

**ORDINANCE NO. 2023 - 23**

**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 204 E Carey St, Fairland, Brandywine 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 Brandywine 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 VR (Village Residential) to VM (Village Mixed Use) (0.9 acres). A petition was filed by Bowman Rentals on May 9, 2023 under Case No. RZ 23-15, 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 "VR," Village Residential, to "VM" Village Mixed Use:**

The parcel of land and real estate located in Brandywine 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 Brandywine Township Zoning District Map as lying in an "VR" Village Residential 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.

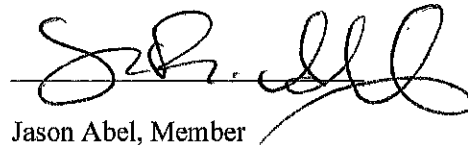
ADOPTED this 17<sup>th</sup> day of July, 2023 by a vote of 3 ayes and 0 nays of members of the Board of Commissioners of Shelby County, Indiana.



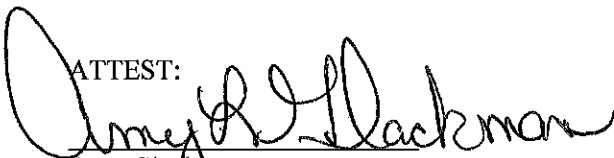
Don Parker, President



Kevin Nigh, Member



Jason Abel, Member

ATTEST:  
  
Amy Glackman  
Shelby County, Indiana

## EXHIBIT A

### Legal Description

A part of Lot 25 in the original Town of Fairland, Indiana, the plat of which is recorded in Plat Book 3, Page 119, in the Office of the Recorder of Shelby County, Indiana, described as follows:

Beginning at a point on the West line of said lot North 0 degrees 00 minutes 49 seconds East 1.639 meters (5.38 feet) from the Southwest corner of said lot; thence North 0 degrees 00 minutes 49 seconds East 48.684 meters (159.72 feet) along said West line to the Northwest corner of said lot; thence South 89 degrees 32 minutes 11 seconds East 29.117 meters (95.69 feet) to the Northeast corner of said lot; thence South 0 degrees 00 minutes 49 seconds West 48.564 meters (159.33 feet) along the East line of said lot; thence South 89 degrees 32 minutes 11 seconds West 29.117 meters (95.69 feet) to the Point of Beginning and containing 978.1 square meters (10,329 square feet), more or less.

ALSO

Lot Number 29 in Chestnut Street in Odell's First Addition to the Town of Fairland in said County and State of Indiana. ALSO, Lot 28 on Chestnut Street in the Town of Fairland, Shelby County, State of Indiana.

EXCEPT THEREFROM: A part of Lots 28 and 29 in the Original Town of Fairland, Indiana, the plat of which is recorded in Plat Book 3, Page 119, in the Office of the Recorder of Shelby County, Indiana, described as follows:

Beginning at the Southwest corner of said Lot 28; thence North 0 degrees 00 minutes 49 seconds East 3.397 meters (11.15 feet) along the West line of said Lot 28; thence North 89 degrees 32 minutes 11 seconds East 40.235 meters (132.00 feet) to the East line of said Lot 29; thence South 0 degrees 00 minutes 49 seconds West 3.636 meters (11.93 feet) along said East line to the Southeast corner of said Lot 29; thence South 89 degrees 32 minutes 37 seconds West 40.234 meters (132.00 feet) along the South line of said Lot 29 and said Lot 28 to the Point of Beginning and containing 141.5 square meters (1,523 square feet), more or less.

ALSO

Commencing 53 1/2 feet North of the Southwest corner of the East Half of the East Half of the

Southeast Quarter of Section 9, Township 13 North, Range 6 East, and running thence North to the line of the Cleveland, Cincinnati, Chicago and St. Louis Railroad; thence Southeast along the line of said railroad to a point 53 1/2 feet North of the South line of said section number 9, and thence West to the Place of Beginning.

