

**EAST MANCHESTER TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2026-

AN ORDINANCE ADOPTING CHAPTER 83 [DATA CENTERS] OF THE CODE OF ORDINANCES FOR EAST MANCHESTER TOWNSHIP, YORK COUNTY, PENNSYLVANIA, TO ESTABLISH HEALTH, SAFETY AND PUBLIC WELFARE 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, the Township is empowered by the Municipalities Planning Code, 53 P.S. § 10101 *et seq.*, to protect and promote safety, health, and morals, and to regulate the use of property and guide uses of land and structures; and

WHEREAS, the Township is empowered by the Second Class Township Code, 53 P.S. § 66506, to make ordinances necessary for the proper management, care, and control of the Township and its finances and the maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce, and manufacturers; and

WHEREAS, the Township’s Board of Supervisors (“Board”) believes it to be in the best interest of the health, safety and well-being of the residents of the Township to provide regulations for Data Centers in order to protect and promote public safety and ensure the proper management and maintenance of the health and welfare of the Township and its residents and emergency services.

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

Section 1: The Board hereby adopts the attached Data Center Ordinance titled “East Manchester Township Data Center Ordinance” and incorporates the provisions therein into Chapter 83 of the Code, which will be titled “Data Centers.” The East Manchester Township Data Center Ordinance is attached, marked Exhibit “A” and incorporated by reference.

Section 2: Any Ordinance inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 3: 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 4: 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

**Chapter 83
Data Centers**

§ 83-1 Title.

This chapter shall be known as “The East Manchester Township Data Center Ordinance.”

§ 83-2 Purpose and Intent.

The purpose of this Ordinance is to establish standards and regulations governing the siting, design, construction, and operation of data centers within East Manchester Township in order to:

1. Promote the public health, safety, and general welfare of Township residents;
2. Ensure that data center development is compatible with surrounding land uses;
3. Protect public infrastructure, including water resources, sewer systems, stormwater facilities, transportation networks, and emergency services, from undue strain;
4. Address potential impacts related to noise, lighting, traffic, utility demand, backup power generation, and environmental emissions;
5. Safeguard environmental resources, including groundwater, surface waters, air quality, and natural features;
6. Promote responsible energy use, resilience, and sustainability practices;
7. Provide clear, objective standards to guide applicants, Township officials, and the public in the review and approval of data center developments; and
8. Encourage economic development opportunities that contribute to the Township’s tax base and employment opportunities while ensuring that such development occurs in a planned and orderly manner.

This Ordinance is adopted pursuant to the authority granted under the Second Class Township Code, 53 P.S. § 65101 et seq. and the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10101 et seq., and other applicable laws of the Commonwealth of Pennsylvania.

§ 83-3 Administrative Authority.

The Codes Enforcement Officer shall be responsible for enforcing compliance with this chapter. All subdivision and/or land development plans for a data center shall comply with the provisions of this Ordinance. Such plans shall be submitted for review to the Township engineer, Fire Chief and other consultants as determined to be necessary by the Township staff, Township Planning

Commission, and/or Township Board of Supervisors in their sole discretion. The Township Codes Enforcement Officer shall consult with the Zoning Officer, Building Code Official and Fire Chief prior to issuing any occupancy permit to ensure that all required fire-related improvements have been made and the provisions of this chapter have been complied with.

§ 83-4 Additional Requirements; Conflicts.

A Data Center must also meet all applicable requirements outlined in Chapter 208 [Subdivision and Land Development] and Chapter 255 [Zoning]. Where there is a conflict between the provisions of this Ordinance and other Ordinances, this Ordinance shall be controlling.

§ 83-5 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 occupancy, the applicant shall provide written verification from the applicable service provider **or an independent professional engineer**¹ stating the following:
 - (a) 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,
 - (b) Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use,
 - (c) 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,
 - (d) The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
 - (e) 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

¹ MPL has concerns the service provider will not provide verification of the required elements. This allows for an independent professional engineer to provide the verification..

showing that all water and sewer needs will be met without expansion of Township services or facilities.

