

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

ORDINANCE NO. 2016-5

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: Property at 2433 Zimmerly Road, now zoned R-1 Single Family District and RR Rural Residential District, to be rezoned to C-1 Local 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:

BEGINNING at a point in the south right of way line of Zimmerly Road (variable width), said point being the northwest corner of lands of the Humane Society of Northwest Pennsylvania as recorded in the office of the Erie County Recorder of Deeds as Instrument No. 2014-021130; thence East along the said right of way line of Zimmerly Road (variable width) to a point; thence South along said right of way line of Zimmerly Road (variable width) to a point, said point being the northwest corner of a "C" Business [now C-3 Commercial] zoned district as enacted by Ordinance 2002-17; thence South along the west line of said "C" Business zoned district to a point, said point being the southeast corner of said lands of the Humane Society of Northwest Pennsylvania; thence southwest along the south line of said lands of the Humane Society of Northwest Pennsylvania to a point, said point being the southwest corner of lands of the Humane Society of Northwest Pennsylvania; thence northwest along the west line of said lands of the Humane Society of Northwest Pennsylvania to the place of beginning, being located at 2433 Zimmerly Road and bearing Erie County Tax Index Number (33) 141-553-013 now zoned R-1 Single Family Residential District and RR Rural Residential District, shall be rezoned to C-1 Local Commercial District.

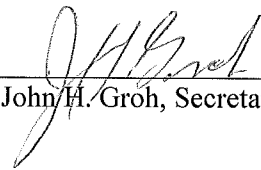
SECTION 2. The Millcreek Township Zoning Map, attached and made a part of Ordinance No. 2011-8, as amended, shall be amended and changed to carry out the provisions of Section 1 of this Ordinance.

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 10th day of May, 2016.



John H. Groh, Secretary