ORDINANCE NO. 250

AN ORDINANCE OF PERKIOMEN TOWNSHIP AMENDING CHAPTER 310 (ZONING) OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF PERKIOMEN PROVIDING FOR CERTAIN ADDITIONS, DELETIONS, AND AMENDMENTS TO THE DEFINITIONS AND PROVIDING FOR CERTAIN ADDITIONS, DELETIONS, AND REVISIONS TO THE REGULATIONS FOR ARTICLE II (TERMINOLOGY); ARTICLE VIII (GENERAL REGULATIONS); AND ARTICLE XXI (IN – INDUSTRIAL DISTRICT) INCLUDING A NEW SECTION 310-145 (DATA CENTERS).

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Perkiomen Township, Montgomery County, Pennsylvania, and, ***IT IS HEREBY ENACTED AND ORDAINED*** by the authority of the same, that Chapter 310 (Zoning) of the Code of Ordinances of the Township of Perkiomen, as amended, is further amended as follows:

SECTION 1. Section 310-5 (Definitions) of Article II (Terminology), of Chapter 310 of the Code of Ordinances of the Township of Perkiomen, is amended to provide the following new definitions, which shall replace any existing definitions which are in conflict therewith:

ACCESSORY BULK FUEL STORAGE – One or more aboveground or underground storage tanks, inclusive of all piping, pumps, loading/off-loading systems, metering, and delivery systems, used solely for the storage of fossil fuels—including, but not limited to diesel fuel, gasoline, liquified petroleum gas, and/or similar fuels—exclusively for the on-site consumptive use for powering emergency generators or other accessory on-site power systems serving a Data Center or Data Center Accessory Uses, and when located on the same lot or unified development, and customarily incidental and subordinate to the principal Data Center use. All Accessory Bulk Fuel Storage facilities shall comply with all applicable federal, state, and local statutes and regulations governing the bulk storage of petroleum products and fuels and shall including all necessary secondary containment systems, leak and spill prevention systems, fire protection systems, and applicable hazardous materials management systems and inspection and reporting requirements. An

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Accessory Bulk Fuel Storage facility is expressly prohibited from being used to provide for the storage of any fossil fuels for off-site delivery or use.

DATA CENTER – A facility or facilities used primarily for the housing, operation, and/or co-location of computer and communications equipment including, but not limited to, Uninterruptible Power Supply ("***UPS***") Systems, Servers, and Storage Devices and for the handling, storage, management, processing, transmission, computing, and backing up of electronic data from both on-site and off-site locations. A Data Center may also include permitted Data Center Accessory Uses when located on the same tract or assemblage of adjacent parcels when developed as a unified development. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or any other energy generating systems, shall not be considered a part of a Data Center use. Such energy generation systems shall be considered separate uses and shall be approved according to the zoning regulations applicable to any such use.

DATA CENTER ACCESSORY USES – Ancillary uses or structures secondary and incidental to a Data Center use including, but not limited to, non-energy generating utilities; utility transmission lines; electrical substations; water utility distribution and service connections; water supply wells; sanitary sewer conveyance or lateral piping; sanitary sewer pump stations; water towers serving domestic water or fire suppression systems; building related mechanical equipment and conditioning systems (e.g., air conditioning plants, cooling towers, and fire suppression systems, etc.); redundant/backup power supplies; redundant data communications connections; guard shacks or security buildings and related security devices; and environmental controls where said ancillary uses or structures are located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center and are accessory to such Data Center use on said parcel or unified development. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or any other energy generating systems, shall not be considered part of the Data Center use or uses and neither shall such energy generation systems be considered part of a Data Center Accessory use or uses. Such energy generation systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use. Driveways, streets, or roads providing access to Data Centers shall not be considered Data Center Accessory Uses.

ROOFTOP EQUIPMENT – Rooftop equipment generally refers to heating, cooling, ventilation, power supply systems, and building related mechanical equipment associated with the Data Center and including, but not limited to, air conditioning plants, evaporative cooling systems, fire suppression systems, power cabling systems, redundant/backup power supplies (including solar energy generating systems), communications systems, and security systems and related security devices.

