

LIMERICK TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 428

AN ORDINANCE AMENDING THE LIMERICK TOWNSHIP CODE CHAPTER 184, ENTITLED "ZONING," BY AMENDING ARTICLE II, SECTION 184-10 [DEFINITIONS] TO ADD THE TERM "DATA CENTER"; AMENDING ARTICLE XI, OFF-STREET PARKING STANDARDS, SECTION 184-87 [REQUIRED CAPACITY] TO ADD PARKING STANDARDS APPLICABLE TO A DATA CENTER; AMENDING ARTICLE XXXV [LOGISTICS CENTER/WAREHOUSE CONDITIONAL USE OVERLAY DISTRICT] TO PERMIT A DATA CENTER BY CONDITIONAL USE; AND TO ADD DEVELOPMENT STANDARDS APPLICABLE TO A DATA CENTER

WHEREAS, by Ordinance No. 421 adopted June 6, 2023 the Board of Supervisors created Article XXXV, the "Logistics Center/Warehouse Conditional Use Overlay District" and applied the aforesaid Conditional Use Overlay District to the HI Heavy Industrial Zoning District;

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to make and adopt ordinances that are consistent with the constitution and the laws of the Commonwealth that it deems necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens;

WHEREAS, the Board of Supervisors deems it to be in the best interest and general welfare of the citizens and residents of the Township to amend Chapter 184, Zoning, by amending Article XXXV "Logistics Center/Warehouse Conditional Use Overlay District" to provide for a Data Center as a use permitted by conditional use;

WHEREAS, the Board of Supervisors has met the procedural requirements of 53 P.S. §10101, et. seq. of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors for the Township of Limerick, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. DEFINITIONS.

A. CHAPTER 184, ARTICLE II, SECTION 184-10, ENTITLED "DEFINITIONS" IS HEREBY AMENDED TO ADD THE TERM "DATA CENTER".

§184-10 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. A data center generally includes accessory mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and high security ("Data Center Equipment" or "DCE").

SECTION 2. OFF-STREET PARKING STANDARDS

A. CHAPTER 184, ARTICLE XI OFF-STREET PARKING STANDARDS, SECTION 184-87, ENTITLED "REQUIRED CAPACITY" IS HEREBY AMENDED TO ADD THE FOLLOWING:

§184-87. Required Capacity.

<u>Use</u>	<u>Requirement (number of spaces)</u>
Data Center	Number of spaces shall be determined by parking study prepared by the applicant/user and approved by the Township Traffic Engineer.

SECTION 3. LOGISTICS CENTER/WAREHOUSE CONDITIONAL USE OVERLAY DISTRICT.

A. CHAPTER 184, ARTICLE XXXV ENTITLED "LOGISTICS CENTER/WAREHOUSE CONDITIONAL USE OVERLAY DISTRICT", SECTION 184-245 ENTITLED "CONDITIONAL USES" IS HEREBY AMENDED AS FOLLOWS:

§184-245. Conditional uses.

The following uses shall be permitted by a conditional use when approved in compliance with the procedures, standards, and criteria contained in this Chapter.

- A. Logistics Center
- B. Warehouse
- C. Any other use permitted in the HI Heavy Industrial District
- D. Data Center

B. CHAPTER 184, ARTICLE XXXV ENTITLED, "LOGISTICS CENTER/WAREHOUSE CONDITIONAL USE OVERLAY DISTRICT", SECTION 184-246, ENTITLED, "CONDITIONAL USE REQUIREMENTS" IS HEREBY AMENDED AS FOLLOWS:

§184-246. Conditional use requirements.

In addition to the conditional use requirements set forth in this Chapter, specifically Section 184-43, an application for conditional use pursuant to the Logistics Center/Warehouse Conditional Use Overlay District shall satisfy the following standards and criteria, as applicable:

- A. The proposed use or development must be a permitted use in the Logistics Center/Warehouse Conditional Use Overlay District.
- B. Public central water and sewer facilities shall be provided.
- C. The tract must have direct access to an arterial or a collector street.
- D. Transportation Improvements.
 - 1. The redevelopment of the Publicker Site for the uses permitted by the conditional use provisions of this ordinance shall not be permitted to occur unless the Township receives adequate assurances that the Publicker Transportation Improvements will be substantially completed contemporaneously with the redevelopment of the various phases of the Publicker Site.
 - 2. The Applicant's Conditional Use Application shall be accompanied by a Traffic Impact Study ("TIS") prepared in accordance with the Pennsylvania Department of Transportation's ("PennDOT") Policies And Procedures for Transportation Impact Studies Related to Highway Occupancy Permits. The TIS shall analyze the intersections and roadway sections agreed to by the Applicant's Traffic Engineer and the Township's Traffic Engineer prior to the submission of the Applicant's Conditional Use Application.

