

ORDINANCE NO. 2024 - _____

AN ORDINANCE OF THE TOWNSHIP OF CUMRU, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CUMRU TOWNSHIP ZONING ORDINANCE OF 2009 TO: (A) REMOVE CERTAIN ADDITIONAL USES PERMITTED AS OF RIGHT IN THE MIXED-USE AND GENERAL COMMERCIAL ZONING DISTRICT; (B) INCREASE THE MINIMUM WIDTH OF DRIVEWAYS AND DRIVE AISLES; (C) REVISE THE DEFINITIONS OF “PLACES OF WORSHIP” AND “RELIGIOUS USE”; (D) INCLUDE A DEFINITION FOR “RETREAT CENTER” AND REGULATIONS RELATED THERETO; (E) INCLUDE EXPANDED REGULATIONS WITH RESPECT TO “RENEWABLE ENERGY SYSTEMS” AS DEFINED IN SECTION 202 OF THE ZONING ORDINANCE, AND AS REGULATED BY SECTION 921 OF THE ZONING ORDINANCE; (F) TO INCLUDE PROVISIONS RELATED TO SHORT-TERM RENTALS; AND (G) TO INCLUDE PROVISIONS RELATED TO AGRITOURISM AND AGRITAINMENT.

WHEREAS, in 2021, the Board of Commissioners of the Township of Cumru (the “Board”) amended the Cumru Township Zoning Ordinance of 2009, as heretofore amended (the “Ordinance”), by enacting Ordinance Number 770, which created a Mixed-Use and General Commercial Zoning District (“MUGC District”), and included certain permitted uses within the MUGC District; and

WHEREAS, in 2023, the Board further amended the Ordinance by enacting Ordinance Number 781, which served, among other things, to add two new permitted uses within the MUGC District; and

WHEREAS, now, the Board desires to further amend the Ordinance to remove the permitted uses added to the MUGC District by enactment of Ordinance 781; and

WHEREAS, the Board also desires to amend the Ordinance to revise the definitions of “Places of Worship” and “Religious Use” as defined in Section 202 of the Ordinance and include specific provisions for Retreat Centers; and

WHEREAS, the Board also desires to amend the Ordinance to include expanded regulations with respect to “Renewable Energy Systems,” as defined in Section 202 of the Ordinance, and as regulated by Section 921 of the Ordinance; and

WHEREAS, the Board also desires to amend Sections 1004(J)(8) and 1006(A)(3)(b) of the Ordinance to increase the minimum width of driveways and drive aisles from twenty-four (24) feet to twenty-six (26) feet; and

WHEREAS, the Board also desires to amend the Ordinance to include provisions with respect to short-term rentals; and

WHEREAS, the Board additionally desires to amend the Ordinance to include provisions for “agritainment.”

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby adopted, enacted and ordained by the Board of Commissioners of Cumru Township, Berks County,

Pennsylvania ("Township"), as follows:

1. The Ordinance is hereby amended to REMOVE Sections 411(B)(16) and (17) from the Ordinance which previously stated as follows:

Section 411: Mixed-Use and General Commercial (MUGC) Zoning District

(B) Uses by Right: The following principal uses and their accessory uses are permitted within the MUGC Zoning District, provided that the use is approved by the Zoning Officer and complies with all supplemental development and design requirements specified by this Ordinance and the other Ordinances and Resolutions of the Township.

(16) Warehouse and Freight Terminal Uses, in accordance with Section 854, except as may be amended hereby;

(17) Wholesale and Distribution Uses, in accordance with Section 855, except as may be amended hereby.

2. Section 1004(J)(1) of the Ordinance is hereby amended in its entirety and shall now read as follows:

Where the angles of the parking spaces are at ninety (90) degrees, the width of the aisle shall be twenty-six (26) feet in width and may accommodate two (2) way travel.

3. Section 1006(A)(3)(b) of the Ordinance is hereby amended in its entirety and shall now read as follows:

For two (2) way travel providing a point of ingress and egress, the minimum width shall be twenty-six (26) feet and the maximum width shall be thirty-six (36) feet.

4. Section 202 of the Ordinance is hereby amended to remove the words "retreat centers" from the definition of "Places of Worship" and "Religious Use." As such, the definition of "Places of Worship" and "Religious Use" shall now read in its entirety as follows:

Land areas occupied by buildings, churches, synagogues, monasteries, seminaries, convents, shrines, cemeteries, and other similar non-profit facilities, as further defined under Section 841 of this Zoning Ordinance, which are primarily used for religious or spiritual worship.