SECTION 2. Section 310-53.A(2) of Article VIII (General Regulations) of Chapter 310 of the Code of Ordinances of the Township of Perkiomen, governing the procedure

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for consideration of Conditional Use applications, is deleted in its entirety and replaced with the following Section 310-53.A(2) which shall read as follows:

(2) The application shall include the request for approval of a conditional use and sufficient information to document compliance with the applicable standards of this chapter, including any impact statements, studies, or reports required for the performance standards of the Conditional Use as set forth in the various articles of this chapter.

SECTION 3. Section 310-169 of Article XXI, IN Industrial District, of Chapter 310 of the Code of Ordinances of the Township of Perkiomen, governing uses permitted by Conditional Use, is deleted in its entirety and replaced with the following Section 310-169 which shall read as follows:

The following uses may be permitted by the Board of Supervisors as a conditional use, provided that §310-53 of Article VIII and the standards of §310-174 and §310-174.1 herein, as the same may be applicable, are satisfied.

A. Class One. A building may be erected, altered, or used, and a lot may be used or occupied, for the following purposes:

(1) Any use of the same general character as the above permitted uses.

(2) Auto body and repair shop, provided that all repair and body work is conducted within an enclosed structure.

(3) Auto sales.

B. Class Two. A building may be erected, altered, or used, and a lot may be used or occupied, for the following purposes:

(1) Truck terminal.

(2) Auto salvage or junkyard.

(3) Recyclable materials, recycling operation.

(4) Salvage.

(5) Solid waste disposal, scrap processor.

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C. Class Three. A building may be erected, altered or used, and a lot or assemblage of lots as part of a unified development may be used or occupied as a Data Center provided the applicable standards of §310-174.1 herein are satisfied.

SECTION 4. Article XXI, IN Industrial District, of Chapter 310 of the Code of Ordinances of the Township of Perkiomen, governing uses permitted by Conditional Use, is hereby amended to provide a new Section 310-174.1, governing specific Additional Conditional Use standards for Data Centers, which shall read as follows:

§310-174.1. **Additional Conditional Use Standards for Data Centers**.

A. In addition to the general performance standards of Article VIII, General Regulations, §310-52 of this chapter, Data Centers shall also comply with the following conditions:

(1) The proposed Data Center shall operate using a closed loop water system (which may include technologies for repurposed, fully treated sanitary sewer water or stormwater runoff, including acid mine runoff, as may be applicable), an air-cooled water system, or similar methodology that does not require the withdrawal of groundwater or the use of a public water supply system to supply or supplement the closed loop water system as part of its normal operations. This requirement is to minimize groundwater withdrawal from aquifers within the Township and unnecessary demand of public water supply utility resources.

(2) Building Restrictions for Data Centers:

(a) Tract Size. The minimum lot size or assemblage of adjacent parcels developed as a Data Center (the "***Tract***") shall not be less than five (5) acres, inclusive of open space. Tracts divided by easements or rights-of-way but owned in common or otherwise developed as a unified development shall be deemed contiguous for the purposes of minimum tract size calculations.

(b) Maximum Building Square Footage. A single Data Center building may not exceed a maximum of 250,000 square feet.

(c) Maximum Building Height. A single Data Center building may not exceed a maximum building height of forty (40) feet measured from the average ground level to the top of

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occupied or habitable space, plus an additional fifteen (15) feet permitted for rooftop equipment and visual screening or sound reduction or attenuation systems. In no circumstance may a parapet wall used as a portion of any screening or sound reduction system exceed eight (8) feet in height measured from the top of the roof deck to the top of the parapet wall.

(d) Proximity to Residential Uses:

(i) No Data Center building or Data Center Accessory Use shall be located within 400 feet of any lands that are not located within the IN Industrial District or from the property line of an existing residential use. In all cases, Data Centers and Data Center Accessory Uses must comply with all sound level maximums at property lines as set forth within this Section.

(ii) No substation shall be located within 400 feet of any residential zoning district or the property line of any existing occupied residential uses. In all cases, Data Centers and Data Center Accessory Uses must comply with all sound level maximums at property lines as set forth within this Section.

