

**CUMBERLAND TOWNSHIP**

**ADAMS COUNTY, PA**

**ORDINANCE NO. 2023-193**

**AN ORDINANCE OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA, AMENDING THE CUMBERLAND TOWNSHIP ZONING MAP, AS ADOPTED AND MADE PART OF THE ZONING ORDINANCE IN CHAPTER 27, PART 3, SECTION 27-301.2 OF THE CODE OF THE TOWNSHIP OF CUMBERLAND, BY REMOVING ADAMS COUNTY TAX PARCEL 09E12-0079A--000 AND A PORTION OF ADAMS COUNTY TAX PARCEL 09E12-0079---000 FROM THE INSTITUTIONAL (INS) DISTRICT AND DESIGNATING SAID PARCELS AS PART OF THE MIXED-USE (MX) DISTRICT, AND AMENDING CHAPTER 27, PART 21 OF THE CODE OF THE TOWNSHIP OF CUMBERLAND TO INCLUDE THE ZONING MAP AMENDMENT SET FORTH HEREIN.**

**WHEREAS**, the Board of Supervisors of Cumberland Township desires to amend the Cumberland Township Zoning Map by rezoning Adams County Tax Parcel 09E12-0079A--000, and a portion of Adams County Tax Parcel 09E12-0079---000, described herein, by removing said parcels from the Institutional (INS) District and designating said parcels as part of the Mixed-Use (MX) District; and

**WHEREAS**, the Board of Supervisors of Cumberland Township has determined that such zoning map amendment is in the interest of the health, safety and welfare of Cumberland Township; and

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

**SECTION 1.** The Cumberland Township Zoning Map, as established and incorporated into the Cumberland Township Zoning Ordinance in Chapter 27, Part 3, Section 27-301.2 of the Code of the Township of Cumberland, is hereby amended by removing Adams County Tax Parcel 09E12-0079A--000 and a portion of Adams County Tax Parcel 09E12-0079---000 (as described herein) from the Institutional (INS) District and designating said parcels as part of the Mixed-Use (MX) District.

**SECTION 2.** A portion of Adams County Tax Parcel 09E12-0079---000 is being subdivided from the existing Oak Lawn Memorial Gardens Cemetery to be consolidated with Adams County Tax Parcel 09E12-0079A--000. The portion of Adams County Tax Parcel 09E12-0079---000 along with Adams County Tax Parcel 09E12-0079A--000 are shown as Lot 2 on the Final Subdivision Plan and Lot Addition –

Oak Lawn Cemetery, dated November 11, 2022, prepared by C.S. Davidson Inc., and described as follows:

Beginning at a point at the intersection of the eastern right-of-way line of Kinsey Drive and the centerline of Chambersburg Road (S.R. 0030), also known as U.S. Route 30; thence by said centerline, S 60° 38' 20" E for a distance of 736.98' to a point at Lot 1 on the aforesaid plan of subdivision and lot addition; thence by Lot 1 the following ten (10) courses and distances:

1. S 29° 07' 07" E for a distance of 116.67' to a concrete monument, set
2. S 28° 44' 06" W for a distance of 226.83' to a rebar, set
3. By a curve to the right, with a radius of 42.39' an arc length of 55.54', a chord bearing S 68° 17' 13" W, for a distance of 51.65' to a rebar, set
4. N 66° 56' 49" W for a distance of 135.16' to a rebar, set
5. By a curve to the right, with a radius of 339.84', an arc length of 97.81', a chord bearing N 08° 54' 43" W, for a distance of 97.50' to a rebar, set
6. By a curve to the left, with a radius of 55.07', an arc length of 79.34', a chord bearing N 37° 03' 08" W, for a distance of 72.66' to a rebar, set
7. By a curve to the left, with a radius of 514.39', an arc length of 191.31', a chord bearing S 89° 14' 00" W, for a distance of 190.21' to a rebar, set
8. By a curve to the left, with a radius of 949.61', an arc length of 245.14', a chord bearing S 71° 11' 05" W, for a distance of 244.46' to a rebar, set
9. By a curve to the left, with a radius of 702.46', an arc length of 193.64', a chord bearing S 31° 25' 58" E, for a distance of 193.08' to a rebar, set
10. S 32° 14' 51" W for a distance of 228.03' to a rebar, set at a point on line of lands, now or formerly of Lincoln Estates, LLC;

Thence by said lands and lands now or formerly of Jessica O. Jersild, N 45° 07' 37" W for a distance of 424.17' to a rebar, set on the eastern right-of-way line of Kinsey Drive; thence by said right-of-way line N 32° 03' 32" E for a distance of 724.19' to the point and place of Beginning.

Containing in area: 419430 Sq. Ft. or 9.6288 Acres

**SECTION 3.** The Cumberland Township Zoning Map shall be modified to reflect the change in zoning as set forth in Section 1 of this Ordinance, which amendment shall be made on the official map. The change shall not become effective until it has been duly entered upon the Cumberland Township Zoning Map.

**SECTION 4.** Chapter 27, Part 21, entitled "Zoning Map Amendments" shall be amended to include the Cumberland Township Zoning Map Amendment set forth herein.

**SECTION 5.** Repealer. All provisions of previous ordinances of Cumberland Township, or parts thereof, which are contrary or inconsistent to this Ordinance, are expressly repealed.

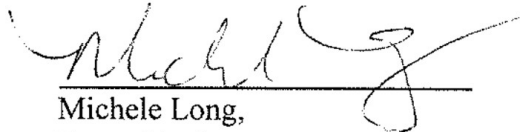
**SECTION 6.** Savings Clause. In all other respects, the provisions of the Zoning Ordinance of Cumberland Township shall remain as previously enacted and ordained.

**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 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 8.** Effective Date. This Ordinance shall take effective immediately upon its being entered on the Official Map, but in no event shall this Ordinance be effective sooner than five days after adoption.

**ATTEST:**

**CUMBERLAND  
TOWNSHIP BOARD OF  
SUPERVISORS,  
CUMBERLAND  
TOWNSHIP, ADAMS  
COUNTY,  
PENNSYLVANIA**

  
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Michele Long,  
Township Secretary

  
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Shaun Phiel, Chairperson