

ORDINANCE NO. 2024-12

**AN ORDINANCE APPROVING RESOLUTION NUMBER 2024-01 OF
THE TOWN OF EDINBURGH PLAN COMMISSION
REZONING CERTAIN PROPERTY FROM R5 TO 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 2024-01 forwarded a favorable recommendation that the Edinburgh Town Council amend the Zoning Map and rezone the property described in **Exhibit “A”**, attached hereto, from R5 – Medium Density Residential to RB- Roadside Business;

WHEREAS, pursuant to Indiana Code § 36-7-4-605, Resolution 2024-01 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 from R5 – Medium Density Residential to RB- Roadside Business.

Subject to the following conditions:

- a. The owner of the subject property shall coordinate with the Indiana Department of Transportation to obtain an access permit to US 31 for the subject property prior to obtaining an improvement location permit from the Town of Edinburgh.
- 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

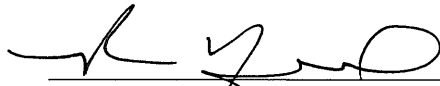
U.S. 31 shall remain and are not amended by the rezoning request.

- 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.

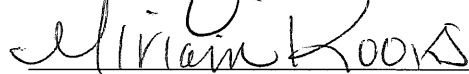
INTRODUCED on the 8th day of July 2024.

DULY PASSED on this 22 day of July, 2024, 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

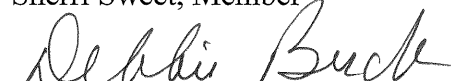


Ryan Piercefield, Council President

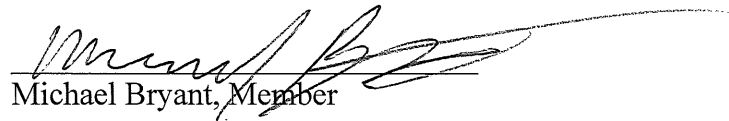


Miriam Rooks, Vice President

Sherri Sweet, Member




Debbie Buck, Member



Michael Bryant, Member

ATTEST:



Rhonda Barrett, Clerk-Treasurer

EXHIBIT A

TRACT I

A PART OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 11 NORTH, RANGE 5 EAST, INTENDED TO BE A PART OF THAT LAND AS DESCRIBED AND RECORDED IN DEED BOOK 263, PAGE 133 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER CORNER OF SAID SECTION, MARKED BY A 5/8" REBAR AND CAP (SET); THENCE SOUTH 01°23'41" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION A DISTANCE OF 314.85 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG AN EXISTING FENCE AND THE SOUTH LINE OF THE TOWN OF EDINBURGH SEWAGE TREATMENT PLANT THE FOLLOWING 5 CALLS: NORTH 88°40'09" EAST (PASSING THROUGH A 5/8" REBAR AND CAP (MONIES) AT 3.27 FEET) A DISTANCE OF 181.64 FEET TO A STEEL FENCE CORNER POST (FOUND); THENCE SOUTH 60°02'02" EAST A DISTANCE OF 18.85 FEET TO A STEEL FENCE CORNER POST (FOUND); THENCE NORTH 88°25'07" EAST A DISTANCE OF 63.44 FEET TO A STEEL FENCE CORNER POST (FOUND); THENCE NORTH 37°07'27" EAST A DISTANCE OF 12.35 FEET TO A STEEL FENCE CORNER POST (FOUND); THENCE NORTH 88°42'14" EAST A DISTANCE OF 147.29 FEET TO THE NORTHWEST CORNER OF "ELBERT" (INST. #1999030151) AND A 5/8" REBAR (FOUND); THENCE SOUTH 01°17'46" EAST ALONG THE WEST LINE OF "ELBERT" A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF "ELBERT" AND A 5/8" REBAR AND CAP (SET); THENCE SOUTH 00°02'04" EAST A DISTANCE OF 712.78 FEET TO THE NORTH LINE OF "FLETCHER" (INST. #1999004622) AND A 5/8" REBAR AND CAP (SET); THENCE SOUTH 88°42'05" WEST ALONG SAID NORTH LINE A DISTANCE OF 255.29 FEET TO THE NORTHWEST CORNER OF "FLETCHER", THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 31, AND A CONCRETE RIGHT-OF-WAY MARKER (FOUND); THENCE NORTH 29°51'10" WEST ALONG SAID EAST RIGHT-OF-WAY LINE (PASSING THROUGH A 5/8" REBAR AND CAP (MONIES) AT 289.38 FEET) A DISTANCE OF 301.72 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 01°23'41" WEST ALONG SAID WEST LINE A DISTANCE OF 547.29' TO THE POINT OF BEGINNING. CONTAINING 7.17 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

ALSO, A 40 ACCESS AND UTILITY EASEMENT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT MARKED BY A 5/8" REBAR AND CAP (SET); THENCE NORTH 00°02'04" WEST ALONG THE EAST LINE OF THE ABOVE DESCRIBED TRACT A DISTANCE OF 40.00 FEET; THENCE NORTH 88°42'05" EAST A DISTANCE OF 90.00 FEET; THENCE SOUTH 00°02'04" EAST A DISTANCE OF 40.00 FEET TO THE NORTH LINE OF "PROSSER ADDITION SIXTH SECTION" (P.B. 6, PG. 55); THENCE SOUTH 88°42'05" WEST ALONG SAID NORTH LINE, AND SUBSEQUENTLY ALONG THE NORTH LINE OF "FLETCHER" (INST. #1999004622) A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.