

ORDINANCE NO. 2018-18

AN ORDINANCE AMENDING THE TEXT OF THE ANSON I-65 PUD
ORDINANCE OF THE TOWN OF WHITESTOWN, INDIANA

WHEREAS, pursuant to IC § 36-7-4-600 *et seq.*, the Whitestown Plan Commission has certified a recommendation to the Town Council of the Town of Whitestown ("Town Council") for a proposal to amend Section 4.16 of the Anson I-65 PUD Ordinance of the Town of Whitestown, Indiana, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference; and

WHEREAS, pursuant to Indiana Code § 36-7-4-600 *et seq.*, the Whitestown Plan Commission conducted a public hearing on the proposal on June 11, 2018, and, by a 5-0 vote, determined to certify the proposal to the Town Council with a favorable recommendation; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Town Council on June 12, 2018; and

WHEREAS, the proposal is consistent with and restates the existing right of an owner of any Unacquired Parcel in the Anson I-65 PUD to seek a change in the zoning classification of the Unacquired Parcel; and

WHEREAS, pursuant to Indiana Code § 36-7-4-600 *et seq.*, the Town Council, having considered the proposed amendment and the recommendation of the Whitestown Plan Commission, now desires to approve the amendment to the Anson I-65 PUD as recommended by the Whitestown Plan Commission.

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

Section 1. The Town Council 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 2. The Town Council hereby adopts the amendment(s) to the Anson I-65 PUD Ordinance as certified by the Whitestown Plan Commission and set forth in Exhibit A attached to Exhibit 1, both of which are incorporated herein by reference.

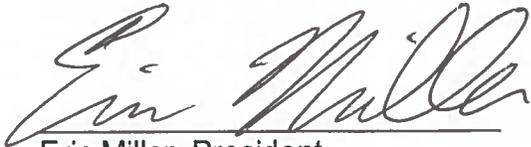
Section 3. The provisions and terms of this Ordinance and the provisions and terms of the exhibits hereto are severable. If any provision or term is declared invalid, the remaining portions of this Ordinance and/or the exhibits shall remain in full force and effect.

ORIGINAL

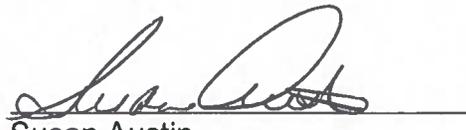
Section 4. This Ordinance shall be in full force and effect upon its adoption.

ALL OF WHICH IS ADOPTED this 12 day of July, 2018, by the
Town Council of the Town of Whitestown, Indiana.

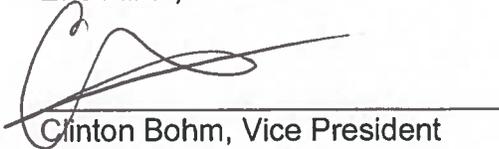
TOWN COUNCIL OF WHITESTOWN, INDIANA.



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

ORIGINAL



Certification of Recommendation

Whitestown Plan Commission

DATE: 6/12/2018

RE: PROPOSED AMENDMENTS TO THE Anson (I-6) PUD ORDINANCE (PUD)

In accordance with IC 36-7-4-608, the Whitestown Plan Commission hereby certifies their recommendation to the Whitestown Town Council as described below.

At their public hearing on 6/11/2018 the Whitestown Plan Commission gave a favorable recommendation to adopt the proposed amendments to the Anson (I-65) PUD with a 5-0 vote. The proposed amendment includes allowing the owner of any Unacquired Parcel to file a proposal, as described in IC 36-7-4-602(c), to change the zoning classification. The complete proposed amendment is contained in the attached **Exhibit A**.

If you have any questions, please contact me at your earliest convenience.

Respectfully,

Brittany Garriott



Exhibit A

Ordinance Language to Amend

PROPOSED AMENDMENT TO THE ANSON I-65 PUD IN BOLD TYPE

Section 4.16. *The Unacquired Parcel*. Notwithstanding anything to the contrary in this I-65 PUD Ordinance, until an Unacquired Parcel is acquired by the Controlling Developer, any Unacquired Parcel shall be zoned and may be developed not only per the terms and conditions of this I-65 PUD Ordinance, but shall also remain zoned and may be developed per the terms and conditions of the Prior Zoning. The discretion to develop an Unacquired Parcel, per the terms and conditions of the I-65 PUD Ordinance or the Prior Zoning, rests solely with the owner of the Unacquired Parcel. **Nothing in this I-65 PUD Ordinance shall be construed as restricting the right of the owner of any Unacquired Parcel from filing a proposal, as described in IC 36-7-4-602(c), to change the zoning classification of the Unacquired Parcel after the adoption of this I-65 PUD Ordinance.**