

ORDINANCE NO. 2018-14

**AN ORDINANCE AMENDING ZONING MAPS WITHIN THE ZONING ORDINANCE
OF THE TOWN OF WHITESTOWN, INDIANA**

Zoning Map Amendments
PC18-012-ZA

WHEREAS, the Petitioner, M/I Homes of Indiana, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 96.03 acres, more or less, in the Town of Whitestown, Indiana, **from the R-1 (Low-density Single-family Residential) Zoning Classification to the R-3 (Medium-density Single-family and Two-family Residential) Zoning Classification**; and

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Whitestown Plan Commission conducted the required public hearing and determined no recommendation, by a 6-0 vote, on May 14, 2018; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on May 14, 2018; and

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Town Council of the Town of Whitestown, having considered the application and the recommendation of the Whitestown Plan Commission, now adopts the proposal and approves the requested rezoning amendment.

IT IS THEREFORE CONSIDERED, ORDAINED, AND ADOPTED as follows:

Section 1. That the Applicant is M/I Homes of Indiana.

Section 2. That the Applicant seeks to have the following described property attached hereto as Exhibit A, which is currently located in the R-1 (Low-density Single-family Residential) Zoning Classification to the R-3 (Medium-density Single-family and Two-family Residential) Zoning Classification;

Section 3. That the Town Council of Whitestown has paid reasonable regard to the comprehensive plan; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.

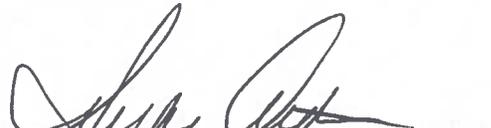
Section 4. That the Town Council hereby adopts/rejects the proposal of the Whitestown Plan Commission as certified, and hereby adopts/rejects. The Proposed Zoning Amendment.

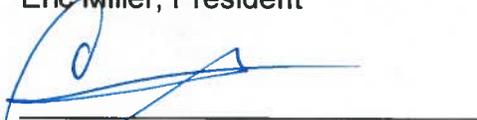
Section 5. This Ordinance shall be in full force and effect from and after its passage and upon presentation of proof by Petitioner to the Town that this Ordinance and the Commitments have been recorded.

ALL OF WHICH IS ADOPTED this 13 day of June, 2018, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.


Eric Miller, President


Susan Austin


Clinton Bohm, Vice President

Jeff Wishek


Kevin Russell

ATTEST:


Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Brittany Garriott, Town Planner

Exhibit A

Legal Description

THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 2 EAST, OF THE SECOND PRINCIPAL MERIDIAN, CONTAINING 80 ACRES, MORE OR LESS, IN BOONE COUNTY, INDIANA.

ALSO:

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 2 EAST, WORTH TOWNSHIP, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED BY: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE WITHIN THE RIGHT OF WAY OF COUNTY ROAD 700 EAST AND THE SECTION LINE, SOUTH 00 DEGREES 31 MINUTES 00 SECONDS WEST 660.95 FEET; THENCE ALONG THE NORTH DESCRIBED LINE OF THE WENDELL 8. HULL AND MAY W. HULL PROPERTY RECORDED IN DEED RECORD 225, PAGE 8, BOONE COUNTY RECORDER'S OFFICE AND THE QUARTER QUARTER QUARTER SECTION LINE, SOUTH 88 DEGREES 37 MINUTES 00 SECONDS WEST 1329.18 FEET; THENCE ALONG THE EAST DESCRIBED LINE OF THE ROBERT L. GILES PROPERTY RECORDED IN DEED RECORD 230, PAGE 405-406 AND THE QUARTER QUARTER SECTION LINE, NORTH 00 DEGREES 09 MINUTES 51 SECONDS EAST 658.25 FEET; THENCE ALONG THE SOUTH RIGHT OF WAY LINE FOR COUNTY ROAD 400 SOUTH AND THE SECTION LINE, NORTH 88 DEGREES 30 MINUTES 22 SECONDS EAST 1333.33 FEET TO THE POINT OF BEGINNING, CONTAINING 20.1484 ACRES, MORE OR LESS.

