

ORDINANCE NO. 24-2990

AN ORDINANCE TO AMEND A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT, AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH TO THE EXTENT OF SUCH CONFLICT ONLY

WHEREAS, the City Council of the City of Shelbyville, Indiana (the “City Council”), has heretofore adopted Ordinance No. 11-2680 as the City of Shelbyville, Indiana Unified Development Ordinance (the “Unified Development Ordinance”) pursuant to its authority under the laws of the State of Indiana, Indiana Code § 36-7-4 *et seq.*, as amended; and

WHEREAS, the City of Shelbyville, Indiana (the “City”) is subject to the Unified Development Ordinance; and

WHEREAS, the City of Shelbyville Plan Commission (the “Commission”) considered a petition PC 2024-01 filed with the Commission requesting an amendment to the Lewis Creek PUD Ordinance 21-2935 as adopted; with regard to the subject real estate more particularly described in **Exhibit A** and generally depicted in **Exhibit B** attached hereto (the “Real Estate”);

WHEREAS, the Commission forwarded Docket PC 2024-01, after a public hearing held on the ____ day of ____, 2024, to the City Council with a favorable recommendation by a vote of X-X-X, in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on the ____ day of ____, 2024; and

WHEREAS, the Common Council is subject to the provisions of Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action of this request.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Shelbyville, Shelby County, Indiana, meeting in regular session, that the Ordinance is hereby amended as follows:

Section 1: Section 6, Subsection B of Ordinance 21-2935 shall be amended to read as follows:

Standard	
Maximum Number of Lots	176
Minimum Lot Area	6,000 sq ft
Minimum Lot Width (at front setback)	50'
Minimum Lot Frontage	40' at ROW line
Minimum Building Setback Building Separation Front Yard Side Yard	minimum 14' between homes 25' 5'

Rear Yard	25'
Maximum Lot Coverage (impervious surfaces on the lot)	60%
Maximum Building Height (Primary Structure)	35'
Maximum Building Height (Accessory Structure)	15'
<u>Minimum Living Area</u>	<u>1,400 sq ft</u>

Section 2: Any reference to “Lewis Creek” or “To Be Determined” shall be replaced with “Bear Run”, and any reference to “Lew Creek PUD” or “To Be Determined District” shall be replaced with “Bear Run PUD”

The balance of Ordinance 21-2935 shall remain unchanged.

**PASSED ON FIRST READING THIS _____ DAY OF _____, _____ BY A VOTE
OF _____ AYES AND _____ NAYS,**

Scott A. Furgeson, Mayor

ATTEST:

Scott M. Asher, City Clerk-Treasurer

**PASSED ON SECOND READING THIS _____ DAY OF _____, _____ BY A VOTE
OF _____ AYES AND _____ NAYS.**

Scott A. Furgeson, Mayor

ATTEST:

Scott M. Asher, City Clerk-Treasurer

Presented by me to the Honorable Mayor this _____ day of _____, _____

Scott M. Asher, City Clerk-Treasurer

APPROVED by me this _____ day of _____, _____

Scott A. Furgeson, Mayor

DRAFT

EXHIBIT A

LEGAL DESCRIPTION

Part of the South Half of the Southeast Quarter and the Southwest Quarter of Section 9 and a Part of the North Half of the Northeast Quarter of Section 16, Township 12 North, Range 7 East of the Second Principal Meridian in Shelby County, Indiana, also including Lot 2 of Timber Creek Village Subdivision per plat thereof recorded as Instrument Number 200900091 in the Office of the Recorder of Shelby County, being that part of a 54.888 acre tract of land and said Lot 2 of Timber Creek Village Subdivision shown on the plat of an ALTA / NSPS Land Title Survey said tract certified by Jonathan D. Polson, PS #LS 21500011 as Banning Engineering project Number 21147 (all references to monuments and courses herein are as shown on said plat of survey) described as follows:

