

**ORDINANCE NO. 2022 - 13**

**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 3145 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 A4 (Agricultural Commercial) (44.19 acres). A petition was filed by Eric Robertson on April 4, 2022 under Case No. RZ 22-08, 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 “A4” Agricultural**

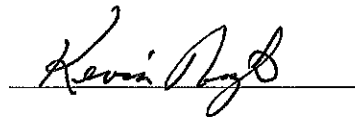
**Commercial:**

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 "A4" Agricultural 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".

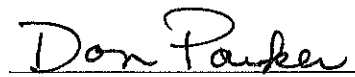
**Section 3: Effective Date.** This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

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Provisions.** All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this 16<sup>th</sup> day of May 2022 by a vote of  3  ayes and  0  nays of members of the Board of Commissioners of Shelby County, Indiana.



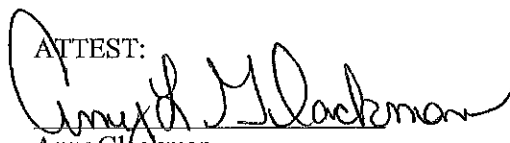
Kevin Nigh, President



Don Parker, Member

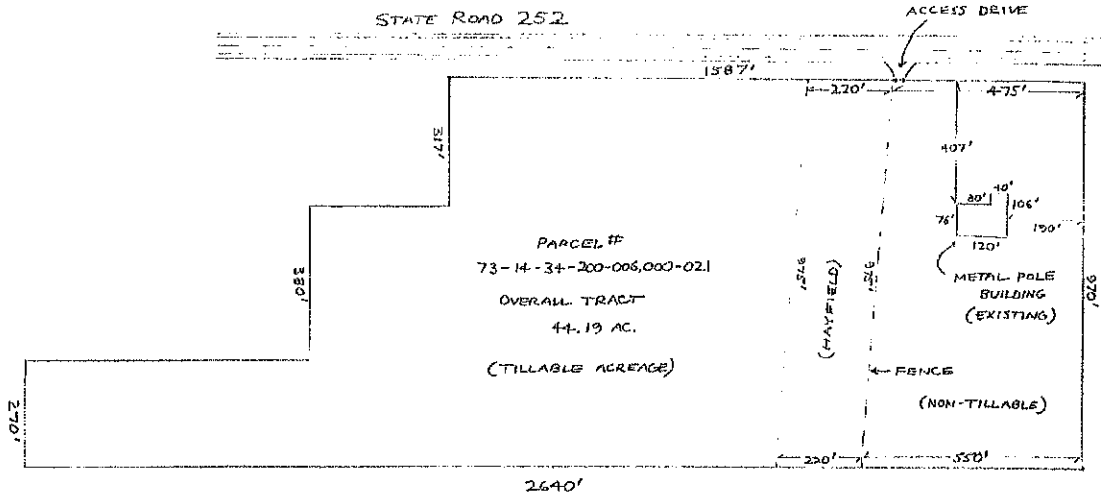
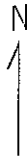


Chris Ross, Member

ATTEST:  
  
Amy Gluckman  
Shelby County, Indiana

**EXHIBIT B**

ERIC ROBERTSON  
SITE PLAN



## Exhibit "A"

### Legal Description

ALSO, 60 ACRES OF EVEN WIDTH OFF OF THE ENTIRE NORTH SIDE OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST, EXCEPT THE NORTHWEST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST, CONTAINING 10 ACRES, MORE OR LESS.

EXCEPT THEREFROM, BEGINNING IN THE CENTER OF STATE ROAD #252 AT A POINT 937 FEET EAST OF THE POINT WHERE THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST, INTERSECTS THE CENTER OF SAID ROAD; RUNNING THENCE SOUTH PARALLEL TO SAID QUARTER SECTION LINE, 377.1 FEET; THENCE EAST PARALLEL TO THE SAID CENTER OF THE ROAD 115.5 FEET; THENCE NORTH PARALLEL TO THE SAID QUARTER SECTION LINE, 377.1 FEET TO THE CENTER OF THE SAID ROAD; THENCE WEST ALONG THE CENTER OF SAID ROAD, 115.5 FEET TO THE PLACE OF BEGINNING, CONTAINING 1 ACRE, MORE OR LESS.

ALSO EXCEPT THEREFROM, BEGINNING IN THE CENTER OF STATE ROAD #252 AT A POINT 821.5 FEET EAST OF THE POINT WHERE THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST, INTERSECTS THE CENTER OF SAID ROAD; RUNNING THENCE SOUTH PARALLEL TO SAID QUARTER SECTION LINE, 377.1 FEET; THENCE EAST PARALLEL TO THE SAID CENTER OF THE ROAD 115.5 FEET; THENCE NORTH PARALLEL TO THE SAID QUARTER SECTION LINE, 377.1 FEET TO THE CENTER OF THE SAID ROAD; THENCE WEST ALONG THE CENTER OF SAID ROAD, 115.5 FEET TO THE PLACE OF BEGINNING, CONTAINING 1 ACRE, MORE OR LESS.

