. This Section applies to any facility permitted under this Zoning Ordinance that is used primarily as a Data Center.

2. A Data Center Facility is deemed to have ceased operations when data processing or storage functions (or all server operations) have been discontinued for a continuous period of twenty (20) months, and the owner/operator fails to demonstrate to the zoning officer in writing that good-faith efforts are underway to resume operations within a reasonable time.

3. This Section also applies upon change of ownership, abandonment, insolvency, or as otherwise triggered by the decommissioning plan required herein.

(b) Decommissioning Plan.

1. At the time of application for special exception, or issuance of a zoning/land-use/building permit for a Data Center Facility, the applicant shall submit for review and approval a decommissioning plan.

2. The decommissioning plan shall be reviewed by the Township Engineer, recommended by the Planning Commission if applicable, and approved by the Board of Supervisors as part of the subdivision and land development approval.

3. Required Contents:

I. Identification of conditions or events that trigger decommissioning. At a minimum, the conditions that trigger decommissioning shall be twenty-months of non-operational status with no redevelopment plans submitted for approval within that time period.

II. Proposed methods and schedule for removal or beneficial reuse of all structures, equipment, foundations, fencing, impervious surfaces, utility lines, and associated infrastructure.

III. Methods for disconnection, capping, or removal of utilities (electric, telecommunications, water, sanitary, storm) and site stabilization.

IV. Schedule for completing decommissioning and site restoration, including final grading, re-vegetation or landscaping, debris removal, and final inspection.

V. Site restoration plan showing how disturbed areas will be re-graded, impervious surfaces addressed, and vegetation established.

VI. Cost estimate prepared, sealed, and signed by a professional engineer licensed in Pennsylvania.

VII. Identification of responsible party(ies), including name, address, contact information, and statement accepting responsibility for decommissioning and restoration.

VIII. Statement describing how financial security will be maintained and updated over time.

4. The decommissioning plan shall be updated every five (5) years or upon major change in ownership or facility operations.

(c) Financial Security.

1. As a condition of issuance of land development approval, the owner/operator shall post financial security acceptable to the Township Solicitor (e.g., performance bond, irrevocable letter of credit, or escrow account).

2. The financial security shall equal 110% of the estimated decommissioning cost, without adjustment for salvage value of any equipment, as approved by the Township Engineer.

3. Security shall remain in effect for the life of the facility and shall be adjusted every five (5) years or sooner if required.

4. If the owner/operator fails to complete decommissioning and restoration, the Township may draw on the security and undertake the work, recovering any additional costs in accordance with the Pennsylvania Municipalities Planning Code and Township ordinances.

(d) Decommissioning & Restoration Requirements.

1. All above- and below-ground structures, equipment, foundations, fencing, and associated impervious surfaces shall be removed unless the Board of Supervisors approves a reuse plan. Below-ground foundations shall extend to a minimum of three (3) feet below final grade unless approved otherwise.

2. Utilities: All utilities shall be properly disconnected and capped per applicable codes and standards.

3. Site Grading/Stabilization: Disturbed areas shall be re-graded to stable slopes and stabilized with sod, groundcover, or native vegetation until fully established.

4. Vegetation: Disturbed soils shall be revegetated with native species. Buffers and screening shall be restored if required.

5. Hazardous Materials: All hazardous or regulated materials must be removed and disposed of according to applicable federal, state, and local laws, including PA DEP regulations, with proof of disposal submitted to the Zoning Officer.

6. Final Inspection/Certification: Upon completion, a Certificate of Restoration shall be submitted to the Zoning Officer. The Township Engineer may inspect and verify completion before releasing financial security.

(e) Enforcement.

1. The Township may exercise rights under the security to complete decommissioning and restoration and recover additional costs from the owner/operator, successors, or assigns.

(20) Construction Transportation Plan.

(a) Any proposal for a Data Center shall include a construction transportation plan.

(b) At a minimum, the Construction Transportation Plan shall include the following:

1. An estimated construction timeline, including anticipated start and completion dates, major construction phases, and periods of peak construction traffic.

2. Identification of all proposed routes and access points to be used by construction vehicles, including delivery trucks, concrete trucks, cranes, and oversized loads. Designated routes shall minimize travel through residential areas and by sensitive receptors to the maximum extent feasible.

3. An estimate of the average daily and peak-hour number of construction-related vehicle trips, including inbound and outbound truck trips.

4. Proposed hours during which construction vehicle traffic will occur, including any limitations on early morning, evening, weekend, or holiday activity, consistent with Township ordinances.

5. Proposed traffic control and safety measures, including but not limited to temporary signage, flaggers, signal modifications, pavement markings, or other measures necessary to maintain safe traffic flow and pedestrian safety.

6. Identification of measures to prevent damage to Township roads, shoulders, bridges, and drainage facilities, including wheel-wash facilities, street sweeping, and dust control.

7. Identification of on-site staging areas for construction vehicles, equipment, and materials, and provisions to prevent on-street parking of construction vehicles unless expressly authorized by the Township.

8. Measures to ensure that construction activities do not impede emergency vehicle access to surrounding properties and roadways.

9. Evidence of coordination with PennDOT, York County, emergency services, school districts, or other affected agencies, where applicable.

10. Identification of a designated construction transportation coordinator responsible for implementing and maintaining the plan and responding to Township or public concerns.

(c) The Construction Transportation Plan may be modified during construction with the approval of the Township Engineer to address unforeseen conditions, traffic safety concerns, or changes in construction phasing.

Section 4: Section 255-90 [Definitions], Article X [Terminology] of Chapter 255 [Zoning] of the Code is hereby amended by adding 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 or when located within any offsite easements or parcels when developed as part of the Data Center.

Section 5: Section 255-90 [Definitions], Article X [Terminology] of Chapter 255 [Zoning] of the Code is hereby amended by adding the new "DATA CENTER ACCESSORY USES" definition as follows:

DATA CENTER ACCESSORY USES - Data Center Accessory Uses generally include utilities, utility lines, electrical substations, electrical interconnection facilities, power suppliers, electrical generation equipment, battery storage, 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 or when located within any offsite easements or parcels when developed as part of the Data Center.

Section 6: Section 255-90 [Definitions], Article X [Terminology] of Chapter 255 [Zoning] of the Code is hereby amended by adding the new "DATA CENTER 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 is hereby amended by adding the new "Footcandle" definition as follows:

FOOTCANDLE – A unit of illuminance equal to one lumen per square foot.

Section 8: Section 255-90 [Definitions], Article X [Terminology] of Chapter 255 [Zoning] of the Code is hereby amended by adding the new "SENSITIVE RECEPTORS" definition as follows:

SENSITIVE RECEPTORS – Schools, preschools, day care centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks (excluding trails), campgrounds, prisons, dormitories, and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use as determined by the zoning officer.

Section 9: 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 10: Any Ordinance inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 11: 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 12: 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 _____, 2026.

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

Exhibit A

Zoning Map