

ORDINANCE NO. 2023- 18

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

Text Amendments
PC23-045-TA

WHEREAS, the Whitestown Plan Commission introduced a proposal to make certain text amendments to the Whitestown Unified Development Ordinance; and

WHEREAS, the proposed text amendments to the Whitestown Unified Development Ordinance in a redline format showing the proposed revisions is attached hereto as **Exhibit A** and a clean version of the revised Unified Development Ordinance incorporating the revisions proposed by the Plan Commission is attached hereto as **Exhibit B**; and

WHEREAS, pursuant to Indiana Code § 36-7-4-607, the Whitestown Plan Commission conducted a public hearing and determined its favorable recommendation on the proposed amendments, by a 6-0 vote, on August 14, 2023; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on August 14, 2023; and

WHEREAS, pursuant to Indiana Code § 36-7-4-607, the Town Council of the Town of Whitestown, having considered the proposals and the recommendation to the Whitestown Plan Commission, now adopts the proposal and approves the text amendments, all as hereinafter set out.

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

Section 1. The Whitestown Plan Commission seeks to amend the text of the Whitestown Unified Development Ordinance generally to make revisions to Chapters 2 and 12. A redline copy showing the proposed text amendments is attached hereto as **Exhibit A** and incorporated herein by reference.

Section 2. 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 3. That the Town Council hereby adopts the proposed amendments of the Whitestown Plan Commission as certified, and hereby adopt the revisions set forth in **Exhibit A** and incorporated into **Exhibit B** as text amendments to the Whitestown Unified Development Ordinance. All other provisions of

the Unified Development Ordinance not otherwise specifically amended in **Exhibit A** remain in full force and effect.

Section 4. 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 and portion of this Ordinance or UDO unconstitutional, invalid, and unenforceable for any reason, such declaration shall not affect the remaining portion 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 5. This Ordinance shall be in full force and effect from and after its passage as provided by applicable law.

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

Ordinance Language to Amend

Language to be deleted is [~~stricken through~~]. Language to be added is [underlined].

Unified Development Ordinance

Chapter 2 Zoning Districts

2.5 Industrial Development Standards and Uses

USE	Use Limitation	I1	I2	I3	AG
Parking of Vehicles					
Parking Garage	10	L	L	L	NP
Parking Lot		P	P	P	NP
<u>Heavy Vehicle Parking Lot</u>	<u>16</u>	<u>L-SE</u>	<u>L-SE</u>	<u>L-SE</u>	<u>NP</u>
Eating & Drinking Establishments					
Restaurant, Class B		P-SE	NP	NP	NP
Lodging Accommodations					
Bed & Breakfast		NP	NP	NP	P-SE
Office					
Office, All Others		P	NP	P	NP
Retail Sales, Service & Repair					
Animal Sales and Services, All Others	11	L	NP	NP	NP
Kennel, Medium or Large	12	L-SE	L-SE	NP	L
Retail Sales, Personal Services, & Repair	25	L	L	NP	NP
Vehicle/Equipment Sales, Service & Repair					
Automobile Services, Light		P	P	NP	NP
Automobile Services, Heavy	14	L-SE	L	NP	NP
Auto/Motorcycle/Boat/Light Truck Sales or Rentals	15	L	L	NP	NP
Heavy Vehicle/Equipment Sales, Rentals & Service	16	NP	L	NP	NP
Service Station, Local	13	L	L	L	NP

16. **Heavy Vehicle Parking Lot and** Heavy Vehicle/Equipment Sales, Rentals, and Service. In all Zoning Districts where permitted with limitations, a **Heavy Vehicle Parking Lot use or** Heavy Vehicle/Equipment Sales, Rentals, and Service use must be located at least 500 feet from the nearest boundary of any residential district **or use** existing at the time of application. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district **or use**.

2.7 I-65 Corridor Overlay

C. Uses. All uses permitted in the underlying zoning district are permitted except the following uses are prohibited within the I-65 Corridor Overlay District:

1. Confined feeding
2. Junk yard
3. Manufacture, use, or storage of explosives
4. Slaughterhouses
5. Sanitary landfill
6. Restricted waste site
7. Adult businesses
8. **Heavy vehicle parking lot**
- ~~9.~~ Any other use excluded by the underlying zoning district

Chapter 12 Definitions

Heavy Vehicle Parking Lot. A site primarily used for the parking of heavy vehicles including, but not limited to, semi-trucks, trailers, and other multi-axle vehicles.

Exhibit B
