CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-190

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA AMENDING CHAPTER 27, PART 12, OF THE TOWNSHIP OF CUMBERLAND CODE OF ORDINANCES, TO AMEND CERTAIN BUFFERING REQUIREMENTS

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 amend Chapter 27, Part 12 of the Township of Cumberland Code of Ordinances, entitled "Buffers."

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Supervisors of Cumberland Township, Adams County, Pennsylvania, that the Zoning Ordinance of Cumberland, Chapter 27, Part 12 of the Township of Cumberland Code of Ordinances "Code", is hereby amended and supplemented as follows:

SECTION 1. Chapter 27, Part 12, §27-1201 of Code, is hereby amended by replacing Section 27-1201, Subsection 3.D with the following:

D. One hedge (three foot centers) (Type D1).

A vegetative buffer with a minimum depth of 10 feet at the time of planting including a minimum of 65 percent evergreen species and 10 percent flowing material. The vegetative buffer shall be designed in a fashion which provides a continuous, year-round visual screen between the use to be screened and abutting properties. An alternative buffer consisting of a six-foot high solid cedar or spruce fencing or other fencing material that meets the objectives of this section as recommended by the Planning Commission and the Township Engineer may be authorized by the Board of Supervisors (Type D2).

Six-foot high twelve-gauge plastic-coated chain link fence (Type D3).

SECTION 2. Chapter 27, Part 12, §27-1201 of the Code, is hereby amended by replacing Section 27-1201, Subsection 6 with the following:

6. Existing Natural Buffers - Retention. Wherever buffers are required every effort shall be made to retain existing natural buffers, such as vegetation and topographic features. Existing native trees above two inches in caliper or six feet in height shall be preserved within the required buffer area unless an arborist determines that removal is necessary.

SECTION 3. Chapter 27, Part 12, §27-1201 of the Code, is hereby amended by replacing Section 27-1201, Subsection 9 with the following:

9. Maintenance Required. All buffers shall be maintained by the property owner at his expense, assuring that required trees, plantings, vegetative materials, and fencing are kept in good condition. Any such materials that die shall be replaced within one year. Any fencing materials in disrepair shall be repaired within three months.

SECTION 4. Chapter 27, Part 12, §27-1201 of the Code, is hereby amended by replacing Section 27-1201, Subsection 10 with the following:

10. Recommended Buffer Plantings. The following planted materials are authorized for inclusion in buffers; other plantings may be authorized, subject to recommendations of the Planning Commission and the Township Engineer. Trees to be planted shall have a minimum caliper of two and one-half inches and a minimum height of eight feet. Shrubs to be planted shall have a minimum spread of eighteen inches. The types of plantings selected shall be based on physiographic features and existing native plant species.

SECTION 5. Repealer. All provisions of previous Ordinances of the Township of Cumberland which are contrary to this Ordinance are expressly repealed.

SECTION 6. Savings Clause. In all other respects, the Township of Cumberland Code of Ordinances shall remain as previously enacted and ordained.

SECTION 7. 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 8. Effective Date. This Ordinance shall take effect in accordance with law.

ENACTED AND ORDAINED on this 23rd day of August, 2022.

ATTEST:

Carol Merryman

Carol Merryman,
Township Secretary

CUMBERLAND TOWNSHIP

By: _____
Steve Toddes, Chairperson