

ORDINANCE NO. 2007-7

AN ORDINANCE TO AMEND THE TOWN OF MILLERSBURG ZONING ORDINANCE AS PERMITTED BY INDIANA CODE 36-7-4-600; MORE SPECIFICALLY BY AMENDING ARTICLE 2. DISTRICTS AND ZONE MAPS FOR REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM R-1 PUD TO DPUD-B-3, TO BE KNOWN AS MILLERSBURG BRANCH BANK DPUD; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN ARTICLE 2. DISTRICTS AND ZONE MAPS OF THE ELKHART COUNTY ZONING ORDINANCE

WHEREAS, Ideana G. Yoder submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from **R-1 PUD** to **DPUD-B-3** on 13th day of July 2007;

WHEREAS, After the Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The (Elkhart) Truth** on the 1st day of September 2007 and in **The (Goshen) News** on the 31st day of August 2007 and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record with in 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 13th day of September 2007 and did take public input at that meeting;

WHEREAS, The Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Specifications I - Planned Unit Development of the Elkhart County Zoning Ordinance; And

WHEREAS, The petition was sent to the Town Council of Millersburg Indiana with a Favorable Recommendation.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF MILLERSBURG INDIANA, AS FOLLOWS:

SECTION 1. That the legal description of the real estate attached hereto as **Exhibit A** is made a part of this ordinance and incorporated herein by this reference.

SECTION 2. That the real estate described in **SECTION 1** of this Ordinance be rezoned from **R-1 PUD** to **DPUD-B-3** effective immediately and the zone maps adopted by reference in Article 2 of the Elkhart County Zoning Ordinance for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said rezoning of said real estate.

SECTION 3.

That the Detailed Planned Unit Development be granted for the real estate described in SECTION 1 of this Ordinance. Unless this Ordinance specifies to the contrary, all Permitted Uses and Development Standards for the B-3 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced, and the Development Plan and Site Plan/Support Drawing will supersede all Permitted Uses, Special Uses and Development Standards.

SECTION 4.

That all Development Plan(s) must be submitted to the Plat Committee of the Elkhart County Advisory Plan Commission for approval as a Secondary Plat; Secondary approval shall be granted only if the Development Plan(s) comply with the provisions of this Ordinance, the Site Plan/ Support Drawing, and the Subdivision Control Ordinance. The Development Plan(s) shall be incorporated into this Ordinance by this reference. All Secondary Plats will reference this Ordinance and if the intent of this Ordinance or the Site Plan/ Support drawing is not clear the Secondary Plan may be considered by the County Advisory Plan Commission at a Public meeting.

SECTION 5.

That the Site Plan / Support Drawing is made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

SECTION 6.

This Detailed Planned Unit Development Ordinance will limit the use of this real estate to what has been shown on the Site Plan / Support Drawing.

SECTION 7.

That the additional documentation and supporting information listed in Section 9 of this Ordinance must be supplied and the conditions specified in Section 9 of this Ordinance must be satisfied prior to any permits for construction being issued.

SECTION 8.

That the following specified limitations to this Planned Unit Development have been adopted and imposed: None were imposed.

SECTION 9.

List of additional documentation, supporting information, and conditions:

- a. Recommendation to the Town of Millersburg that the alley be one-way going east.

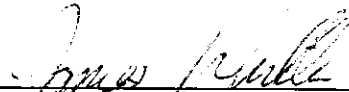
SECTION 10.

In the event any covenant, restriction, provision or section of this Ordinance or any portion thereof is declared invalid or void, such declaration shall in no way affect any other covenant, restriction, or section.


SECTION 11.

This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.

**ORDAINED AND ADOPTED THIS THE 26TH DAY OF DECEMBER 2007 BY THE TOWN COUNCIL
OF MILLERSBURG INDIANA.**



JAMES WINKLER



ABE BEACHY

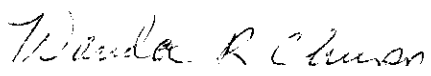
Attest: 

EXHIBIT A

Legal Description

DESCRIPTION

A part of the Southwest Quarter of Section 35, Township 36 North, Range 7 East, Clinton Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at a P.K. nail marking the Northwest corner of said Southwest Quarter; thence South, 966.96 feet, along the West line of said Southwest Quarter and the centerline of State Road 13, to a P.K. nail at the point of beginning of this description; thence continuing along the last described line and bearing, 149.76 feet, to a P.K. nail; thence North 89 degrees 33 minutes 19 seconds East, 174.34 feet, to an iron stake; thence North 148.84 feet, to an iron stake; thence South 89 degrees 51 minutes 23 seconds West, 174.34 feet to the point of beginning. Subject to all easements, restrictions, covenants, public highway and right-of-ways of record.

To the Recorder: