




# Data Center Ordinance

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East Manchester Township


April 8, 2026

# Background

- Started initial discussion in public meetings in 2025
  - Board passed Curative Amendment Resolution on 10/21/25 providing 180 days to implement data center ordinances
  - The Curative Amendment Resolution prevents a developer from filing a substantive validity challenge to the township's zoning ordinance for not allowing data centers
  - Curative period ends 4/19/26
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# Why do we need a data center ordinance?

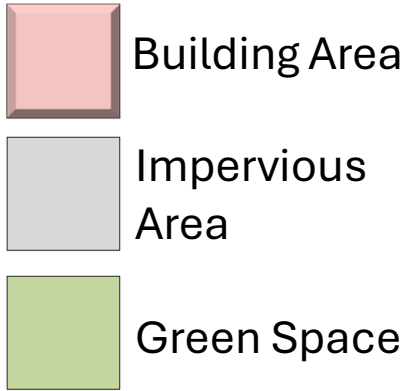
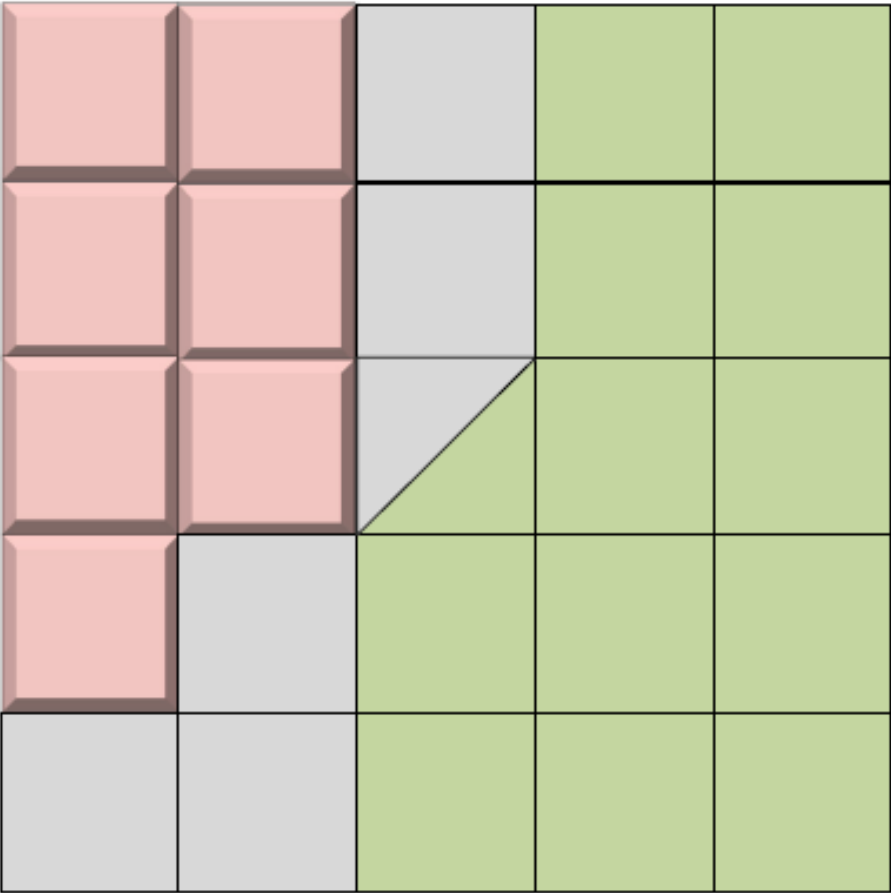
- No specific ordinances or identified locations for data centers
  - Saying “No” is not an option under the “fair share” doctrine:

