

ORDINANCE NO. 2012-3

AN ORDINANCE AUTHORIZING THE COUNTY OF CUMBERLAND TO ESTABLISH A PLANNING DEPARTMENT AND TO DELINEATE WHICH OF THE POWERS AND DUTIES SPECIFIED UNDER THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE SHALL BE CONFERRED UPON THE PLANNING DEPARTMENT AND WHICH SHALL BE CONFERRED UPON THE CUMBERLAND COUNTY PLANNING COMMISSION.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Cumberland County, Pennsylvania (Board), and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and may be cited as the Cumberland County Planning Ordinance.

SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Board of Commissioners in enacting it are as follows:

- A. Cumberland County (County) is a Pennsylvania 3rd class county.
- B. The County is governed by the applicable provisions of the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10101, *et seq.*
- C. Section 201 of the MPC, 53 P.S. § 10210, authorizes the governing body of any municipality to create a planning commission, a planning department or both. As defined in Section 107 of the MPC, 53 P.S. § 10107, the County is a municipality and the Board serves as its governing body.
- D. The Board determines that it is in the best interest of the public health, safety and welfare of its citizens to establish a Cumberland County Planning Department (Planning Department), while retaining the Cumberland County Planning Commission (Planning Commission) as heretofore established.
- E. Pursuant to the requirements of Section 201 of the MPC, 53 P.S. § 10201, the Board delineates hereafter those duties and powers which shall be conferred upon the Planning Department and those which shall be conferred upon the Planning Commission.

SECTION 3: PLANNING DEPARTMENT CREATED; DIRECTOR

A Planning Department is hereby created to be known as the Cumberland County Planning Department. The Planning Department shall be under the direction and supervision of the Director of Planning who shall serve at the pleasure of the Board. The Planning Department shall be staffed as determined by the Board from time to time.

SECTION 4: POWERS AND DUTIES OF THE PLANNING DEPARTMENT

Hereafter, the Planning Department shall have the powers and assume the duties specified:

- A. Review, comment and make recommendations on all subdivision and land development plan submissions.
- B. Review, comment and make recommendations on all sewage module and new or revised Act 537 Plan submissions
- C. Review, comment and make recommendations on minor ordinance text amendments submitted by County municipalities.
- D. Develop, execute, and manage planning programs and instructional materials.
- E. Maintain and keep pertinent files and records of its activities and provide an annual report to the Board and to the Planning Commission.
- F. Assume responsibility for financial management, including preparation of annual budgets and capital improvement programs, for the Planning Department and the Planning Commission.
- G. Provide administrative support to the Planning Commission.
- H. Provide testimony before any board.
- I. Provide technical and related support in planning matters to the Board, other County departments, and County municipalities when requested or under agreements or contracts for such work.
- J. Promote public interest in, and understanding of, comprehensive plans and planning
- K. Do and perform such other acts as may be necessary to fulfill the duties imposed hereunder and as shall hereafter be determined by the Board.
- L. Perform any other duties and exercise any other powers conferred upon planning agencies under the MPC and not otherwise specifically reserved to the Planning Commission.

SECTION 5: POWERS AND DUTIES OF THE PLANNING COMMISSION

Hereafter, the Planning Commission shall have the powers and assume the duties specified:

- A. Review and comment on new or substantially revised comprehensive plans, zoning, subdivision and land development, and official map ordinances.
- B. Perform reviews as authorized by Section 303 of the MPC.
- C. Review and comment on subdivision and land development plans for developments of regional impact at the request of the Planning Department or applicants.
- D. Review and comment on zoning map changes submitted by County municipalities.
- E. Perform blighted property reviews under the statutory provisions relating thereto, 35 P.S. § 1712.1, as amended.
- F. Perform Agricultural Security Area reviews pursuant to the Agricultural Security Area Law (3 P.S. §901-915).
- G. Perform planning reviews and responsibilities as delegated from the Harrisburg Area Transportation Study (HATS) from time to time.
- H. Review, comment and recommend action to the Board on the budget and program proposals of the Tri-County Regional Planning Commission.
- I. Update and/or replace the Cumberland County Comprehensive Plan.
- J. Provide policy development and guidance for planning programs.
- K. Assume responsibility for strategic planning consistent with the Cumberland County strategy.
- L. Review Planning Department staff performance and render advisory recommendations to the Board relating thereto.
- M. Maintain and keep pertinent files and records of its activities and provide an annual report to the Board of Commissioners.
- N. Promote public interest in, and understanding of, comprehensive plans and planning.
- O. Provide testimony before any board.
- P. Do and perform such other acts as may be necessary to fulfill the duties imposed hereunder and as shall hereafter be determined by the Board.

