

East Manchester Township

Data Center Ordinance Overview

Why Is the Township Taking Action?

East Manchester Township must update its zoning ordinance to address data centers — large facilities that store and process digital information for companies like OpenAI, Amazon, Microsoft, and Google. If we **do nothing**, state law (the Pennsylvania Municipalities Planning Code) leaves us open to ordinance challenges from developers. A court could then **override local control** and allow a data center to be built **anywhere**, without the Township's ability to set rules on location, noise, water use, or appearance. By adopting an ordinance **now**, the Township ensures data centers are:

- **Properly located** in suitable areas,
 - **Strictly regulated**, and
 - **Subject to local environmental and safety standards.**
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What Is a Data Center?

A data center is a physical facility that houses a large amount of IT infrastructure, including servers, storage systems, and networking equipment, to manage, process, and store data. These facilities are critical for modern digital services, providing the infrastructure for everything from streaming video and online learning to storing financial records. They also include essential support systems like power, cooling, and security to ensure continuous operation.

Data centers became a big thing in America due to the growth of the internet, leading to a demand for large-scale data storage and processing. This demand was further fueled by the rise of cloud computing and the recent boom in artificial intelligence (AI), which requires massive amounts of computing power and infrastructure. Favorable factors like public and private investment in infrastructure, strategic locations with access to power and connectivity, and government incentives have also made the U.S. a dominant market for data centers. Specifically, certain regions have emerged as major hubs due to their access to reliable power, high-speed internet, and skilled workforces. Many states have created economic development zones specifically to attract data center investment such as Pennsylvania.

The mid-2000s marked the beginning of the cloud computing era, with companies like Amazon (AWS), Google, and Microsoft building massive "hyperscale" data centers. These facilities host virtual infrastructure for millions of customers, leading to the creation of vast cloud services. The 2008 financial crisis further pushed companies to outsource their computing to these large, efficient third-party providers.

Politically, Pennsylvania is attracting data centers through a combination of targeted tax incentives, an expedited permitting process, and a unified bipartisan push to position the state as a leader in the

artificial intelligence (AI) and technology sectors. State officials are working to overcome historical challenges and competition from established data center hubs like Northern Virginia by leveraging Pennsylvania's strategic location and ample energy resources. The state government is attempting to streamline the process by fast tracking data center development and trumping local municipalities.

East Manchester Township encourages the people to contact State Senators and House Representatives about Senate Bill 939 which would fast track permitting for data centers as the streamlined process would impede local regulations, which may not safeguard the community where data centers are built. You can also follow all PA House and Senate activity on <https://www.palegis.us> and sign up for notifications.

Why East Manchester Township?

The Township is naturally attractive to developers because of the proximity to **multiple power plants along the Susquehanna River** and contains **high-capacity electric transmission lines** and **access to the Susquehanna River**. These factors make it a potential site for data infrastructure whether or not the Township supports it — which is why local regulation is critical.

Is there a data center coming to East Manchester Township?

At this time, the Township has received two (2) inquiries from possible data center developers. Inquiries are very preliminary requests for information. The Township has not been presented with any details or site plans for any data centers. To the best of the Township's knowledge, there are no specific proposals for any data centers in the Township. The inquiries have only been informational in nature regarding zoning uses and regulations. Our response is that we are currently working on an ordinance. We are working as quickly as possible to get an ordinance in place before any formal plans are submitted.

How Does Zoning Protect Residents?

The Township proactively began working on a data center ordinance several months ago. The draft ordinance comes from provisions in model state ordinances and ordinances already adopted in several other Townships. The York County Planning also recently released its own model data center ordinance. The Township continues to work on the ordinance. The Township Planning Commission has reviewed the ordinance at a public meeting. The public hearing that has been scheduled is the first step to inform the general public and receive comment. Please note that the Township recently amended its noise ordinance through a similar process with review and recommendations by a professional sound engineer. Data centers would be required to meet these new sound and vibration standards.

