



Regulating Data Centers Under Pennsylvania Law

What Municipal Ordinances Can
and Cannot Do

Overview



- Data centers are emerging as significant land uses in Pennsylvania. East Manchester Township is attractive due to proximity to power plants and abundant water



- Municipalities regulate data centers primarily through zoning and subdivision/land development ordinances.



- Regulations must comply with the Pennsylvania Municipalities Planning Code (MPC) and constitutional limits on land use controls.

What Ordinances CAN Do

- Define data centers as a distinct land use category.

- Regulate location by zoning district (industrial, commercial, mixed-use, etc.).

- Establish performance standards (e.g., noise, vibration, lighting, EMF).

- Require zoning approval by conditional use or special exception public hearings.

- Impose buffering, screening, landscaping, and stormwater controls.

- Impose aesthetic standards for buildings

Regulate accessory uses such as water towers, backup generators and fuel storage.

- Require land development plan approval and financial security to complete public improvements.

- Enforce compliance through approval conditions and enforcement remedies under the MPC.

What Ordinances CANNOT Do

- Exclude data centers entirely from the municipality (violates the Fair Share Doctrine).

- Impose unreasonable, arbitrary, or confiscatory restrictions that make development infeasible.

- Regulate areas preempted by state or federal law (e.g., environmental permitting, electrical safety codes, DEP air quality standards, electrical interconnection).

- Enforce standards not supported by technical evidence or expert basis.

- Condition approvals on financial performance or off-site infrastructure improvements.

- Charge permit fees or assessments not reasonably related to the costs of the Township to administer its ordinances.

Goals of a Data Center Ordinance in East Manchester Township

- Identify a suitable location near high voltage electrical infrastructure and abundant water resources.
- Create a special zoning district or an overlay district limited in area so that whole zoning districts are not open to unlimited data center development.
- Regulate potential environmental and public health and safety concerns.
- Protect Township roads and infrastructure from negative impacts of any large-scale data center development.
- Adopt ordinance provisions that will be enforceable without being overreaching or inviting legal challenges.
- Allow sensible development that enhances Township tax base without negatively impacting residents.



Ordinance Process

- Public hearing conducted to get public feedback on concerns and potential locations for data centers. Adopt Curative Amendment Resolution to prevent challenges to existing zoning while supervisors continue to work on ordinance amendments.

- Revise Ordinances as needed and resubmit to the Township Planning Commission and York County Planning Commission for further review at public meetings.

- Conduct another public hearing for public feedback on the revised Ordinances.

- Adopt Ordinances with enforceable provisions protecting public health and safety and identifying locations where data centers will be allowed.