

ORDINANCE NO. 2023-31

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF
WHITESTOWN, INDIANA

Text Amendments
PC23-050-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 October 9, 2023; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on October 9, 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 1-5 and 7-12. 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 1 General Provisions

1.5 Public Utility Installations

Structures and land used for public utility installations are subject to the provisions of this Ordinance to the extent permitted under Indiana law.

All structures for a public utility installation, including substations, must be effectively landscaped and must require approval of a development plan (see Article 11.~~7~~8 Development Plan Review) and improvement location permit (see Article 11.~~8~~9 Improvement Location Permit).

Chapter 2 Zoning Districts

2.6 Mixed-Use Development Standards and Uses

A. Purpose

3. PUD – Planned Unit Development – This district is established to encourage large-scale, identity-building developments mixing uses, building types, and building arrangements. Development in this district requires connection to public water and public sewers and development plan approval. See Section 11.~~9~~10 – Planned Unit Development.

2.7 I-65 Corridor Overlay

E. Architectural Design Standards. The development plan submittal must include architectural design of buildings to be constructed in the development. In reviewing the architectural design, the WPC will consider the following factors:

8. Exterior Building Materials. Unless otherwise approved by the ~~WPCBZA~~, exterior building materials must comply with the following requirements:

e. Colors. Colors used on building facades must be complementary. Natural, muted colors (earth tones or neutral colors) should serve as the primary façade color, with brighter colors used only as accents.

Accent colors are considered a maximum of 10% of the exterior building color, excluding windows and doors.

2.8 Legacy Core District

	Core Area	Transition Area
A. Lot Requirements		
Maximum Density (units/acre)	No maximum	No maximum
Minimum Lot Size (s.f.)		
Single-Family Detached Dwelling	N/A	6,000
Single-Family Attached Dwelling, Townhome	No minimum	2,000
Multi-Family Dwelling (s.f. per dwelling unit)	No minimum	No minimum
Mixed Use Structure	No minimum	No minimum
Maximum Lot Size	2 acres	2 acres
Minimum Lot Width	24'	24'
Minimum Lot Frontage/Street Frontage ¹	24'	24'
B. Building Placement Requirements		
Minimum Front Setback (min/max)	0' / 20'	10' / none
Minimum Street Side Setback (min/max)	0' / 20'	10' / none
Minimum Side Yard Setback (min/max)	0' / none	3' / none
Minimum Rear Setback (min/max)	10' / none	10' / none
C. Building Requirements		
Maximum Building Height (min/max)	2 / 4 stories	1 / 3 stories
Maximum Lot Coverage	100%	90%
Minimum Ground Floor Area (s.f.)		
1 Story Dwelling		
Residential Use	No min.	700'
Nonresidential Use	No min.	No Min.
Dwelling with more than 1 story		
Residential Use	400'	400'
Nonresidential Use	No Min.	No Min.
Min. Floor Area per D.U. for Multi-Family Dwellings	400+150sq ft per bedroom	450+150sq ft per bedroom

Notes

- Frontage along the Big 4 Trail can be substituted for the required lot/street frontage so long as there is a shared access easement or private street network connecting parcels to a street frontage with public right-of-way.**

F. Architectural Design Standards

2. Building Facades. To avoid long, monotonous, uninterrupted walls or roof planes, building facades must incorporate changes in pattern, texture, or color. Facades constructed with more than one material must only change material along a horizontal or vertical line (not a diagonal line). In the case of a change along a horizontal line, the heavier material must be placed beneath the lighter material. Front and side facades of buildings located on corner lots must have the same materials and architectural detailing.

b. Facades facing public streets and the Big 4 Trail shall have a minimum of 75% of permitted primary materials and a maximum of 25% of standard materials. Facades not facing public streets

and the Big 4 Trail shall have a minimum of 50% of permitted primary materials and a maximum of 50% of standard materials.

4. Entrances.

a. All structures with frontages on two public streets shall be required to create a corner feature that addresses the corner as a focal point. This corner shall feature at least two of the following options:

Chapter 3 Specific Uses

3.2 Temporary Uses, Events, and Structures

All Temporary Uses, Events, and Structures must comply with this chapter.

A. Unless otherwise provided, temporary uses, events and structures require a Temporary Uses, Events, and Structures Permit as set forth in 11.134 Temporary Use and Events Permits. Director of Public Works approval is required for activities within the right-of-way.

C. General Standards

5. The required parking for the primary use must not be negatively impacted by the temporary use or event. Additional parking may be required if the temporary use or event increases the need for parking.

- **Temporary Parking**

- **Duration. Parking lots designed for a temporary event in any zoning district may be approved for a maximum of thirty (30) consecutive days annually.**
- **Parking Surface Material. Temporary Parking may be concrete, asphalt, porous pavers, porous concrete, or grass.**
- **Drive Aisles. Concentrated drive aisles within temporary parking lots must be maintained to minimize any parking surface material from leaving the site. Drive aisles may be concrete, asphalt, porous pavers, porous concrete, gravel, or grass.**
- **Additional approval may be required through the Boone County Surveyor's Office.**

Chapter 4 Design and Maintenance Standards

4.10 Yard Standards

A. Buildings must not be erected, reconstructed or structurally altered to encroach upon or reduce the yards, lot area, minimum living area, or lot coverage provisions established for the use and the Zoning District or Overlay District in which such building is located.

- **Roof overhangs are permitted to encroach into the required yard setback by not more than 12 inches.**

Chapter 5 Landscape Standards

5.3 General Landscaping Standards

B. Required Plant Materials. Tree and shrub species used to meet the requirements of this Ordinance

must be from the Approved Plant List. Plants listed on the Prohibited Plant List cannot be used to fulfill any requirement of this Ordinance. All plant material must be hardy to central Indiana, suitable for the site, free of disease and insects, and conform to the American Standard for Nursery Stock (ANSI Z60.1-2004). The Administrator may authorize alternative species or cultivars that meet the intended purpose, are not invasive or hazardous, and are equally hardy.