§ 83-6 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 that may be located on an earthen berm with a grade no steeper than 2:1.
- C. 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.
- D. 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.
- E. The buffer strips and landscaping for all Data Center uses must comply with the requirements set forth in Section 255-50 wherever not specifically addressed in this section. In the event of any conflicts, the more restrictive provisions will be deemed to apply.²
- F. Buffer strips along roadways shall be measured from the street right-of-way line.
- G. Where a lot line drainage or utility easement is required, the buffer strip shall be measured from the inside edge of the easement.
- H. Stormwater facilities, fences and retaining walls may be located within setback areas so long as the location does not adversely impact the effectiveness of the buffer strip.³
- I. 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.

² MPL revised to clarify the existing buffer strip provisions in the Ordinance still apply to the extent not superseded by these specific provisions.

³ Revised to delete language prohibiting “environmental encumbrances such as, but not limited to, wetlands, wetland transition areas, riparian buffers, and flood hazard areas” from being in buffer strips. These are natural features which can be encroach on buffer strips. Provided clarification that these facilities can be located within setbacks.

- (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.
- J. Buffer strips may be located within the required building setbacks. The buffer strip shall be located along the outer edge of the setback, unless a more interior portion of the buffer strip provides more effective screening due to topography. No impervious surface is permitted within the buffer strip aside from access drives, sidewalks, curbs and stormwater facilities.⁴
- K. 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 6b.
 - (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.
- L. 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.

⁴ Clarified what can be in the setback. Some of these impervious facilities must cross buffer strips because they involve access.

M. Landscaping plans, along with a landscape management plan, shall be submitted at the time of the land development application. 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.

§ 83-7 Aesthetic Standards.

A. 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.
- (6) 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.

B. 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.

C. 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.

D. 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.
- E. Loading bays located in building façades that face adjacent public roads or adjacent residential uses shall be screened from view.
- F. Equipment used for cooling, ventilating, or powering the facility, including emergency power generators and other emergency power supply equipment, is considered DCE subject to the setback and buffer strip requirements of Section 255-57.3 B(2).⁵ When located closer to an adjacent public road or adjacent residential use than a principal building, such equipment must be contained within an enclosed building.
- G. The land development application shall include architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.⁶

§ 83-8 Rooftops.

- 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.

§ 83-9 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

⁵ Clarifies that full setbacks and buffer strips apply.

⁶ Clarifies time to submit.

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.

H. Light Shields.⁷

- (1) Adjustable light shields shall be placed on all outdoor lighting within the Data Center site that may impact any adjacent properties.
- (2) Adjustments to the light shields shall be made as reasonably requested by the Township following the site visit or upon any complaints by adjacent property owners.

⁷ This change was requested by Township staff after the January 20 meeting.

§ 83-10 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 shall 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 based on the as-built locations of the Data Center and associated DCE.⁸ 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. A sound study update shall be required if any of the equipment modeled in the as-built sound study is changed, modified, or upgraded.⁹
- C. 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.

⁸ Modified this provision to clarify that the as-built sound study required before final occupancy will be based on the final locations of the building and equipment.

⁹ MPL modified this provision to protect against swapping of equipment following the initial sound studies without any sound study update for the new equipment.

- D. 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.
- E. Truck parking and truck idling setbacks shall be 300 feet from a residential district or sensitive receptor. Truck parking and truck idling setbacks are permitted to be 200 feet from a residential district or sensitive receptor 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.

§ 83-11 Fire Safety.

- 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 Association's (NFPA) relevant standards. The land development plans and application 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.

§ 83-12 Performance Standards.

- A. Unless otherwise expressly pre-empted, Data Center and Data Center Accessory 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 and other DCE 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.

(a) 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.

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

(c) 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.

(a) Electrical equipment, substations, switchgear, transformers, and cabling shall be designed and configured to minimize EMF emissions through appropriate shielding, grounding, and separation of conductors.