The proposed data center ordinance accomplishes a few basic goals:

1. The ordinance **adds a new district called the Agricultural Innovation (AI) District**. This district is the same as the Agricultural District but adds “Data Center” as a permitted use and includes setbacks, lot coverage, height restrictions, etc. The AI District must be large enough to reasonably accommodate a data center but will be very small compared to most other zoning districts in the Township. This will strictly limit the land in the Township that may be developed as a data center.
2. Establishes **large setbacks from homes and residential zones**.
3. Addresses **substations and accessory structures to the data centers**.
4. **Utility feasibility** requirements for **water, sewer, and electric**.
5. Requires significant detailed requirements for a **water feasibility** study including well testing and review and approval by the Susquehanna River Basin Commission (SRBC).
6. Enforces **aesthetic and landscaping standards** so the buildings cannot be “utilitarian”.
7. Enforces **lighting and glare**.
8. Requires **noise provisions** regarding noise studies and remedies.
9. Ensures **fire and emergency plans** are in place.

These measures are designed to **protect surrounding neighborhoods, control impacts, and preserve property values**.

Environmental & Safety Oversight

In addition to Township ordinances, data centers are also regulated by numerous other outside agencies:

- **DEP** (Pennsylvania Department of Environmental Protection) - stormwater and water discharge permits,
- **U.S. Army Corps of Engineers** (USACE) - wetlands impact permits,
- **DCNR** (Pennsylvania Department of Conservation and Natural Resources), **Pa. Boat Commission** and **U.S. Fish and Wildlife Service** (USFWS) - threatened or endangered species,
- **Susquehanna River Basin Commission** (SRBC) water usage approvals,
- **PennDOT** traffic reviews,
- **PUC** (Pennsylvania Public Utility Commission) and local public utility company – electric interconnection,
- **And any other relevant agencies related to a project.**

No project can advance without these outside approvals.

What happens if the Township does nothing to address data center as a use in the zoning ordinance and within a zoning district?

If a Pennsylvania Second Class Township does not explicitly address data centers in its zoning ordinance, the Township will be vulnerable to a legal challenge of its zoning.

- **Developers can sue to invalidate the ordinance:** The Pennsylvania Municipalities Planning Code (MPC) requires municipalities to accommodate a variety of land uses that are not inherently objectionable. If a township fails to provide for legitimate use like a data center anywhere in its zoning, a developer can file a "curative amendment" challenge or a substantive validity challenge to the ordinance.
- **The "fair share" doctrine:** This legal principle states that municipalities must provide their "fair share" of different types of land uses. The total exclusion of a legitimate use leaves a township particularly vulnerable to a legal challenge.
- **The "exclusionary zoning" doctrine:** This legal principle states that municipalities may not exclude a non-objectionable use from its zoning ordinance. The Township's zoning ordinance protects against these challenges by allowing uses not otherwise provided for to be allowed in any zoning district as a special exception. A data center developer would currently apply for approval under this provision of the ordinance. Although some standards apply when approving a use not provided for, the Township would be limited in its ability to regulate the use.
- **Potential for definitive relief:** If a developer successfully challenges a township's ordinance as exclusionary, the court can issue "definitive relief." This means the court could order the zoning change requested by the developer, allowing them to proceed with their project in their chosen location subject only to standard building codes. The township would lose its ability to regulate the specific location, size, or impacts of the data center.

What is a Curative Amendment Resolution and why would a Township file a curative amendment?

A Curative Amendment Resolution is an action initiated by the municipality to proactively fix a defect in its own zoning ordinance, as defined in Section 609.2 of the Pennsylvania Municipalities Planning Code (MPC).

A Second-Class Township would file a Curative Amendment Resolution to maintain control over its zoning regulations and preempt an unwanted legal challenge from a developer. Here are the primary motivations:

- **Preventing a developer's challenge:** If a developer believes a zoning ordinance is invalid because it unlawfully excludes a use (like a data center), they can file their own landowner curative amendment. By initiating its own curative amendment first, the township can suspend consideration of any identical or substantially similar landowner challenges.
- **Controlling the amendment process:** A township-initiated curative amendment gives the municipality control over the content of the new ordinance. This allows them to define a new zone and create specific regulations that address community concerns, such as noise, water usage, and appropriate locations for the use.

