

ORDINANCE NO. 2021-34

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

Zoning Map Amendments
PC17-037-ZA
PC-21-032-DP

WHEREAS, 2PL LLC, filed a Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 75.92 acres, more or less, in the Town of Whitestown, Indiana, **from the AG (Agriculture) Zoning Classification to the I-1 (Light Industry) Zoning Classification**; and

WHEREAS, on October 1, 2018, the Town Council for the Town of Whitestown adopted the Zoning Amendment from AG to I-1 pursuant to Ordinance No. 2018-25; and

WHEREAS, Ordinance No. 2018-25 adopted certain Written Commitments Concerning the Use or Development of Real Estate Made in Connection with a Zone Map Change which were attached to Ordinance No. 2018-25 as Exhibit B; and

WHEREAS, on October 11, 2021, 2PL LLC's successor in interest, Exeter 4765 S 300 Land, LLC, requested at a hearing before the Whitestown Plan Commission pursuant to PC-21-032-DP to amend Exhibit B to Ordinance No. 2018-25; and

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Whitestown Plan Commission conducted the required public hearing and determined favorable recommendation, by a 4-0 vote, on March 8, 2021 to amend Exhibit B to Ordinance No. 2018-25; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on October 12, 2021; 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 Exeter 4765 S 300 Land, LLC.

Section 2. That the Applicant seeks to have a commitment which is part of the zoning on the property described in Exhibit A, attached hereto and incorporated herein by reference ("Property"), amended. The commitment modification

it seeks to have is attached in Exhibit B (“Revised Commitments”). The Revised Commitments remove a requirement for a landscape berm on the north end of the Property because the land to the north of the Property is now also zoned I-1 and a landscape berm is no longer needed on the north end. The Revised Commitments preserve, however, berm requirements on the west and south end of the property.

Section 3. The Applicant shall record this Ordinance in the chain of title for the Property.

Section 4. 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 5. That the Town Council hereby adopts the amendment to Ordinance No. 2018-25 which amends the commitment with respect to the Property, such that the Property is zoned to the I-1 (Light Industry) Zoning Classification subject to the Revised Commitments which are attached hereto as Exhibit B.

Section 6. 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.

Section 7. Except as expressly amended hereby, Ordinance No. 2018-25 shall otherwise remain in full force and effect.

ALL OF WHICH IS ADOPTED this _____ day of _____, 2021, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA

Clinton Bohm, President

ATTEST:

Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Brittany Garriott, Town Planner

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