

## ORDINANCE NO. 2023-1

### AN ORDINANCE APPROVING RESOLUTION NUMBER 2022-02 OF THE TOWN OF EDINBURGH PLAN COMMISSION REZONING CERTAIN PROPERTY TO R-6, GB, AND RB

**WHEREAS**, the Town of Edinburgh, Indiana Plan Commission (referred to hereafter as the “Plan Commission”) is an advisory Plan Commission to the Town of Edinburgh, Indiana (referred to hereafter as the “Town”), and has, by Resolution Number 2022-02 forwarded a favorable recommendation that the Edinburgh Town Council amend the Zoning Map and rezone the property described in Exhibit A, attached hereto, as follows:

- a. Rezone Area 1 from Medium-Low Density Residential (R-3) to High Density Single, Two, and Multi-Family Residence (R-6)
- b. Rezone Area 2 from Medium-Low Density Residential (R-3) to High Density Single, Two, and Multi-Family Residence (R-6)
- c. Rezone Area 3 from Medium-Low Density Residential (R-3) to General Business (GB)
- d. Rezone Area 4 from Roadside Business (RB) to General Business (GB)
- e. Rezone Area 5 from Roadside Business (RB) and Medium-Low Density Residential (R-3) to General Business (GB)
- f. Rezone Area 6 from Medium-Low Density Residential (R-3) to Roadside Business (RB)

**WHEREAS**, pursuant to Indiana Code § 36-7-4-605, Resolution 2022-02 has been certified to the Edinburgh Town Council; and

**WHEREAS**, the Town Council, after paying reasonable regard to: 1) Town of Edinburgh Comprehensive Plan, 2) the current conditions and the character of current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the Town of Edinburgh’s planning jurisdiction, and 5) responsible development and growth, finds the rezoning of the property described in Exhibit A should be approved.

### **NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF EDINBURGH, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:**

1. **Zoning Map Amended:** The subject property described in Exhibit A is hereby rezoned as follows:
  - a. Rezone Area 1 is hereby rezoned High Density Single, Two, and Multi-Family Residence (R-6)
  - b. Rezone Area 2 is hereby rezoned High Density Single, Two, and Multi-Family Residence (R-6)
  - c. Rezone Area 3 is hereby rezoned General Business (GB)
  - d. Rezone Area 4 is hereby rezoned General Business (GB)
  - e. Rezone Area 5 is hereby rezoned General Business (GB)
  - f. Rezone Area 6 is hereby rezoned Roadside Business (RB)

Subject to the following conditions:

- a. All corner lots shall have only one driveway access from public street;
- b. Adherence to all other developmental standards established in the Edinburgh

Zoning Ordinances for development for which a waiver is not specifically granted;

- c. That all aspects of this project development be compliant with all applicable Building Codes adopted by the State of Indiana for construction and all developmental requirements of the Edinburgh Zoning Ordinances;
  - d. That prior to commencement of any site development on the subject parcel, the Developer shall submit all required construction plans to the Town of Edinburgh Planning Department for plan review, approval and issuance of a local improvement permit by the Edinburgh Building & Zoning Department; and
  - e. The established boundaries of the Highway Corridor Overlay District along U.S. 31 shall remain and are not amended by the rezoning request.
2. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
  3. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.
  4. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.
  5. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-5-2-10.

**INTRODUCED** on the 9<sup>th</sup> day of January 2023.

**DULY PASSED** on this 13<sup>th</sup> day of February, 2023, by the Town Council of the Town of Edinburgh, Indiana, having been passed by a vote of 4 in Favor and 0 Opposed.

**EDINBURGH TOWN COUNCIL**

Absent  
Ryan Piercefield, Council President

Dawn Graham  
Dawn Graham, Vice President

Debbie Buck  
Debbie Buck, Member

Miriam Rooks  
Miriam Rooks, Member

Jeffrey A. Simpson  
Jeffrey A. Simpson, Member

ATTEST:

Scott Finley  
Scott Finley, Clerk-Treasurer

## EXHIBIT A

LEGAL DESCRIPTION - REZONE AREA 1 (PROPOSED LOTS 1-3) R6

A PART OF LOT NO. 10 AND ALL OF LOT NO. 11 IN HECKMAN VILLAGE, RECORDED IN PLAT BOOK 3, PAGE 54 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, BEING MORE COMPLETELY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 11; THENCE ALONG THE NORTH LINE OF SAID LOT, SOUTH 88 DEGREES 52 MINUTES 37 SECONDS WEST, 149.80 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE OF SAID LOT, SOUTH 01 DEGREE 26 MINUTES 23 SECONDS EAST, 150.83 FEET; THENCE ALONG A CURVE TO THE LEFT FOR AN ARC LENGTH OF 50.39 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH 11 DEGREES 03 MINUTES 48 SECONDS EAST, AND A CHORD LENGTH OF 50.15 FEET; THENCE NORTH 88 DEGREES 52 MINUTES 37 SECONDS EAST, 141.33 FEET TO THE NORTHEAST CORNER OF LOT 9 IN SAID HECKMAN VILLAGE; THENCE ALONG THE EAST LINE OF LOTS 10 AND 11 IN SAID HECKMAN VILLAGE, NORTH 01 DEGREE 25 MINUTES 01 SECONDS WEST, 200.23 FEET TO THE POINT OF BEGINNING, CONTAINING 0.686 ACRES

