

ORDINANCE NO. 2023 - 22

ZONING ORDINANCE AMENDMENT

THIS IS AN ORDINANCE for the purpose of amending and changing the zoning ordinance of the County of Shelby as it relates to a certain tract of property located north of and adjoining 11884 N SR 9, Fountaintown, Van Buren Township. Specifically amending the Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008 as amended, showing the boundary lines of certain Zoning Districts thereon.

BE IT ORDAINED by the Board of Commissioners of Shelby County Indiana, as follows:

Section 1: Purpose. The purpose of this Ordinance shall be to amend the Zoning Map of Van Buren Township of the Shelby County Code and the zoning ordinances thereunder as it relates to the real estate specifically described in Section 2 of this Ordinance to change the designation of said real estate from being zoned A1 (Conservation Agricultural) to C2 (Highway Commercial) (2.2 acres). A petition was filed by Second Circle Investments LLC on May 23, 2023 under Case No. RZ 23-16, to amend the zoning map of Shelby County, Indiana to change the zoning of said real estate.

Section 2: Amendment. Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008, as amended, showing the boundary lines of certain Zoning Districts thereon, are hereby amended by adding the following sub-section:

Land rezoned from "A1," Conservation Agricultural, to "C2" Highway

Commercial:

The parcel of land and real estate located in Van Buren Township, Shelby County, Indiana and particularly described by the attached legal description Exhibit "A" and shown on the attached map, Exhibit "B", being formerly zoned and shown on the Van Buren Township Zoning District Map as lying in an "A1" Conservation Agricultural District is hereby rezoned to "C2" Highway Commercial.

This zoning ordinance amendment is subject to and contingent upon Commitments Concerning the Use and Development of Real Estate, a copy of which is attached hereto as "Exhibit C".

Section 3: Effective Date. This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

Section 4: Repealable Provisions. All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this 24th day of July, 2023 by a vote of 2 ayes and 1 nays of members of the Board of Commissioners of Shelby County, Indiana.

Don Parker Aye

Don Parker, President

Kevin Nigh Aye

Kevin Nigh, Member

J.R. Abel

Jason Abel, Member

ATTEST:

Amy Glackman

Amy Glackman
Shelby County, Indiana

EXHIBIT A

LAND DESCRIPTION

A PART OF THE LAND DESCRIBED IN DEED RECORD 330 PAGES 946-949 AS RECORDED IN THE OFFICE OF THE RECORDER OF SHELBY COUNTY, AND BEING A PART OF NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 NORTH, RANGE 7 EAST OF THE SECOND PRINCIPAL MERIDIAN, LOCATED IN SHELBY COUNTY, INDIANA AS SHOWN ON A SURVEY COMPLETED BY TERRY D. WRIGHT, PS # 9700013, PROJECT #333-506 DATED 06/13/2023 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM A BRASS PIN FOUND AT THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE ALONG THE WEST LINE THEREOF SOUTH 00 DEGREES 57 MINUTES 51 SECONDS EAST (STATE PLANE BEARING, INDIANA EAST) 769.30 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL; THENCE NORTH 89 DEGREES 02 MINUTES 09 SECONDS EAST 384.00 FEET; THENCE SOUTH 00 DEGREES 57 MINUTES 51 SECONDS EAST 250.00 FEET TO THE NORTH LINE OF LAND DESCRIBED IN INSTRUMENT NUMBER 2021005094 AS RECORDED IN SAID OFFICE; THENCE ALONG SAID NORTH LINE SOUTH 89 DEGREES 02 MINUTES 09 SECONDS WEST 384.00 FEET TO THE WEST LINE OF SAID QUARTER SECTION; THENCE ALONG SAID LINE NORTH 00 DEGREES 57 MINUTES 51 SECONDS WEST 250.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL, CONTAINING 2.204 MORE OR LESS.

EXHIBIT B

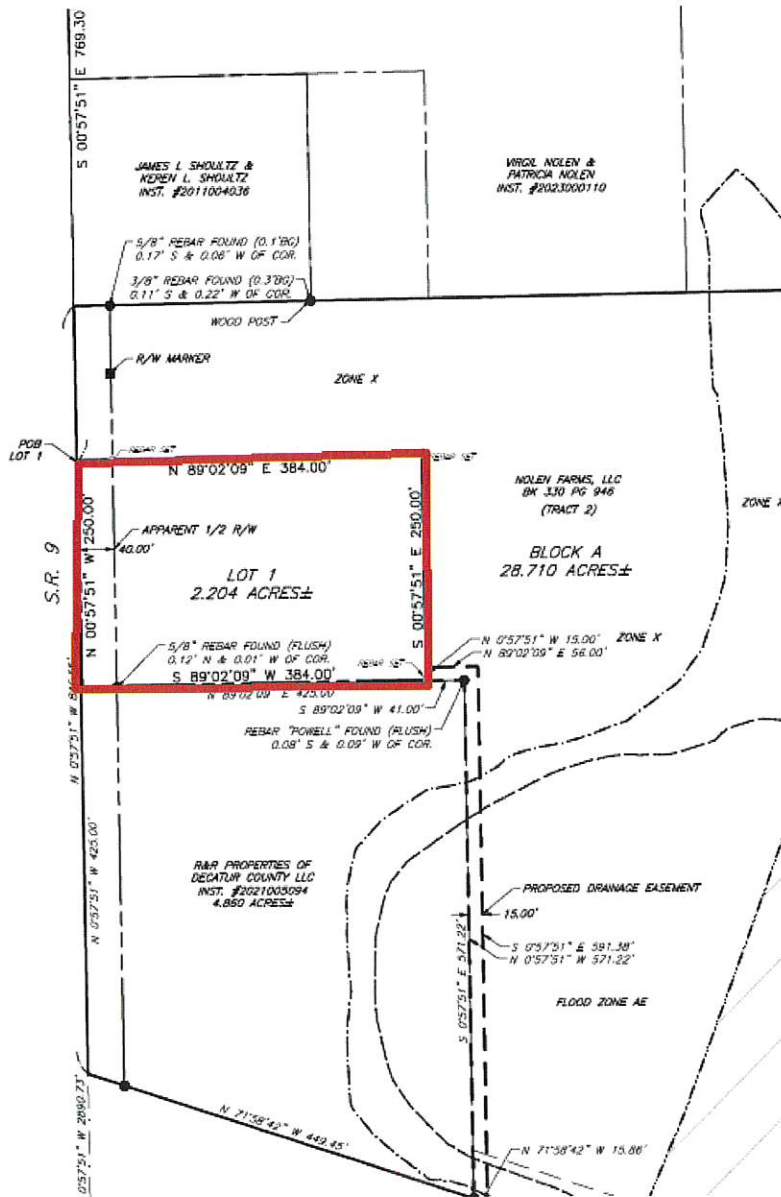


EXHIBIT C

Commitments Concerning the Use and Development of Real Estate

1. *Development of the site shall be consistent with the Site Plan submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the site plan.*
2. *The current and any future property owner shall abandon any septic system and connect to sanitary sewer at the time sanitary sewer becomes available within 100-feet of the property lines.*
3. *The façade fronting upon SR 9 of the primary building shall consist of primarily brick material.*
4. *Development of the site shall comply with all applicable development standards included in the Unified Development Ordinance and the property owner and/or developer shall not request any development standards variances.*