- **When calculating the number of required plants, any fraction of a plant must be counted as one plant.**

M. Retention and Detention Facilities. Landscaping must be provided around the perimeter of all **new** retention and detention basins: **constructed in conjunction with a development under this ordinance.** Such landscaping must consist of trees, shrubs, and emergent plantings in a quantity, species, and arrangement that will maintain an ecologically functional environment. Per the Stormwater Specification Manual, tall plantings in the aquatic bench are desirable to keep waterfowl from the site. Retention and detention basins should be designed to resemble natural landforms, whenever possible. Such landscaping must be integrated with the littoral zone of emergent vegetation around the pond perimeter with the safety bench. Trees, shrubs and upland plantings are to be located above the normal water line; emergent or wetland plantings are to be located below the normal water line. Vegetation must be established on all side slopes to prevent erosion. A stormwater management easement and operation and maintenance agreement is required for each facility, clearly marking inlet/outlet structures and easements for inflow/outflow piping. Trees or deep-rooted vegetation must not be planted in any easement with storm drainage pipe. Vegetation must not obstruct inlet/outlet structures and inflow/outflow piping area.

5.7 Residential Districts

In the R1, R2, and R3, **and R4** districts **and single-family attached, detached, and townhome residential projects in the MU-COR district,** at the time of development, trees must be provided on the lot being developed as follows:

Lot Size (square feet)	Number of Trees Required
Up to 3,500	1
3,500-9,999	2
10,000-19,999	3
20,000 and above	4

In addition to the provisions for street frontage landscaping and the lot planting requirements above, trees must be provided or preserved on site at a rate of 10 shade trees per acre of open space and common area.

5.11 Appendix B – Prohibited Plant List

Prohibited Plant Species

Scientific Name	Common Name	Reason
Acer campestre	Hedge Maple	Invasive
Acer ginnala	Amur Maple	Invasive
Acer negundo	Box Elder	Weak Wood; Aggressive
Acer platanoides	Norway Maple	Invasive
Acer saccharinum	Silver Maple	Weak Wood; Aggressive

Prohibited Plant Species

Scientific Name	Common Name	Reason
<i>Acer tartaricum</i>	Tartarian Maple	Invasive
<i>Achyranthes japonica</i>	Japanese Chaff Flower	Highly Invasive
<i>Ailanthus altissima</i>	Tree of Heaven	Invasive; Suckers; Weak Wood
<i>Alliaria petiolate</i>	Garlic Mustard	Invasive
<i>Alnus glutinosa</i>	Black Alder	Invasive
<u>Amaranthus hybridus</u>	<u>Smooth Pigweed</u>	<u>Noxious Weed</u>
<u>Amaranthus Palmeri</u>	<u>Palmer Amaranth</u>	<u>Noxious Weed</u>
<u>Amaranthus Powellii</u>	<u>Powell Amaranth</u>	<u>Noxious Weed</u>
<u>Amaranthus Retroflexus</u>	<u>Rough Pigweed</u>	<u>Noxious Weed</u>
<u>Amaranthus rudis</u>	<u>Common Waterhemp</u>	<u>Noxious Weed</u>
<u>Amaranthus tuberculatus</u>	<u>Tall Waterhemp</u>	<u>Noxious Weed</u>
<i>Ampelopsis brevipedunculata</i>	Porcelain Berry	Invasive
<i>Artemisia vulgaris</i>	Mugwort	Highly Invasive
<i>Arthraxon hispidus</i>	Small Carpgrass	Highly Invasive
<i>Arundo donax</i>	Giant Reed	Invasive
<i>Azolla pinnata</i>	Mosquito Fern	Prohibited Plant Species
<i>Berberis thunbergii</i>	Japanese Barberry	Invasive
<i>Berberis vulgaris</i>	Common Barberry	Invasive
<i>Bromus inermis</i>	Smooth Brome	Invasive
<i>Buddleia davidii</i>	Butterfly Bush	Invasive
<i>Butomus umbellatus</i>	Flowering Rush	Invasive/Prohibited Plant Species
<i>Cardamine impatiens</i>	Narrowleaf Bittercress	Invasive
<i>Carduus acanthoides</i>	Plumeless Thistle	Invasive
<i>Carduus nutans</i>	Musk Thistle	Invasive
<i>Caulerpa taxifolia</i>	Mediterranean Killer Algae	Prohibited Plant Species
<i>Celastrus orbiculatus</i>	Asian Bittersweet	Invasive
<i>Centaurea biebersteinii</i>	Spotted Knapwood	Invasive
<i>Cirsium arvense</i>	Canada Thistle	Invasive/Noxious Weed
<i>Cirsium vulgare</i>	Bull Thistle	Invasive
<i>Clematis terniflora</i>	Sweet Autumn Virginsbower	Invasive
<i>Conium maculatum</i>	Poison Hemlock	Invasive
<i>Convolvulus arvensis</i>	Field Bindweed	Invasive
<u>Conyza xanadensis</u>	<u>Marestail / Horseweed</u>	<u>Noxious Weed</u>
<i>Coronilla varia/Securigera varia</i>	Crown vetch	Invasive
<i>Cynanchum louiseae</i>	Black Swallow-Wort	Invasive
<i>Cynanchum rossicum</i>	Pale Swallow-Wort	Invasive
<i>Daucus carota</i>	Queen Anne's Lace	Invasive

