

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

**ORDINANCE NO. 2016-1**

**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: Property at 5440 Henderson Road, now zoned I-1 Light Industrial District, to be rezoned to R-1 Single Family Residential District; and Property at 2381 Zimmerly Road, now zoned C-1 Local Commercial District, to be rezoned to C-4 Regional Commercial District.**

**WHEREAS**, petitions have been received by the Millcreek Township Board of Supervisors requesting 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 as set forth in Sections 1 and 2; and

**WHEREAS**, after due and timely notice by publication, as required by law, a public hearing upon the proposed amendments making the changes as herein set forth has been held by the Supervisors, and said Supervisors have tentatively approved the same amendments 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 a point in the west right-of-way line of Henderson Road, said point being 165.4' ± south of the intersection of the west right-of-way line of Henderson Road and the south right-of-way line of the Allegheny & Eastern Railroad; thence South 25°-48'-00" East along the west right-of-way line of Henderson Road 136.11' to a point; thence South 21°-29'-00" West 281.97' to a point; thence North 68°-31'-00" West 100' to a point; thence North 21°-29'-00" East 374.30' to the place of beginning; commonly known as 5440 Henderson Road, bearing Erie County Index Number (33) 150-639-001, now zoned I-1 Light Industrial District, shall be rezoned to R-1 Single Family Residential 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, located generally at the northeast corner of Zimmerly Road and Interchange Road, the same comprising 4.03 acres of land, commonly known as 2381 Zimmerly Road and bearing Erie County Tax Index No. (33) 141-666-002 and being the same premises formerly conveyed to George W. and Doris Elaine Schermer by deed recorded February 10, 1995 in Eire County Record Book 372, page 1754, now zoned C-1 Local Commercial District, be rezoned to C-4 Regional Commercial District.

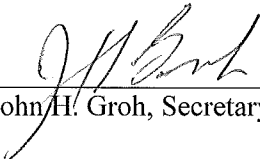
SECTION 3. The Millcreek Township Zoning Map, attached and made a part of Ordinance No. 2011-8, as amended, shall be amended and changed to carry out the provisions of Sections 1 and 2 of this Ordinance.

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 4<sup>th</sup> day of January, 2016.

  
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John H. Groh, Secretary