

Upon motion by Mr. Groh, seconded by Mr. McGrath, the following Ordinance was duly enacted, 3 voting in favor of enactment, 0 voting against enactment.

**ORDINANCE NO. 2015-11**

**An Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: Northern portion of property at 3746 West 12<sup>th</sup> Street, now zoned R-1 Single Family Residential District, to be rezoned to C-2 General Commercial District.**

**WHEREAS**, a petition has been received by the Millcreek Township Board of Supervisors requesting the change in classification of land herein described as set forth in Section 1; and

**WHEREAS**, the Planning Commission, after public hearing and upon due notice recommended that Ordinance No. 2011-8, known as the Zoning Ordinance, as amended, be amended as set forth in Section 1; and

**WHEREAS**, after due and timely notice by publication, as required by law, a public hearing upon the proposed amendment making the change as herein set forth has been held by the Supervisors, and said Supervisors have tentatively approved the same amendment as herein set forth; and

**WHEREAS**, said amendment is in accordance with the spirit and intent of the Millcreek Township Comprehensive Plan.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Supervisors of Millcreek Township, Erie County, Pennsylvania, that Ordinance No. 2011-8, known as the Zoning Ordinance, as amended, be and the same is hereby amended as follows:

**SECTION 1.** The classification of all that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, more particularly described as follows:

**BEING** the northerly 219.89 feet of Lot Number 36 of the Oxer Farm Gardens Subdivision now commonly known as a part of 3746 West 12<sup>th</sup> Street and being part of that premises bearing Millcreek Township Index No. 241-034 and Erie County Tax Index No. (33) 027-086-029, now zoned R-1 Single Family Residential District, shall be rezoned to C-2 General Commercial District.

**SECTION 2.** The Millcreek Township Zoning Map, attached and made a part of Ordinance No. 2011-8, as amended, shall be amended and changed to carry out the provisions of Section 1 of this Ordinance.

SECTION 3. The change in use classification and permitted uses having been effected upon application of the property owner, all uses of the property shall comply with those permitted in the district. The owner(s) is/are given a reasonable time to bring all uses of the property into compliance with those permitted in the district, and shall request any extension of time for doing so by submission to the Zoning Administrator.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision of its application not been included herein.

SECTION 5. All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

**BE IT ENACTED**, this 14<sup>th</sup> day of July, 2015.

  
Richard P. Figaski, Secretary