

CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020-182

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, AMENDING VARIOUS DEFINITIONS AND SECTION 27-1103, ENTITLED, "STEEP SLOPE PROTECTION" OF THE ZONING ORDINANCE OF CUMBERLAND TOWNSHIP IN CHAPTER 27 OF THE TOWNSHIP OF CUMBERLAND CODE OF ORDINANCES.

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 et seq., enables a municipality through its zoning ordinance to regulate the use of property; and

WHEREAS, Cumberland Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance; and

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Cumberland, Adams County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1: Chapter 27, Part 2, Section 27-201 of the Township of Cumberland Code of Ordinances, entitled "Definitions" shall be amended by replacing the definition of "STEEP SLOPE" and "STEEP SLOPE, VERY" with the following definitions:

STEEP SLOPE

An area of land, not including Temporary Soil Stockpiles, that is characterized by a change in elevation of 15% or more over a horizontal distance of two feet or greater.

STEEP SLOPE, VERY

An area of land, not including Temporary Soil Stockpiles, that is characterized by a change in elevation of 25% or more over a horizontal distance of two feet or greater.

SECTION 2: Chapter 27, Part 2, Section 27-201 of the Township of Cumberland Code of Ordinances, entitled "Definitions" shall be amended by adding the following term and definition to those listed in Section 201 thereof, to be inserted in alphabetical order:

TEMPORARY SOIL STOCKPILE

The stockpiling of soil for future use on-site in accordance with an approved Erosion and Sedimentation plan. Soil stockpiles shall not be considered Temporary Soil Stockpiles if more than 15 years have passed since approval of the Erosion and Sedimentation Plan for said stockpile.

SECTION 3. Chapter 27, Part 11, Section 27-1103, Subsection 4 is hereby amended by replacing the contents thereof with the following:

4. Prohibited Uses in Areas of Steep Slope and Very Steep Slope. The following uses and activities are specifically prohibited:
 - A. Structures, other than those associated with Subsections 5 and 6.
 - B. Cut and fill, other than in conjunction with uses associated with Subsections 5 and 6.
 - C. Soil, rock, or mineral extraction.
 - D. Removal of topsoil.
 - E. Roads, driveways, and parking lots, other than those associated with Subsection 6E.

SECTION 4. Chapter 27, Part 11, Section 27-1103, Subsection 6 is hereby amended by replacing the contents thereof with the following:

6. Conditional Uses in Areas of Steep Slope. The Board of Supervisors is authorized to grant conditional uses for the following uses, subject to recommendations of the Planning Commission and Township Engineer and pursuant to the standards of Subsections 7 and 8:
 - A. Any conditional use identified in Subsection 5.
 - B. Structures when permitted in the district in which the property is located.
 - C. Recreation use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, and golf courses, when permitted in the district in which the property is located; not to include enclosed structures excepting toilet facilities but permitting small shelters usually found in developed outdoor recreational areas.
 - D. Stormwater management facilities.
 - E. Roads, driveways, and parking lots, where required by the regulations for the district applicable to the lot without consideration of this section, provided that no practicable alternative alignments or locations exist.
 - F. Central sanitary sewer systems.
 - G. Accessory uses and structures customarily incidental to uses identified in this subsection.

SECTION 5. Chapter 27, Part 11, Section 27-1103, Subsection 8 is hereby amended by replacing the contents thereof with the following:

8. Additional Standards for Conditional Uses or Variances. An affirmative decision shall not be issued by the Board of Supervisors for conditional uses nor by the Zoning Hearing Board for variances unless there is evidence that:
 - A. Development is being proposed on areas of Steep Slope or Very Steep Slope only because no other alternative location on the lot (prior to an associated subdivision request that may be before the Board) is practicable.
 - B. Earthmoving activities and vegetation removal will be conducted only to the extent necessary to accommodate the proposed uses and structures and in a manner that will not cause excessive surface water runoff, erosion, sedimentation, and unstable soil conditions.
 - C. Excessive cut and fill shall be avoided. New improvements should be designed within existing contours of the land to the greatest extent possible.
 - D. Mitigation techniques will be utilized including, but not limited to, retaining walls, tree wells, the establishment of ground covers and/or low spreading shrubs, and the use of erosion control fabric to ensure the stabilization of Steep Slopes or Very Steep Slopes.
 - E. Proposed structures will be of sound engineering design, and footings will be designed in response to the site's slope, soil, and bedrock characteristics.
 - F. Finished slopes of permitted cut and fill shall not exceed thirty-three percent (33%) slope unless the applicant can demonstrate the method by which steeper slopes will be stabilized and maintained adequately. In no event will finished slopes exceed fifty percent (50%) slope.
 - G. No more than thirty-three percent (33%) of Steep Slopes or Very Steep Slopes on a lot or tract may be disturbed.

SECTION 6. Repealer. All provisions of previous Ordinances of the Township of Cumberland which are contrary to this Ordinance are expressly repealed.

SECTION 7. Savings Clause. In all other respects, the Township of Cumberland Code of Ordinances shall remain as previously enacted and ordained.

SECTION 8. Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid to unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 9. Effective Date. This Ordinance shall take effect in accordance with law.

ENACTED AND ORDAINED on this 23rd day of July, 2020. This Ordinance shall become effective five days after adoption.

ATTEST:

CUMBERLAND TOWNSHIP BOARD OF
SUPERVISORS CUMBERLAND TOWNSHIP,
ADAMS COUNTY, PENNSYLVANIA

Carol Merryman
Carol Merryman,
Township Secretary

By: David P. Waybright
David Waybright, Chairperson

(SEAL)

