

Article 6: Special Overlay Districts

Section 601: Statement of Intent

- (A) The purpose and objective of the Special Overlay Districts is to implement the goals, objectives and policies of the Governor Mifflin Region Comprehensive Plan, which pertain to land use planning, historic preservation, land use, construction and economic development. In order to strategically implement these goals, objectives and policies, the following Special Overlay Districts are hereby established:

Adaptive Reuse and Redevelopment Overlay District

Airport Overlay District

Historical Preservation Overlay District

- (B) The Special Overlay Districts incorporated under Article 6 include provisions to supplement and enhance the existing underlying district regulations for certain land areas and zoning districts. These supplemental regulations should not replace the existing underlying zoning district regulations. In cases where the Special Overlay Districts should overlap, the more restrictive standards shall apply.
- (C) The land and water areas encompassed by the Special Overlay Districts shall be subject to the interpretation of the Zoning Officer.

Section 602: Adaptive Reuse and Redevelopment Overlay District

- (A) The Adaptive Reuse and Redevelopment Overlay District shall be a special overlay to the existing commercial and industrial uses within the underlying Local Commerce (LC) District, Highway Commercial (HC) District and General Industrial (GI) District. The objectives of this special overlay district are outlined as follows:
- (1) To permit the planned reuse, division and/or redevelopment of existing non-residential buildings, structures and land areas within the LC, HC and GI Zoning Districts, subject to specific design criteria and procedural requirements.
 - (2) To retain and expand existing businesses to preserve a sound tax base and provide employment opportunities.
 - (3) To provide incentives to occupy vacant commercial and industrial land uses.
 - (4) To pursue economic development targets that will build upon the existing commercial and industrial base.
 - (5) To maintain a positive relationship with the local business community.
 - (6) To implement the recommendations concerning land use planning and economic development, as outlined within the Governor Mifflin Region Comprehensive Plan.
- (B) The provisions for adaptive reuse and redevelopment, as specified under this section of the Zoning Ordinance shall apply to all non-residential uses, buildings and land areas within the LC, HC and GI Zoning Districts, which have been abandoned, unoccupied or not utilized for a period of (1) year or more.
- (C) The permitted land uses within the Adaptive Reuse and Redevelopment Overlay District shall be subject to the following criteria:
- (1) The land uses permitted by right, special exception or conditional use within the LC or HC Zoning Districts shall be permitted by special exception as part of the Adaptive Reuse and Redevelopment Overlay District, provided that the uses are located within the LC or HC Zoning Districts. As part of the special exception application, the Zoning Hearing Board may consider a combination of non-residential uses within the existing buildings on the property, provided that such combination of non-residential uses

are generally compatible with the existing land use characteristics of other properties within 500 feet of the property being considered for adaptive reuse.

- (2) The land uses permitted by right, conditional use and/or special exception within the underlying GI Zoning District shall be permitted by special exception as part of the Adaptive Reuse and Redevelopment Overlay District, provided that the uses are located within the GI Zoning District. As part of the special exception application, the Zoning Hearing Board may consider a combination of non-residential uses on the property or within the existing buildings on the property, provided that such combination of non-residential uses are generally compatible with the existing land use characteristics of other properties within 500 feet of the property being considered for adaptive reuse.
 - (3) The following land uses shall not be permitted or considered as part of a special exception application under the guidelines of the Adaptive Reuse and Redevelopment Overlay District: adult business or entertainment uses, commercial composting and mushroom production uses; intensive agricultural uses; quarry or mining operations; and solid waste disposal and reduction facilities. All such uses are defined and permitted within certain underlying zoning districts. Specified by this Zoning Ordinance.
 - (4) The provisions for Adaptive Reuse and Redevelopment may apply to historical resources or historically significant structures that are located within the Historic Preservation Overlay District.
- (D) The following provisions shall apply to any proposed use, which is intended to convert and occupy an abandoned non-residential building:
- (1) The existing building may be expanded to accommodate the new permitted use provided it conforms to all dimensional requirements of the underlying zoning district.
 - (2) Where the existing building is considered nonconforming based upon its lot area, height or building coverage, the existing building may be enlarged by no more than 20 percent, provided that the expansion is completed within five (5) years from the date of the adaptive reuse has been approved.
 - (3) Where the existing building is considered nonconforming based upon its proximity to property lines, the existing building may be enlarged by no more than 20 percent, provided that the expansion does not further violate the yard requirement of the underlying zoning district and that expansion is completed within five (5) years from the date of the adaptive reuse has been approved.
 - (4) Where the existing building is considered nonconforming based upon lot coverage, the existing building may be enlarged by no more than 20 percent, provided that the expansion is conducted on other impervious surfaces and that the expansion is completed within five (5) years from the date of the adaptive reuse has been approved.
 - (5) The total number of off-street parking and loading spaces for each use may be reduced by no more than 25 percent of the minimum requirements specified under Article 10 of this Zoning Ordinance, provided that the applicant demonstrates that the total number of proposed off-street parking and loading spaces can safely and efficiently accommodate the employees and patrons on the largest shift.
- (E) All projects considering adaptive reuse and redevelopment, which involve the division of any parcels of land, shall be subject to all pertinent subdivision requirements, as specified under the Cumru Township Subdivision and Land Development Ordinance. The perimeter of all subdivided parcels of land shall be accurately described by bearings and distances.
- (F) All projects considering adaptive reuse and redevelopment, which involve the division of any internal building or structural space, shall be subject to all pertinent subdivision and land development requirements, as specified under Cumru Township Subdivision and Land Development Ordinance. All deeds or lease agreements shall contain a description of the occupied land area, the existing and proposed facility improvements, a maintenance agreement, a list of restrictive covenants, and all other relevant documentation required by the Cumru Township Solicitor. The deed or lease agreement shall be subject to the approval of Cumru Township and shall be recorded with the Berks County Recorder of Deeds.

