

ORDINANCE NO. 5030

**AN ORDINANCE AMENDING THE ZONING MAP CREATED
PURSUANT TO ORDINANCE NO. 4370, THE "ZONING
ORDINANCE OF THE CITY OF ELKHART, INDIANA" BY
REZONING CERTAIN REAL ESTATE IN SAID CITY FROM
R-4 DISTRICT TO PUD DISTRICT**

WHEREAS, the Common Council of the City of Elkhart, Indiana ("Common Council") adopted Ordinance No. 4370 on July 20, 1998 (the "Zoning Ordinance of the City of Elkhart, Indiana"), creating the zoning map that established the zoning districts for all real estate located within the corporate boundaries of the City of Elkhart (commonly referred to as the "Zoning Map");

WHEREAS, the Zoning Map established the zoning district for certain real estate located at Lot 2 Haines Drive, Elkhart, Indiana (the "Real Estate") as R-4 District (Multiple Family Dwelling District);

WHEREAS, H & S Partners, LLP has petitioned the Common Council to rezone the Real Estate from R-4 (Multiple Family Dwelling District) to a Planned Unit Development ("PUD") district, by amending the Zoning Map to allow for construction of 16 single family attached homes and for approval of an eight (8) foot high privacy wall one (1) foot west of the east property line; and

WHEREAS, the Elkhart Plan Commission held a public hearing on April 9, 2007, on the petition to amend the Zoning Map, and recommended approval of the rezoning request.

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

Section 1. Rezoning. The Zoning Map created pursuant to and incorporated into the Zoning Ordinance of the City of Elkhart, Indiana, is hereby amended, with respect to the following described real estate in the City of Elkhart, County of Elkhart, and State of Indiana, to-wit:

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.

so that such real estate, which is zoned R-4 (Multiple Family Dwelling District), shall hereafter be within and a part of that district known as a Planned Unit Development (PUD) District for the purpose of constructing 16 single family attached homes and an eight (8) foot high privacy wall one (1) foot west of the east property line ; provided, however, the owner of the real estate comply with certain conditions specified in Section 2 of this Ordinance.

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

A. The site plan shall be recorded at the conclusion of the final review of the Common Council; and

B. The covenants and restrictions submitted to the Planning Staff shall be recorded against all lots within this Planned Unit Development prior to the sale of any property; and

C. The street cuts for sewer/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 will be placed; and

D. Compliance with all other applicable requirements of the Zoning

Ordinance of the City of Elkhart; and

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

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and publication, according to law.

ORDAINED this 7th day of May, 2007.

/s/ Jerry L. Kindig
President of the Common Council

ATTEST:

/s/ Sue M. Beadle
City Clerk

PRESENTED to the Mayor by me this 10th day of May, 2007.

/s/ Sue M. Beadle
City Clerk

APPROVED by me this 10th day of May, 2007.

/s/ David L. Miller
Mayor

ATTEST:

/s/ Sue M. Beadle
City Clerk