

ORDINANCE NO. 2019 - 10E

AMENDING
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

AMENDING TITLE XV, CHAPTER 156, ZONING
OF THE HANCOCK COUNTY CODE OF ORDINANCES

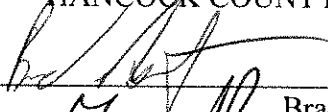
SECTION I

Title XV, Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map referenced in Section 156.020 for Sugar Creek Township is hereby amended by rezoning the subject area from Commercial Neighborhood (CN) to Commercial Community (CC). This amendment is hereby enacted subject to recordation of the attached zoning commitment.

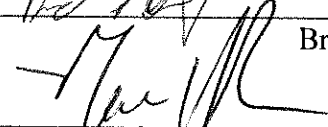
The subject area is described herein as Exhibit A. The zoning commitment is incorporated herein as Exhibit B.

ADOPTED THIS 15th DAY OF OCTOBER, 2019.

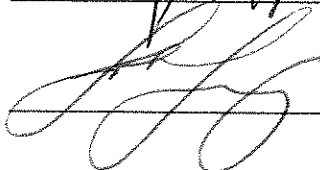
BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Brad Armstrong



Marc Huber



John Jessup

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: Dan Sharrer

Exhibit A

A part of the West Half of the Northeast Quarter of Section 4,
Township 15 North, Range 6 East in Hancock County, Indiana, said
part being more particularly described as follows:

COMMENCING at the point where the east line of said half quarter
section intersects the centerline of U.S.40; thence southwesterly on
and along said centerline 240 feet to the POINT OF BEGINNING; thence
continuing southwesterly on and along said centerline 150 feet; thence
south parallel with the east line of said half quarter section 325
feet; thence northeasterly parallel with said centerline 150 feet;
thence north parallel with the east line of said half quarter section
325 feet to the POINT OF BEGINNING, containing 1.119 acres, more or
less.

EXHIBIT B

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")
RE: DAN SHARRER - PETITION FOR REZONING**

**COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A PETITION FOR REZONING**

In accordance with I.C. 36-7-4-1015, David Bleke ("Owner") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, at 3337 West US 40, Greenfield, Indiana, which is described in Exhibit A make(s) the following commitment concerning the use and development of the parcel(s) of the real estate ("Real Estate"):

Statement of Commitment: If the Real Estate is rezoned to "Commercial Community (CC)" the Owner commits to the Commission and the Commissioners that the following types of land use will not be permitted:

- | | |
|-----------------------------|--|
| A) Body shop | F) Night club |
| B) Banquet or assembly hall | G) Hospital/medical center |
| C) Gas station | H) Lodge or private club |
| D) Hotel/motel | I) Parking lot or structure (as a primary use) |
| E) Liquor store | |

In addition to the above, the Owner commits to the following:

- J) A buffer yard type 2 shall be installed along the east boundary of the site prior to issuance of an occupancy permit for the change-of-use.
- K) Parking areas where vehicles are stored shall be paved to minimize dust and noise.
- L) Outdoor storage of vehicles shall not exceed ~~2~~ ¹⁵ on the property at any one time → behind the building
- M) At no time shall junk vehicles be stored on the property.
- N) The fence around the rear yard shall be fixed and maintained.
- O) The entire rear yard shall be fenced with a landscape buffer.
- P) Customer parking in front of the building shall be limited to the designated parking area.
- Q) At no time shall the view of the Philly Estates Mobile Home Park sign be obstructed by vehicles or other objects on the site.
- R) Any and all new exterior lighting shall be full or semi cutoff.

This Commitment shall be binding on the Owner, its successors and assigns, subsequent owners of the Real Estate, and other persons acquiring an interest therein. This Commitment may be modified or terminated only in writing and only by a decision of the Commission following a public hearing for which proper notice has been given, which decision also has been approved by the Commissioners.

This Commitment may be enforced jointly or severally by:

1. The Commission, the Commissioners, the Hancock County Board of Zoning Appeals;
2. Property owners of the Real Estate; and
3. Any person who is aggrieved by a violation of this Commitment, including but not limited to all owners of real estate which are abutting or adjoining the Real Estate.

In the event it becomes necessary to enforce this Commitment in a court of competent jurisdiction, and the owner of the Real Estate is found to be in violation of this Commitment, the Owner shall pay all reasonable costs in the enforcement of this Commitment, including attorney fees.

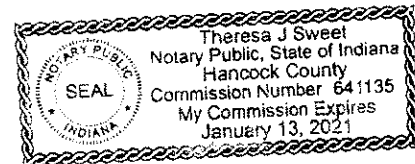
The undersigned hereby authorizes the Commission and the Commissioners to record this Commitment in the Office of the Recorder of Hancock County, Indiana upon final approval of the ordinance rezoning the property to "Commercial Community (CC)" by the Commissioners, the cost of which shall be paid by the Owner(s) to the Commission prior to recording.

In Witness Whereof, the owner has executed this instrument this 15th day of October, 2019.

David Bleke, Owner

STATE OF INDIANA)
) SS:
COUNTY OF HANCOCK)

Before me, a Notary Public, in and for said county and State, personally appeared David Bleke who acknowledged the execution of the foregoing Commitment, and who, having been duly sworn, stated that the representations therein contained are true.



Witness my hand and Notarial Seal this 15th day of October, 2019.

Thomas J. Sweet
_____, Notary Public

My Commission Expires: January 13, 2021

County of Residence: Hancock

Approved this 15th day of October, 2019.

Board of Commissioners
Hancock County, Indiana

[Signature]

Brad Armstrong

[Signature]

Marc Huber

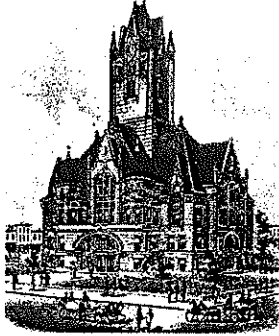
[Signature]

John Jessup

Attest: [Signature]
Debra Carnes, Hancock County Auditor

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. [Signature]

This instrument prepared by: Michael T. Dale, Executive Director, Hancock County Plan Commission. [Signature]



*The Hancock County Area Plan Commission
Court House Annex
111 American Legion Place, Suite 146
Greenfield, IN 46140
Phone: (317) 477-1134
Fax: (317) 477-1184*

CERTIFICATION
Hancock County Area Plan Commission

Project Name: Sharrer - Rezone
Petitioner: Dan Sharrer
Project Location: 3337 West US 40
Township: Sugar Creek

I, Michael Long, being the Secretary of the Hancock County Area Plan Commission of Hancock County, Indiana, do hereby certify that the attached zoning ordinance is a true and accurate record of the meeting of the Plan Commission on September 24, 2019. The attached ordinance received a favorable recommendation by a vote of seven (7) ayes, zero (0) nays, and two (2) absent subject to a zoning commitment.

The attached ordinance is hereby certified to the Board of Commissioners, Hancock County, Indiana.

HANCOCK COUNTY AREA PLAN COMMISSION
HANCOCK COUNTY, INDIANA

Michael Long, Secretary