- a. The TIS shall schematically depict each of the Publicker Transportation Improvements ("Schematic Improvements") to be constructed or installed in each of the intersections and roadway segments agreed to be improved by the Township Traffic Engineer and the Applicant's Traffic Engineer. Prior to submission of a Conditional Use Application, the Applicant shall submit the TIS to PennDOT and obtain the consensus of PennDOT to the Schematic Improvements within the TIS.
 - b. As a condition of approval of the Applicant's Conditional Use Application, the Applicant shall (i) agree that the Applicant's application for approval of its Land Development Plans for the redevelopment of the Publicker Property shall be accompanied by drafts of the Applicant's Highway Occupancy Plans ("HOP") that depict the details of the Schematic Improvements, (ii) agree that that the HOP Plans shall be reviewed, finalized, and agreed to by the Township's Traffic Engineer and the Applicant's Traffic Engineer simultaneously with the finalization and approval of the Applicant's Land Development Plans (iii) a declaration of covenants in form agreed to by the Township and the Applicant guaranteeing the installation of the Publicker Transportation Improvements shall be recorded simultaneously with the approved final land development plan or first approved phase plan, as applicable.
 - c. When the Applicant desires to commence the construction of each phase of the redevelopment of the Publicker Property and requests that the final plans for such phase be recorded the Applicant shall post financial security for such phase and for the portion of the Publicker Transportation Improvements that are required to be constructed at the same time.
3. The Publicker Transportation Improvements may be installed in phases as phases of the Publicker Site are redeveloped, and the phasing of specific improvements shall be mutually agreeable to the Township, Applicant, and PennDOT. The approved HOP plans may contain a schedule for the construction of phases of the Publicker Transportation Improvements or a formula for determining

the scope of the portions of the Publicker Transportation Improvements that are to be constructed with each phase of the redevelopment of the Publicker Property. If PennDOT requires changes in the scope of the Publicker Transportation Improvements as a condition of the issuance of the PennDOT approval it shall be the Applicant's responsibility to obtain the PennDOT HOP and construct such additional or different transportation improvements required by PennDOT. Prior to recording of any land development plans for a particular phase, a PennDOT Highway Occupancy Permit shall be issued for the required improvements of that phase.

4. As a condition to the recording of each land development plan that depicts the construction of a building or buildings on the Publicker Site, the Applicant shall post financial security in the form acceptable to the Township Solicitor and Traffic Engineer to secure to the Township that the portion or portions of the Publicker Transportation Improvements required to mitigate the impact of the construction of the building or buildings in the Publicker Site that is depicted in each such land development plan will be substantially complete at the time that the first certificate of occupancy for improvements to the interior of the first building or buildings to be constructed on that phase of the Publicker Site as depicted on the said approved land development plan is issued.

E. Common Open Space Area.

1. Common Open Space Area shall be the greater of the following:
 - a. One acre of Common Open Space Area shall be provided for each 30,000 GSF of proposed building;
 - b. The total land mass comprised of the Floodplain Conservation District and contiguous protected Steep Slope Conservation Overlay District.
2. Common Open Space Area shall generally conform to Montgomery County Schuylkill River Trail East route and/or Limerick Township Greenway and Trail Network Master Plan. For Common Open Space Areas 10 acres or

more, the land development plan shall provide access to a suitable location to install a trail head parking lot to accommodate 10 vehicles.

3. The record plan shall provide an irrevocable offer to dedicate to the Township an Easement over the Common Open Space Area for purposes of establishing new park, pedestrian and/or bicycle routes to link parks, open space, schools, residential areas and employment centers, as well as to connect to regional transportation and recreational trails.

F. The applicant shall demonstrate an adequate second means of ingress and egress suitable for emergency access to the site from a collector or arterial roadway.

G. Dimensional standards shall be in accordance with Section 184-170 [Dimensional Standards of the HI Heavy Industrial district], Class One category with the following exceptions:

1. Maximum Building height shall be 60 feet.

2. Except for parking located adjacent to Main Street, the minimum building setback and minimum parking and loading setback shall be 400 feet from existing residential uses. Parking located adjacent to Main Street shall be a minimum of 30 feet from the legal right of way of Main Street.