(iii) Any substation must be located in the Rear Yard of the property or unified development comprising the Data Center.

(iv) Loading docks and truck maneuvering areas shall be set back no less than 400 feet from any residential zoning district or the property line of existing occupied residential use, and shall not be located in the Side Yard or Rear Yard of the property or unified development comprising the Data Center.

(3) Data Center buildings or Data Center Accessory Uses may not be located within 400 feet from the property line of any property occupied by a school, cemetery, church, or licensed day care center.

(4) Data Center buildings or Data Center Accessory Uses may not be located within 400 feet from any historic or cultural resource of Perkiomen Township as identified in the Central Perkiomen Valley Regional Comprehensive Plan, as updated and amended.

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(5) Data Center buildings may not be located within 400 feet of any other Data Center building located on another property or other unified development containing a Data Center within the Township.

(6) Any energy generation system designed or used to supply power directly to a Data Center as part of its normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such energy generation systems shall be considered separate uses and shall be approved according to the zoning regulations applicable to any such use.

(7) Any Accessory Bulk Fuel Storage serving a Data Center or Data Center Accessory Use shall only be permitted to be located within the Rear Yard of the property or unified development comprising the Data Center.

(8) Where gates, guard shacks, or security checkpoints are proposed at Data Center facilities, adequate queuing space shall be provided within the boundary of the property or unified development comprising the Data Center to prevent stacking of vehicles on or along any public street.

(9) The Applicant shall demonstrate that the proposed Data Center will provide an overall positive fiscal impact to the Township with no resulting increase in municipal taxes or utility rates for existing Township residents or businesses as a result of the construction and operation of the Data Center.

(10) Design Guidelines:

(a) Principal building façades. Principal building façades shall avoid the use of undifferentiated surfaces by including at least two (2) of the following design elements: change in building height; building step-backs or recesses; fenestration; change in building material, pattern, texture, color; or the use of accent materials. When a building has more than one principal façade, such principal building façades shall be consistent in terms of design, materials, details, and treatment.

(b) Screening of mechanical and electrical equipment. In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical and electrical equipment shall be screened and noise mitigation efforts shall be incorporated in such areas as determined

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necessary during the Conditional Use approval process. This screening may be provided by a principal building or existing vegetation that will remain on the property or is within a landscaping or buffer easement on an adjacent property. Mechanical and electrical equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.

(c) Landscaping and Buffering. A buffer yard is required from any adjacent lands that are not located within the IN Industrial zoning district or the property line of an existing residential use. This buffer yard shall consist of a berm and a dense screen of evergreen and deciduous trees. Landscaping shall be installed between the Data Center and street rights-of-way and shall consist of at least one (1) evergreen tree and one (1) deciduous tree for every twenty (20) feet of road frontage, or residential property, located adjacent to the Data Center. Other than accessways, a berm averaging a minimum of five (5) feet in height above the adjacent average ground level, with a maximum slope of 3:1, shall be installed along the road frontage of the property and between the Data Center and any adjacent residentially zoned or residentially used parcels. The required screening is to be placed on the highest elevation of the berm or as otherwise necessary to provide an effective visual buffer. Fencing may be used to augment the required vegetative screening. The required screening shall be planted in a staggered manner, shall be of native species, and shall have a mixture of varieties. All coniferous trees shall be a minimum of six (6) feet in height at time of planting, and all deciduous trees shall not be less than two-inch caliper at time of planting.

(d) Minimum Parking. The minimum number of parking spaces shall be two (2) spaces per employee on the largest shift plus additional parking meeting the requirements of Article IX, Off-street Parking, for any dedicated office space located within Data Center buildings or 1 space per 8,000 square feet of building area, whichever is greater. Parking and loading areas shall not be permitted to be located within the Front Yard or Side Yards.

