CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2017 - 169

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. Zoning Map Change: The existing Zoning Map is amended by making the changes indicated on the Proposed Zoning Map which is attached hereto and incorporated herein as Exhibit A, and all proposed changes shown thereon are hereby adopted.

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

Child Day Care Center – a use involving the supervised care of children outside their home, which use may include preschool or educational activities that supplement state required education, however, an authorized Home Child Day Care use shall not constitute a Child Day Care Center.

Common Roof Line – a single horizontal line following the highest point or points of a roof that covers two or more component structures.

Developable – land available and/or suitable for development; see also "developable acreage".

Grocery Store/Market – a retail establishment primarily selling perishable and nonperishable goods to the general public also referred to as a supermarket, food store, market, or corner store.

Home Child Day Care – a use involving the care of no more than six children (excluding children living in the home and related to the care-giver by blood, marriage, or legal adoption), located only in a single-family detached dwelling in which the care-giver resides.

Mixed Use Structure – A structure that contains a variety of commercial uses and/or a combination of commercial and residential and/or educational uses located either on one floor or several floors.

Municipal Facilities and Structures – Buildings, structures, infrastructure facilities,

maintenance equipment and structures, and parks and recreational structures owned by the Township of Cumberland and/or its Authorities.

Public or Not-for-profit private recreation – lands used for a variety of play equipment, amusement, or relaxation and also used for games, sports, or hobbies, excluding golf courses or athletic fields requiring acres of open land, that is owned, operated and maintained by a public or not-for-profit private entity.

SECTION 3. Chapter 27, Part 2, §27-201, entitled ***"Definitions"*** is hereby amended by replacing the definition of "Lot, nonconforming" with the following:

a lot, the area or dimensions of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

SECTION 4. Chapter 27, Part 3, §27-301, entitled ***"Creation and Classification of Districts"*** is hereby amended by adding a new subsection H, entitled "Airport Hazard Area Overlay District."

SECTION 5. Chapter 27, Part 4, §27-401.8 entitled ***"Manure Management Plan"*** is hereby amended by replacing the contents with the following:

Management Plans. If required by federal or state law, Applicant shall prepare and maintain, as long as required by law an Act 38 Nutrient Management Plan, a Manure Management Plan, or any other plan requirement that may be imposed or amended from time to time.

SECTION 6. Chapter 27, Part 4, §27-402, entitled ***"Permitted Uses – Agricultural Districts"*** is hereby amended by adding "Municipal Facilities and Structures" as a permitted use under Use Classifications. In addition, the list of use classifications is hereby amended by replacing "Schools, day care and geriatric centers" with "Schools, child day cares, and geriatric centers".

SECTION 7. Chapter 27, Part 4, §27-403, Subsection 2 entitled ***"AR Agricultural Districts"*** is hereby amended by replacing the "Maximum Building Coverage (% of tract or lot)" for the "AR" District with the following:

Standards	DISTRICTS
	AR
Maximum Building Coverage (% of tract or lot)	
Served by on lot water and on lot sewer	15
Served by on lot water and central sewer	30
Served by central water and on lot sewer	30
Served by central water and central sewer	40

SECTION 8. Chapter 27, Part 4, §27-403, Subsection 2 entitled ***"AR Agricultural Districts"*** is hereby amended by replacing the "Maximum Impervious Coverage (% of tract or lot)" for the "AR" District with the following:

Standards	DISTRICTS
	AR
Maximum Impervious Coverage (% of tract or lot)	
Served by on lot water and on lot sewer	20
Served by on lot water and central sewer	40
Served by central water and on lot sewer	40
Served by central water and central sewer	50

SECTION 9. Chapter 27, Part 5, §27-503, Subsection 1 entitled ***"Residential Districts (Excepting Cluster)"*** is hereby amended by replacing the "Maximum Building Coverage (% of tract or lot)" for the "R" District with the following:

Standards	DISTRICTS	
	R	RMH
Maximum Building Coverage (% of tract or lot)	40	50

SECTION 10. Chapter 27, Part 5, §27-503, Subsection 1 entitled ***"Residential Districts (Excepting Cluster)"*** is hereby amended by replacing the "Maximum Impervious Coverage (% of tract or lot)" for the "R" District with the following:

Standards	DISTRICTS	
	R	RMH
Maximum Impervious Coverage (% of tract or lot)	50	60

SECTION 11. Chapter 27, Part 5, §27-503, Subsection 1 entitled ***"Residential Districts (Excepting Cluster)"*** is hereby amended by replacing the "Central Water and Sewer Facilities Required" for the "R" District with the following:

Standards	DISTRICTS
	R
Central Water and Sewer Facilities Required	Yes*

***Central Water and Sewer Facilities shall not be required if Residential Lots are 2 acres or greater in size.**

SECTION 12. Chapter 27, Part 5, 27-503, Subsection 2 entitled "R Cluster Overlay" is hereby amended by replacing Subsection 2 in its entirety with the following:

R District Cluster Overlay.