Prohibited Plant Species

Scientific Name	Common Name	Reason
<i>Dioscorea oppositifolia</i>	Chinese Yam	Invasive
<i>Dipsacus fullonum</i>	Common Teasel	Invasive
<i>Dipsacus laciniatus</i>	Cut-Leaved Teasel	Invasive
<i>Egeria densa</i>	Brazilian Waterweed	Invasive/ Prohibited Plant Species
<i>Eichhornia azurea</i>	Anchored Water Hyacinth	Invasive/ Prohibited Species
<i>Elaeagnus angustifolia</i>	Russian Olive	Invasive; Poor Form; Shallow Roots
<i>Elaeagnus umbellate</i>	Autumn Olive	Invasive; Poor Form; Shallow Roots
<i>Elymus repens</i>	Quack Grass	Invasive
<i>Euonymus alatus</i>	Burning Bush	Invasive
<i>Euonymus fortunei</i>	Wintercreeper	Invasive
<i>Euphorbia esula</i>	Leafy Spurge	Invasive
<i>Festuca arundinacea</i>	Tall Fescue	Invasive
<i>Frangula alnus/Rhamnus frangula</i>	Glossy Buckthorn	Invasive
<i>Fraxinus species</i>	Ash	Emerald Ash Borer
<i>Galega officinalis</i>	Goatsrue	Invasive
<i>Ginkgo biloba (female only)</i>	Ginkgo (female only)	Undesireable Fruit
<i>Glechoma hederacea</i>	Creeping Charlie	Invasive
<i>Hedera helix</i>	English Ivy	Invasive
<i>Heracleum mantegazzianum</i>	Giant Hogweed	Invasive
<i>Hesperis matronalis</i>	Dame's Rocket	Invasive
<i>Humulus japonicus</i>	Japanese Hops	Invasive
<i>Hydrilla verticillate</i>	Hydrilla	Invasive/Prohibited Plant Species
<i>Hydrocharis morsus-ranae</i>	European Frogbit	Invasive/Prohibited Plant Species
<i>Hygrophilia polysperma</i>	Indian Swampweed	Invasive/Prohibited Plant Species
<i>Hypericum perforatum</i>	St. John's Wort	Invasive
<i>Imperata cylindrica 'Rubra</i>	Japanese Blood Grass	Invasive Tendencies
<i>Ipomoea aquatic</i>	Chinese Water Spinach	Invasive/Prohibited Plant Species
<i>Iris pseudacorus</i>	Yellow Iris	Invasive/Prohibited Plant Species
<i>Kummerowia stipulacea</i>	Korean Lespedeza	Invasive
<i>Kummerowia striata</i>	Striate Lespedeza	Invasive
<i>Lagarosiphon major</i>	African Elodea	Invasive/Prohibited Plant Species
<i>Lepidium latifolium</i>	Pepperweed	Invasive
<i>Lespedeza bicolor</i>	Bicolor Lespedeza	Invasive
<i>Lespedeza cuneate</i>	Sericea lespedeza	Invasive
<i>Leymus arenarius / Elymus arenarius</i>	Sand Ryegrass	Invasive
<i>Ligustrum amurense</i>	Amur Privet	Invasive
<i>Ligustrum obtusifolium</i>	Border Privet	Invasive

Prohibited Plant Species

Scientific Name	Common Name	Reason
<i>Ligustrum ovalifolium</i>	California Privet	invasive
<i>Ligustrum sinense</i>	Chinese Privet	Invasive
<i>Ligustrum vulgare</i>	Common Privet	Invasive
<i>Limnophila sessiliflora</i>	Asian Marshweed	Invasive/Prohibited Plant Species
<i>Lonicera japonica</i>	Japanese Honeysuckle	Invasive
<i>Lonicera maackii</i>	Amur Honeysuckle	Invasive
<i>Lonicera morrowii</i>	Morrow's Honeysuckle	Invasive
<i>Lonicera</i> spp.	Bush Honeysuckle	Invasive
<i>Lonicera tatarica</i>	Tartarian Honeysuckle	Invasive
<i>Lonicera x bella</i>	Bella Honeysuckle	Invasive
<i>Lysimachia nummularia</i>	Creeping Jenny	Invasive
<i>Lysimachia nummularia</i>	Moneywort	Invasive
<i>Lythrum salicaria</i>	Purple Loosestrife	Invasive/Prohibited Plant Species
<i>Maclura pomifera</i>	Osage-Orange	Invasive Tendencies; Weak Wood
<i>Melilotus</i> spp.	Sweet Clover	Invasive
<i>Microstegium vimineum</i>	Japanese Stiltgrass	Invasive
<i>Miscanthus sinensis</i>	Chinese Maiden Grass	Invasive
<i>Miscanthus x gigantea</i>	Miscanthus Hybrid	Invasive
<i>Monochoria hastata</i>	Arrowleaf	Prohibited Plant Species
<i>Monochoria vaginalis</i>	False Pickerelweed	Prohibited Plant Species
<i>Morus alba</i>	White Mulberry	Invasive
<i>Myriophyllum aquaticum</i>	Parrot Feather	Invasive/Prohibited Plant Species
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil	Invasive/Prohibited Plant Species
<i>Najas Minor</i>	Brittle Naiad	Invasive/Prohibited Plant Species
<i>Nymphoides peltate</i>	Yellow Floating Hearts	Invasive/Prohibited Plant Species
<i>Ornithogalum umbellatum</i>	Star-of-Bethlehem	Invasive
<i>Ottelia alismoides</i>	Duck Lettuce	Invasive/Prohibited Plant Species
<i>Pastinaca sativa</i>	Wild Parsnip	Invasive
<i>Paulownia tomentosa</i>	Princess Tree	Invasive
<i>Phalaris arundinacea</i>	Ribbon Grass	Invasive
<i>Phellodendron amurense</i>	Amur Cork Tree	Invasive
<i>Phragmites australis</i>	Reed Grass	Invasive
<i>Phragmites australis ssp australis</i>	Common Reed	Invasive
<i>Polygonum cuspidatum</i>	Japanese Knotweed	Invasive
<i>Polygonum perfoliatum</i>	Mile-A-Minute	Invasive
<i>Potamogeton crispus</i>	Curly-Leaved Pondweed	Invasive/Prohibited Plant Species
<i>Pueraria lobate</i>	Kudzu	Invasive/Pest Species
<i>Pyrus calleryana</i>	Callery Pear	Invasive