- (G) Unless otherwise required by Cumru Township, a subdivision and/or land development plan shall be required to satisfy all pertinent provisions specified under Cumru Township Subdivision and Land Development Ordinance. This provision may be waived by the Board of Commissioners if the applicant demonstrates:
- (1) The project does not involve the subdivision of land or the division of any internal building or structural space.
 - (2) The project does not impose any significant impacts or improvements associated with traffic, stormwater management, erosion and sedimentation control, off-street parking and loading, sanitary sewage facilities, water supply facilities, or other significant impacts and improvements determined by the Cumru Township Engineer and Zoning Officer.
 - (3) The project does not involve any zoning conflicts or variances.
- (H) Unless otherwise permitted by Cumru Township, all commonly owned land uses, buildings or subcomponents of building areas considering adaptive reuse and redevelopment shall be required to have separate sanitary sewer connections, water supply connections, and all other utilities servicing the property. All utility connections shall be installed in accordance with all specifications adopted by Cumru Township and the public utility company providing service to the use.
- (I) All uses shall be planned and designed to minimize and reduce light, noise and air emissions onto adjacent properties. Where feasible, buffer yards and landscaping enhancements should be established around the perimeter of the property.
- (J) All uses shall comply with the minimum building code requirements, as specified by Cumru Township and by the Pennsylvania Department of Labor and Industry. Prior to the issuance of a Use and Occupancy Permit for the proposed use, the applicant shall provide evidence to Cumru Township that all plans and permits have been approved by all pertinent local, state and federal agencies.
- (K) As part of the special exception application, the applicant shall provide evidence that the use or activities shall comply with the provisions established by Cumru Township. This may include the submission of a grading plan, utility plan, landscaping plan, traffic impact study and/or environmental impact assessment report. Prior to the submission of the special exception application, the applicant shall consult with the Cumru Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
- (L) As part of the special exception application, the Cumru Township Zoning Hearing Board may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the subdivision plan, land development plan and/or zoning permit.

Section 603: Airport Overlay District

- (A) Pursuant to the provisions and authority by the Airport Zoning Act, the Pennsylvania Municipalities Planning Code, as well as other applicable state and federal laws, Cumru Township has established a special overlay of land, water and air space, which has been originally established in July of 1981 through the adoption of Cumru Township Ordinance 363.
- (B) The general purpose of the Airport Overlay District is to establish and identify a variety of features and zones including: runways, runway approach zones; transitional zones, horizontal zones; and conical zones. Height limitations and land use restrictions are also established to protect the health, safety and general welfare of the aircraft as well as those residents and buildings located on the ground.
- (C) All provisions relating to land use and height restrictions are further specified and contained within Cumru Township Ordinance 363, which may be amended from time in accordance with state and federal guidelines.

