

**CUMBERLAND TOWNSHIP
ADAMS COUNTY, PA**

ORDINANCE NO. 2018-173

**AN ORDINANCE OF CUMBERLAND TOWNSHIP, ADAMS COUNTY,
PENNSYLVANIA AMENDING CHAPTER 22, PART 4, SECTION 413, OF THE
TOWNSHIP OF CUMBERLAND CODE OF ORDINANCES, ENTITLED
“TRAFFIC IMPACT STUDIES” AND REPEALING CHAPTER 25 OF THE
TOWNSHIP OF CUMBERLAND CODE OF ORDINANCES, OTHERWISE
KNOWN AS THE “CUMBERLAND TOWNSHIP TRAFFIC IMPACT FEE
ORDINANCE IN ITS ENTIRETY”**

WHEREAS, the Board of Supervisors of Cumberland Township, Adams County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Township to repeal, in its entirety Chapter 25 of the Township of Cumberland Code of Ordinances, otherwise known as the Cumberland Township Traffic Impact Fee Ordinance; and

WHEREAS, as a result of the repeal of Chapter 25 of the Township of Cumberland Code of Ordinances, Chapter 22 must be amended to remove references to the requirements of Chapter 25.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Cumberland Township, Adams County, Pennsylvania, by virtue and power and authority vested in said Board of Supervisors as follows:

SECTION 1: Chapter 22, Part 4, Section 413 of the Township of Cumberland Code of Ordinances, entitled “Traffic Impact Studies” shall be amended by replacing Subsection 2 thereof with the following:

2. Purpose. A traffic impact study shall enable the Township to assess the likely traffic impact of a proposed development on the various components of the transportation system.

The study shall: (A) address the safe and efficient circulation of both vehicles and pedestrians on the site; (B) identify the impacts of development traffic at the site's accesses to public roads within the Township and provide appropriate mitigation for safe and efficient movement of vehicles and pedestrians thereof; and (C) identify the development's impact on the surrounding roadway network for the purposes of establishing the basis of mitigation of the impacts and making the necessary improvements thereof.

SECTION 2: Chapter 22, Part 4, Section 413, of the Township of Cumberland Code of Ordinances, entitled “Traffic Impact Studies” shall be amended by replacing Subsection 4. with the following:

Definitions. The following terms or phrases shall have the meanings indicated when used in this section:

- A. Study Area. The study area shall be the area of land, and specific roadways and intersections, within the Township that are likely to be affected by the development.
- B. New Trips. Two-way trips added to the roadway network surrounding the site. New trips are calculated as total trips generated by the development net of pass-by trips (trips already on the roadway network) to the development.
- C. Major Roadways. All designated state highways within the Township, plus Township roadways, with the classification of collector road or higher.
- D. Major Intersections. All combinations of intersections of state highway with state highway, or with Township roadways classified as collector roads or higher.
- E. Volume/Capacity Analysis. An analysis that compares the volume of a traffic facility to its capacity. The methodology for the analysis shall adhere to the most recent edition of the Highway Capacity Manual, or other methodology acceptable to the Township and the Pennsylvania Department of Transportation (PennDOT).
- F. Levels of Service. As defined by the Highway Capacity Manual, levels of service, ranging from A to F, measure the operational conditions, within a traffic stream in terms of such factors as speed, travel time, delay, freedom to maneuver, traffic interruptions, comfort, and convenience.
- G. Queue Analysis. An analysis that identifies the maximum stacking of vehicles in each traffic lane, measured in feet. The analysis shall utilize a methodology acceptable to the Township and the Pennsylvania Department of Transportation.
- H. Trip Generation. The total count of trips to and from the subject development per unit of land use (i.e., dwelling unit, square footage, etc.) as established by the most recent edition of ITE's Trip Generation. For land uses not listed in this publication, or for those land uses with limited available trip generation data, the applicant's traffic engineer shall seek guidance from the Township prior to completion of the study. For applications involving an expansion or relocation of an existing facility, actual trip generation characteristics of the existing land use may be utilized, as appropriate, and subject to acceptance by the Township. Other local sources of trip generation data may be acceptable, subject to the approval of the Township.

SECTION 3: Chapter 22, Part 4, Section 413 of the Township of Cumberland Code of Ordinances, entitled "Traffic Impact Studies" shall be amended by replacing Subsection 5.B. with the following:

- B. Any Development which Generates More than 1,000 New Peak Hour Trips. The scope of study area shall include all major roadways and intersections within the municipal boundaries of the Township which will accommodate 10% or more of development traffic and/or 100 or more new peak hour trips. The applicant, or its traffic engineer, shall submit a preliminary analysis of the study area affected by this development to the Township and its Traffic Engineer for agreement and approval before proceeding.

SECTION 4: Chapter 22, Part 4, Section 413 of the Township of Cumberland Code of Ordinances, entitled "Traffic Impact Studies" shall be amended by deleting Subsection 6. in its entirety and marking it "RESERVED".

SECTION 5: Chapter 22, Part 4 Section 413 of the Township of Cumberland Code of Ordinances, entitled "Traffic Impact Studies" shall be amended by replacing Subsection 8.B. (7) with the following:

B. (7) All future committed or proposed roadway and intersection improvements within the study area shall be noted. The responsible party and anticipated project schedule shall be identified for each future improvement.

SECTION 6: Chapter 22, Part 4, Subsection 413 of the Township of Cumberland Code of Ordinances, entitled "Traffic Impact Studies" shall be amended by replacing Subsection 8. D. (3) with the following:

D. (3) Roadway and intersection improvements committed to implementation by others prior to the design year(s) shall be included in the future without development analysis. The applicant's traffic engineer shall seek guidance from the Township in determining the appropriateness of future roadway and intersection improvements.

SECTION 7: Chapter 25 of the Township of Cumberland Code of Ordinances, otherwise known as the Cumberland Township Traffic Impact Fee Ordinance is hereby repealed in its entirety and Chapter 25 shall be marked as "Reserved".

SECTION 8: Repealer. All provisions of previous ordinances of Cumberland Township, or parts thereof, which are contrary or inconsistent to this Ordinance, are expressly repealed.

SECTION 9: Saving Clause. In all other respects, the Township of Cumberland Code of Ordinances shall remain as previously enacted and ordained.

SECTION 10: 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 or 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 11: Effective Date. This Ordinance shall take effect in accordance with law.

ENACTED AND ORDAINED THIS 27TH DAY OF FEBRUARY 2018.

Cumberland Township
Board of Supervisors
Adams County, Pennsylvania

ATTEST:

Carol G. Menneman
Secretary

Barbara H. Zendeck
Chairperson