A zoning ordinance that excludes a legitimate use of land may be found unconstitutionally exclusionary. Such zoning ordinances are either *de jure* or *de facto* exclusionary. *De jure* exclusion occurs when the “ordinance on its face totally excludes a use.” *De facto* exclusion exists if, as applied, “an ordinance appears to permit a use, but under such conditions that the use cannot in fact be accomplished.” *In re Charlestown Outdoor, LLC*, 280 A.3d 948 (Pa. 2022).
  - Industrial versus elsewhere
    - Most remaining industrial land is already under development so there is a high risk of *de facto* exclusion if only allowed in Industrial
    - Remaining open land in township is primarily agricultural
  - An ordinance with an overlay reduces the chances a developer will file a “substantive validity challenge” which could result in building a data center anywhere in the township
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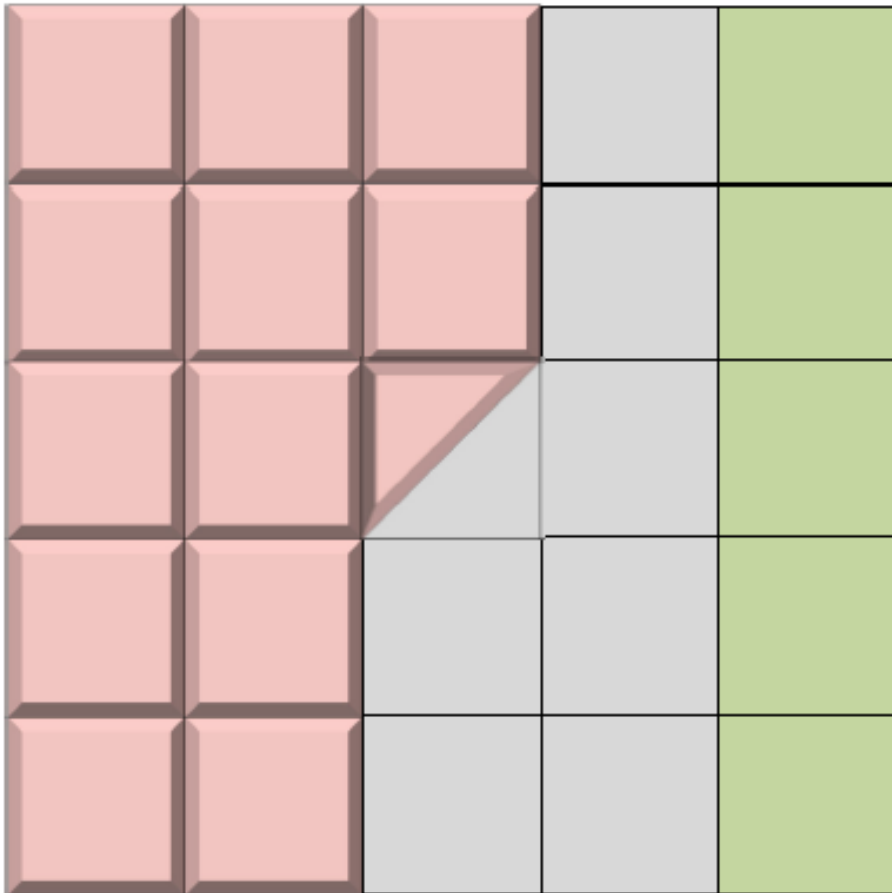
# Data Center Overlay District



# Overlay versus Industrial



25 acres in Agricultural Zone with Data Center Overlay  
50% Maximum Lot Coverage (impervious area)  
30% Maximum Building Coverage  
Maximum Building 300,000 sq ft or approx. 7 acres  
Maximum Building Height 55 feet



25 acres in Industrial Zone  
80% Maximum Lot Coverage (impervious area)  
50% Maximum Building Coverage  
Maximum Building 544,500 sq ft or approx. 12.5 acres  
Maximum Building Height 75 feet

# Correction (Zoning Amendment Ord. # 2026-2)

## Correction to minimum lot size and examples:

**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. The minimum lot size for a Data Center shall be 25 acres. One principal Data Center building shall be allowed for the first 25 acres of the proposed Data Center parcel, plus one additional principal Data Center building for each additional 25 acres. For example, a ~~15~~35 acre parcel may have one Data Center building and a ~~95~~105 acre parcel may have four Data Center buildings.

# Correction (Data Center Ord. # 2026-3)

## Correction to screen planting density:

I. The buffer strip shall include a dense landscape buffer consisting of at least the following:

- (1) One (1) large evergreen tree per ~~25~~625 square 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~~5,625 square 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~~2,500 square 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~~One (1) shrub per 25 square 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.

K. Plant material within buffer plantings shall meet the following requirements:

...

- (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. Tree rows shall be staggered. Shrubs may be clustered or staggered in order to optimize visual screening and spacing for plant viability.