	Minimum Percent of Tract as Permanent Open Space				
Standards	**20%**	**30%**	**40%**	**50%**	**60%**
Minimum Permanent Open Space Area (% of tract)	20	30	40	50	60

	Minimum Percent of Tract as Permanent Open Space				
Standards	**20%**	**30%**	**40%**	**50%**	**60%**
Maximum Tract Density (units per developable acre)	3.65	3.85	4.05	4.25	4.45
Minimum Tract Area (acres)	10	10	10	10	10
Public Water & Sewer Facilities Required	Yes	Yes	Yes	Yes	Yes
Minimum Lot Area per Unit (Square Feet)	8000	6500	5000	4000	3000
Permitted Dwelling Types	SFD, 2F	SFD, 2F	SFD, 2F, S FA	SFD, 2F, S FA	SFD, 2F, S FA
Maximum Building Coverage (% of tract)	40	45	50	55	60
Maximum Impervious Coverage (% of tract)	50	55	60	65	70
Minimum Lot Width at Right-of-Way Line (feet)	35	35	35	30	20
Minimum Lot Width at Building Setback Line (feet)	50	45	40	35	25
Minimum Side Yard (aggregate)(feet)	20	17	15	12	10
Minimum Side Yard (one side)(feet)	0	0	0	0	0
Minimum Rear Yard (feet)	25	20	18	16	15
Minimum Accessory Structures Setback from Property Lines	6	6	6	6	6
Maximum Height - Accessory Structures (feet)	16	16	16	16	16
Maximum Height - Accessory Structures (stories)	1.5	1.5	1.5	1.5	1.5
Minimum setbacks from streets (feet)					
Any building face to existing arterial street ultimate right-of-way	100	100	100	100	100
Any building face to existing collector street ultimate right-of-way	80	80	80	80	80
Any building face to existing local street ultimate right-of-way	50	50	50	50	50
Any building face to common parking area	10	10	10	10	10
Surface parking areas to existing arterial street ultimate right-of-way	40	40	40	40	40
Surface parking areas to existing collector street ultimate right-of-way	30	30	30	30	30
Surface parking areas to existing local street ultimate right-of-way	20	20	20	20	20
Minimum building setbacks from tract perimeter (feet):					
From other residential tracts	30	30	30	30	30
From non-residential tracts or district boundary lines	50	50	50	50	50

Standards	Minimum Percent of Tract as Permanent Open Space				
	20%	30%	40%	50%	60%
Minimum surface parking areas, driveways, interior roadways setbacks from tract perimeter (feet):					
From other residential tracts	15	15	15	15	15
From non-residential tracts or district boundary lines	20	20	20	20	20
Minimum principal building spacing (feet):					
Window wall to windowless wall	20	17	15	12	10
Window wall to window wall					
a) Front to front	50	45	40	40	40
b) Rear to rear	50	40	36	32	30
c) End to end	30	25	20	20	20
d) Front to rear	50	45	40	40	40
e) Front to end	40	35	30	30	30
f) Rear to end	35	30	25	25	25

SECTION 13. Chapter 27, Part 5, §27-507, entitled "***Home Day Care***" is hereby amended by removing the contents of Section 507 and marking it as Reserved.

SECTION 14. Chapter 27, Part 5, §27-506, subsection 2.D. entitled ***"Sewer and Water Facilities"*** is hereby amended by replacing its contents with the following:

D. Sewer and Water Facilities. All cluster development shall be served by central water facilities and central sewer facilities except as otherwise specifically provided for herein.

SECTION 15. Chapter 27, Part 6, §27-601, subsection 7 entitled ***"Sewer and Water Facilities"*** is hereby amended by replacing its contents with the following:

7. Sewer and Water Facilities. All development in mixed-use districts shall be served by central water facilities and central sewer facilities, except as otherwise specifically provided for herein.