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(11) The applicant for a Data Center shall provide all documentation required for the Impact Statements identified in Section 264-33 of the Perkiomen Township Subdivision and Land Development Ordinance, supplemented to include the following additional information:

(a) Noise. Each Data Center use shall meet the maximum daytime equivalent decibel level of 60 dBA and a maximum nighttime equivalent decibel level of 50 dBA at the property lines for any neighboring properties. The daytime level generally corresponds to interference with normal conversation. The nighttime level generally corresponds to decibel levels that result in interference with sleep. A study will be conducted as part of the Conditional Use application to recommend sound reducing materials or systems to meet these standards. An as-built sound study will be conducted six (6) months following the issuance of a Certificate of Occupancy for any Data Center building. Measures will be assessed during the land development process to ensure ongoing compliance (such as, for example, the installation of calibrated sound monitoring equipment at a location determined during land development). Emergency back-up generator testing or recharge shall not occur during nighttime hours, and an Applicant's protocols for doing so shall be subject to the review and approval of the Township Conditional Use application process (setting forth the outside parameters for testing to minimize neighboring property impacts).

(b) Utilities Impact Study – Electricity. As part of the Utilities Impact Study, the Applicant shall provide additional information regarding the impact of the Data Center on the electric demand necessary to service the Data Center. The applicant shall provide documentation from the applicable electric service provider certifying that that the necessary capacity is available and that electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted. Protocols shall be provided that ensure that any requirements necessary to improve the electrical provider's transmission or generation infrastructure in order to provide service to the Data Center shall not be borne by Township resident ratepayers.

(c) Utilities Impact Study – Public Water Supply. As part of the Utilities Impact Study, the Applicant shall provide

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additional information regarding the impact of the Data Center on the public water supply system serving the Data Center. The applicant shall provide documentation from the applicable public water supply utility or authority certifying that the necessary capacity is available and that the public water supply utility or authority will serve the Data Center. Known impacts on water rates or availability for other uses directly attributable to the Data Center project shall be noted. Protocols shall be provided that ensure that any requirements necessary to improve the public water supply utility or authority conveyance or distribution system in order to provide service to the Data Center shall not be borne by Township resident ratepayers.

(d) Water Supply. The Well Withdrawal Impact Study shall be expanded to include the following:

(i) Calculations of the projected water needs for the Data Center and surrounding uses;

(ii) The location of all existing and proposed wells within 2,500 feet of the site of the Data Center, with a notation of the capacity and condition of all existing and proposed wells;

(iii) The location of all streams within 2,500 feet of the site of the Data Center and its water source;

(iv) An analysis and determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and

(v) Identification of how water will be recycled, disposed of, or released from the Data Center.

(e) Wastewater Management. The applicant shall demonstrate to the Township that adequate means of wastewater disposal have been provided for and approved by the Sewage Enforcement Officer and/or PADEP. This would include wastewater management from any sanitary wastewater as well as any wastewater used for cooling or industrial purposes.

The Applicant shall demonstrate how any wastewater from the operation of the Data Center (e.g., any water or other

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medium used for cooling of the equipment used in the Data Center) will be disposed. No on-site disposal (e.g., injection wells, cooling ponds, etc.) of the same shall be permitted. Waste management practices must comply with Perkiomen Township regulations as well as federal and state laws, including the Resource Conservation and Recovery Act ("***RCRA***"), the Toxic Substances Control Act ("***TSCA***"), the Pennsylvania Clean Streams Law, the Pennsylvania Solid Waste Management Act, the Pennsylvania Hazardous Substances Control Act, or any related law or regulation governing the treatment, storage, and disposal of sanitary or industrial wastewater. Outdoor storage of waste materials prior to its off-site disposal is not permitted in front or side yard areas.

(f) Vibration Study. A Vibration Study shall be provided that demonstrates that vibration resulting from sources material to the Data Center or Data Center Accessory Uses does not extend past the property line. This study shall be prepared by a qualified professional.

(g) Air Quality. Air quality and emissions controls for the Data Center and/or Data Center Accessory Uses shall meet the requirements applicable to Data Centers and stand-by generator usage established by state and local regulations, including the applicable standards of the Perkiomen Township Zoning Ordinance related to air quality management. No heat exhaust, plume, or cooling discharge shall increase ambient temperature at any property line.