LEGAL DESCRIPTION - REZONE AREA 2 (PROPOSED LOTS 4-5) R6

A PART OF LOTS NO. 13 AND 14 IN HECKMAN VILLAGE, RECORDED IN PLAT BOOK 3, PAGE 54 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, BEING MORE COMPLETELY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 12 IN SAID HECKMAN VILLAGE; THENCE SOUTH 88 DEGREES 52 MINUTES 37 SECONDS WEST, 149.84 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE ALONG THE WEST LINE OF SAID LOT 13, NORTH 01 DEGREES 26 MINUTES 23 SECONDS WEST, 75.31 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 44.99 FEET, SAID CURVE HAVING A RADIUS OF 225.00 FEET, A CHORD BEARING OF NORTH 07 DEGREES 10 MINUTES 06 SECONDS WEST AND A CHORD LENGTH OF 44.92 FEET; THENCE NORTH 88 DEGREES 33 MINUTES 37 SECONDS EAST, 154.37 FEET TO THE EAST LINE OF SAID LOT 14; THENCE ALONG THE EAST LINES OF SAID LOTS, 14 AND 13, SOUTH 01 DEGREE 25 MINUTES 01 SECONDS EAST, 120.83 FEET TO THE POINT OF BEGINNING, CONTAINING 0.416 ACRES

LEGAL DESCRIPTION - REZONE AREA 3 (PROPOSED LOTS 6 & 7) GB

A PART OF LOTS NO. 14, 15, 16, 17, 18 AND 19 IN HECKMAN VILLAGE, RECORDED IN PLAT BOOK 3, PAGE 54 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, BEING MORE COMPLETELY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT NO. 16 IN SAID HECKMAN VILLAGE; THENCE ALONG THE EAST LINES OF LOTS NO. 16, 15 AND 14, SOUTH 01 DEGREE 25 MINUTES 01 SECONDS EAST, 364.09 FEET; THENCE SOUTH 88 DEGREES 33 MINUTES 37 SECONDS WEST, 154.37 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 307.20 FEET, SAID CURVE HAVING A RADIUS OF 225.00 FEET, A CHORD BEARING OF NORTH 52 DEGREES 00 MINUTES 36 SECONDS WEST, A CHORD LENGTH OF 283.89 FEET; THENCE SOUTH 88 DEGREES 52 MINUTES 37 SECONDS WEST, 146.43 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19; THENCE ALONG THE WEST LINE OF SAID LOT 19, NORTH 01 DEGREES 26 MINUTES 23 SECONDS WEST, 185.60 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID LOT 19, 18, 17 AND 16, NORTH 88 DEGREES 50 MINUTES 58 SECONDS EAST, 520.22 FEET TO THE POINT OF BEGINNING, CONTAINING 3.077 ACRES

LEGAL DESCRIPTION - REZONE AREA 4 (PROPOSED LOT 8) GB

LOTS NO. 20, 21 AND 22 IN HECKMAN VILLAGE, RECORDED IN PLAT BOOK 3, PAGE 54 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, BEING MORE COMPLETELY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT NO. 20 IN SAID HECKMAN VILLAGE; THENCE SOUTH 01 DEGREES 26 MINUTES 23 SECONDS EAST, 200.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 20; THENCE ALONG THE SOUTH LINE OF SAID LOTS 20, 21 AND 22, SOUTH 88 DEGREES 52 MINUTES 37 SECONDS WEST, 336.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 22; THENCE ALONG THE WEST LINE OF SAID LOT 22, NORTH 10 DEGREES 18 MINUTES 48 SECONDS WEST, 202.93 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID LOTS 22, 21 AND 20, NORTH 88 DEGREES 50 MINUTES 58 SECONDS EAST, 367.62 FEET TO THE POINT OF BEGINNING, CONTAINING 1.619 ACRES