SECTION 16. Chapter 27, Part 6, §27-602, entitled ***"Permitted Uses – Mixed Use Districts"*** is hereby amended by replacing Section 602 in its entirety with the following:

Use Classification	Districts	VMX	MX	BP	TND
Retail commerce, including:					
1. Stores and personal service shops dealing directly with customers.		SE	P	P	SE
2. Restaurants or other similar establishments, but excluding drive-in facilities.		SE	P	P	SE

Use Classification	Districts	VMX	MX	BP	TND
3.	Banks, which may include drive-in facilities.	CU	SE	CU	CU
4.	Cinemas or similar recreational or cultural establishments.	CU	P	P	CU
5.	Exercise or fitness facilities.	SE	P	P	SE
6.	Studios for dance, art, music or photography.	SE	P	P	SE
7.	Nursery schools or child day care centers.	SE	P	P	SE
8.	Self-service storage facilities.	CU	CU	P	
Business or professional offices, including;					
1.	Operations designed to attract and serve customers or clients on the premises, such as the offices of physicians, lawyers, other professions, veterinarians (but excluding animal boarding facilities), insurance & stock brokers, travel agents, & government entities.	SE	P	P	SE
2.	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	P	P	P	P
Hotels, motels or inns		CU	P	CU	CU
Bed & breakfast establishments		CU	P	P	CU
Not-for-profit museums, libraries or other educational, cultural, religious, civic or philanthropic uses of a similar nature		CU	P	P	CU
Golf courses					CU
Campgrounds		CU	CU		
Public and not-for-profit private recreation		CU	P	CU	CU
Transit stations, public utility facilities		CU	CU	CU	CU
Single-family detached residential dwellings (SFD)		P	P	CU	P
Two-family residential dwellings (2F)		P	CU		P
Single-family attached residential dwellings (SFA)		P	P		P
Multi-family residential dwellings (MF)		P	P		P
Residences, in mixed-use commercial-residential or institutional residential Buildings		P	P	P	P
Drive-in facility			CU		
Public garage, motor-vehicle sales, service or repair shop, Gasoline service station and motor vehicle parking lot		CU	CU	CU	
Media Operations			P	P	
Forestry		P	P	P	P
Theater, concert hall, or similar establishment			CU	CU	
Theme/amusement/entertainment/water parks			CU	CU	
Licensed gaming facility			P		
Assisted living **		CU	CU		

Use Classification	Districts	VMX	MX	BP	TND
Essential services		P	P	P	P
Planned use development–single-family attached townhouse dwellings (PUD-SFA)			P		

P Permitted
SE Special Exception
CU Conditional Use
** See specific information criteria listed in §27-1603 [*Ord. 2010-136*]

SECTION 17. Chapter 27, Part 6, §27-603, entitled ***"Development Standards – Mixed Use Districts"*** is hereby amended by removing the "RO" column from table set forth therein.

SECTION 18. Chapter 27, Part 6, §27-603, entitled ***"Development Standards – Mixed Use Districts"*** is hereby amended by replacing the "Maximum Building Coverage (% of tract)" for "VMX", "MX" and "BP" Districts with the following:

STANDARDS	DISTRICTS		
	VMX	MX	BP
Maximum Building Coverage (% of tract)	50	60	55

SECTION 19. Chapter 27, Part 6, §27-603, entitled "Development Standards – Mixed Use Districts" is hereby amended by replacing the "Maximum Impervious Coverage (% of tract)" for "VMX", "MX" and "BP" Districts with the following:

STANDARDS	DISTRICTS		
	VMX	MX	BP
Maximum Impervious Coverage (% of tract)	70	80	75

SECTION 20. Chapter 27, Part 6, is hereby amended by adding a new section 608, which §27-608 shall be entitled "***Storage Facility, Self-Service***" and shall contain the following:

Self-Service Storage facilities shall be subject to the following requirements:

1. No activity other than rental of storage units shall be allowed. No commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.

2. The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower or similar property will be drained or removed prior to storage indoors. Batteries shall be removed from vehicles before storage indoors.

3. All storage including vehicles of any kind, shall be contained within a completely enclosed building excluding boats, motorhome vehicles and other recreational/travel trailers may be stored on the premises. Such outdoor storage lots shall be located no less than 150 feet from any street.

4. Exterior walls of the ends of all storage units shall be of masonry or face-brick construction.

5. All storage units must be accessible by paved drives clearly marked to distinguish traffic flow. A minimum of twenty (20) feet shall be provided between buildings. In addition, a minimum of twenty (20) feet of access area shall be provided around the end of each structure, which does not have to be paved, but must be kept free of any obstructions that would impeded the free passage of emergency vehicles. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.

