

ORDINANCE NO. 2023-12

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

Zoning Map Amendments
PC23-010-ZA

WHEREAS, the Petitioner, Kite Harris Property Group, LLC., filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 40.0 acres, more or less, in the Town of Whitestown, Indiana, **from the General Agriculture (AG) Zoning Classification to the Light Industry (I-1) Zoning Classification.**

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Whitestown Plan Commission conducted the required public hearing and determined an unfavorable recommendation by a 4-0 vote, on May 8, 2023; and

WHEREAS, the Whitestown Plan Commission certified unfavorable recommendation to the Whitestown Town Council on May 8, 2023; 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 Kite Harris Property Group, LLC. on behalf of Edwina Smith per Mark Smith, Owner.

Section 2. That the Applicant seeks to have the described property attached hereto as Exhibit A, which is currently located in the General Agriculture (AG) Zoning Classification to the Light Industry (I-1) Zoning Classification.

Section 3. In order to induce the Town Council, the Applicant has made certain written commitments attached hereto as Exhibit B and incorporated herein as a part of this Ordinance (“Commitments”). The rezone is subject to and contingent upon the Commitments. The applicant shall further record this Ordinance and the Commitments 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 the zoning map with respect to the Property, such that the Property is rezoned to Light Industry (I-1) Zoning Classification.

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.

ALL OF WHICH IS ADOPTED this _____ day of _____, 2023, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

Eric Nichols, President

Tanya Sumner

Clinton Bohm, Vice President

Jeff Wishek

Susan Austin

ATTEST:

Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Jill Conniff, Planning Staff

Exhibit A

Legal Description

(from Title Commitment)

The Northeast Quarter of the Southwest Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana.

Exhibit B

Commitments

1. The following uses are not permitted:
 - a. Service Station, Local
 - b. Auto/Boat/Light Truck Sales or Rentals
2. Motorcycle/ATV/Lawn Care Sales or Rentals is a permitted use.
3. All uses are subject to the following outdoor storage requirements:
 - a. outdoor storage must be in conformance with UDO Section 3.8
 - b. outdoor storage areas must be screened on all sides at least 8 feet high with a solid wall, fence, or landscaping, or a combination of these elements. A wall or fence must use materials consistent or complementary to the principal building. Chain link fencing is prohibited.
 - c. outdoor storage is only permitted on the interior of the site, not fronting CR 750 S or CR 450 E
4. All uses are subject to the following outdoor display requirements:
 - a. outdoor display area must be in conformance UDO Section 3.8, D.
 - b. outdoor display is not permitted in parking stalls or in drive aisles
 - c. outdoor display cannot be left out overnight or during non-business hours
 - d. outdoor display is allowed up to 5% of the tenant user square footage
5. Access points to the site shall be limited to the two approximate locations as shown on the 2022 Comprehensive Land Use Plan, Special Development Area 8.
6. All site lighting shall be coordinated throughout and be of uniform design, color, and materials.
7. The maximum building footprint is 40,000 square feet.
8. The maximum building height is 40 feet measured from the eaves.
9. The proposed structures must comply with UDO Section 9.7 Industrial Architectural Standards in addition to the below:
 - a. Building facades, which are 240 feet or greater in length, shall be designed with offsets. Offsets shall be a minimum depth of 4 feet and a minimum aggregate length of 20 percent of the horizontal plane of the overall Building Façade.
 - b. The main building entrance or tenant space pedestrian entrances shall be defined and articulated by architectural elements such as projections, lintels, pediments, pilasters, columns and other design elements as appropriate.
 - c. All pedestrian entrances must be covered.
 - d. If pre-cast or architectural concrete is used it shall be painted, textured (rough, striated, imprinted with a pattern or form), or designed to simulate brick or stone (limestone, marble, or granite).
 - e. If EIFS is used it shall not be permitted within 8 feet of the ground level.
 - f. A maximum of 60% of any one exterior building material may be used.
10. Dedicate right-of-way for minor collector for CR 450 E, 32.5' half ROW & additional ROW for corner cut at CR 450 /CR 750 S for future roundabout.
11. Dedicate wastewater treatment plant access easement area to Town of Whitestown in fee simple. Full access is not permitted to the proposed development site. The applicant may have perpendicular utility and storm water crossings to be approved by Whitestown. Emergency access location(s) may be approved by Whitestown.