

ORDINANCE NO. 5087

AN ORDINANCE AMENDING THE ZONING MAP CREATED PURSUANT TO ORDINANCE NO. 4370, THE "ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA" BY AMENDING CONDITIONS OF THE PUD DISTRICT LOCATED AT VILLAS OF LEXINGTON LANDING TO REDUCE THE NUMBER OF UNITS, PROVIDE FOR A COMMON AREA WITH COMMUNITY BUILDING, EVERGREENS, AND FENCE

WHEREAS, the Common Council enacted Ordinance No. 5030 on May 7, 2007, rezoning certain real estate located at Lot 2 Haines Drive in the City of Elkhart, Indiana ("Real Estate"), as a PUD (Planned Unit Development) District; and

WHEREAS, the owner has requested that the Elkhart City Common Council amend certain conditions of the PUD to allow for a reduction in the number of units from sixteen (16) to fifteen (15), addition of a common area for a community building and pool, and to allow an alternating double row of evergreen trees twelve (12) foot on center, and to add a wrought iron fence six (6) foot in height; and

WHEREAS, the Elkhart City Plan Commission has held a public hearing on December 3, 2007, on such rezoning petition and recommends approval of the request.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The existing conditions of the PUD District located at Lot 2 Haines Drive, and more specifically described as follows:

Lot Number two (2) as the said lot is known and designated on the plat of Haines' Lexington Landing, a subdivision in Baugo Township, Elkhart County, City of Elkhart, Indiana; said plat being recorded in the Office of the Recorder of Elkhart County in Plat Book 16, page 57.

shall be modified to allow for a reduction in the number of units from sixteen (16) to fifteen (15), addition of a common area for a community building and pool, and to allow an alternating double row of evergreen trees twelve (12) foot on center, and to add a wrought iron fence six (6) foot in height.

Section 2. The change of zoning and the use of the subject real estate described in Section 1 is now and hereafter subject to the following conditions:

A. The street cuts for sewer and water laterals will be done in two phases, approximately half each, and at the completion of each phase, the existing surface pavement will be ground down and new surface pavement placed; and

B. Compliance with all applicable requirements of the Zoning Ordinance of the City of Elkhart; and

C. All other applicable ordinances and regulations of the City of Elkhart, Indiana.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

ORDAINED this 14th day of January, 2008.

/s/ Rod Roberson
President, Elkhart City Common Council

ATTEST:

/s/ Sue M. Beadle
City Clerk

Presented to the Mayor by me this 22nd day of January, 2008.

/s/ Sue M. Beadle
City Clerk

Approved by me this 24th day of January, 2008.

/s/ Dick Moore
Mayor

ATTEST:

/s/ Sue M. Beadle
City Clerk