Prohibited Plant Species

Scientific Name	Common Name	Reason
<i>Pyrus</i> species	Ornamental Pear	Weak Branching/ Invasive
<i>Quercus acutissima</i>	Sawtooth Oak	Invasive
<i>Ranunculus ficaria</i>	Lesser Celandine	Invasive
<u>Reynoutria japonica</u>	<u>Japanese Knotweed</u>	<u>Invasive</u>
<u>Reynoutria sachalinensis</u>	<u>Giant Knotweed</u>	<u>Invasive</u>
<u>Reynoutria x bohemica</u>	<u>Bohemian Knotweed</u>	<u>Invasive</u>
<i>Rhamnus cathartica</i>	Common Buckthorn	Invasive
<i>Rhodotypos scandens</i>	Jetbead	Invasive
<i>Robinia pseudoacacia</i>	Black Locust	Shallow, Invasive Roots
<i>Rosa multiflora</i>	Multiflora Rose	Invasive/Prohibited Plant Species
<i>Rubus phoenicolasius</i>	Wineberry/Wine Raspberry	Invasive
<i>Sagittaria sagittifolia</i>	Arrowhead	Prohibited Plant Species
<i>Salix</i> species	Willow	Invasive Roots; Weak Wood
<i>Salvinia auriculata/biloba/herzogii</i>	Giant Salvinia	Prohibited Plant Species
<i>Salvinia molesta</i>	Giant Salvinia	Prohibited Plant Species
<i>Saponaria officinalis</i>	Bouncing bet/Soapwort	Invasive
<i>Sicyos angulatus</i>	Bur Cucumber	Noxious Weed
<i>Sonchus arvensis</i>	Perennial Sow Thistle	Noxious Weed
<i>Sorbus</i> spp.	Mountain Ash	Susceptible to Pests and Diseases
<i>Sorghum alnum</i>	<i>Sorghum alnum</i>	Noxious Weed
<u>Sorghum bicolor</u>	<u>Shattercane</u>	<u>Noxious Weed</u>
<i>Sorghum halapense</i>	Johnson Grass	Invasive/Noxious Weed
<i>Sparganium erectum</i>	Exotic Bur-reed	Prohibited Plant Species
<i>Spiraea japonica</i>	Japanese Meadowsweet	Invasive
<i>Torilis arvensis</i>	Spreading Hedgeparsley	Invasive
<i>Torilis japonica</i>	Japanese Hedgeparsley	Invasive
<i>Trapa natans</i>	Water Chestnut	Invasive/Prohibited Plant Species
<i>Typha angustifolia</i>	Narrow-leaved Cattail	Invasive/Prohibited Plant Species
<i>Typha x glauca</i>	Hybird Cattail	Invasive
<i>Ulmus Americana</i>	American Elm	Dutch Elm Disease
<i>Ulmus pumila</i>	Siberian Elm	Invasive; Susceptible to Disease
<i>Viburnum opulus</i> var. <i>opulus</i>	European Cranberry-Bush	Invasive
<i>Viburnum trilobum</i>	Highbush Cranberry	Invasive
<i>Vicia cracca</i>	Vetch	Invasive
<i>Vinca Major</i>	Large-leaved Periwinkle	Invasive
<i>Vinca Minor</i>	Periwinkle	Invasive
<u>Vincetoxicum nigrum</u>	<u>Black Swallow-wort</u>	<u>Invasive</u>
<u>Vincetoxicum rossicum</u>	<u>Pale Swallow-wort</u>	<u>Invasive</u>

Prohibited Plant Species

Scientific Name	Common Name	Reason
Wisteria Sinensis	Chinese Wisteria	Invasive

Chapter 7 Parking and Loading Standards

7.3 Loading Berths

E. Non Drive-in Type Berths shall be designed with a minimum 60 foot concrete apron area immediately adjacent to the structure. Shall provide for a minimum total depth of 130 feet of clear area pavement (no parking included).

7.7 Off-street Vehicle Parking

J. Surfacing and Curbs:

1. Public parking facilities and loading berths must be paved with a hard, dust proof surface in accordance with the Town's construction standards. **If approved, temporary parking is permitted in accordance with UDO Section 3.2 C.**

7.8 Heavy Truck Parking Standards

The following standards apply for the circulation and parking of heavy trucks, semi-trucks, buses, and similar vehicles with two or more rear axles:

A. Heavy truck parking spaces must be at least 12 feet wide and 55 feet long, unless administratively waived. Parking spaces are exclusive of access drives, aisles, ramps, columns, and work area.

~~A.~~ **B.** The site design must allow heavy trucks to enter and leave the site without backing onto the right-of-way.

~~B.~~ **C.** Heavy truck parking facilities must be at least 10 feet from the front lot line or street side lot line.

~~C.~~ **D.** Heavy truck parking and circulation areas must be paved with a hard, dust-proof surface in accordance with the Town's Construction Standards.