6. A demonstrated means of security and management shall be provided.

7. Shall be closed at night between 11 p.m. and 6 a.m.

8. Shall provide a design concept plan to the Township prior to land development submission showing building elevations and materials and any required screening or buffering.

SECTION 21. Chapter 27, Part 6, is hereby amended by adding a new section 609, which §27-609 shall be entitled "***Child Day Care Centers***" and shall contain the following:

§27-609 Child Day Care Centers. Child Day Care Centers shall be subject to the following requirements:

1. Drop-off and pick-up shall be provided for in a manner which protects the safety of children and does not create congestion on the site or within a public roadway.

2. Outdoor play areas shall be provided on the premises in accordance with the State of Pennsylvania license. Said play area shall be located on-site and shall not encroach upon a property's setback requirements. This requirement may be waived by the Township if public play area is available within five hundred (500) feet of the subject parcel.

3. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.

4. Activity between the hours of 11:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.

5. Applicable licenses with the State of Pennsylvania shall be maintained.

SECTION 22. Chapter 27, Part 7, §27-701, subsection 7 entitled ***"Sewer and Water Facilities"*** is hereby amended by replacing its contents with the following:

D. Sewer and Water Facilities. All development in the Industrial District shall be served by central water facilities and central sewer facilities unless otherwise exempted from this standard under Section 27-703.

SECTION 23. Chapter 27, Part 7, §27-901, subsection 7 entitled ***"Sewer and Water Facilities"*** is hereby amended by replacing its contents with the following:

D. Sewer and Water Facilities. All development in the Airport District shall be served by central water facilities and central sewer facilities, unless otherwise exempted from this standard under Section 27-903.

SECTION 24. Chapter 27, Part 13, §27-1302 entitled ***"Required Off-Street Parking Capabilities"*** Subsection 1. L, entitled **"Day care center"** is hereby amended by changing the title to **"Child Day Care Center"**

SECTION 25. Chapter 27, Part 14, shall be entitled ***"Airport Hazard Area Overlay District"*** and shall include the following provisions:

§27-1401. General Provisions.

1. Intent. The purpose of this section is to create an airport district overlay that considers safety issues around the Gettysburg Regional Airport. More specifically, these provisions are designed to:

    1. Regulate and restrict the height of man-made structures and objects of natural growth.
    2. Create appropriate Airport Hazard Area overlay zones and establish the boundaries thereof.
    3. Establish the permitting process for use within said Airport Hazard Area overlay zones.
    4. Provide for enforcement, assessment of violation penalties, an appeals process and judicial review.

2. Relation to Other Zoning Districts. This zone shall not modify the boundaries of any underlying zoning district. Where identified, the Airport Hazard Area overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

§27-1402. Definitions.

Unless otherwise expressly stated, the following words shall, for the purposes of this Part, have the meanings indicated, unless context clearly indicates otherwise.

***Airport Elevation*:** The highest point of the Gettysburg Regional Airport's useable landing area measured in feet above sea level, which is 552 feet.

***Airport Hazard*:** Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at the Gettysburg Regional Airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided for herein and the Act 164 of 1984 (PA Laws Relating to Aviation).

Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, which is attached hereto and made a part hereof, is derived from the approach surface.

Conical Surface (Zone): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

Department: Pennsylvania Department of Transportation.

FAA: Federal Aviation Administration of the United States Department of Transportation.

Height: for the purpose of determining the height limits in all zones set forth herein and shown on the zoning map, the datum shall mean sea level elevation unless otherwise specified.

Horizontal Surface (Zone): An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

Larger Than Utility Runway: A runway that is constructed for, and intended to be used by, propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions herein or an amendment thereto.

Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth herein.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface (Zone): An imaginary surface longitudinally centered on the runway, extending two hundred (200) feet beyond the end of paved runways or ending at each end of turf runways.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

Runway: A defined area of an airport prepared for landing and takeoff of aircraft along its length.

Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

Transitional Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone is derived from the transitional surface.

Tree: Any object of natural growth.

Utility Runway: A runway that is constructed for, and intended to be used by, propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

§27-1403. Establishment of Airport Hazard Area Overlay Zone.

The Airport Hazard Area Overlay Zone is hereby created and established, which zone is defined in the previous sections and illustrated on the Airport Hazard Area Overlay Map. Said map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Chapter and shall be as much a part of this Chapter as if fully described herein.

