

**EAST MANCHESTER TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2026-

**AN ORDINANCE AMENDING CHAPTER 255 [ZONING] OF
THE CODE OF ORDINANCES FOR EAST MANCHESTER
TOWNSHIP, YORK COUNTY, PENNSYLVANIA, ZONING
ORDINANCE TO CREATE A NEW DATA CENTER
OVERLAY DISTRICT AND TO ESTABLISH CERTAIN
STANDARDS FOR 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, 26-

000-MI-0148.A0-00000, 26-000-01-0113.00-00000, 26-000-MI-0051.B0-00000, and 26-000-MI-0051.C0-00000.¹

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 on tax parcels 26-000-MI-0148.00-00000, 26-000-MI-0148.A0-00000, 26-000-01-0113.00-00000, 26-000-MI-0051.B0-00000, and 26-000-MI-0051.C0-00000. Any and all uses and structures existing or proposed in the Data Center Overlay (DC) District shall comply, where not explicitly superseded, with the underlying zoning district requirements.² Data Centers shall be allowed as a permitted use in the Data Center Overlay (DC) District pursuant to the regulatory requirements outlined in Chapter 83 [Data Centers] and Section 255-57.3 [Data Centers] of the Code.³

¹ After discussion at the February BOS meeting, MPL added the Lowe, Bitzer, and Sewer Authority properties to the map because they reduce the chances of a spot zoning argument. The Sewer Authority is added because it would otherwise be a doughnut hole in the map with the other two properties added. MPL feels the original area chosen is large enough to not be spot zoning argument, but two of the three landowners have asked to be included and MPL feel even more confident with those three properties included.

² Change made so the overlay can be applied in the future beyond the A district.

³ MPL initially proposed the use as a special exception before the zoning hearing board. This required/allowed a public hearing on an application in front of the zoning hearing board. The Township land planner expressed concerns about whether the zoning hearing board is equipped to handle such a difficult task as reviewing a highly-complex project for compliance with this extensive ordinance. After discussion at the February Supervisor public meeting, the Supervisors agreed with the land planner and requested the use be changed to a permitted use similar to how warehouses are treated. Making this a permitted use simplifies the review process to a land development plan which would be reviewed by the Township staff and consultants, Township Planning Commission, York County Planning Commission and ultimately approved with conditions by the Township Board of Supervisors. Ordinance compliance would be verified during the land development plan phase based on the submitted land development plans. The ordinance is extremely detailed so the ordinance covers specific and general health and safety issues already and there is less ability for a zoning hearing board to consider additional conditions. Site specific conditions affecting health and safety can be addressed in the land development review. The Township has handled numerous other complex industrial and commercial projects in this way. Lastly, a zoning hearing or conditional use hearing process is very expensive for the Township because it adds an additional hearing/review process and appeal process on top of the land development plan review and appeal process. The Township must pay the legal fees and some of the other costs for that hearing and appeal process. MPL agrees with the analysis and logic to make the use a permitted use.

The Supervisors also requested control of waiver and modification (more likely) requests so those are not bifurcated and decided by the zoning hearing board while the Township Supervisors review and approve the land development plans. MPL divided the ordinance in two. A zoning amendment now makes Data Centers a permitted use in the newly-created overlay district and sets forth the dimensional standards for the use. MPL moved the specific and general health and safety standards to a stand-alone ordinance. In that stand-alone ordinance, MPL provided that the Supervisors have authority to waive or modify the ordinance provisions. Developers will still need to obtain variances from the zoning hearing board for use or dimensional variances from the provisions of the zoning ordinance. The Supervisors will be able to consider waivers or modifications (more likely) from the regulations included in the stand-alone ordinance.

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. One principal Data Center building shall be allowed for the first 20 acres of the proposed Data Center parcel, plus one additional principal Data Center building for each additional 20 acres. For example, a 15 acre parcel may have one (1) Data Center building and a 95 acre parcel may have four (4) Data Center buildings.⁴

B. Standards

(1) Location/Dimensional Standards.

- (a) Unless specifically pre-empted by the provisions of this section, Data Centers must comply with the lot area and bulk regulations of the underlying district. The establishment of a Data Center on a lot in the DC District **overlying the A District or CO District** 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.⁵ 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) Maximum building height for Data Centers **shall be 75 feet.**⁶

⁴ MPL recommended to the Board that the one building per lot restriction be removed. Allowing multiple buildings gives developers and Township more flexibility to design the layout without creating odd lot lines and internal setback lines. A buildings per acre density requirement has been added to control the density of the buildings compared to the overall lot size.

⁵ This is just a clarification of when this provision is relevant. Other underlying districts do not have assigned “dwelling units”.

⁶ MPL suggested the height limit be increased to 75 feet to be same as for buildings in the I district. Currently in the A district the underlying height limit is 55 feet for non-agricultural uses. The extra height will allow data centers to be built up rather than out and increase the building size and capacity without increasing the footprint. All other accessory buildings and structures will still need to meet the underlying zoning district standards.

- (e) 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.
- (f) Maximum lot coverage shall not exceed the greater of the percentage allowed in the underlying district or 50%.
- (g) Maximum building coverage shall not exceed the greater of the maximum percentage in the underlying zoning district or 30%.⁷

(2) Setbacks for all Data Centers:

- (a) A minimum 500-foot setback with a minimum 50-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 for a residential district or a sensitive receptor.
 - (b) A minimum front 100-foot setback with a minimum 50-foot buffer strip and a minimum side or rear 50-foot setback with a minimum 25-foot buffer strip shall be provided along any property line adjacent to a non-residential use or non-residential zone.⁸
- (3) Electrical substations, 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 (temporary or permanent), redundant data communications are considered Data Center Accessory Uses and shall be subject to the setback requirements in Section 255-57.3 B(2)⁹ and shall be included in the required sound studies prepared in accordance with the noise standards of Chapter 137.
- (4) Data Centers shall meet the requirements of Chapter 83 [Data Centers] of the Code, except to the extent such requirements are waived by the Board of Supervisors as provided for therein.

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:

⁷ MPL provided an adjustment of max cover because the underlying district max coverages may not be appropriate for data centers. The practical effect of the change is to increase max cover for data centers in the A and R2 districts from 20% to 50% for impervious areas and 30% for buildings.

⁸ Buffer strips under the zoning ordinance are different than setbacks. The buffer strip is meant to include screening while a setback is the distance from other property lines or street right-of-way line. A 500 foot buffer strip is excessive and will likely be a maintenance issue for the Developer and Township in the future. MPL believes this provision will work better if it specified setbacks and a separate but narrower buffer strips.

⁹ MPL modified this to be more clear that Data Center Accessory Uses .

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 that, 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 “SENSITIVE RECEPTORS” definition as follows:

SENSITIVE RECEPTORS – Schools, preschools, daycare centers, in-home daycares, health facilities such as hospitals; long-term care facilities; retirement and nursing homes; community centers; places of worship; playgrounds; **municipal, county or state parks**

(excluding trails);¹⁰ 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 8: 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. ~~mini-storage facilities.~~ This definition shall not include data centers or mini-storage facilities.

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

Section 10: 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 11: 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: _____

¹⁰ MPL revised to clarify what constitutes a “park” for purposes of administering the Ordinance.

Darryl L. Albright, Supervisor

By: _____
Dean E. Kohr, Supervisor