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

(c) The applicant shall submit an EMF management plan identifying expected field strengths, mitigation measures, and monitoring protocols at the time of the land development application.

(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.
 - (a) 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 the land development. 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.
 - (b) 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.

§ 83-13 Water Feasibility Study.

- A. A water feasibility study prepared by a qualified professional shall be submitted with the land development application.¹⁰ 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:

¹⁰ Clarifies when to submit the study.

- (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 property line 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) Identification of well monitoring and mitigation measures to be undertaken during construction blasting.¹¹
- (9) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- (10) 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.

§ 83-14 Emergency Responders.

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 York County Emergency Radio System¹² at the exterior of the building and shall install enhancement systems as needed to meet compliance.

¹¹ MPL added a provision regarding blasting which is one of the most common way to damage wells.

¹² MPL modified to line up with how EMS actually operates.

§ 83-15 Environmental Standards.

A. Environmental Impact Assessment. **An Environmental Impact Assessment shall be submitted with the land development application.**¹³ 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 land development 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.
- (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:

¹³ Clarified when the EIA has to be submitted.

- (a) Alternative analysis. A description of alternatives to the impacts.
 - (b) Adverse impacts. A statement of any adverse impacts that cannot be avoided.
 - (c) Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.
 - (d) 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.
- (a) 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.
 - (b) A statement of impact upon critical areas and of adverse impacts that cannot be avoided.
 - (c) Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

B. Threatened and Endangered Species.

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

C. Green Building Techniques.

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

(a) Site Design.

1. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes.
2. Minimize land disturbance.
3. Maximize tree preservation.
4. Minimize impervious surfaces.
5. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

(b) Energy/Resource Efficiency.

1. Orient buildings to take advantage of passive cooling and daylight opportunities.
2. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible.
3. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours.
4. Utilize reclaimed water for cooling, if available.
5. Encourage systems that limit the use of finite natural resources and their disposal.
6. Encourage fuel storage that limits impacts on the environment from potential spills.
7. Install water-efficient landscape materials.
8. Utilize LED exterior/interior lighting.
9. 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.

D. LEED Certification.

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

§ 83-16 Solar.¹⁴

- 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.

§ 83-17 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 and closed-loop or semi-closed loop cooling systems.¹⁵
 - (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.

§ 83-18 Decommissioning.

- A. Applicability.
 - (1) This Section applies to any facility permitted under the Zoning Ordinance that is used primarily as a Data Center.

¹⁴ MPL deleted the provision that Township would ensure that buildings over 250,000 sq. ft. have solar panels providing for all their power needs prior to issuing a certificate of occupancy. Township staff expressed concerns that the Township lacks the expertise to monitor or ensure this is the case and this was likely an impossible requirement to meet based on the typical power needs of a data center.

¹⁵ MPL specifically included these two types of control technology because they decrease water consumption.

- (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-four (24) months or as otherwise provided for in a decommissioning plan, 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.¹⁶

B. Decommissioning Plan.

- (1) At the time of the land development application the applicant shall submit for review and approval a decommissioning plan. The decommissioning plan shall be updated prior to final land development plan approval.
- (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:
 - (a) Identification of conditions or events that trigger decommissioning. At a minimum, the conditions that trigger decommissioning shall be twenty-four months of non-operational status with no redevelopment plans submitted for approval within that time period.
 - (b) Proposed methods and schedule for removal or beneficial reuse of all structures, equipment, foundations, fencing, impervious surfaces, utility lines, and associated infrastructure.
 - (c) Methods for disconnection, capping, or removal of utilities (electric, telecommunications, water, sanitary, storm) and site stabilization.
 - (d) Schedule for completing decommissioning and site restoration, including final grading, re-vegetation or landscaping, debris removal, and final inspection.
 - (e) Site restoration plan showing how disturbed areas will be re-graded, impervious surfaces addressed, and vegetation established.
 - (f) Cost estimate prepared, sealed, and signed by a professional engineer licensed in Pennsylvania.
 - (g) Identification of responsible party(ies), including name, address, contact information, and statement accepting responsibility for decommissioning and restoration.