~~D.~~ **E.** A stormwater system, designed in accordance with applicable Town standards, must be installed for all parking facilities.

~~E.~~ **F.** Where a heavy truck parking facility is located within 50 feet of **any lot line with street frontage**~~a front lot line or street side lot line~~ a 6 foot high decorative wall the full length of the lot line is required. The wall does not need to be provided at entrances and exits and where the principal building is constructed within 50 feet of the lot line.

~~F.~~ **G.** Lights must provide adequate illumination over the parking facility during business hours and minimum-security illumination during nonbusiness hours. Lights must be shielded to minimize glare onto adjacent property and meet the requirements of CHAPTER 6 - LIGHTING STANDARDS.

7.10 Parking Ratios for Vehicles and Bicycles

A. Off-street vehicular parking spaces and bicycle parking spaces must be provided within the minimum and maximum rates indicated on the Parking Requirements Table below. The maximum spaces allowed do not include accessible spaces required by the Americans with Disabilities Act. Parking requirements may be met by providing on-site parking spaces or providing off-site parking spaces in a shared parking facility or a combination of the two.

- **The required number of off-street parking spaces may be reduced by one stall for every two bicycle parking spaces provided above those otherwise required by Table 7.10 G., up to a maximum of ten (10) percent rounded down to the nearest whole number.**

Chapter 8 Sign Regulations

8.3 Prohibited Signs

- Signs installed, attached to, or painted on fences-, **except for temporary signs on outdoor dining fences and fences used on or around sport courts/fields.**

8.14 Sign Regulation Tables

A. Table 8.1: Temporary Signs: General Criteria and Limitations

Standard	A-Frame and T-Frame Signs	Banner Signs	Flying Signs	Banner	Residential Use in Residential Districts	Non-Residential Use in Residential District
Maximum Number of Signs	4 per business ¹	1	4 per business ¹		4	4
Maximum Sign Area	N/A	40 SF per side for GFA up to 5,000 SF; 80 SF per side for GFA 5,000 SF to 15,000 SF; 120 SF per side for GFA 15,000 SF to 50,000 SF; or 180 SF per side for GFA greater than 50,000 SF	12 sq. ft.		6 sq. ft.	32 sq. ft.
Maximum Width	31 inches	N/A	N/A		N/A	N/A
Maximum Height for a Wall Sign	N/A	N/A	N/A		6 feet	15 feet
Maximum Height for a Freestanding Sign ¹	45 inches	8 feet	15 feet		4 feet	8 feet
Minimum Setback/ Distance from Roadway ³	5 feet	3 feet if displayed as a ground sign	4 feet from edge of curb or a distance equal to the height of the sign, whichever is greater		10 feet	10 feet
Maximum Width of Public Sidewalk the Sign May Obstruct	No more than 1/3 of the width of a public sidewalk and must provide at least 4 feet of sidewalk clearance	0 feet	No more than 1/3 of the width of a public sidewalk and must provide at least 4 feet of sidewalk clearance		0 feet	0 feet
Maximum Distance of Sign from Entrance ²	10 feet	N/A	N/A		10 feet	10 feet
Minimum Distance from an Access Drive or Street Intersection	N/A	N/A	30 feet		N/A	N/A
Minimum Spacing from any Other Sign (temporary sign or permanent sign) ⁴	20 feet	15 feet	20 feet		15 feet	15 feet
Duration	Only during hours when business is open	30 day periods and no more than 120 days per year, aggregate	Only during hours when business is open		Refer to sign type	Refer to sign type
Allowed on Public Sidewalk	Yes	No	Yes		No	No
Permission of Owner Required	Yes	Yes	Yes		Yes	Yes

Allowed within a Sight Visibility Triangle	No	No	No	No	No
Lighting or Illumination Allowed	No	No	No	No	No
Permit Town Approval Required	No	No Yes	No Yes	No	No Yes
Movement Allowed	No	No	Yes	No	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No	No	No	No

B. Table 8.2: Temporary Residential Development Signs

Standard	Principal Entry(ies)	Model Home(s)	Perimeter Subdivision Open Space	Commercial Real Estate
Maximum Number of Signs	1 per entry	1 or more	1 per street frontage	<u>1 per street frontage</u>
Maximum Sign Area	32 SF	96 SF	32 SF	<u>32 SF</u>
Maximum Width	N/A	N/A	N/A	<u>N/A</u>
Maximum Height	8 feet	12 feet	8 feet	<u>8 feet</u>
Minimum Setback/ Distance from Roadway ³	10 feet (5 feet if less than 32 SF)	10 feet (5 feet if less than 32 SF)	10 feet (5 feet if less than 32 SF)	<u>10 feet</u> <u>(5 feet if less than 32 SF)</u>
Maximum Width of Public Sidewalk the Sign May Obstruct	0 feet	0 feet	0 feet	<u>0 feet</u>
Maximum Distance of Sign from Entrance ²	N/A	N/A	N/A	<u>N/A</u>
Minimum Distance from an Access Drive or Street Intersection	N/A	N/A	N/A	<u>N/A</u>
Minimum Spacing from any Other Sign (temporary sign or permanent sign) ⁴	N/A	N/A	N/A	<u>N/A</u>
Duration	3 years or until the model home is permanently closed, whichever is first	3 years or until the model home is permanently closed, whichever is first	3 years or until the model home is permanently closed, whichever is first	<u>3 years or until the tenant space is leased</u>
Permission of Owner Required	Yes	Yes	Yes	<u>Yes</u>
Allowed within a Sight Visibility Triangle	No	No	No	<u>No</u>
Lighting or Illumination Allowed	No	No	No	<u>No</u>
Permit Town Approval Required	Yes	Yes	Yes	<u>Yes</u>
Movement Allowed	No	No	No	
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No	No	