ALSO

A part of the Southeast Quarter of the Southeast Quarter of Section 9, Township 13 North, Range 6 East, Shelby County, Indiana, described as follows: Commencing at the Southeast corner of said section; thence South 89 degrees 32 minutes 37 seconds West 198.812 meters (652.04 feet) along the South line of said section to the Southwestern line of the C&X Railway (formerly the Cleveland, Cincinnati, Chicago, and St. Louis Railroad) and the Southwest corner of the grantor's land; thence North 49 degrees 06 minutes 21 seconds West 10.438 meters (34.25 feet) along said Southwestern line to the Point of Beginning of this description; thence North 89 degrees 26 minutes 51 seconds West 36.642 meters (120.22 feet) to the East boundary of Franklin Street; thence North 00 degrees 00 minutes 49 seconds East 9.425 meters (29.61 feet) along said East boundary to the North line of the grantor's land; thence North 89 degrees 32 minutes 37 seconds East 23.746 meters (78.07 feet) along said North line to said Southwestern line; thence South 49 degrees 06 minutes 21 seconds East 14.409 meters (47.27 feet) along said Southwestern line to the Point of Beginning and containing 287.1 square meters (3,090 square feet), more or less.

More commonly known as 204 East Carey Street, Fairland, Indiana 46126.

[Parcel No. 73-06-09-400-331.000-027]

More commonly known as Chestnut Street, Fairland, Indiana 46126.

[Parcel No. 73-06-09-400-332.000-027]

More commonly known as Chestnut Street, Fairland, Indiana 46126.

[Parcel No. 73-06-09-400-333.000-027]

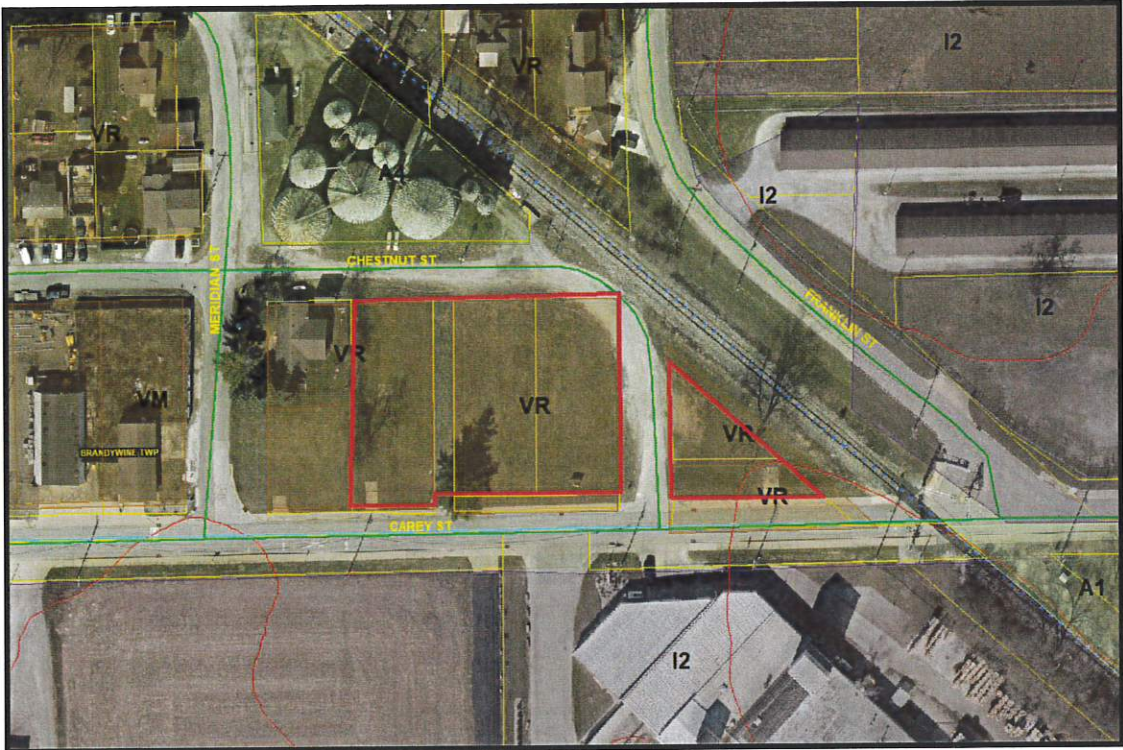
More commonly known as 206 East Carey Street, Fairland, Indiana 46126.

[Parcel No. 73-06-09-400-335.000-027]

More commonly known as Carey Street, Fairland, Indiana 46126.

[Parcel No. 73-06-09-400-376.000-027]

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. *All parking spaces shall be located north of the building, unless the building incorporates architectural standards in compliance with Section 5.13 of the Unified Development Ordinance.*
3. *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.*

