

ORDINANCE 2020-17

AN ORDINANCE CONCERNING A REPLACEMENT UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF WHITESTOWN, INDIANA

WHEREAS, the Whitestown Plan Commission has initiated a proposal for an updated Unified Development Ordinance for the Town of Whitestown; and

WHEREAS, the Whitestown Plan Commission conducted a public hearing on the proposed new Unified Development Ordinance on March 9, 2020, and following such hearing determined its favorable recommendation by a vote of 7-0; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on June 3, 2020; and

WHEREAS, the Town Council has paid reasonable regard to the comprehensive plan; current conditions and the character of 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; and

WEREAS, the Town Council of the Town of Whitestown, having considered the proposed Unified Development Ordinance and the recommendation to the Whitestown Plan Commission, now approves the Unified Development Ordinance with amendments, all as hereinafter set out.

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

- Section 1.** The Town Council of the Town of Whitestown hereby adopts the Whitestown Unified Development Ordinance attached hereto as **Exhibit A** and incorporated herein by reference (“UDO”), with the following amendments: all references in the UDO to the Town Court of Whitestown shall be replaced with references to any court having jurisdiction.
- Section 2.** The Clerk-Treasurer shall return the UDO to the Whitestown Plan Commission for its consideration of the amendments set forth herein, with the following reason for the amendment: pursuant to Ordinances 2020-07 and 2020-10, the Whitestown Town Court will be dissolved on or before September 1, 2020.
- Section 3.** The Whitestown Plan Commission shall have forty-five (45) days in which to consider the amendments set forth in this Ordinance. If the Commission approves the amendments or fails to act within forty-five (45) days hereof, this Ordinance stands as passed as of the date of the filing of the Commission’s report of approval with the Town Council or the end of the forty-five (45) day period. If the Commission disapproves the amendments, this Ordinance may be reconfirmed by the Town Council.

Section 4. Following confirmation by either the Whitestown Plan Commission or Town Council as set forth above, the Commission shall prepare and publish notice of adoption as set forth in Indiana Code § 36-7-4-610.

Section 5. The terms or provisions of other ordinances in conflict with the terms or provisions hereof, if any, are hereby superseded. The terms, paragraphs, sentences, words, and acts of this Ordinance and the UDO are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance or UDO unconstitutional, invalid, and unenforceable for any reason, such declaration shall not affect the remaining portions or acts hereof and the court shall substitute such provisions or acts with a constitutional, valid, and enforceable provision or act as would be necessary to effectuate the enforceability of the applicable provision.

Section 6. This Ordinance shall be in full force and effect upon its passage and publication as set forth in Indiana Code § 36-7-4-610.

ALL OF WHICH IS ADOPTED the ____ day of _____, 2020, by the Town Council of the Town of Whitestown, Indiana, by a vote of ____ for and ____ against.

THE TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA

Clinton Bohm, President

ATTEST:

Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

The Whitestown Plan Commission, having considered the amendments set forth above to the UDO, and being duly advised, hereby certifies its APPROVAL of the amendments and this Ordinance in full on the ____ day of _____, 2020, by a vote of ____ for and ____ against.

WHITESTOWN PLAN COMMISSION

President

ATTEST:

Secretary

Presented by me to the Whitestown Town Council the ____ day of _____,
2020.

Brittany Garriott
Director of Planning and Community Development

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Exhibit A
Unified Development Ordinance