D. Table 8.4 Permitted Permanent Signs by Zoning District

Sign Type	Nonresidential Uses in Residential Districts				
	Residential Districts	Residential Districts	Business Districts	Industrial Districts	Mixed-Use Districts
1. Street Address Signs	Yes	Yes	Yes	Yes	Yes
2. Unit and Building Identification Signs	Yes	Yes	Yes	Yes	Yes
3. Wall Signs at Entrances to Dwelling Units	Yes	Yes	Yes	Yes	Yes
4. Painted Wall Signs	No	No	Yes	No	Yes
5. Wall Signs at Entrances to Non-residential Tenant Offices and Suites	No	No	Yes	Yes	Yes
6. Wall Signs at Entrances to Restaurants	No	No	Yes	Yes	Yes
7. Wall Signs at Service and Delivery Entrances	No	No	Yes	Yes	Yes
8. Window Signs	No	Yes	Yes	Yes	Yes
9. Door Signs	Yes	Yes	Yes	Yes	Yes
10. Projecting Signs	No	Yes	Yes	No	Yes
11. Projecting Roof Signs	No	No	Yes	No	No
12. Suspended Signs	No	No Yes	Yes	No	Yes
13. Drive-Through Lane Signs	No	No	Yes	Yes	Yes
14. Freestanding Sign: Standard	No	Yes	Yes	Yes	Yes
14 5. Freestanding Sign: Monument Signs	No	Yes	Yes	Yes	Yes
15 6. Freestanding Sign: Tower Signs	No	No	Yes	Yes	Yes
16 7. Freestanding Sign: Onsite Traffic Signs	No	No	Yes	Yes	Yes
17 8. Freestanding Sign: Residential Subdivision Entry Signs	Yes	No	No	No	No
18 9. Freestanding Sign: Multi-Family Complex Entry Signs	Yes	No	Yes	No	No
19 20. Freestanding Sign: Directory Signs	No	No	Yes	Yes	Yes
201. Awning Signs	No	No	Yes	No	Yes
212. Umbrella Signs	No	No	Yes	No	Yes
223. Canopy Signs for Service Islands	No	No	Yes	Yes	Yes
234. Historic Markers	Yes	Yes	Yes	Yes	Yes

Yes = Allowed

No = Prohibited

Chapter 9 Subdivision Regulations

9.2 Subdivision Process

C. Application Procedures

5. Primary plat applications must detail any waivers requested pursuant to Article 9.34 Principles and Standards of Design. Any waiver of standard will not be considered unless explicitly requested and presented to the Plan Commission, even if otherwise identified on the Primary Plat.

H. Primary Plat Documentation and Supporting Information. A primary plat application must include:

3. The following information must be shown on the primary plat, ~~unless otherwise provided on an accompanying overall development plan~~ (Article 11.78 Development Plan Review):

~~k. Building setback lines.~~

~~K. Legends and notes.~~

~~l. m.~~ Drawing indicating the proposed method of drainage for storm sewers and other surface water drainage.

~~m. n.~~ Other features or conditions affecting the subdivision favorable or adversely.

~~n. o.~~ A National Cooperative Soil Survey Map showing the soil limitations based upon the intended usage of the development land.

~~o. p.~~ A statement from county departments, state highway departments, or the Public Works Department concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes, and other specifications deemed necessary.

~~p. q.~~ For private sewage systems, a statement from the County Health Department whether private septic system can be used on the property.

~~q. r.~~ If regulated drain is involved, a statement from the County Drainage Board or County Surveyor's Office concerning easements, right-of-way, permits, etc. s. If floodplain is involved, a statement from the Indiana Department of Natural Resources, concerning construction in floodway, including floodplain high water marks, etc.

s. If floodplain is involved, a statement from the Indiana Department of Natural Resources, concerning construction in floodway, including floodplain high water marks, etc.

9.4 Principles and Standards of Design

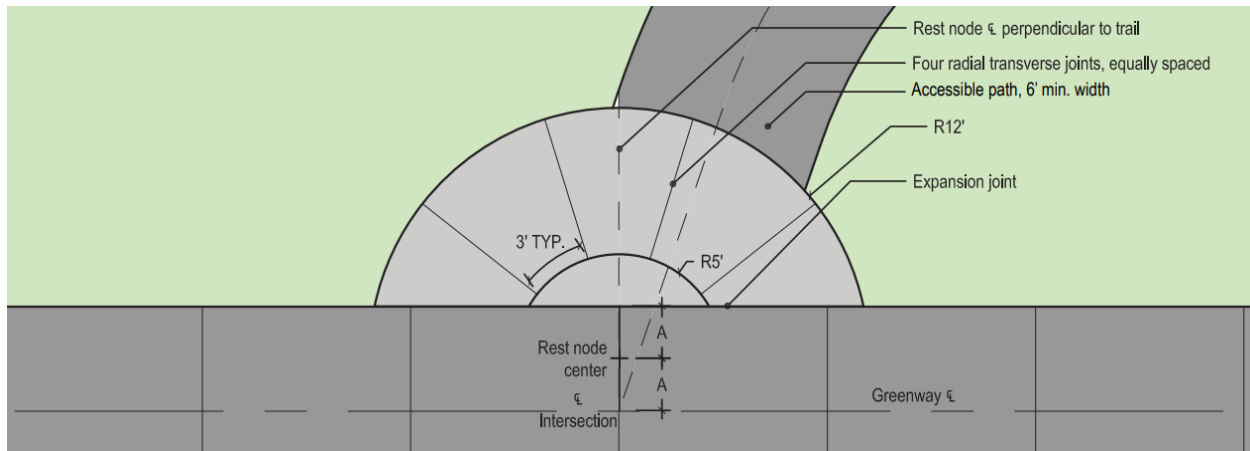
C. Curb cuts on the same side of the street must be separated a minimum of 400 feet. Curb cuts are prohibited within 200 feet of any intersection of public streets. Opposing curb cuts must align squarely or be offset not less than 200 feet. Measured from the end of a radius of a street intersection.