5. Section 202 of the Ordinance is hereby amended to include "Retreat Center," which shall be defined as follows:

“Retreat Center” – a facility operated by a religious, institutional, or nonprofit organization that is used for educational or religious purposes, or comparable meetings, conferences and seminars, and which includes lodging, meals, and recreation for participants during such events, and which complies with the supplemental regulations for Retreat Centers contained in Section 717 of this Zoning Ordinance.

6. A Section 717 shall be added to the Ordinance, as follows:

Section 717: Retreat Center

- (A) Retreat Centers, as defined under Article 2 of this Zoning Ordinance, are permitted by conditional use in the RC or AG Zoning Districts.
- (B) Retreat Centers shall be designed in accordance with the following requirements:
 - 1. Minimum lot area: 10 acres.
 - 2. Maximum lot coverage: 20%
 - 3. All buildings and recreation facilities associated with the Retreat Center shall be located at least 50 feet from all property lines.
 - 4. The maximum number of guests at a Retreat Center shall be 1 guest per every 1 acre of the property.
 - 5. One (1) off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees that could be present at any given time, plus one (1) off-street parking space for every two (2) guests at the Retreat Center.
 - 6. All water and sewer facilities shall be subject to the review and approval of Cumru Township, the Cumru Township Municipal Authority and the Pennsylvania Department of Environmental Protection.

7. Section 921 of the Ordinance is hereby amended to include a section (C), which shall state, in its entirety, as follows:

- (C) Wind turbine equipment/wind energy systems.
 - (1) Industry standards. The design and installation of all accessory wind energy systems shall conform to

applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Uniform Construction Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

- (2) Accessory buildings. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding 140 square feet and shall comply with the accessory building requirements specified within the underlying zoning district.
- (3) Engineered Drawings. Building permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Engineer's sealed drawings are required for submission for the building permit.
- (4) Soil studies. For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20 kW or less and will not require project-specific soil studies.
- (5) FAA Regulations. No wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
- (6) Compliance with National Electric Code. Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to permit a determination that the manner of installation conforms to the National Electrical Code adopted by the Township.
- (7) Utility Notification. No wind energy system shall be

installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

- (8) Insurance. Additional insurance beyond homeowners' coverage may not be required.
- (9) Abandonment. If a wind turbine is inoperable for six (6) consecutive months, the owner shall be notified that they must, within six (6) months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six (6) month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the public nuisance provisions of the Township Code and all other Township ordinances.
- (10) Signage. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
- (11) Lighting. No illumination of the turbine or tower shall be permitted unless required by the FAA.
- (12) Access. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened.

8. Section 202 of the Ordinance is hereby amended to include "Short-Term Rental," which shall be defined as follows:

"Short-Term Rental" – Any dwelling unit that is rented or leased, in whole or in part, for a period of not less than ten (10) consecutive days but not more than ninety (90) consecutive days during which the owner or manager is not present on a full-time basis in exchange for rent or compensation of any kind.

9. A Section 718 shall be added to the Ordinance, as follows:

Section 718: Short-Term Rental

- (A) Short-Term Rentals, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception in the RC, AG, LR and MR Zoning Districts.
- (B) The short-term rental shall be located on a conforming lot that meets the minimum lot area requirements of the underlying zoning district or overlay district on which it is located.
- (C) The short-term rental shall comply with the dimensional, height and coverage requirements of the zoning district on which it is located.
- (D) Contact Person.
 - 1. Each owner of a short-term rental shall designate a person, property manager or agent as a contact person who has access and authority to assume management of the short-term rental and take remedial measures. The contact person must be accessible by telephone 24 hours a day and must be able and willing to come to and be present at the short-term rental within two (2) hours following notification to address any issue that is not capable of being addressed by telephone, and be able to act as legal agent for the owner. An owner of a short-term rental may designate himself/herself as the contact person. The contact person shall respond to Township officials within one (1) hour after being notified by the Township official of the existence of a violation of this chapter or any disturbance requiring immediate remedy or abatement. If the contact person is not the owner, the contact person shall immediately advise the owner of any notification of a violation.
- (E) Operational Standards and Conditions. All short-term rentals are subject to the following standards:
 - 1. The number of overnight occupants shall not exceed two (2) persons per bedroom. Infants (under two [2] years of age) shall not count towards the limit of overnight occupants.
 - 2. The maximum number of day guests allowed at any one time shall be 75% of the maximum overnight occupancy of the short-term rental.

