



TOWN OF WHITELAND
DEPARTMENT OF PLANNING & ZONING

549 MAIN STREET · WHITELAND, INDIANA 46184 · (317) 535-5531 · FAX (317) 535-8724
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**CERTIFICATION OF THE TOWN OF WHITELAND
ADVISORY PLAN COMMISSION'S RECOMMENDATION
ADVISORY PLAN COMMISSION CASE # 2019-AO-05
ORDINANCE # 2019-03**

The Town of Whiteland Advisory Plan Commission ("Commission") met on Tuesday April 2, 2019 to consider a proposed zoning text amendment to Chapter 156.229 of the Town of Whiteland Zoning Code.

Notice was shown to have been published in a newspaper of general circulation in Johnson County, Indiana (Johnson County Daily Journal) on March 23, 2019 and procedures for Zoning Text Amendment, per IC 36-7-4-602(b), have been adhered to.

After due consideration and input from the public hearing at its regular meeting on April 2, 2019, the Commission voted 7 in favor and 0 opposed with 0 abstentions to forward to the Council of the Town of Whiteland ("Council") the proposed **Ordinance 2019-03** with the following recommendation. A quorum of 7 of the Commissions seven (7) members were in attendance for the public hearing.

- FAVORABLE**
 UNFAVORABLE
 FAVORABLE WITH MODIFICATIONS

By virtue of a favorable recommendation by the Commission, pursuant to IC 36-7-4-608(f)(4), the Town Council has 90 days to act on this petition before it becomes effective as Certified by the Commission. Ninety (90) days from the date of Certification (April 2, 2019) is Monday July 1, 2019.

Attest: Joseph Csikos
Joseph Csikos, Planning Director
Town of Whiteland, Indiana

Dated: April 2, 2019

BY: Richard Hill

Printed Name, Title: Richard Hill
president, Whiteland Advisory Plan Commission

WHITELAND TOWN COUNCIL

ORDINANCE 2019-03

**AN ORDINANCE AMENDING THE WHITELAND ZONING CODE AND MODIFYING
THE APPLICATION OF RESOLUTION 2017-03, TO ADDRESS SMALL CELL
FACILITIES AND AREAS FOR STRICTLY UNDERGROUND AND BURIED
UTILITIES**

Whereas, The Indiana General Assembly has enacted legislation placing restrictions on municipal regulation of small telecommunication sites and causing Resolution 2017-03, passed by the Whiteland Town Council on April 29, 2017, to become partially invalid as the result of the adoption of Indiana Code 8-1-32.3-15; and

Whereas, The Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the petition for Zoning Text Amendment; and

Whereas, The Commission, after paying reasonable regard to 1) the Whiteland Comprehensive Plan, 2) the current conditions and the character of the current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the jurisdiction, and 5) responsible development and growth, has made a(n) favorable recommendation by a vote of 7 for and 0 against, regarding the proposed change to the Zoning Code Text contained herein, and has certified the same to the Whiteland Town Council; and

Whereas, The Whiteland Town Council finds it in the best interests of the continued vitality of growth and development in the community to regulate the permitting and placement of small telecommunication sites in accordance with Indiana Code 8-1-32.3-1 *et. seq.*; and

Whereas, The Whiteland Town Council has given notice of its intention to consider this Ordinance; and

Whereas, The Whiteland Town Council has considered the recommendation of the Commission and paid reasonable regard to items 1 thru 5 referred to above.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, AS FOLLOWS:

1. **Zoning Ordinance Amended.** The text of the Whiteland Zoning Code is hereby amended to add Section 156.229, to read as follows:

Section 156.229: SMALL CELL FACILITIES. The regulations of this Section shall apply to the extent not inconsistent with IC 8-1-32.3-1 *et. seq.*

(A) **Definitions.** The definitions provided within IC 8-1-32.3-1 *et. seq.* shall apply to the extent the terms used within this Section are not otherwise defined within the Zoning Code.

(B) **Existing Facilities.** No communications service provider is required to obtain a permit or pay a fee for any of the following activities:

3. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and referee, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

4. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances or resolutions in conflict with the provisions of this ordinance are of no further force or effect.

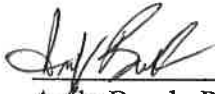
5. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance.

6. **Duration and Effective Date.** The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance) on the date of passage and adoption of this ordinance as evidenced by the signature of the executive in the manner prescribed by Indiana Code 36-5-2-10.

INTRODUCED on the 9th Day of April 2019. **DULY PASSED** on this 29 day of April, 2019, by the Town Council of the Town of Whiteland, Johnson County, Indiana having been passed by a vote of 4 in favor and 1 Opposed.

Voting In Favor

Voting Opposed



Andy Brock, President



David Hawkins

Scot Ford



Joseph Sayler



Brad Goedecker

Andy Brock, President

David Hawkins

Scot Ford

Joseph Sayler

Brad Goedecker

Attest:



Debra L. Hendrickson, Clerk-Treasurer

WHITELAND TOWN COUNCIL

NOTICE OF INTENT TO CONSIDER

DATE: Tuesday, April 9, 2019
TIME: 7:00 p.m.
PLACE: Whiteland Town Hall
549 Main Street
Whiteland, Indiana 46184

At the regular meeting of the Whiteland Town Council on Tuesday, April 9, 2019, the business to be considered will include the adoption of Ordinance No. 2019-03, An Ordinance Amending The Whiteland Zoning Code And Modifying The Application Of Resolution 2017-03, To Address Small Cell Facilities And Areas For Strictly Underground And Buried Utilities.