LEGAL DESCRIPTION - REZONE AREA 5 (PROPOSED LOTS 9&10) GB

LOTS NO. 23, 24, 25, 26, 27 AND PART OF LOTS 32,33 AND 34, ALL IN HECKMAN VILLAGE, RECORDED IN PLAT BOOK 3, PAGE 54 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, BEING MORE COMPLETELY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT NO. 23 IN SAID HECKMAN VILLAGE; THENCE ALONG THE NORTH LINES OF LOTS 23, 24, 25, 26 AND 27, NORTH 88 DEGREES 52 MINUTES 37 SECONDS EAST, 629.85 FEET TO THE NORTHEAST CORNER OF LOT 27; THENCE ALONG THE EAST LINE OF SAID LOT, SOUTH 01 DEGREES 26 MINUTES 23 SECONDS EAST, 150.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 88 DEGREES 43 MINUTES 07 SECONDS WEST, 300.00 FEET; THENCE SOUTH 88 DEGREES 33 MINUTES 37 SECONDS WEST, 152.63 FEET TO THE EAST LINE OF LOT 35 IN SAID HECKMAN VILLAGE; THENCE ALONG SAID EAST LINE, NORTH 10 DEGREES 03 MINUTES 58 SECONDS WEST, 39.56 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE NORTH LINE THEREOF, SOUTH 87 DEGREES 56 MINUTES 23 SECONDS WEST, 153.31 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE OF LOT 23 IN SAID HECKMAN VILLAGE, NORTH 10 DEGREES 18 MINUTES 48 SECONDS WEST, 116.60 FEET TO THE POINT OF BEGINNING, CONTAINING 2.008 ACRES

LEGAL DESCRIPTION - REZONE AREA 6 (PROPOSED LOT 11) RB

A PART OF LOTS 28, 29, 30, 32, 33 AND 34 AND ALL OF LOTS 31, 36, 37, 38, 39 AND 40 ALL IN HECKMAN VILLAGE, RECORDED IN PLAT BOOK 3, PAGE 54 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, ALSO AN UN-PLATTED PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 11 NORTH, RANGE 5 EAST, JOHNSON COUNTY, INDIANA BEING MORE COMPLETELY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 36 IN SAID HECKMAN VILLAGE; THENCE ALONG THE WESTERLY LINE OF SAID LOT 36, NORTH 09 DEGREES 54 MINUTES 38 SECONDS WEST, 85.12 FEET TO THE NORTHWESTERLY CORNER OF LOT 36; THENCE NORTH 56 DEGREES 46 MINUTES 30 SECONDS WEST, 9.09 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 34; THENCE ALONG THE WEST LINE THEREOF, NORTH 10 DEGREES 03 MINUTES 58 SECONDS WEST, 172.16 FEET; THENCE NORTH 88 DEGREES 33 MINUTES 37 SECONDS EAST, 152.63 FEET; THENCE NORTH 88 DEGREES 43 MINUTES 07 SECONDS EAST, 300.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 28; THENCE ALONG THE WEST LINE OF SAID LOT 28, NORTH 1 DEGREE 26 MINUTES 23 SECONDS WEST, 150.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 28; THENCE ALONG THE NORTH LINE OF SAID LOT 28, NORTH 88 DEGREES 52 MINUTES 37 SECONDS EAST, 45.31 FEET; THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 273.92 FEET, SAID CURVE HAVING A RADIUS OF 175.00 FEET, A CHORD BEARING OF SOUTH 46 DEGREES 16 MINUTES 53 SECONDS EAST, AND A CHORD LENGTH OF 246.80 FEET; THENCE SOUTH ALONG THE EAST LINE OF SAID LOTS 30 AND 40, SOUTH 01 DEGREES 26 MINUTES 23 SECONDS EAST, 326.14 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 144.41 FEET, SAID CURVE HAVING RADIUS OF 200.00 FEET, A CHORD BEARING OF SOUTH 22 DEGREES 07 MINUTES 32 SECONDS EAST, AND A CHORD LENGTH OF 141.30 FEET; THENCE ALONG THE NORTH LINE OF HAVEKOST AS DESCRIBED IN INSTRUMENT NO. 2002-001338, SOUTH 88 DEGREES 59 MINUTES 42 SECONDS WEST, 93.82 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE THEREOF, SOUTH 01 DEGREES 19 MINUTES 00 SECONDS EAST, 110.97 FEET TO THE NORTH RIGHT OF WAY LINE OF STATE ROAD 252; THENCE ALONG SAID RIGHT OF WAY, NORTH 70 DEGREES 00 MINUTES 35 SECONDS WEST, 363.32 FEET; THENCE ALONG THE EAST LINE OF KELSAY AS DESCRIBED IN INSTRUMENT NO. 2013-004478, NORTH 10 DEGREES 04 MINUTES 04 SECONDS WEST, 114.34 FEET TO THE SOUTHERLY CORNER OF SAID LOT 37; THENCE ALONG THE SOUTHERLY LINES OF SAID LOTS 37 AND 36, NORTH 69 DEGREES 56 MINUTES 08 SECONDS WEST, 243.58 FEET TO THE POINT OF BEGINNING, CONTAINING 7.121 ACRES.