Q. Perform any other duties and exercise any other powers conferred upon planning agencies under the MPC and not otherwise specifically reserved to the Planning Department.

SECTION 6: SEVERABILITY

If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance.

It is hereby declared as the intention of the Board that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

SECTION 7: REPEALER

Ordinance No. 2007-3 is hereby repealed in its entirety. Any other Ordinance or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.

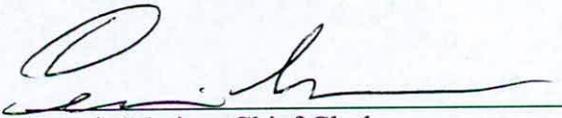
SECTION 8: EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED this 15th day of October, 2012.

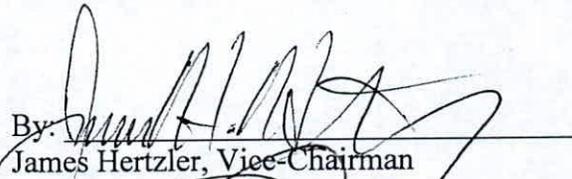
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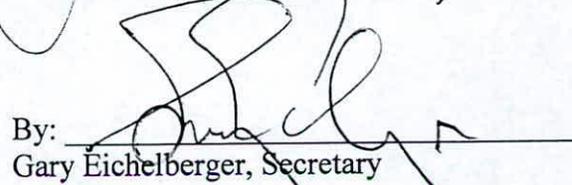
COUNTY OF CUMBERLAND



Dennis Marion, Chief Clerk

By: _____
Barbara B. Cross, Chairman


By: _____
James Hertzler, Vice-Chairman


By: _____
Gary Eichelberger, Secretary

NOTICE

NOTICE IS HEREBY GIVEN by the Board of Commissioners of Cumberland County, Pennsylvania, of its intention to consider for adoption, and to vote upon enactment of, an ordinance entitled and summarized hereafter, at its regularly scheduled meeting to be held on Monday, October 15, 2012, at 2:00 p.m., in the Commissioners Hearing Room, 2nd floor, Cumberland County Courthouse, 1 Courthouse Square, Carlisle, Pennsylvania, or at another public meeting at said location not less than seven (7) nor more than 60 days following publication of this notice.

The title of the proposed ordinance is an Ordinance Authorizing The County Of Cumberland To Establish A Planning Department And To Delineate Which Of The Powers And Duties Specified Under The Pennsylvania Municipalities Planning Code Shall Be Conferred Upon The Planning Department And Which Shall Be Conferred Upon The Cumberland County Planning Commission.

Upon enactment, this Ordinance will substantially re-enact the content of Ordinance No. 2007-3 with certain revisions. Ordinance No. 2007-3 specified the powers and duties of both the Planning Department and the Planning Commission.

Hereafter, revised powers and duties of the Planning Department include: review, comment and make recommendations on new or revised Act 537 plan submissions; review comment and make recommendations on minor municipal ordinance text amendments; develop, execute and manage planning programs and instructional materials; and provide technical support to the Commissioners, other County departments and County municipalities.

Revised powers and duties of the Planning Commission include: review and comment on new or substantially revised comprehensive plans, zoning, subdivision and land development and official maps; perform reviews as authorized by Section 303 of the MPC; review and comment on subdivision and land development plans of regional impact; review and comment on municipal zoning map changes; and provide testimony before any board. Upon enactment, Ordinance No. 2007-3 will be repealed in its entirety.

The full text of the proposed ordinance may be examined at the Commissioners' Office, 2nd floor, Cumberland County Courthouse, 1 Courthouse Square, Carlisle, Pennsylvania, or the Cumberland County Law Library, during regular business hours. In addition, a copy of the proposed ordinance has been filed with the newspaper publishing this notice.

Cumberland County Board of Commissioners: Barbara A Cross, James H. Hertzler, Gary Eichelberger; Dennis E. Marion, Chief Clerk; Edward L. Schorpp, Solicitor.