D. Pedestrian Trail Access and Connection Points. Access points are smaller trailhead facilities intended to provide public access to a local or regional trail system. Access may be from subdivisions, sidewalks, other trails, or vehicular access i.e parking lot. The standards below apply to the Big 4 Trail, Greenway/Linear Parks as outlined in the Bicycle and Pedestrian Plan and as required by the Parks Department.

1. Design Standards for access and connection points include the following:

- **At a minimum, access and/or connection points should be located every one mile throughout the system.**
- **Access and connection points should include at least two of the following: benches, trash and recycling receptacles, or wayfinding signage. Restrooms should not be provided at access points. Parking and vehicle access may be provided.**
- **All access and connection points must be ADA accessible.**
- **Wayfinding signage should be consistent with Whitestown standards.**

2. Access and connection points should be constructed in accordance with the exhibit below.



€. **E.** The Plan Commission, in its discretion, may grant a waiver from standards required by Articles 9.54-9.18 of this Ordinance. Waivers must be entered into the minutes of the Plan Commission together with the reasoning for the departure from the required standards. As a condition of granting a waiver, a commitment may be made according to Article 11.5 Commitments. A waiver may only be granted upon finding:

1. The proposed development will enhance the use or value of area properties.
2. The proposed development will not be injurious to the public health, safety, morals or general welfare of the community.
3. The strict application of the Ordinance standard will result in a development that is undesirable when compared with the proposed development.
4. The proposed development is consistent and compatible with other development located in the area.
5. The proposed development is consistent with the intent and purpose of the Comprehensive Plan.

9.9 Easement Standards

E. Cross-access Easements

2. Cross-access Easement Certificate:

a. When a secondary plat is being recorded, the applicant may print the following cross-access easement certificate on the plat: "There are shown on this instrument areas designated as 'Cross-Access Easement' or abbreviated as 'C-A.E.' Such easements are established in favor of the adjoining property owner ('grantee') and grant the public the right to enter the easement for purposes of accessing adjoining parking facilities. These easements prohibit any person from parking vehicles within the easement and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. ~~_____ is also entitled to enforce the provisions of the easement.~~ The easement may only be modified or vacated in the manner stipulated in the Whitestown Unified Development Ordinance, or its successor ordinance."

9.11 Open Space and Amenity Standards

F. Open Space and Development Amenity Improvements.

2. Approval. Open space and development amenity areas must be identified on the development's overall development plan, according to Article 11.78 Development Plan Review. Open space and development amenity improvements require approval and detailed development plan reviewed and approved by the Administrator.

I. ~~Minimum Standards for a Neighborhood Park~~ **Standards**

J. Sport Court **Standards**

K. ~~Minimum Standards for Clubhouse~~ Standards

L. Nature Center Standards

M. Swimming Pool Standards

N. Skate Park Standards

O. Indoor Playground Standards

9.12 Pedestrian Network Standards

B. General Standards

1. All concrete sidewalks, asphalt pathways, and crosswalk improvements must be constructed per the Town's Construction Standards (Article 9.34 Principles and Standards of Design) and comply with requirements of the Americans with Disabilities Act (ADA), as amended.

C. Internal Pedestrian Network Standards

5. Sidewalks are required to provide connectivity between entrances when a commercial, industrial, multi-family, or mixed-use structure has multiple entrances on the front and/or sides. Employee and rear entrances are exempt.

D. Perimeter Pedestrian Network Standards. Developments must participate in the establishment or improvement of the pedestrian network along streets adjacent to their perimeter according to the following:

1. Where a proposed development plan or subdivision abuts an existing right-of-way, ~~asphalt pathways~~ **pedestrian facilities** must be provided along the perimeter streets according to the Thoroughfare Plan.

9.13 Storm Water Standards

Proposed developments must provide for the collection and management stormwater according to the Town's Construction Standards (Article 9.34 Principles and Standards of Design).

9.14 Street and Right-of-Way Standards

A. Applicability. Proposed developments must allocate adequate areas for new streets in conformity with Article 9.34 Principles and Standards of Design and the Thoroughfare Plan.

3. Eminent Domain. The installation of passing blisters, acceleration lanes, and deceleration lanes is vital to the health, safety, and welfare of the motoring public. The Town may, but is not obligated to, begin eminent domain proceedings according to IC 32-24: Eminent Domain for the acquisition of public right-of-way sufficient for the installation of the passing blister, acceleration lane and/or deceleration lane upon receipt of documentation illustrating the developer's failure to acquire the needed property. Upon completion of the eminent domain proceedings, the developer reimburses the Town the price paid by the Town for the right-of-way acquisition, including professional and legal expenses, any condemnation and relocation within the acquired right-of-way. The Developer then installs the passing blister, acceleration lane and/or deceleration lane according to the Town's Construction Standards (Article 9.34 Principles and Standards of Design).

G. Improvement Standards. Streets must conform to the following:

1. Street and Right-of-way Widths. Widths of streets and minimum rights-of-way widths must conform to the Thoroughfare Plan and Article 9.34 Principles and Standards of Design.

2. Construction. Street improvements, must be designed, constructed and installed according to Article 9.34 Principles and Standards of Design.

3. Cul-de-sac Design. Cul-de-sacs must conform to the following standards:

b. The cul-de-sac terminus must be designed according to Article 9.34 Principles and Standards of Design.

