

ORDINANCE NO. 2023 -27

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 at 5250 N Morristown Rd, Shelbyville, Marion 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 Marion 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 A2 (Agricultural) to RE (Residential Estate) (4.1 acres) and R1 (Single-Family Residential) (0.9-acres). A petition was filed by Branden L Voege on June 21, 2023 under Case No. RZ 23-18, 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 "A2," Agricultural, to "RE" Residential Estate:

The parcel of land and real estate located in Marion Township, Shelby County, Indiana and particularly described by the attached legal description Exhibit "A" Section 1 and shown on the attached map, Exhibit "B", being formerly zoned and shown on the Marion Township Zoning District Map as lying in an "A2" Agricultural District is hereby rezoned to "RE" Residential Estate.

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".

Land rezoned from "A2," Agricultural, to "R1" Single-Family Residential:

The parcel of land and real estate located in Marion Township, Shelby County, Indiana and particularly described by the attached legal description Exhibit "A" Section 2 and shown on the attached map, Exhibit "B", being formerly zoned and shown on the Marion Township Zoning District Map as lying in an "A2" Agricultural District is hereby rezoned to "R1" Single-Family Residential.

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 7th day of August, 2023 by a vote of 3 ayes and 0 nays of members of the Board of Commissioners of Shelby County, Indiana.

Don Parker

Don Parker, President

Kevin Nigh

Kevin Nigh, Member

Jason Abel

Jason Abel, Member

ATTEST:

Amy Glackman
Amy Glackman
Shelby County, Indiana

EXHIBIT A

Section 1

LEGAL DESCRIPTION LOT 1

Part of the southeast quarter of Section Four (4), Township Thirteen (13) North, Range Seven (7) East, Marion Township, Shelby County, Indiana, being part of a 5.00 acre tract as described in Instrument No. 2022006254, recorded October 6, 2022 in the Office of the Shelby County Recorder, also being part of survey Job #13N7E4-23-033 by Scott T. Sumerford, RLS#29800017, certified July 25, 2023 and being more particularly described as follows:

Commencing at the southeast corner of the southeast quarter of said section 4-13-7, said point being marked by a Shelby County Surveyor Monument; thence along the east line of said southeast quarter, North 00°47'09" East (basis of bearings being Indiana State Plane East Zone) 1322.79 feet to a point; thence North 87°29'13" West 1835.32 feet to a capped rebar stamped "S. Sumerford 29800017", said monument being hereinafter referred to as a capped rebar, said point being the point of beginning of the herein described tract;

Thence along the east and south lines of said 5.00 acre tract the following two (2) courses:

- (1) South 31°26'13" West 469.10 feet to a capped rebar;
- (2) North 87°29'13" West 237.90 feet to a capped rebar; thence North 02°30'47" East 109.25 feet to a capped rebar; thence North 63°03'12" West 203.85 feet to a magnail and washer stamped "S. Sumerford 9800017" in the centerline of Morrystown Road; thence along said centerline, North 31°26'13" East 247.94 feet to the northwest corner of said 5.00 acre tract; thence along the north line of said tract, South 87°29'13" East 530.46 feet to the point of beginning, containing 4.117 acres.

Subject to all easements, restrictions and right-of-ways of record.

Section 2

LEGAL DESCRIPTION LOT 2

Part of the southeast quarter of Section Four (4), Township Thirteen (13) North, Range Seven (7) East, Marion Township, Shelby County, Indiana, being part of a 5.00 acre tract as described in Instrument No. 2022006254, recorded October 6, 2022 in the Office of the Shelby County Recorder, also being part of survey Job #13N7E4-23-033 by Scott T. Sumerford, RLS#29800017, certified July 25, 2023 and being more particularly described as follows:

Commencing at the southeast corner of the southeast quarter of said section 4-13-7, said point being marked by a Shelby County Surveyor Monument; thence along the east line of said southeast quarter, North 00°47'09" East (basis of bearings being Indiana State Plane East Zone) 1322.79 feet to a point; thence North 87°29'13" West 1835.32 feet to a capped rebar stamped "S. Sumerford 29800017", said monument being hereinafter referred to as a capped rebar; thence along the east and south lines of said 5.00 acre tract the following two (2) courses:

- (1) South 31°26'13" West 469.10 feet to a capped rebar;
- (2) North 87°29'13" West 237.90 feet to a capped rebar at the point of beginning of the herein described tract;

Thence continuing along said south line, North 87°29'13" West 292.56 feet to a point in the centerline of Morrystown Road; thence along said centerline, North 31°26'13" East 221.16 feet to a magnail and washer stamped "S. Sumerford 9800017"; thence South 63°03'12" East 203.85 feet to a capped rebar; thence South 02°30'47" West 109.25 feet to the point of beginning, containing 0.883 acres.

