

AN ORDINANCE TO AMEND ORDINANCE 1982-4 KNOWN AS THE MASTER PLAN OF ZONING FOR THE TOWN OF MILLERSBURG, INDIANA BY AUTHORIZING A PLANNED UNIT DEVELOPMENT FOR THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED.

WHEREAS, John R. Larimer submitted an application for a Planned Unit Development known as Aloha Village and after proper legal notice a hearing was held as provided by Law, and the Plan Commission did on the 9th day of July, 1987 find that the elements of the Law have been complied with for approval of a Planned Unit Development and filed their recommendation for adoption of this ordinance with the Town Board of Millersburg.

WHEREAS, the Elkhart County Plan Commission submitted said development plan together with its report and recommendation and,

WHEREAS, said report and recommendations indicate that the appropriate use of the property adjacent to the area included in the plan will be fully safeguarded and the plan is consistent with the intent of the Master Plan for the Town of Millersburg to promote Health, Safety and General Welfare.

BE IT THEREFORE ORDAINED BY THE TOWN BOARD OF MILLERSBURG, INDIANA THAT:

Legal Description

Lots 31-32-33 in the Plat of Roger's Heights Addition to the Town of Millersburg, Indiana, ALSO, A part of the Southeast Quarter of Section 34, Township 36 North, Range 7 East, in Elkhart County, Indiana, and more particularly described as follows:

Commencing at the Southwest Corner of Lot 33 in the Plat of Roger's Heights as the point of beginning of this description, thence North 0 degrees 54 minutes East, a distance of 296.19 feet; thence North 89 degrees 26 minutes East, a distance of 281.0 feet; thence South 0 degrees 54 minutes West, a distance of 297.4 feet to the Southeast corner of Lot 31 in Roger's Heights; thence West on the South line of Lots 33-32-31, a distance of 281.0 feet to the aforementioned point of beginning. Containing 1.91 acres, more or less.

Section 1 That the request by John R. Larimer for approval of a Planned Unit Development known as Aloha Village be granted for the above described real estate in accordance with the plan as attached and made a part of this Ordinance by reference thereto.

Section 2 That authorization of this Planned Unit Development be effective immediately and the zone maps dated October 30, 1959 and made a part of Article II Section 2 of the Master Plan of Zoning for Town of Millersburg, Indiana be amended and ordered amended and changed to reflect the said Planned Unit Development authorization of said real estate.

Section 3 That no change be made in the approved plan during construction of the Planned Unit Development except as follows:

- a. Minor changes in the location, siting and height of buildings and improvements may be authorized by the Plan Commission if required by circumstances not foreseen at the time the plan was approved.
- b. All other changes in use, rearrangement of lots, blocks, building locations, streets, parking areas, open space, or other changes in the approved plan must be made by the

Millersburg Town Board under the procedures authorized by the Master Plan of Zoning for the Town of Millersburg Ordinance or amendments to said Ordinance.

Section 4 That no new curb cuts are authorized by this Planned Unit Development.

Section 5 That all parking in this development must conform to the requirements of the Master Plan of Zoning.

Section 6 That, if no construction has begun on the facilities to be developed as part of the Planned Unit Development, or in the absence of plan for construction of such improvements, if the use of the aforescribed real estate herein set forth has not been established within 2 years from the date of the approval represented by this Ordinance, the Planned Unit Development, and the approval herein stated, shall lapse, and be of no further force or effect. If the plan lapses under the conditions of this Section, the zoning applicable to the aforesaid property prior to the date of this approval of the Planned Unit Development may, at the discretion of the Town Board of Millersburg, Indiana, be reinstated through formal proceedings; provided, however, that the Elkhart County Plan Commission, in its sole discretion, for good cause shown, may extend for an additional period of time the commencement of construction or the establishment of the use necessary to avoid the lapse of the Planned Unit Development. To extend the effective time period within which construction or the establishment of the use must commence, the Elkhart County Plan Commission must consider such extension at one of its formal, public meetings, and must in writing submit written confirmation of any extension it might grant to the Town Board of Millersburg, Indiana, for entry in the formal minutes of said Board. The procedure herein set forth for extending the time period within which the construction for use establishment must commence may be followed by the Elkhart County Plan Commission a maximum of two (2) times from and after the date of this Ordinance.

Section 7 Prior to the issuance of an Improvement Location and/or Building Permit, a copy of this Ordinance shall be recorded in the Office of the Recorder of Elkhart County, Indiana, by the owners of land described herein.

Section 8 In the event any covenant, restriction or section of this Ordinance or any portion thereof is declared invalid or void, such invalidity shall in no way affect any other covenant, restriction or section.

Section 9 This Ordinance shall be in full force and effect from and after its passage and approval according to Law.

ADOPTED BY THE TOWN BOARD OF MILLERSBURG, INDIANA
THIS 3 DAY OF AUGUST, 1987.

BY Duane Mahler
Duane Mahler

BY Marion D. Long
Marion D. Long

BY Greg Baumgartner
Greg Baumgartner