

ORDINANCE NO. 2022 - 06

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 west of and adjoining 3075 W Old SR 252, Flat Rock, Washington 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 Washington 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 VM (Village Mixed Use) (2.91 acres). A petition was filed by Will McDonough on behalf of Dollar General on February 1, 2022 under Case No. RZ 22-03, 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 "VM" Village Mixed Use:

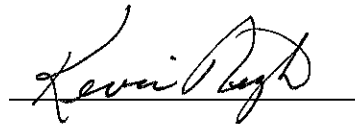
The parcel of land and real estate located in Washington Township, Shelby County, Indiana and particularly described by the attached legal description Exhibit "A" and shown on the attached map, Exhibit "B", being formerly zoned and shown on the Washington Township Zoning District Map as lying in an "A1"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

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".

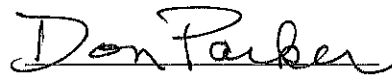
Section 3: Effective Date. This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

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 March, 2022 by a vote of 3 ayes and 0 nays of members of the Board of Commissioners of Shelby County, Indiana.



Kevin Nigh, President



Don Parker, Member



Chris Ross, Member

ATTEST:



Amy Glackman
Shelby County, Indiana

EXHIBIT A

LEGAL DESCRIPTION

The following is a legal description prepared this 8th day of February 2022, of real property along Old State Road 252 in Flat Rock, previously conveyed to Eric D Robertson recorded in Instrument No. 2016001229, being a part of the Northwest quarter of Section 35, Township 11 North, Range 6 East, Washington Township, Shelby County, Indiana, being depicted on a survey by Paul Primavera and Associates, Job No. 21-15334, prepared by Jason M. Copperwaite, LS #20200046, more particularly described as follows:

Commencing at a brass pin in concrete at the Northwest Corner of Section 35 in the Centerline of Old SR 252, thence S 47° 20' 04" East 94.41 feet to a #5 reinforcing bar with a yellow plastic cap stamped "Primavera Assoc. #0049", this type of monument hereinafter referred to as a capped reinforcing bar, in the Northern right of way of said highway at the Point of Beginning, thence along said right of way North 88° 41' 28" East 261.51 feet to a capped reinforcing bar; thence leaving said right of way South 01° 01' 19" East 127.36 feet to capped reinforcing bar, thence North 88° 38' 41" East 40.41 feet to a capped reinforcing bar, thence South 01° 11' 39" East 328.27 feet to a capped reinforcing bar; thence South 88° 48' 21" West 301.60 feet to a capped reinforcing bar; thence North 01° 11' 39" West 433.97 feet to the point of beginning. Containing 2.910 Acres more or less.

Subject to all easements, restrictions, and rights-of-way of record.

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. *A sidewalk shall be installed within the right-of-way of Old SR 252 in compliance with Section 7.21 of the Shelby County Unified Development Ordinance.*
3. *All parking spaces shall be located in the rear yard, unless the building incorporates architectural standards in compliance with Section 5.13 of the Unified Development Ordinance.*