

CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2017 - 170

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE ZONING
ORDINANCE OF CUMBERLAND TOWNSHIP OF 2003, CHAPTER 27 OF THE CODE OF
THE TOWNSHIP OF CUMBERLAND, BY AMENDING VARIOUS SECTIONS OF
CHAPTER 27.**

WHEREAS, the Board of Supervisors of the Township of Cumberland, Adams County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Township to update and amend various definitions and sections of Chapter 27 of the Code of the Township of Cumberland, entitled "Zoning."

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Supervisors of Cumberland Township, Adams County, Pennsylvania, that the Zoning Ordinance of Cumberland Township of 2003, Chapter 27 of the Code of the Township of Cumberland, is hereby amended and supplemented as follows:

SECTION 1. Chapter 27, Part 2, §27-201, entitled "**Definitions**" is hereby amended by deleting the term "Animal" and its definition in its entirety.

SECTION 2. Chapter 27, Part 2, §27-201, entitled "**Definitions**" is hereby amended by replacing the definition of "Concentrated Animal Operations" with the following definition:

Concentrated Animal Operations (CAO) – Agricultural operations with eight or more animal equivalent units where the animal density exceeds two AEUs per acre on an annualized basis as defined at 25 Pa.Code § 83.201, as amended and supplemented from time to time.

SECTION 3. Chapter 27, Part 2, §27-201, entitled "**Definitions**" is hereby amended by adding the following terms and definitions:

Animal equivalent unit. AEU - One thousand pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit as defined at 25 Pa. Code § 92a.2, as amended and supplemented from time to time.

Livestock – (i) Animals raised, stabled, fed or maintained on an agricultural operation with the purpose of generating income or providing work, recreation or transportation; (ii) Examples include: dairy cows, beef cattle, goats, sheep, swine and horses; (iii) The term does not include aquatic species, as defined at 25 Pa. Code §83.201, as amended and supplemented from time to time.

SECTION 4. Chapter 27, Part 4, §27-401.7 entitled "**General Provisions**" is hereby amended by replacing the contents with the following:

Keeping and Housing of Animals. Buildings housing animals and storage areas for animal waste shall have a minimum setback distance from any property line in accordance with the following schedules:

A. Animal Operations that are not CAOs.

Types of Animals	Use	Minimum Setback Distance
Livestock Poultry	Agricultural Operations with less than eight Animal Equivalent Units and Agricultural Operations where the animal density does not exceed two Animal Equivalent Units per acre on an annualized basis.	Minimum setbacks shall be those required by the provisions of 25 Pa. Code §91.36, as amended and supplemented and the applicant must provide a certification from a registered professional engineer that the design and construction of the manure storage facility meets those standards. The use must comply with the Development Standards set forth in 27-403.

B. Concentrated Animal Operations

Types of Animals	Use	Minimum Setback Distance
Livestock Poultry	Concentrated Animal Operations	Minimum setback shall be those required at 25 Pa. Code §83.351 as amended and supplemented.*

* If the neighboring landowner(s) within the applicable setback distance from the facility executes a waiver that is acceptable to the State Conservation Commission, then the setback set forth in the waiver shall apply. If the State Conservation Commission or delegated conservation district waives distance restrictions, then the setback set forth in the waiver shall apply. Certified copies of a waiver approved by the State Conservation Commission or the delegated conservation district shall be provided to the Township prior to the issuance of a land use permit for the use subject to the reduced setback.

C.

Conditional Use: Requires a Manure Management Plan.

Types of Animals	Total Number of Animals (in aggregate)	Minimum Setback Distance
Domestic dogs and cats	Greater than 6	50 feet
Domestic dogs and cats in approved kennels regulated by the Pennsylvania Bureau of Dog Law Enforcement		

SECTION 5. Chapter 27, Part 4, §27-402, entitled “Permitted Uses – Agricultural Districts” is hereby amended by replacing “Concentrated Animal Operations” with the following:

Concentrated Animal Operations

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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 Code of the Township of Cumberland 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 May, 2017.

ATTEST:

CUMBERLAND TOWNSHIP BOARD OF SUPERVISORS
ADAMS COUNTY, PENNSYLVANIA

Carol A. Merryman
Carol Merryman,
Township Secretary

By: Barbara Underwood
BARBARA UNDERWOOD,
Chairperson