- a. In the alternative, a setback of 200 feet from existing residential uses shall be permitted provided the Applicant demonstrates through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing materials or systems and approved by the Township professional acoustical expert will effectively reduce the sound generated by the portion of the development located less than 400 feet from the adjacent residential area to a maximum daytime (7:00 AM to 10:00 PM) decibel level of 65 and a maximum nighttime (10:00 PM to 7:00 AM) decibel level of 50. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014. A preliminary sound study shall be

conducted as part of the Conditional Use process even though the nature of the users of the buildings within 200 feet of the adjacent residential uses may not be known at that time. The sound that will theoretically be generated by the unknown user of the said building shall be estimated by the Applicant's Professional acoustical expert using generally accepted criteria. An interim sound study shall be conducted during the Building Permit process based upon the proposed user or users of the said building and the uses and equipment depicted on the building plans. The noise reducing materials and/or systems recommended by the interim sound study shall be incorporated into the construction plans for the said building. If it is determined by sound study conducted at least six months after the issuance of a certificate of occupancy for the said building or buildings that there is a material, and continuous violation of the daytime or nighttime sound limits, then owner or occupant of the said building shall promptly remediate the violation.

H. Development standards shall be in accordance with 184-171 [Development standards of the HI Heavy Industrial District] with the following additions:

1. Development standards for a Data Center shall include the following:

a. Data Center Equipment (DCE).

(1) Ground mounted DCE shall not be located in any front yard.

(2) DCE shall be separated from any adjacent residential district by a principal building.

b. Environmental impacts associated with a Data Center shall be mitigated by demonstrating compliance with the industrial standards of 184-83, with the following additions:

(1) Applicant shall demonstrate through a sound study conducted by a professional acoustical

expert that the installation of one or more sound reducing materials or systems, approved by the Township professional acoustical expert, will effectively reduce the sound generated by the Data Center during both normal operations and emergency operations (time of power loss) to a maximum daytime (7:00 AM to 10:00 PM) decibel level of 65 and a maximum nighttime (10:00 PM to 7:00 AM) decibel level of 50 as measured from the property line of the Data Center use. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014. A preliminary sound study shall be conducted as part of the Conditional Use process which shall evaluate sound levels estimated by the Applicant's professional acoustical expert using generally accepted criteria. An interim sound study shall be conducted during the Building Permit process based upon the proposed user or users of the Data Center and buildings and equipment depicted on the building plans. The noise reducing materials and/or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy for any Data Center building or buildings and prior to the final escrow release for any Data Center land development phase evaluating both normal and emergency operations (i.e. all standby emergency equipment, including but not limited to generators running). If it is determined by the as-built sound study that there is a material violation of the aforesaid sound limits, then owner or occupant of the Data Center shall promptly remediate the violation.

- c. Wireless Telecommunications Facilities as accessory to the Data Center shall be in accordance with Article XXXIV.

I. The provisions and requirements of the Logistics Center/Warehouse Conditional Use Overlay District shall be additional and supplemental to the underlying HI Heavy Industrial Zoning District; where the Logistics Center/Warehouse Conditional Use Overlay District provisions differ from the HI Heavy Industrial Zoning District provisions, and if a property or parcel(s) is proposed to be developed pursuant to the Logistics Center/Warehouse Conditional Use Overlay District provisions, the Logistics Center/Warehouse Conditional Use Overlay District provisions and requirements shall control.

SECTION 4. REPEALER.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 5. REVISIONS.

The Limerick Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its ordinances, including this provision.

SECTION 6. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 7. EFFECTIVE DATE.

This amendment shall become effective as provided by law.

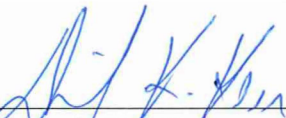
SECTION 8. FAILURE TO ENFORCE NOT A WAIVER.


The failure of Limerick Township to enforce any provision of this ordinance shall not constitute a waiver by Limerick Township of its rights of future enforcement hereunder.

ENACTED AND ORDAINED by the Board of Supervisors of Limerick Township, Montgomery County, Pennsylvania, this 18 day of JUNE, 2024.

TOWNSHIP OF LIMERICK

ATTEST:

By: 
Daniel K. Kerr,
Secretary

By: 
Kara Shuler
Chair, Board of Supervisors