Subject to all easements, restrictions and right-of-ways of record.

EXHIBIT B

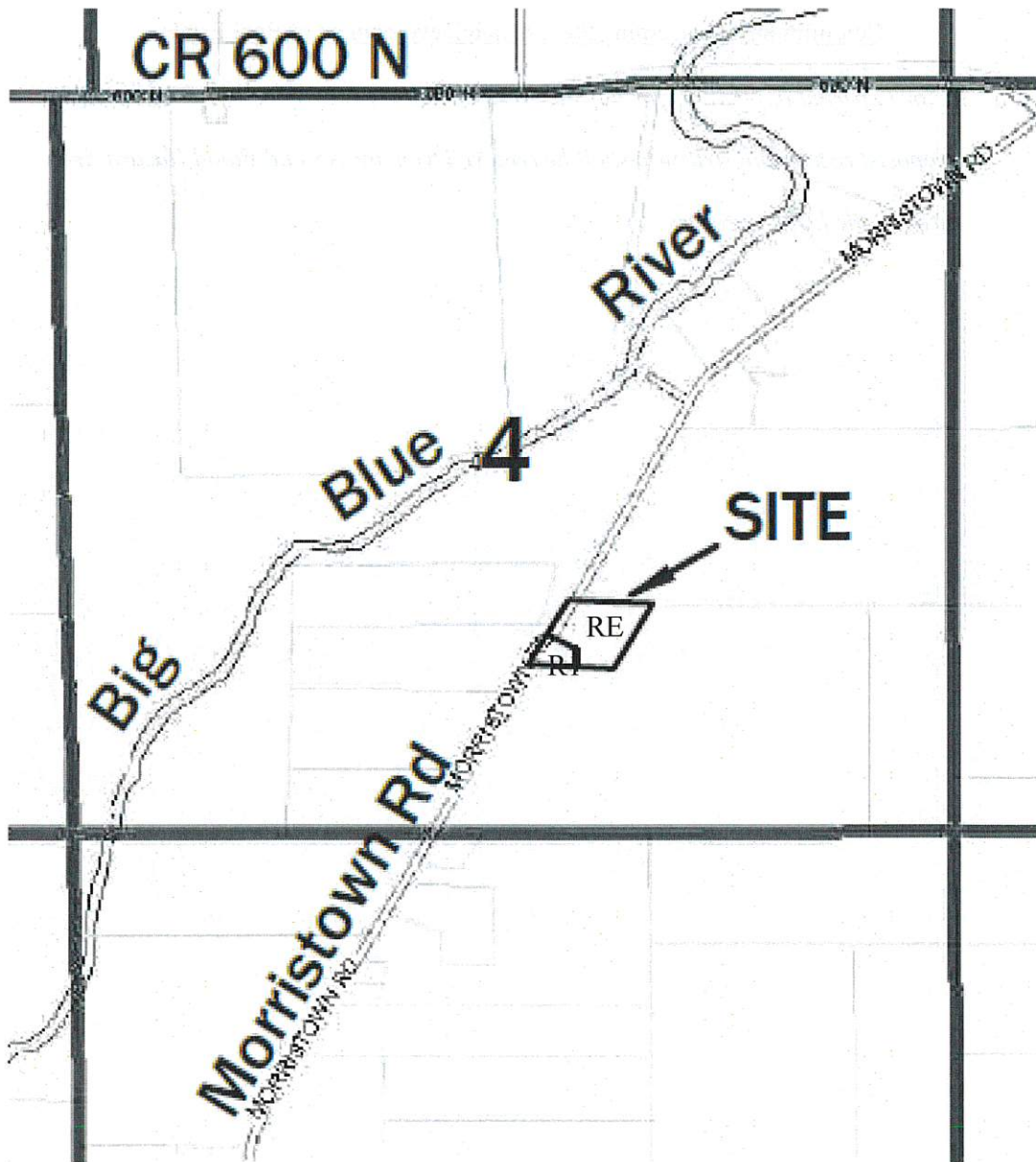


EXHIBIT C

Commitments Concerning the Use and Development of Real Estate

1. *Prior to permit application for any new residence, the property or ground around the proposed residential structure shall be removed from the Special Flood Hazard Area through the LOMA process.*