EXCEPT (1):

A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 2 EAST, BOONE COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S 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 QUARTER SECTION, SAID NORTHWEST CORNER BEING DESIGNATED AS POINT "320" ON SAID PLAT; THENCE NORTH 88 DEGREES 03 MINUTES 40 SECONDS EAST 1,333.30 FEET ALONG THE NORTH LINE OF SAID SECTION TO THE NORTHEAST CORNER OF SAID HALF- QUARTER SECTION; THENCE SOUTH 0 DEGREES 16 MINUTES 58 SECONDS EAST 83.42 FEET ALONG THE EAST LINE OF SAID HALF-QUARTER SECTION; THENCE SOUTH 88 DEGREES 03 MINUTES 40 SECONDS WEST 1,332.83 FEET TO THE WEST LINE OF SAID QUARTER SECTION; NORTH 0 DEGREES 36 MINUTES 13 SECONDS WEST 83.41 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING AND CONTAINING 2.552 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.021 ACRES, MORE OR LESS.

ALSO EXCEPT (2):

A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 2 EAST, BOONE COUNTY,



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INDIANA, AND BEING THAT PART OF THE GRANTOR'S 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 POINT "622" DESIGNATED ON SAID PLAT ON THE NORTH LINE OF SAID SECTION SOUTH 88 DEGREES 03 MINUTES 40 SECONDS WEST 495.80 FEET FROM THE NORTHEAST CORNER OF SAID SECTION, SAID NORTHEAST CORNER BEING DESIGNATED AS POINT "323" ON SAID PLAT; THENCE SOUTHWESTERLY 386.18 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 880.00 FEET AND SUBTENDE BY A LONG CHORD HAVING A BEARING OF SOUTH 75 DEGREES 29 MINUTES 21 SECONDS WEST AND A LENGTH OF 383.09 FEET TO POINT "621n DESIGNATED ON SAID PLAT; THENCE SOUTH 88 DEGREES 03 MINUTES 40 SECONDS WEST 466.01 FEET TO THE WEST LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 0 DEGREES 16 MINUTES 58 SECONDS WEST 83.42 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF SAID SECTION; THENCE NORTH 88 DEGREES 03 MINUTES 40 SECONDS EAST 837.50 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 1.372 ACRES, MORE OR LESS.

ALSO EXCEPT (3):

A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 2 EAST, BOONE COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT- OF-WAY LINE DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT. MARKED EXHIBIT "*B_n*", DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION, SAID NORTHEAST CORNER BEING DESIGNATED AS POINT "323n ON SAID PLAT; THENCE SOUTH 0 DEGREES 02 MINUTES 08 SECONDS WEST 97.59 FEET ALONG THE EAST LINE OF SAID SECTION TO POINT "640" DESIGNATED ON SAID PLAT ON THE NORTHEASTERN BOUNDARY OF COUNTY ROAD 700 EAST; THENCE SOUTH 84 DEGREES 42 MINUTES 34 SECONDS WEST 20.92 FEET TO POINT "639" DESIGNATED ON SAID PLAT ON THE SOUTHWESTERN BOUNDARY OF SAID COUNTY ROAD 700 EAST; THENCE NORTH 32 DEGREES 30 MINUTES 31 SECONDS WEST 27.58 FEET TO POINT "638" DESIGNATED ON SAID PLAT; THENCE NORTH 28 DEGREES 48 MINUTES 01 SECOND WEST 35.93 FEET TO POINT "637" DESIGNATED ON SAID PLAT; THENCE NORTH 49 DEGREES 19 MINUTES 48 SECONDS WEST 35.35 FEET TO POINT "636n DESIGNATED ON SAID PLAT; THENCE NORTH 69 DEGREES 51 MINUTES 34 SECONDS WEST 35.93 FEET TO POINT "635n DESIGNATED ON SAID PLAT; THENCE NORTH 79 DEGREES 07 MINUTES 23 SECONDS WEST 24.89 TO POINT "634" DESIGNATED ON SAID PLAT ON THE NORTH LINE OF SAID SECTION; THENCE NORTH 88 DEGREES 03 MINUTES 40 SECONDS EAST 138.08 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.130 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.065 ACRES, MORE OR LESS.