(h) Radioactivity and/or Electrical Disturbances. The Applicant shall provide information indicating the Data Center, the Data Center Accessory Uses, and/or associated activities will not emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances adversely affecting or otherwise interfering with the operation of radio, electrical, or electronic equipment belonging to any person or property other than the Data Center. All uses, equipment, and use of materials shall be in strict conformity with federal and state rules and regulations, inclusive of those promulgated by the Federal Communication Commission ("***FCC***") and PADEP.

(i) Fire Safety & Emergency Response. A Fire Safety & Emergency Response Plan shall be prepared by a qualified professional to be reviewed and accepted by the Township

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Fire Marshal, the Township Emergency Management Coordinator (or other duly designated emergency services officials serving the Township). Such Plan shall include detailed information regarding fire suppression, containment, ventilation, and evacuation, as well as access and hydrant locations, as applicable. In reviewing the adequacy of a Fire Safety & Emergency Response Plan, the following shall be considered, in addition to Pennsylvania Uniform Construction Code:

(i) Use of fire-resistant rated construction materials;
(ii) Location of IT equipment and restricted access to same;
(iii) Openings and penetrations;
(iv) Aisle containment and hot air systems;
(v) Limitation of materials in and around IT equipment;
(vi) Construction of IT materials;
(vii) Design and installation of automatic fire protection systems, such as sprinkler systems or gaseous extinguishing systems;
(viii) Automatic detection systems;
(ix) Portable extinguishers and hose lines;
(x) Staff training;
(xi) Any on-site battery storage systems;
(xii) Emergency and recovery procedures; and
(xiii) Maintenance and auditing plan for fire safety.

Fire lanes shall be provided where required by state or federal regulations or other local ordinances. The specific locations of these lanes are subject to review and approval by the Township Fire Marshal, Township Emergency Management Coordinator (or other duly designated emergency services officials serving the Township).

The applicant shall provide training to the fire companies and fire departments providing emergency services to the Data Center, inclusive of the Perkiomen Township Fire Company and any nearby fire companies or fire departments providing mutual aid services to the Township.

(12) Decommissioning: It is the Data Center owner's responsibility that, at the end of the project life or active use of any building or structure comprising the Data Center or Data Center Accessory Use, the property or unified development comprising the Data Center must be restored to a condition that existed prior to the development of the Data Center or, in the alternative, the buildings or structures of the Data Center and/or Data Center Accessory Use shall be altered

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in a manner that will allow for a beneficial reuse of the property or unified development comprising the Data Center. Such alterations would include, but not be limited to, removal of all equipment, equipment-related structures, backup generating systems, cooling systems, fire protection systems, or the like that are no longer in use or cannot be reasonably reused. A decommissioning agreement will be required to be executed between the Township and the Data Center owner to ensure the requirements within this section are met within twelve (12) months following the date on which the Data Center ceases operations for that purpose, which decommissioning agreement shall provide for the foregoing conditions and which shall include obligations for the Data Center owner to post adequate financial security to ensure performance of the decommissioning agreement. Financial security shall be made in the form of an irrevocable letter of credit indexed at one hundred twenty-five percent (125%) of an estimate of decommissioning costs, prepared by a licensed professional engineer, as approved by the Township.

SECTION 5. **SEVERABILITY**. If a Court of competent jurisdiction declares any provisions of this Ordinance to be invalid, in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of the Code of Ordinances of the Township of Perkiomen shall continue to be separately and fully effective.

SECTION 6. **RE-ENACTMENT AND REPEALER**. The remaining provisions of the Code of Ordinances of the Township of Perkiomen, and as in force immediately before the enactment of this Ordinance, are intended to be continued and, to the extent not inconsistent herewith, are hereby re-enacted and re-ordained; any Sections inconsistent with the amendments hereinbefore referenced are hereby repealed as referenced.

SECTION 7. **EFFECTIVE DATE**. This Ordinance, and all of its terms and provisions, shall become effective immediately upon enactment by the Board of Supervisors.

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ENACTED AND ORDAINED, this _____ day of _____, 2026.

PERKIOMEN TOWNSHIP

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By: Pamela B. Margolis, Chairperson

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Attest: Cecile M. Daniel. Secretary

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