BEGINNING at the southwest corner of said southeast quarter, identified by a stone; thence South 89 degrees 38 minutes 02 seconds West along the south line of said southwest quarter 808.18 feet to the east line of the land of the City of Shelbyville recorded as Instrument Number 200900091 in the Office of the Recorder of Shelby County (the following two (2) courses are along said east line) also being the beginning of a non-tangent curve to the left having a radius of 796.20 feet and a central angle of 64 degrees 45 minutes 44 seconds the radius point of which bears North 26 degrees 20 minutes 38 seconds West; 1) thence north easterly along the arc of said curve 899.95 feet; 2) thence North 01 degree 06 minutes 22 seconds West 102.69 feet to the south line of Timber Creek Village Subdivision per plat thereof recorded as Instrument Number 20180006399 in said recorder's office; thence North 89 degrees 32 minutes 39 seconds East along said south line 603.87 feet to the southwest corner of Lot 2 of said Timber Creek Village Subdivision; thence North 01 degree 06 minutes 22 seconds West along the west line of said Lot 2 a distance of 510.00 feet to the north line of said Lot 2, also being the north line of the south half of said southeast quarter; thence North 89 degrees 32 minutes 39 seconds East along said north line 1,461.46 feet; thence South 01 degree 07 minutes 59 seconds East 1,338.08 feet to the south line of said southeast quarter; thence South 89 degrees 30 minutes 06 seconds West along said south line 82.44 feet to the centerline of Lewis Creek (the following twelve (12) courses follow along said centerline); 1)thence South 62 degrees 45 minutes 39 seconds West 61.01 feet; 2) thence South 75 degrees 45 minutes 07 seconds West 74.40 feet; 3) thence South 84 degrees 32 minutes 21 seconds West 72.78 feet; 4) thence North 78 degrees 09 minutes 52 seconds West 49.07 feet; 5) thence South 60 degrees 32 minutes 23 seconds West 34.25 feet; 6) thence South 07 degrees 16 minutes 06 seconds East 24.49 feet; 7) thence South 37 degrees 30 minutes 34 seconds East 56.19 feet; 8) thence South 04 degrees 33 minutes 15 seconds East 67.72 feet; 9) thence South 34 degrees 45 minutes 01 second West 58.84 feet; 10) thence South 66 degrees 41 minutes 57 seconds West 78.03 feet; 11) thence North 72 degrees 10 minutes 00 seconds West 126.54 feet; 12) thence North 14 degrees 22 minutes 41 seconds West 239.76 feet to the south line of said south half of the southeast quarter; thence South 89 degrees 30 minutes 06 seconds West along said south line 1,112.90 feet to the POINT OF BEGINNING, containing 60.160 acres, more or less.

ALSO: OUTLOT # 1

Part Lot 1 of Timber Creek Village Subdivision per plat thereof recorded as Instrument Number 200900091 in the Office of the Recorder of Shelby County, Indiana, being that 0.823-acre tract of land shown on the plat of an ALTA / NSPS Land Title Survey said tract certified by Jonathan D. Polson, PS

#LS 21500011 as Banning Engineering project Number 21147 (all references to monuments and courses herein are as shown on said plat of survey) described as follows:

BEGINNING at the northeast corner of said Lot 1; thence South 01 degree 06 minutes 22 seconds East along the east line of said Lot 1 a distance of 78.77 feet to the beginning of a non-tangent curve to the left having a radius of 122.00 feet and a central angle of 29 degrees 27 minutes 01 second the radius point of which bears South 28 degrees 59 minutes 40 seconds West; thence northwesterly along the arc of said curve 62.71 feet to a point which bears North 00 degrees 27 minutes 21 seconds West from said radius point; thence South 89 degrees 32 minutes 39 seconds West 269.68 feet; thence South 82 degrees 20 minutes 28 seconds West 68.88 feet; thence South 73 degrees 00 minutes 10 seconds West 119.16 feet to the west line of said Lot 1 (the following two (2) calls follow along the west and north line of said Lot 1); 1) thence North 01 degree 07 minutes 52 seconds West 105.72 feet; 2) thence North 89 degrees 33 minutes 38 seconds East 512.58 feet to the POINT OF BEGINNING, containing 0.823 acres, more or less.

Total area equaling 60.983 acres, more or less.

EXHIBIT B