¹⁶ MPL deleted a section stating that decommissioning provisions applied upon changes of ownership, abandonment or insolvency. Those events are not necessarily indicative of cessation of operations.

(h) 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 for decommissioning 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.

§ 83-19 Construction Transportation Plan.

- A. Any proposal for a Data Center shall include a construction transportation plan. The construction transportation plan shall be included with the land development application.
- 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) Video documentation of the pre-construction condition of the Township roads to be used by construction vehicles, including delivery trucks, concrete trucks, cranes, and oversized loads.¹⁷
 - (7) Identification of measures to prevent damage to Township roads, shoulders, bridges, and drainage facilities, including wheel-wash facilities, street sweeping, and dust control.
 - (8) 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.

¹⁷ MPL added a specific requirement to videotape roads before construction traffic uses Township roads identified in the construction transportation plan.

- (9) Measures to ensure that construction activities do not impede emergency vehicle access to surrounding properties and roadways.
 - (10) Evidence of coordination with PennDOT, York County, emergency services, school districts, or other affected agencies, where applicable.
 - (11) 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.
 - D. The Township may require bonding for any Township roads that will be impacted by construction activity.¹⁸

§ 83-20 Waivers; Modifications.

- A. If compliance with any of the requirements of this Chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.
- B. Requests for waivers or modifications should be made at the time of application for land development and should include enough specificity to enable the Board to determine and reasonably evaluate the merits of the request.
- C. If granted, a waiver or modification shall involve only the least modification necessary to provide relief.
- D. In granting any waiver or modification, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this chapter.
- E. Whenever a waiver or modification is granted, the Township shall notify the applicant in writing.
- F. In reviewing any request for a waiver or modification the Township shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the waiver would result in exceptional hardship to the applicant.

¹⁸ MPL added to specifically state bonding may be required for Township roads.

- (3) That the granting of the waiver will not result in an unacceptable threat to public safety, create additional public expenses, create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local chapters and regulations.

§ 83-21 Violations and Penalties.

- A. The violation of any provision of this chapter is hereby deemed a public nuisance. The Township is hereby authorized to enter upon private property and take all measures necessary to abate a deemed public nuisance, and collect all costs of enforcement, including attorneys' fees, under this chapter. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Township or designated contractor to enter upon the premises for the purposes set forth above. The costs incurred by the Township to abate a public nuisance, including attorneys' fees, shall be a special assessment against the property and shall constitute a municipal lien on the property for the amount of the assessment plus a penalty of 10% of the assessment.
- B. For each violation of the provisions of this chapter, the developer, owner, agent, lessee, or contractor or any other person who commits, takes part in, or assists in any such violation shall commit a criminal offense and shall, upon being found guilty by a Magisterial District Judge, after hearing, pay a fine not to exceed \$1,000, together with all court costs as permitted by law. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense, which shall be subject to prosecution as such.
- C. The Township may also institute any other actions, suits or remedies available at law or in equity to restrain, prevent, or abate a violation of this chapter. Such proceedings may be initiated before any court of competent jurisdiction. In cases of emergency where, in the opinion of the court, the circumstances of the case require immediate abatement of the unlawful conduct, the court may, in its decree, fix a reasonable time during which the person responsible for the unlawful conduct shall correct or abate the same. The expense of such proceedings, including attorneys' fees, shall be recoverable from the violator in such manner as may now or hereafter be provided by law.
- D. A violation of this chapter also constitutes a violation of Chapter 255, Zoning, and Chapter 208, Subdivision and Land Development, of the Code of the Township of East Manchester. The Zoning Officer may also send a violation notice pursuant to and compliant with requirements of Chapter 255, Zoning, or Chapter 208, Subdivision and Land Development, and the Pennsylvania Municipalities Planning Code, and the violator shall additionally be subject to the penalties prescribed therein.

§ 83-22 Terminology.

A. Interpretation. Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.

B. Definitions.

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.

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.

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.

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); 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 or codes enforcement officer.