§27- 1404. Permit Applications.

As regulated by 74 Pa. C.S.A. §5101 *et.seq.* and defined by 14 CFR Part 77.13(a), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade) in the vicinity of the Gettysburg Regional Airport, shall first, prior to requesting any necessary permits from the Township, notify the Department's Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least thirty (30) days prior to proposed commencement thereof. The Department's BOA response shall be included with any development or Zoning Permit application submitted to the Township for the permit application to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the Airport Hazard Area Overlay zone, however, such permit application shall be subject to review in accordance with all other provisions of this Chapter. If the Department's BOA returns a determination of a penetration of airspace, the development or Zoning Permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in this Part. The submission of PennDOT Form AV-57 is not required to make maintenance repairs to, or to replace parts of, existing structures which do not enlarge or increase the height of an existing structure.

§27-1405. Variances.

Any request to the Cumberland Township Zoning Hearing Board for a variance from the provisions of this Part shall include with the application for variance documentation in compliance with 14 CFR Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). The Cumberland Township Zoning Hearing Board's determinations of whether to grant a variance shall depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance from the provisions of this Part shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection – The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination, a variance from the provision of this Part **may be granted** by the Cumberland Township Zoning Hearing Board.

2. Conditional Determination – The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance from the provisions of this Part **may be granted** by the Cumberland Township Zoning Hearing Board contingent upon the implementation of mitigating measures as described in §27-1407, Obstruction Marking and Lighting.

3. Objectionable – The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance from the provisions of this Part **shall be denied** by the Cumberland Township Zoning Hearing Board and the reasons for this determination shall be outlined to the applicant in accordance with the Zoning Hearing Board's regulations.

Requests for variances from the provisions of this Part shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent set forth herein. Notwithstanding the foregoing, a variance shall not be granted where the FAA and the Department's BOA have categorized the proposed construction as Objectionable.

§ 27-1406. Use Restrictions.

1. Limitation on Use. Notwithstanding any other provisions contained herein, no use shall be made of land or water within this Airport Hazard Area overlay district in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; impair visibility in the vicinity of the airport; or create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport.

2. Pre-Existing Non-Conforming Uses. The regulations prescribed herein shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of their effective date, or otherwise interfere with

the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to provisions of the underlying zoning district) may only be reestablished consistent with the provisions herein.

§27-1407. Obstructing Marking and Lighting.

Any variance granted pursuant to the provisions herein may be conditioned according to the process described in §27-1405 to require the owner of the structure or object of natural growth in question to permit the Township, at its own expense, or require the person requesting the variance, to install, operate and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

§27-1408. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this Part and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

SECTION 26. Chapter 27, Part 15, is hereby amended by adding a new section 1506, which §27-1506 shall be entitled "***Home Child Day Care***" and shall contain the following:

§27-1506. Home Child Day Care.

1. *Operations*. Home child day care for no more than six children (excluding children living in the home and related to the care-giver by blood, marriage, or legal adoption), located only in a single-family detached dwelling in which the care-giver resides, shall be considered a home occupation, when authorized as a special exception and subject to the following additional requirements:

   A. The care-giver shall be registered or licensed by the Commonwealth of Pennsylvania to provide child-care services in the dwelling.

   B. The care-giver shall register yearly with the Township and pay an annual registration fee in accordance with a Fee Schedule adopted by resolution of the Board of Supervisors as shall be determined from time to time by the Board of Supervisors.

   C. There shall be no structural change to the exterior of the single-family detached dwelling to accommodate the child day care use.

   D. There shall be a minimum of 40 square feet of floor space per child, inclusive of space occupied by furniture and equipment but exclusive of closets, halls, bathrooms, kitchens, and related areas, which shall be on the first floor of the single-family detached dwelling.

E. A minimum of 100 square feet of outdoor space per child shall be available on the same lot.

F. A driveway shall be provided to allow off-street pickup and drop-off of children.

SECTION 27. Repealer. All provisions of previous Ordinances of the Township of Cumberland which are contrary to this Ordinance are expressly repealed.

SECTION 28. Savings Clause. In all other respects, the Code of the Township of Cumberland shall remain as previously enacted and ordained.

SECTION 29 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 30. Effective Date. This Ordinance shall take effect in accordance with law.