Section 604: Historical Preservation Overlay District

- (A) The Historical Preservation Overlay District shall be a special overlay to the underlying zoning districts within Cumru Township. The objectives of this special overlay district are outlined as follows:
- (1) To establish a zone that emphasizes the preservation of selected areas that have historical significance.
 - (2) To establish effective historical enhancement provisions, which consider provisions for buffer yards, scenic vistas, landscaping, signs and other visual enhancements.
 - (3) To initiate a process of public and technical review prior to the demolition or relocation of historic buildings and structures.
 - (4) To promote tourism within this historical region of Berks County.
 - (5) To provide for adaptive reuse and redevelopment alternatives as a means of encouraging their preservation and use.
 - (6) To implement the recommendations concerning historic preservation, cultural resource recognition, and land use planning, as outlined within the Governor Mifflin Region Comprehensive Plan
- (B) The Historical Preservation Overlay District shall include the land areas within Cumru Township that are located within 250 feet of an historical resource or historic site, as referenced by: the National Register of Historical Places; the Pennsylvania Historical and Museum Commission; and/or by Cumru Township. Where necessary, the limits of the Historical Preservation Overlay District shall be determined by the Cumru Township Zoning Officer.
- (C) All proposed land uses, developments and/or site improvements within the Historical Preservation Overlay District shall be reviewed by Cumru Township prior to the issuance of any permits for demolition.
- (D) All permitted land uses within the underlying zoning district to which the historical resource or historically significant structure is located may be permitted by right within the Historic Preservation Overlay District. All other land uses that are not permitted in the underlying zoning district, but are listed as an adaptive reuse and redevelopment of a historical buildings and structure (refer to Section 604.E of this Zoning Ordinance) may be permitted by special exception.
- (E) The following land uses may be permitted as part of the adaptive reuse and redevelopment of historical buildings and structures:
- (1) The provisions for Adaptive Reuse and Redevelopment, as specified under Section 602 of this Zoning Ordinance, shall apply to historical resources or historically significant structures that are located within the Historic Preservation Overlay District.
 - (2) Banks and financial institutions excluding drive through facilities, subject to Section 807 of this Zoning Ordinance.
 - (3) Bed and Breakfasts, subject to the provisions of Section 711 of this Zoning Ordinance.
 - (4) Business and professional offices, subject to Section 808 of this Zoning Ordinance.
 - (5) Educational uses, subject to the provisions of Section 820 of this Zoning Ordinance.
 - (6) Medical, dental, vision and counseling clinics, subject to Section 835 of this Zoning Ordinance.
 - (7) Places of worship or religious uses, subject to the provisions of Section 841 of this Zoning Ordinance.
 - (8) Restaurants, excluding drive through facilities, subject to Section 846 of this Zoning Ordinance.
 - (9) Retail business establishments, subject to Section 847 of this Zoning Ordinance.

- (10) As part of the special exception application, alternative uses permitted by the Cumru Township Zoning Hearing Board, which has been determined to be: compatible with the adjacent land uses; enables the preservation, restoration or rehabilitation of the historical resource or historical structure; and meets the overall purpose statements and objectives of this Zoning Ordinance.
- (F) As part of all future subdivision and land development applications within the Historical Preservation Overlay District, the following design requirements and site improvements shall be considered:
- (1) All proposed buildings or structures located within the Historical Preservation District shall be reviewed by Cumru Township.
 - (2) All proposed buildings or structures, which are permitted within the Historical Overlay District, shall be designed to consider the architectural characteristics of the existing properties within the Historical Preservation Overlay District. Where appropriate, the developer shall utilize building materials that are either compatible to these existing properties or will compliment the historical character of Cumru Township.
 - (3) Where feasible, street trees and other aesthetic landscaping improvements should be incorporated into the design of the subdivision or land development plan.
 - (4) The total number and size of all signs within the Historical Preservation Overlay District should be limited to avoid clutter and to serve the basic needs of the use. All proposed signs shall comply with the provisions of Article 11 of this Zoning Ordinance.
 - (5) Unless otherwise directed by the utility company providing service, all proposed utilities shall installed underground and within a utility easement or right-of-way.
 - (6) All proposed developments shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the criteria and standards of this Zoning Ordinance. All natural features not proposed for disturbance, as otherwise permitted by the objective standards and criteria of this Zoning Ordinance shall be preserved and incorporated into the final landscaping and open space design of the development.
 - (7) All proposed developments and site improvements shall be designed to preserve and incorporate scenic, natural, historical and cultural features. Where feasible, the development shall incorporate, locate and identify scenic vista points, which will remain after construction of the proposed residential dwellings, other permitted uses, and related site improvements, and which will provide visual amenities to the development. The vista points may include unobstructed views looking into the development from adjacent public roads and unobstructed views within the development, each incorporating open space and/or other preserved natural features.
- (G) The following provisions shall apply to the demolition or relocation of historical resources and historically significant structures:
- (1) No historical resource or historically significant structure shall be demolished and/or relocated until it has been reviewed by Cumru Township.
 - (2) The landowner or applicant shall provide documentation or evidence that the historical resource or historically significant structure can not be rehabilitated, revitalized, reused or redeveloped as a viable land use within the community.
 - (3) The Cumru Township Board of Commissioners shall consider all proposals involving the demolition or relocation of historical resources and historically significant structures within the Historical Overlay District. If acceptable, the Cumru Township Board of Commissioners shall authorize the Cumru Township Zoning Officer to issue the appropriate permits.