

**ORDINANCE \_\_\_\_\_**  
**2024 PARK IMPACT FEE ORDINANCE**

**AN ORDINANCE OF THE TOWN OF WHITESTOWN, INDIANA AMENDING  
AND REPLACING ITS PARK AND RECREATIONAL IMPACT FEE ORDINANCE  
FOR THE PURPOSE OF PLANNING AND FINANCING PARK AND  
RECREATIONAL INFRASTRUCTURE NEEDED TO SERVE NEW RESIDENTIAL  
DEVELOPMENT**

**WHEREAS**, the Town Council of the Town of Whitestown, Indiana (the “Town Council”) finds that it is reasonable and necessary to promote and accommodate orderly growth and development and to protect the public health, safety and general welfare of the citizens of the Town by providing for an equitable program to fund the capital costs of new park and recreational infrastructure necessary to serve newly developing areas of the Town; and

**WHEREAS**, the Town Council finds that it is reasonable and necessary to promote the orderly development of the Town by establishing standards by which the Town may require that new development shall pay a park and recreational impact fee, in accordance with Indiana Code § 36-7-4-1300 *et seq.*, representing the new development’s proportionate share of the capital cost of new park and recreational infrastructure necessary to serve new development in the Town; and

**WHEREAS**, the Town Council finds that new development should not be required to pay a fee for capital costs of new park and recreational infrastructure greater than the development’s proportionate share of the capital costs of such infrastructure needed to serve such new development; and

**WHEREAS**, the Town Council adopted the Town’s existing Park and Recreational Impact Fee Ordinance on February 13, 2019, consistent with and under Indiana Code § 36-7-4-1300 *et. seq.* (the “2019 Impact Fee Ordinance”); and

**WHEREAS**, the 2019 Impact Fee Ordinance, a part of the Town’s UDO, provides for the assessment and collection of park and recreational impact fees by the Town; and

**WHEREAS**, the 2019 Impact Fee Ordinance established the 2019 Impact Fee at the amount of \$1,511 per single family dwelling unit and \$1,149 per multi-family unit; and

**WHEREAS**, the 2019 Impact Fee Ordinance expires five (5) years after its effective date; and

**WHEREAS**, under Indiana Code § 36-7-4-1340, the Town may adopt a replacement impact fee ordinance if certain requirements are met; and

**WHEREAS**, as part of what is required under Indiana Code § 36-7-4-1300 *et. seq.*, the Town has caused to be prepared an updated Zone Improvement Plan; and

**WHEREAS**, the Directors of the Department of Development Services and Parks & Recreation have jointly reviewed the appropriateness of the Impact Fee and the Zone Improvement Plan and determined that a replacement impact fee ordinance is required;

**WHEREAS**, in consultation with the Impact Fee Advisory Committee, the Whitestown Plan Commission (“Plan Commission”) has prepared an amended Zone Improvement Plan for the Town which provides for the planning and financing of the additional park and recreational infrastructure necessary to serve new development in the Town; and

**WHEREAS**, because of the growth experienced by the Town, considering both its population and geographic area, as well as the distribution of public and private institutions, services, and other facilities throughout the Town, any park and recreational infrastructure improvements benefit all citizens of the Town equally; and

**WHEREAS**, it has been the stated objective of the Town that the analysis contained in the Zone Improvement Plan, which meets the requirements of Indiana law, supports and should result in the implementation of an amended impact fee; and

**WHEREAS**, such Zone Improvement Plan was duly approved by the Whitestown Plan Commission on May 13, 2024 under Resolution 24-001, and is recommended to the Town Council along with this Ordinance.

**WHEREAS**, the Plan Commission further property noticed, advertised, and held a public hearing on this Ordinance and the Zone Improvement Plan on May 13, 2024; and

**WHEREAS**, having given due deliberation to the Zone Improvement Plan which provides the basis for this Ordinance, the Plan Commission has recommended adoption of this Ordinance to the Council; and

**WHEREAS**, the Secretary of the Plan Commission certified the action of the Plan Commission to the Common Council on May 13, 2024; and

**WHEREAS**, the purpose of this Ordinance is declared as expressly not to deter growth, remedy existing infrastructure deficiencies or pay for maintenance or other “non-capital costs.”

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Whitestown, Boone County, Indiana, as follows:

**Section I.** **Conditional Repeal and Limitation on Imposition of Impact Fee:** This Ordinance shall expire and become void five years after its effective date, as required by Indiana Code § 36-7-4-1340, unless action is undertaken to replace it consistent with the provisions of Indiana law which contemplates a replacement impact fee ordinance. Pursuant to Indiana Code § 36-7-4-1340, this Ordinance is a replacement impact fee ordinance of the 2019 Impact Fee Ordinance.

**Section II.** **Establishment of 2024 Park and Recreational Impact Fee-** the 2019 Impact Fee is hereby replaced and amended as follows:

A. Based upon the analyses contained in the Zone Improvement Plan adopted in Resolution No. 2024-0001, which is incorporated here by reference and made a part of the Comprehensive Plan in accordance with Indiana Code § 36-7-4-1318 and Indiana Code § 36-7-4-500 *et. seq.*, the Town finds, determines, establishes and adopts that the cost per dwelling unit within the impact zone is in the amount set out in the below impact fee schedule:

Single-Family Housing:                   \$2,710.00

Multi-Family Housing:                   \$2,060.00

B. The Town hereby incorporates all of the data collected, the calculations made, and the conclusions reached when developing the Zone Improvement Plan, and directs Town employees to make such data and other information available for review during regular business hours and by posting the same on the Town’s website.

C. In the event any parcel of real estate considered in the creation of the Zone Improvement Plan undergoes a change in use, redevelopment, or a modification that requires a structural building permit and creates a need for new infrastructure, an impact fee shall only be assessed for the increase in the burden on infrastructure.

**Section III.** **2024 Parks and Recreation Impact Fee Ordinance:** Provisions of Whitestown Code of Ordinance and the Comprehensive Plan not specifically amended by this Ordinance shall continue in full force and effect. The provisions of the Parks and Recreation Impact Fee Ordinance specifically replaced by reference in this Ordinance shall control and supersede those specific provisions of the 2019 Parks and Recreation Impact Fee Ordinance. All capitalized terms not otherwise defined in this Ordinance shall have the meaning ascribed to them in the Parks and Recreation Impact Fee Ordinance.

**Section IV.** **Effective Date:** The effective date of this ordinance shall be November 22, 2024, which in accordance with Indiana Code § 36-7-4-1340, is more than six months after the adoption of this replacement ordinance.

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**PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2024 BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, BOONE COUNTY, INDIANA.**

**THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA**

\_\_\_\_\_  
Dan Patterson, President

\_\_\_\_\_  
Tanya Sumner, Vice President

\_\_\_\_\_  
Cheryl Hancock

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Tobe Thomas

\_\_\_\_\_  
Eric Nichols

ATTEST:

\_\_\_\_\_  
Matt Sumner, Clerk-Treasurer