

ORDINANCE NO. 431
LIMERICK TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF LIMERICK TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, WHICH AMENDS THE LIMERICK TOWNSHIP CODE, CHAPTER 184 "ZONING", FOR THE PURPOSE OF AMENDING

ARTICLE II "WORD USAGE; DEFINITIONS; ABBREVIATIONS", SECTION 10 "DEFINITIONS" TO AMEND THE DEFINITION OF "DATA CENTER" AND "WAREHOUSE" AND TO ADD DEFINITIONS FOR "DATA CENTER EQUIPMENT" AND "DATA CENTER ACCESSORY USES";

AND WHICH AMENDS ARTICLE X "PERFORMANCE STANDARDS", SECTION 83 "INDUSTRIAL STANDARDS" TO ADD STANDARDS RELATED TO NOISE CONTROL FOR DATA CENTERS;

AND WICH AMENDS ARTICLE XXIII "LLI LIMITED LIGHT INDUSTRIAL DISTRICT" TO ADD NEW SECTION 163.2 "DATA CENTER OVERLAY OPTION" TO ADD A DATA CENTER OVERLAY OPTION BY CONDITIONAL USE IN THE LLI LIMITED LIGHT INDUSTRIAL DISTRICT;

AND WHICH AMENDS ARTICLE IX "SUPPLEMENTAL REGULATIONS" TO ADD NEW SECTION 76.7 "DATA CENTER STANDARDS" TO PERMIT DATA CENTERS BY CONDITIONAL USE IN THE LLI LIMITED LIGHT INDUSTRIAL DISTRICT AND TO ESTABLISH STANDARDS FOR CONDITIONAL USE APPROVAL;

AND WHICH AMENDS ARTICLE XXXV "LOGISTICS CENTER/ WAREHOUSE CONDITIONAL USE OVERLAY DISTRICT", SECTION 246, "CONDITIONAL USE REQUIREMENTS", SUBSECTION G TO AMEND THE DIMENSIONAL STANDARDS BY ADDING THE MAXIMUM BUILDING HEIGHT FOR A BUILDING HOUSING A DATA CENTER TO BE 120 FEET AND REMOVING THE MAXIMUM FLOOR AREA RATIO STANDARD;

AND WHICH AMENDS ARTICLE XXXV "LOGISTICS CENTER/ WAREHOUSE CONDITIONAL USE OVERLAY DISTRICT", SECTION 246, "CONDITIONAL USE REQUIREMENTS", SUBSECTION F TO AMEND THE REQUIREMENTS FOR SECOND MEANS OF INGRESS AND EGRESS WITHIN THE LOGISTICS CENTER/WAREHOUSE CONDITIONAL USE OVERLAY DISTRICT.

WHEREAS, the Second Class Township Code, 53 P.S. § 65101, *et seq.*, authorizes the Board of Supervisors of Limerick Township 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 of Limerick Township;

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, authorizes the Board of Supervisors of Limerick Township to enact, amend and repeal zoning ordinances;

WHEREAS, the Board of Supervisors of Limerick Township desires to amend Chapter 184 entitled "Zoning" of the Code of the Township of Limerick;

WHEREAS, the Board of Supervisors of Limerick Township deems it to be in the best interest and the general welfare of the citizens and residents of the Township to amend the Code of the Township of Limerick; and

WHEREAS, the Board of Supervisors of Limerick Township has met the procedural requirements of the Pennsylvania Municipalities Planning Code and Second Class Township Code for the adoption of the proposed Ordinance, including holding a public hearing.

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

§I. RECITALS.

The recitals are incorporated herein as if set forth in full.

§II. AMENDMENTS OF THE CODE.

A. CHAPTER 184 "ZONING", ARTICLE II "WORD USAGE; DEFINITIONS; ABBREVIATIONS", SECTION 10 "DEFINITIONS" IS HEREBY AMENDED AS FOLLOWS:

§ 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. 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.

DATA CENTER ACCESSORY USES

Data Center Accessory Uses generally include utilities, utility lines, electrical substations, 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. Data Center Accessory Uses shall comply with the height limits specified in § 184-64.

DATA CENTER EQUIPMENT (“DCE”)

Data Center Equipment or DCE includes any Data Center Accessory Uses which in an un-muffled state generate noise in excess of the permitted maximum dB(A) in § 184-83.B 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.