ALSO EXCEPT THEREFROM, BEGINNING IN THE CENTER OF STATE ROAD #252 AT A POINT 706 FEET EAST OF THE POINT WHERE THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST, INTERSECTS THE CENTER OF SAID ROAD; RUNNING THENCE SOUTH PARALLEL TO SAID QUARTER SECTION LINE, 377.1 FEET; THENCE EAST PARALLEL TO THE SAID CENTER OF THE ROAD 115.5 FEET; THENCE NORTH PARALLEL TO THE SAID QUARTER SECTION LINE, 377.1 FEET TO THE CENTER OF THE SAID ROAD;

THENCE WEST ALONG THE CENTER OF SAID ROAD, 115.5 FEET TO THE PLACE OF BEGINNING, CONTAINING 1 ACRE, MORE OR LESS.

KEY NO. 73-14-34-200-006.000-021

ALSO EXCEPT THEREFROM:

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST, SHELBY COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION SOUTH 1 DEGREE 10 MINUTES 57 SECONDS EAST 2.35 FEET FROM THE NORTHEAST CORNER OF SAID SECTION, WHICH POINT OF BEGINNING IS ON THE CENTERLINE OF S.R. 252; THENCE SOUTH 1 DEGREE 10 MINUTES 57 SECONDS EAST 60.71 FEET ALONG SAID EAST LINE; THENCE WESTERLY 337.62 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 55,940.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 88 DEGREES 20 MINUTES 53 SECONDS WEST AND A LENGTH OF 337.62 FEET TO POINT "951" DESIGNATED ON SAID PLAT; THENCE SOUTH 88 DEGREES 10 MINUTES 30 SECONDS WEST 1,354.17 FEET TO THE EAST LINE OF THE FIRST 1-ACRE EXCEPTION DESCRIBED IN INSTRUMENT NUMBER 9905143; THENCE NORTH 1 DEGREE 43 MINUTES 18 SECONDS WEST 60.06 FEET ALONG SAID EAST LINE TO THE CENTERLINE OF SAID S.R. 252; THENCE NORTH 88 DEGREES 08 MINUTES 54 SECONDS EAST 1,409.48 FEET ALONG SAID CENTERLINE; THENCE ALONG SAID CENTERLINE EASTERLY 282.88 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 34,377.40 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 88 DEGREES 23 MINUTES 03 SECONDS EAST AND A LENGTH OF 282.88 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.349 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY, WHICH CONTAINS 0.429 ACRES, MORE OR LESS.

ALSO EXCEPT THEREFROM:

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST, SHELBY COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH 1 DEGREE 10 MINUTES 57 SECONDS EAST 2.3 5 FEET ALONG THE EAST LINE OF SAID SECTION TO THE CENTERLINE OF S.R. 252; THENCE ALONG SAID CENTERLINE WESTERLY 282.88 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 34,377.40 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 88 DEGREES 23 MINUTES 03 SECONDS WEST AND A LENGTH OF 282.88 FEET; THENCE SOUTH 88 DEGREES 08 MINUTES 54 SECONDS WEST 1,409 .48 FEET ALONG SAID CENTERLINE TO THE NORTHEAST CORNER OF THE FIRST 1-ACRE EXCEPTION DESCRIBED IN INSTRUMENT NUMBER 9905143; THENCE NORTH 1 DEGREE 43 MINUTES 18 SECONDS WEST 22.37 FEET ALONG THE PROLONGED EAST LINE OF SAID 1-ACRE EXCEPTION TO THE NORTH LINE OF SAID SECTION; THENCE NORTH 88 DEGREES 51 MINUTES 56 SECONDS EAST 1,692.47 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.460 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY, WHICH CONTAINS 0.342 ACRES, MORE OR LESS.

ALSO EXCEPT THEREFROM:

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 11 NORTH, RANGE 6 EAST, SHELBY COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE NORTH 88 DEGREES 58 MINUTES 56 SECONDS EAST 329.38 FEET ALONG THE NORTH LINE OF SAID SECTION TO THE NORTHWEST CORNER OF THE 3.95-ACRE

EXCEPTION DESCRIBED IN INSTRUMENT NUMBER 9905143; THENCE SOUTH 0 DEGREES 43 MINUTES 17 SECONDS EAST 46.37 FEET ALONG THE WEST LINE OF SAID 3.95 -ACRE EXCEPTION; THENCE WESTERLY 9.38 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 55,955.00 FEET AND SUBTENDE BY A LONG CHORD HAVING A BEARING OF SOUTH 88 DEGREES 51 MINUTES 11 SECONDS WEST AND A LENGTH OF 9.38 FEET TO POINT "953" DESIGNATED ON SAID PLAT; THENCE SOUTH 85 DEGREES 49 MINUTES 47 SECONDS WEST 300.09 FEET TO POINT "952" DESIGNATED ON SAID PLAT; THENCE WESTERLY 19.94 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 55,940.00 FEET AND SUBTENDE BY A LONG CHORD HAVING A BEARING OF SOUTH 88 DEGREES 31 MINUTES 52 SECONDS WEST AND A LENGTH OF 19.94 FEET TO THE WEST LINE OF SAID SECTION; THENCE NORTH 1 DEGREE 10 MINUTES 57 SECONDS WEST 63.05 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING AND CONTAINING 0.415 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF WAY, WHICH CONTAINS 0.099 ACRES, MORE OR LESS.

## EXHIBIT C

### Commitments Concerning the Use and Development of Real Estate

- 1. All uses of the property, other than agricultural production, shall be setback at least 80-feet from all property lines adjoining property in the R1 (Single-Family Residential) District.*
- 2. A State Design Release, or written verification from the State that a State Design Release is not required, for the existing building and any applicable remodel permits shall be obtained prior to public use of the property.*