5. Intersections. Street intersections must be designed and improved according to Article 9.34 Principles and Standards of Design. Lot line corners must be rounded by arcs with minimum radii in accordance

Article 9.34 Principles and Standards of Design.

8. Subsurface Drainage. Subsurface drainage for Streets must be designed according to Article 9.34 Principles and Standards of Design.

9.15 Street Light Standards

B. Street lights providing the illumination necessary for vehicular and pedestrian safety at all intersections within the development must be installed per the Town's Construction Standards (Article 9.34 Principles and Standards of Design) and the public utility providing the lighting. The Public Works Department may reduce the number of intersections required to have street lighting. The provision of street lights at major intersections involving Collectors or Arterials within the development cannot be waived.

C. Lighting between intersections must be accomplished by:

1. ~~Installing street lights at the midpoint of the block or every 15 lots, whichever provides the shorter spacing between street lights.~~ **A minimum number of mid-block streetlights will be installed in order to achieve a desired pole spacing of approximately 250 feet. The maximum spacing between lights should not exceed 300 feet and the minimum spacing between lights should not be less than 200 feet unless otherwise approved by the Planning Administrator. Lights should desirably be located on or near a property line and not in front of residences, if avoidable.**

9.16 Street Sign Standards

C. Street signs must comply with the current edition of the Indiana Manual on Uniform Traffic Control Devices and the Town's Construction Standards (Article 9.34 Principles and Standards of Design).

9.19 Plat Certificates and Deed of Dedication

D. Deed of Dedication: Each Secondary Plat submitted for approval must carry a deed of dedication in substantially the following form:

We the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision must be known and designated as _____, an addition to Whitestown, Indiana. All rights-of-way shown and not heretofore dedicated are hereby dedicated to the public.

~~Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there must be erected or maintained no building or structure.~~

There are strips of ground shown on this plat and marked "easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision must take their titles subject to the rights of the public utilities.

[Additional easement certificates, dedications and protective covenants, or private restrictions would be inserted here upon the applicant's initiative or the recommendations of the Plan Commission, Public Works Department; important provisions are those specifying the use to be made of the property, rights and authority of grantees, and, in the case of residential use, the minimum living area.]

The foregoing covenants, or restrictions, are to run with the land and must be binding on all parties and all persons claiming under them until January 1, ____, (a 25 year period is suggested), at which time said covenants, or restrictions, must be automatically extended for successive periods of ten years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any of the foregoing covenants, or restrictions, by judgment or court order must in no way affect any of the other covenants or restrictions, which must

remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Chapter 10 Administration

10.6 Plan Commission

The powers and duties of the Town of Whitestown Plan Commission (the "Plan Commission") are defined by Indiana law and are generally described below. The Plan Commission may delegate its authority to the Administrator or a committee to perform ministerial acts except where final action by the Plan Commission is necessary.

6. Certify and submit recommendations to the Council for adopting a Planned Unit Development (11.910 Planned Unit Development).

9. Approve or deny site plans or development plans and amendments to site plans or development plans (11.78 Development Plan Review).

Chapter 11 Process, Permits and Enforcement

11.6 Land Development Process

A. Pre-File Meeting

1. Pre-file meetings are required prior to applying to the WPC. Secondary Plats and Replat application types do not require pre-file meetings. Pre-file meetings are required at every stage of the development process unless waived by the Administrator.

2. A pre-file meeting must occur within the past year for the relevant application type. Pre-file meetings expire after 12 months.

B. A- Single-Family Residential Uses

C. B- Planned Unit Developments

D. C- Multi-Family, Commercial, Industrial, and Mixed-Use Uses

11.8 Development Plan Review

C. Applicability. The development plan review process is required when: (i) ~~more than one~~ **or more** primary building is proposed on a site; (ii) expanding a building by more than 50,000 square feet; ~~or, (iv) if required by a PUD ordinance;~~ **or, (v) it has been more than five years since the Plan Commission approved the Development Plan and construction has not commenced.**

F. Development Plan Amendment

3. Major or Minor Development Plan Amendments will need to comply with the requirements of the Thoroughfare Plan in place at the time of review. The current Thoroughfare Plan supersedes the requirements that may have been in place at the time of initial development plan approval, unless administratively waived by the Public Works Director.

- **Pedestrian facilities must be constructed in compliance with the Thoroughfare Plan if not in place.**

11.9 Improvement Location Permit

C. Special Exception Uses. The Administrator may issue an Improvement Location Permit for a special exception only after it has been approved by the WBZA according to this Ordinance (see also Article 11.123 Special Exceptions).

11.10 Planned Unit Development

B. Required Approvals. A Planned Unit Development District requires the following approvals:

1. Ordinance and Concept Plan (collectively, "PUD Ordinance")

2. Development Plan (see also Article 11.78 Development Plan Review)

3. Approval of Primary Plat and Secondary Plat as required by the Subdivision Control Ordinance, if applicable.

Chapter 12 Definitions

Planned Unit Development (PUD). A development of real property:

1. In the manner set forth in Section 11.910 of this Ordinance; and
2. That meets the requirements in the Advisory Planning Law for a specific PUD Ordinance.

Fence. A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

Sign. Any object, device, display or structure, or part thereof situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

11. Monument – A freestanding sign where the base of the sign structure is on the ground.

~~11~~2. Off -premises sign

~~12~~3. Portable sign

~~13~~4. Projecting sign

~~14~~5. Residential sign

~~15~~6. Roof sign

~~16~~7. Roof sign, integral

~~17~~8. Suspended sign

~~18~~9. Temporary sign

~~19~~20. Wall sign

~~20~~1. Window sign

Exhibit B