- **Avoiding "definitive relief":** If a developer successfully challenges an ordinance in court, a judge can grant "definitive relief," ordering the township to approve the developer's specific project. This strips the township of its regulatory control. A municipal curative amendment helps prevent this outcome.
- **Acting proactively:** A township may realize its zoning is substantively invalid—for example, by failing to provide for a use like a data center—before a developer even submits an application. By proactively fixing the issue, the township can avoid a potentially costly and contentious legal battle.

Although a Curative Amendment Resolution shields the Township from substantive validity challenges, the process does not prevent a developer from applying as a use not provided for. The Township must therefore still move diligently to get an ordinance in place.

Public Involvement

East Manchester Township has been publicly discussing Data Centers since June 2025. The Township tries to post its agenda on the website five (5) days prior to the Board of Supervisor's meeting (the law requires twenty-four (24) hours in advance). The Board of Supervisors began streaming their meetings live on YouTube (@EastManchesterTownship) at the beginning of 2025 for transparency and to increase public involvement. Additionally, the Data Center Ordinance and AI Rezoning went to the East Manchester Township Planning Commission (another publicly advertised meeting with the agenda posted well in advance) for two (2) months. Lastly, both ordinances were published in the York Daily Record and the York Dispatch, posted on the Township website, notification on the digital sign board in front of the township building, York County Courthouse Self Help Center, and made available for hard copies at the Township office. The Township advertised to hold the Public Hearing on October 14, 2025. Due to the large turnout at the October 14, 2025, public hearing and limited capacity at the Township Building, the public hearing was opened but then continued (postponed) to a larger location on another date.

The **public hearing** will be held:

Tuesday, October 21, 2025, at 6pm

Manchester Fire Company located at 201 York Street, Manchester, PA. 17345

Why is the meeting in the Union Fire Hall instead of the school?

The Township did not anticipate such a large crowd attending its Board of Supervisor's meeting. The Township has not had an attendance like this in over ten (10) years. Typically, only a few residents attend Township meetings. The Board is glad that more people have become involved, however, please remain respectful of the process and of the staff at the Board meetings. When the Supervisors realized that the attendance was too much for the meeting room, they had to quickly come up with a solution per the law. The Fire Chief was present at the meeting and was able to

quickly confirm the fire hall to be available for the following Tuesday and confirmed the facility to be able to hold 300 - 400 people. A quick count from inside to outside determined that approximately 200 people were present for the meeting. We believe the fire hall will accommodate all residents who wish to attend. If that is not the case, the Supervisors may continue the hearing in order to identify an even larger venue.

What Happens Next

1. **Public Hearing** – Residents share feedback. Resident comments will be subject to the Township’s public comment policy which is also posted on the website.
 2. **Review & Revisions** – The Board may send revisions to the Township and County Planning Commissions for additional comment. If there are revisions the Board would then authorize advertisement, notices, and posting for another Public Hearing.
 3. **Final Vote** – After all reviews, the Board votes to adopt the ordinance.
 4. **Future Applications** – Any developer must still go through full zoning and land development approvals which must all occur during public meetings.
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Key Takeaway

Holding a public hearing and approving this ordinance does **not** mean a data center is coming. It means **the Township, not the courts or developers, decides where and how one could exist** — with strong, enforceable safeguards to protect residents, property values, and the environment. The Township supervisors are acting in a proactive and responsible way to protect residents. We request that residents not speculate or rely on social media being accurate or factual. It’s not. We request that residents attend the public hearing or watch online if concerned about data centers.

Additional Information

To review the Township’s Codified Ordinances, you may visit our website at www.emanchestertwp.com

**The October 21, 2025, meeting will be streamed live on YouTube.

Channel Name: [@EastManchesterTownship](https://www.youtube.com/@EastManchesterTownship)