WAREHOUSE

A building or group of buildings primarily used for the commercial storage, transfer and distribution of products and materials. This definition shall not include Data Centers.

B. CHAPTER 184 “ZONING”, ARTICLE X “PERFORMANCE STANDARDS”, SECTION 83 “INDUSTRIAL STANDARDS” IS HEREBY AMENDED TO ADD SUBSECTION B.(4) TO READ AS FOLLOWS:

§ 184-83 Industrial standards.

All permitted uses within the Township shall comply with these standards wherever applicable:

B. Noise control.

- (4) For Data Center uses, it shall be demonstrated 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 and associated DCE during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to generators running) to a maximum daytime (7:00 AM to 8:00 PM Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level of 57 dB(A) 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 and using generally accepted criteria. Maximum decibel level specified herein is exempt during a time of power outage conditioned that the sound study shall also evaluate and report anticipated decibel levels when all DCE is running. A sound study shall be conducted at the following phases:

- (a) A preliminary sound study for the Data Center and associated DCE shall be conducted as part of the Conditional Use process. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits.
- (b) An 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.
- (c) An as-built sound study shall be conducted six months after issuance of the certificate of occupancy for any Data Center and associated DCE prior to the final escrow release for any Data Center land development phase. An as-built sound study may also be required thereafter by the Township upon request. 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 into compliance with the aforesaid sound limits.

C. CHAPTER 184 "ZONING", ARTICLE XXIII "LLI LIMITED LIGHT INDUSTRIAL DISTRICT" IS HEREBY AMENDED TO ADD SECTION 163.2 ENTITLED "DATA CENTER OVERLAY OPTION" TO READ AS FOLLOWS:

§ 184-163.2 Data center overlay option.

A Data Center Overlay may be permitted as a development option pursuant to a conditional use meeting the following standards:

- A. At least a portion of the tract is within three quarters of one mile (3,960 feet) from the physical center of the intersection of Evergreen Road and Lightcap Road.
- B. Plans and studies shall be submitted with the conditional use application showing compliance with the additional criteria specified in § 184-76.7 and § 184-43 herein.

**D. CHAPTER 184 “ZONING”, ARTICLE IX “SUPPLEMENTAL REGULATIONS”
IS HEREBY AMENDED TO ADD SECTION 76.7 ENTITLED “DATA CENTER
STANDARDS” TO READ AS FOLLOWS:**

§ 184-76.7 Data center standards.

- A. Data Centers shall be permitted by conditional use in the LLI Limited Light Industrial District when approved in compliance with the procedures, standards, and criteria contained herein.
- B. Conditional use requirements.
 - (1) The proposed use or development must meet the criteria stated in § 184-163.2, § 184-84, and § 184-195.
 - (2) Public central water and sewer facilities shall be provided. If existing public capacity is insufficient, it shall be demonstrated compliance with § 184-55 to augment the public central water and sewer facilities.
 - (3) The tract or assemblage of adjacent parcels developed as a unified development must have direct access to an arterial or a collector street. Tracts divided by a public roadway or land owned by a public utility but owned in common or otherwise developed as a unified development are deemed to be contiguous for the purpose of all area and land mass calculation.
 - (4) Woodland standards.
 - (a) The provisions of § 184-81.D. do not apply and up to one hundred percent of the woodlands is permitted to be cleared or developed if the following conditions are met:
 - [1] The first 50 percent of the woodlands on the tract or assemblage of adjacent parcels developed as a unified development can be cleared or developed.
 - [2] The total caliper of the portion of disturbed woodlands in excess of the first 50 percent shall be replaced. For example, the removal of one 12-inch caliper tree could be replaced with three 4-inch replacement trees.
 - [3] Replacement trees shall be planted on the tract or assemblage of adjacent parcels developed as a unified development and can be counted towards

satisfying the required landscaping standards of Chapter 155, Subdivision and Land Development Ordinance.

