

Upon motion by _____, seconded by _____, the following Ordinance was duly enacted, ____ voting in favor of enactment, ____ voting against enactment.

ORDINANCE NO. 2016-2

An Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of certain parcels of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: Portion of property known as 5202 Peach Street, now zoned C-1 Local Commercial, C-2 General Commercial and R-1 Single Family Residential districts, to be rezoned to C-1 Local Commercial District; and Portion of the property known as 5202 Peach Street, now zoned R-1 Single Family Residential and C-1 Local Commercial districts, to be rezoned to R-1 Single Family Residential .

WHEREAS, a petition has been received by the Millcreek Township Board of Supervisors which, as amended by the owner, requests the changes in classifications of land herein described as set forth in Sections 1 and 2; and

WHEREAS, the Planning Commission, after public hearing and upon due notice recommended that the Millcreek Township Zoning Ordinance, amended and restated as Ordinance No. 2011-8, as amended, be amended; and

WHEREAS, after due and timely notice by publication, as required by law, a public hearing upon the proposed amendment has been held by the Board of Supervisors, at which time the owner requested an amendment in accordance with that set forth in Sections 1 and 2, which said Supervisors have tentatively approved as herein set forth; and

WHEREAS, said amendments are 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:

BEGINNING at the intersection of the south right of way line of Bryant Street (50' width) and the west right of way line of Peach Street (variable width); thence South along the said west right of way line of Peach Street, for a distance of 610.00 feet to a point, said point be the intersection of the west right of way line of Peach Street and the north right of way line of Dudley Street (50' width); thence West along the said north right of way line of Dudley Street for a distance of 320.00 feet to a point, said point being 10 feet from the intersection of the north right of way line of Dudley Street and the east right of way line of Richmond Street (50' width); thence North and parallel with the said east right of way line of Richmond Street for a distance of 610.00 feet to a point in the south right of way line of Bryant Street, said point being 10 feet from the intersection of the south right of way line of Bryant Street and the east right of way line of Richmond

Street; thence East along the south right of way line of Bryant Street to the place of beginning, being approximately 4.48 acres of land located at 5202 Peach Street and being part of Erie County Tax Index Number (33) 120-537.0-001.00 now zoned C-1 Local Commercial District, C-2 General Commercial District and R-1 Single Family Residential District, shall be rezoned to C-1 Local Commercial District.

SECTION 2. 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:

BEGINNING at the intersection of the north right of way line of Dudley Street (50') and the east right of way line of Richmond Street (50' width); thence North along the said east right of way line of Richmond Street (50') for a distance of 610.00 feet to a point, said point being the intersection of the east right of way line of Richmond Street and the south right of way line of Bryant Street (50'); thence East along the said south right of way line of Bryant Street a distance of 10 feet to a point; thence South and parallel with the said east right of way line of Richmond Street for a distance of 610.00 feet to a point in the north right of way line of Dudley Street; thence West along the said north right of way line of Dudley Street to the place of beginning, being approximately 0.1400 acres of land located at 5202 Peach Street and being part of Erie County Tax Index Number (33) 120-537.0-001.00 now zoned R-1 Single Family Residential District and C-1 Local Commercial District, shall be rezoned to R-1 Single Family Residential District.

SECTION 3. 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 Sections 1 and 2 of this Ordinance.

SECTION 4. The changes in use classifications and permitted uses having been effected upon application of the property owners, all uses of the properties shall comply with those permitted in the district. The owners are given a reasonable time to bring all uses of the properties into compliance with those permitted in the district, and shall request any extension of time for doing so by submission to the Code Administrator.

SECTION 5. 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 6. All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

BE IT ENACTED, this 8th day of March, 2016.

John H. Groh, Secretary