

ORDINANCE NO. 2024-11

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

Text Amendments
PC24-027-TA

WHEREAS, the Petitioner, New Development Partners, LLC, filed an Amendment Application before the Whitestown Plan Commission seeking to make text amendments to the I-65 PUD Ordinance (Ordinance #2004-10); and

WHEREAS, the proposed text amendments to the I-65 PUD Ordinance (Ordinance #2004-10) is attached as **Exhibit A**; 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 7-0 vote, on August 12, 2024; and

WHEREAS, the Whitestown Plan Commission certified a favorable recommendation to the Whitestown Town Council on August 14, 2024; 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 generally amend the text of the I-65 PUD Ordinance (Ordinance #2004-10) to make revisions to Section 6, Table 1 as set forth in **Exhibit A**. A legal description that relates to the text amendment is attached as **Exhibit B**. Both **Exhibit A** and **Exhibit B** are attached 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 I-65 PUD Ordinance, and hereby adopt the revisions set forth in **Exhibit A** as text amendments to the I-65 PUD Ordinance. All other provisions of the I-65 PUD 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 The terms or provisions of other ordinances in conflict with the terms or provisions hereof, if any, are hereby superseded.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 _____, 2024, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

Dan Patterson, President

Courtenay Smock

Eric Nichols, Vice President

Cheryl Hancock

Tobe Thomas

ATTEST:

Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Allan Henderson, Planning Administrator

Exhibit A

Introduction

In 2004, the PUD Ordinance for Anson (“Anson PUD”) was approved by the Boone County Commissioners in connection with 03EA-23-808.

The Town Center Business District of the Anson PUD is modified as follows:

Modifications to Permitted Uses in Section 6 pertaining to the Town Center Business District

	District
Residential Uses	TCBD
Day Care Center	X
Dwelling – Multi-Family	X
Group Residential Facility	X
Nursing Home	X
Single-Family Attached Dwellings (aka Townhouses or Rowhouses)	X*

* Uses shall be limited to legal description as listed in Exhibit B

Section 6, Table 1, Retail Areas, Town Center Business District column. The table for the Town Center Business District shall be replaced with the following:

	District
Automotive Uses	TCBD
Automatic Car Wash	X*
Parking Lot	X
Automobile or Motorcycle Sales and Service	X**
Automobile Oil Change or Lubrication Shop	X*
Automobile Parts Supply	
Automobile Repair, Service Station	X*
Automotive-Related Use	X*
Parking Garage	X
Passenger Car Rental	X
Tire, Battery or Accessory Dealer	X*
Gas Station	X*

* Uses shall be limited to legal description as listed in Exhibit B

** Use shall not be permitted only to legal description as listed in Exhibit B

Exhibit B

A part of the West Half, of the Northeast Quarter of Section 36, Township 18 North, Range 1 East, of the 2nd Principal Meridian, Boone County, Indiana, being that 39.74 acre parcel shown on the survey prepared by Tracy L. McGill, LS #20500009 on April 29, 2024 as American Structurepoint, Inc. Project Number 2024.00999.0001 (basis of bearings – Indiana State Plane Coordinate System – West Zone) said 39.74 acre parcel described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 36; thence South 88 degrees 34 minutes 18 seconds West 1,341.23 feet along the south line of the said Quarter Section to the southwest corner of Edmonds Creek North at Anson Section 2, the plat of which is recorded as Instrument Number 2020008864, said corner being the Southeast Corner of the West Half of said Quarter Section and the point of beginning of this description; thence South 88 degrees 39 minutes 31 seconds West 1,020.48 feet along the south line of said half quarter section to the southeast corner of that 0.852 acre parcel described in the Warranty Deed recorded as Instrument Number 2020005179; thence along the easterly and northerly boundaries of said 0.852 acre parcel the following five (5) courses: 1) North 01 degree 36 minutes 06 seconds West 98.36 feet; 2) South 88 degrees 23 minutes 54 seconds West 220.00 feet; 3) North 45 degrees 03 minutes 02 seconds West 68.25 feet; 4) North 16 degrees 07 minutes 50 seconds West 126.29 feet; 5) Northerly 61.67 feet along an arc to the left having a radius of 468.00 feet and subtended by a long chord having a bearing of North 17 degrees 59 minutes 30 seconds West and a length of 61.63 feet to the west line of the aforementioned half quarter section; thence North 0 degrees 52 minutes 57 seconds West 993.41 feet along said west line to the southwest corner of that 16.96 acre parcel described in the Quitclaim Deed recorded as 2021008794; thence North 88 degrees 42 minutes 25 seconds East 1,340.89 feet along the south line of said 16.96 acre parcel and the easterly extension thereof to the east line of said half quarter section; thence South 0 degrees 52 minutes 12 seconds East 1,320.14 feet along said east line to the point of beginning and containing 39.74 acres, more or less.