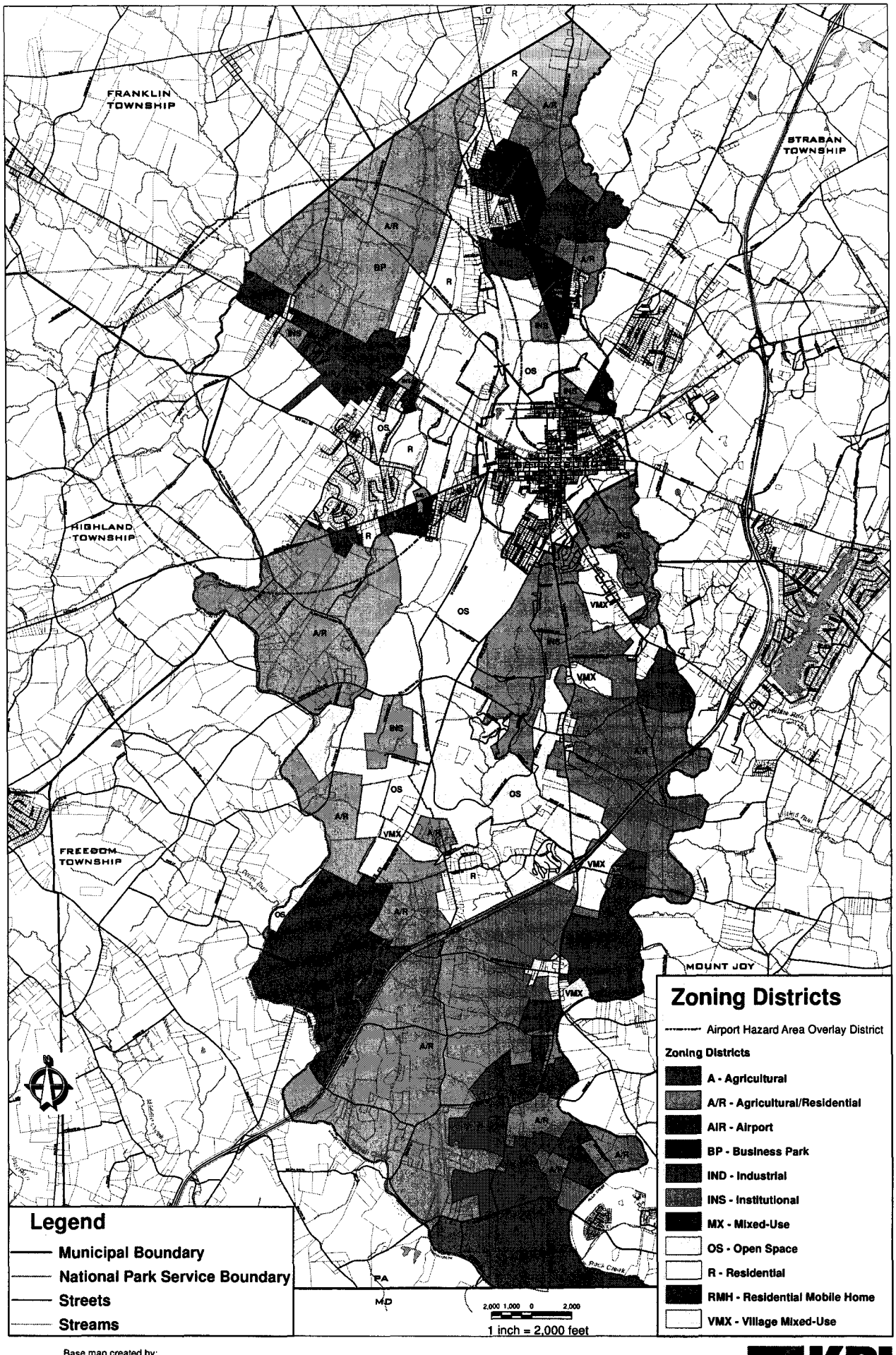
ENACTED AND ORDAINED on this 23rd day of May 2017.

ATTEST:

Carol Merryman,
Township Secretary

CUMBERLAND TOWNSHIP BOARD OF SUPERVISORS
ADAMS COUNTY, PENNSYLVANIA

By: Barbara Underwood
BARBARA UNDERWOOD,
Chairperson



Base map created by:
Adams County GIS Mapping Office,
updated by KPI Technology

Parcel Data - February 2015

Proposed Zoning Changes added May 23, 2017

CUMBERLAND TOWNSHIP ZONING MAP

KPI TECHNOLOGY
ENGINEERING, PLANNING, SURVEYING
143 Carlisle Street
Gettysburg, PA 17325
(717) 339-0612