3. The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to two (2) bedrooms unless proof is provided to the Township Sewage Enforcement Officer, in the Township Sewage Enforcement Officer's sole discretion, that the sewage disposal system is adequate to handle additional flows. Any short-term rental advertising more than five (5) bedrooms shall provide proof that the sewage disposal system is adequate to handle such flows by having the system approved by the Township Sewage Enforcement Officer. If a sewage disposal system malfunction occurs, the use of the dwelling unit as a short-term rental shall be discontinued until such malfunction is corrected in accordance with the Township and DEP requirements.
4. In no instance shall the existing number of bedrooms be increased without proper Township (and DEP if required) approval being obtained.
5. A short-term rental shall also have at least one other habitable room containing a minimum of 120 square feet.
6. A minimum of one (1) off-street parking space per bedroom shall be provided for each short-term rental.
7. The owner shall use best efforts to ensure that the occupants or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this chapter or any Township ordinance or state law pertaining to noise or disorderly conduct by responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as an enforcement officer or place himself or herself in harm's way.
8. A short-term rental shall comply with all applicable building codes and shall have the requisite number of functioning smoke and/or fire detectors, fire extinguishers, carbon monoxide monitors and other

safety devices required under the applicable codes.

9. The Zoning Hearing Board shall have the authority to impose additional standards applicable to short-term rentals as necessary to achieve the objectives of this section.
10. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the short-term rental is located shall not be allowed. Outdoor overnight sleeping of occupants shall be prohibited.
11. All short-term rentals shall be subject to inspection by any authorized Township representative to verify operating requirements or if there is reason to believe that any provision of this chapter is being violated.

10. Section 202 of the Ordinance is hereby amended to include “Agritainment/Agritourism,” which shall be defined as follows:

“Agritainment” – an accessory use to a single-family dwelling or agricultural operation which may include the rental of an accessory structure for purposes of weddings, family gatherings, reunions, or other similar events, subject to additional regulations contained in the zoning ordinance.

“Agritourism” – an accessory use that consists of an enterprise that shall be considered any activity conducted on and accessory to an existing and operational agricultural operation and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities must be directly related to agricultural or natural resources and incidental to the primary operation of the agricultural operation or natural resource activities.

11. A Section 719 shall be added to the Ordinance, as follows:

Section 719: Agritainment/Agritourism

- (A) Agritainment/agritourism uses, as defined under Article 2 of this Zoning Ordinance, are permitted by special exception in the RC and AG Zoning Districts.
- (B) Agritainment uses are subject to the following additional requirements:
 1. The use shall be accessory to an owner-occupied single-

family dwelling or agricultural operation, and the use shall be owned and operated by the residential dwelling or farm owner(s).

2. The use shall require a minimum lot of 10 acres, and no portion of any event taking place on the lot shall take place within 100 feet of the boundaries of the lot.
3. Events may be conducted in buildings on the lot and in the outdoor areas of the lot, and the owner and/or a designated representative shall be present at all times during any event.
4. Any event shall not host more than 100 people at any one time. Any event that shall host more than 100 people at any one time must also comply with Ordinance No. 713 regarding Public Gatherings.
5. Catered food, drinks (including beer and wine), and related event services may be provided. Alcoholic beverages shall not be permitted outside of the venue and all federal, state and local laws shall be complied with by the owner and any providers in connection with such services.
6. Lighting, sound and music equipment may be provided at the venue, provided that no sound or artificial light shall be permitted to leave the boundaries of the lot.
7. Off-street parking shall be provided for patrons of the event, and no parking by patrons shall be permitted on any public road. The owner shall ensure that ingress and egress during an event does not cause congestion on any public road.
8. The owner shall be responsible to provide sanitation facilities and sanitary sewer facilities at the event commensurate with the number of patrons attending and in accordance with all Township and DEP regulations and requirements.
9. The operation of the use shall comply with federal, state and local laws at all times.