- (5) It shall be demonstrated that there is an adequate second means of ingress and egress suitable for emergency access to the site.
- (6) Dimensional standards shall be in accordance with § 184-170 [Dimensional Standards of the HI Heavy Industrial District], Class One category with the following exceptions:
 - (a) Maximum floor area ratio standard is not applicable.
 - (b) Building setbacks (feet) shall be 50 feet or the height of the building, whichever is greater, from an ultimate right-of-way and shall be 30 feet or the height of the building, whichever is greater, from any other lot line. Parking, loading and driveway setbacks (feet) shall be 30 feet from an ultimate right-of-way and 15 feet from any other lot line.
 - [1] Except the minimum building setback and minimum loading, truck parking, and truck idling setbacks shall be 400 feet from a residential district or existing occupied residential uses.
 - [2] In the alternative, the minimum building setback and minimum loading, truck parking, and truck idling setbacks are permitted to be 200 feet from a residential district or existing occupied residential uses provided it is demonstrated through the required sound studies prepared in accordance with the noise standards of § 184-83.B.(4) that the use does not exceed the sound limits or the installation of one or more sound reducing materials or systems effectively reduced the sound to the aforesaid sound limits.
 - (c) Maximum building height (feet) for a building housing a Data Center shall be 120 feet.
 - (d) Maximum building height (feet) for all other buildings shall be in accordance with the height standards set forth in the underlying district(s) in which the tax parcel is situated.

- (7) Development standards for a Data Center shall be in accordance with § 184-171 [Development Standards of the HI Heavy Industrial District] with the following additions:
 - (a) Data Center Equipment (DCE).
 - [1] DCE shall not be located between the building and the street of an arterial or a collector street.
 - [2] DCE shall be separated from any adjacent residential uses 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.
 - (c) Wireless Telecommunications Facilities as accessory to the Data Center shall be in accordance with Article XXXIV.
 - (d) Data Center Accessory Uses shall comply with principal building setback standards.
- (8) The provisions and requirements of this Data Center standard shall be additional and supplemental to the underlying HI Heavy Industrial Zoning District standard; where Data Center standard provisions differ from the HI Heavy Industrial Zoning District standard provisions, and if a tract is proposed to be developed as a Data Center, the Data Center standard provisions and requirements shall control.

E. CHAPTER 184 “ZONING”, ARTICLE XXXV “LOGISTICS CENTER/ WAREHOUSE CONDITIONAL USE OVERLAY DISTRICT”, SECTION 246, “CONDITIONAL USE REQUIREMENTS”, SUBSECTION G IS HEREBY AMENDED TO READ AS FOLLOWS:

§ 184-246 Conditional use requirements.

- G. Dimensional standards shall be in accordance with § 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) Maximum building height for a building housing a Data Center shall be 120 feet.

- (3) Except for parking located adjacent to Main Street, the minimum building setback and minimum parking and loading setbacks shall be 400 feet from the 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.

[1] In the alternative, a setback of 200 feet from existing occupied residential uses shall be permitted provided it is demonstrated through the required sound studies prepared in accordance with the noise standards of § 184-83.B.(4) that the use does not exceed the sound limits or the installation of one or more sound reducing materials or systems effectively reduced the sound to the aforesaid sound limits.

- (4) Maximum floor area ratio standard is not applicable.

F. CHAPTER 184 "ZONING", ARTICLE XXXV "LOGISTICS CENTER/ WAREHOUSE CONDITIONAL USE OVERLAY DISTRICT", SECTION 246, "CONDITIONAL USE REQUIREMENTS", SUBSECTION F IS HEREBY AMENDED TO READ AS FOLLOWS:
§ 184-246 Conditional use requirements.

- F. It shall be demonstrated that there is an adequate second means of ingress and egress suitable for emergency access to the site.

§III. 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.

§IV. REVISIONS.

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

§V. 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.

§VI. FAILURE TO ENFORCE NOT A WAIVER.

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

§VII. EFFECTIVE DATE.

This amendment shall become effective five (5) days after date of enactment.

ORDAINED AND ENACTED by the Board of Supervisors for Limerick Township, Montgomery County, Pennsylvania, this 12th day of November, 2024.

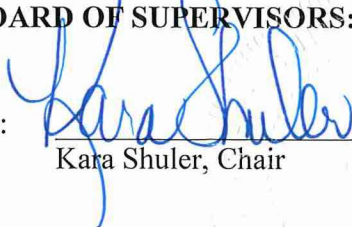
ATTEST:

By:


Daniel K. Kerr, Manager

**LIMERICK TOWNSHIP
BOARD OF SUPERVISORS:**

By:


Kara Shuler, Chair