(C) Agritourism uses are subject to the following additional requirements:

1. The use shall require a minimum lot of 10 acres.

2. The following activities, or activities that the applicant proves are closely similar, shall be permitted as an agritourism enterprise:
 - i. Farmers Markets;
 - ii. "U-pick" operations (i.e. fruit and vegetable picking activities);
 - iii. Dairy, ice cream and bakery retail facilities;
 - iv. Wineries, winery tours and tasting rooms;
 - v. Local farm products retail operations (including crafts, food products, garden and nursery products, and clothing products made from the wool of animals raised on the farm use, etc.);
 - vi. Corn mazes (with educational/interpretation components);
 - vii. Farm-related interpretive facilities and exhibits;
 - viii. Agriculturally-related educational and learning experiences;
 - ix. Agriculturally-related special events, agricultural fairs and festivals;
 - x. On-site farm, garden, greenhouse and nursery tours;
 - xi. Walking and bicycle tours and trails;
 - xii. Horseback/pony rides, petting zoos and other animal exhibits;
3. The following activities shall be prohibited:
 - i. Restaurants, taverns, breweries or micro-breweries;
 - ii. Flea markets;
 - iii. Any other use that is not agriculturally related, or is not related to the natural resources that are present on the property, or is deemed not to be incidental to the agricultural operation on the property, or is otherwise deemed to be too intense

for the Zoning District whereby the intent of the Zoning District will not be preserved.

- (D) It shall be the responsibility of the applicant and/or landowner to prove compliance with these regulations at the time of application for a zoning permit.
- (E) Agritourism enterprises must be incidental to and directly supportive of the agricultural use of the property and will not have significant impacts on the agricultural viability or rural character of neighboring properties.
- (F) An agritourism enterprise shall be conducted by a resident or owner of the property and/or his/her immediate relatives. Up to four (4) unrelated full-time employees may be employed by the owner or immediate relatives. Additional part-time employees or volunteers may be permitted for special events, fairs or festivals.
- (G) At least 50% of the products for display and sale shall be grown, prepared, or produced on the subject property.
- (H) The applicant shall identify the anticipated hours of operation for the agritourism enterprise. In no case shall the agritourism enterprise generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Agritourism enterprises shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 p.m. and 7:00 a.m. This shall not include commercial retail sale of agricultural products that are regulated under laws of the Commonwealth.
- (I) The parking area shall be designed in accordance with the Township Zoning Ordinance.
- (J) All signage advertising the agritourism enterprise shall comply with the Township Zoning Ordinance.
- (K) The reuse of an existing barn or other existing buildings shall be given priority over the construction of a new building(s). If a new building is proposed, any land development plan shall be in accordance with the regulations of the Township Subdivision and Land Development Ordinance. The total of all building floor

areas utilized for an agritourism use after the adoption of this Ordinance shall not exceed 5% of the total lot area. All structures shall be subject to the requirements of the Pennsylvania Uniform Construction Code.

- (L) All food and beverages sold for consumption on site shall comply with federal, state and local regulations. Food and beverages should be limited to only those value-added products that are produced from or grown on the farm unless they are secondary and incidental to the primary agricultural use on the property. In all cases, the use of locally grown or produced food and/or beverages is encouraged.
- (M) Applicant must provide evidence that sufficient sanitary sewer facilities will be provided in accordance with all applicable DEP regulations.
- (N) Applicant shall provide evidence that all other applicable state and federal permits for operation of an agritourism enterprise have been obtained.
- (O) There shall be no outside display, sales, or storage permitted within 100 feet along all public rights-of-way, unless this activity is fully screened with either opaque wood fencing, and/or dense landscaping. This shall not be interpreted to prohibit outside sales or display of products during a permitted special event, agricultural fair or festival.
- (P) This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance or laws of the Commonwealth.

12. The Zoning Officer, the Engineer and the Solicitor of the Township of Cumru are hereby authorized to take such actions as may be necessary to cause the Zoning Ordinance to be amended in accordance with the terms and provisions of this Ordinance and shall take such other actions as may be necessary to effectuate the terms of this Ordinance.

13. All Ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

14. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any other remaining provisions of the Ordinance shall not be affected thereby. It is hereby expressly declared as the intent of the Board that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions had not been included herein.

15. This Ordinance shall become effective on the earliest date permitted by law after enactment.

ENACTED AND ORDAINED as an Ordinance of the Township of Cumru, Berks County, Pennsylvania this ____ day of _____, 2024.

BOARD OF COMMISSIONERS OF
CUMRU TOWNSHIP

By: _____
President

Attest: _____
Secretary