

**ORDINANCE NO. 2012-09**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
WHITELAND, INDIANA, AMENDING THE MUNICIPAL CODE  
REGARDING DEVELOPMENT PLANS**

WHEREAS, the Plan Commission of the Town of Whiteland, Indiana has approved certain changes to the Development Plan for the Town of Whiteland, Indiana (the “Town”); and

WHEREAS, the Town Council of the Town (the “Council”) has previously adopted certain provisions under Chapter 150, Building Code of the Town’s Municipal Code (the “Municipal Code”); and

WHEREAS, the Council desires to encourage appropriate and compatible land development to enhance property values and to promote the health, safety, and general welfare of the Town; and

WHEREAS, the Council desires to incorporate the changes recommended by the Plan Commission into the Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana that:

SECTION 1. The Municipal Code, Section 150.37, shall be amended to add the following language:

- “(7) Development Plans: (a) \$200 plus \$5 acre (for sites less than 5 acres)  
(b) \$350 plus \$5 acre (for sites greater than 5 acres)
- (8) Amendments to approved Development Plan: \$75 plus \$5/acre”

SECTION 2. The Municipal Code, Section 156.003, shall be amended to add the following definition:

“SITE ALTERATION. Activities that would change the landform and natural vegetative characteristics of a site. Examples include, but are not limited to, fill, grading, excavation, removal of topsoil, placement of impervious or gravel surface, clearing of wooded areas (except as part of an agricultural operation), damming, and changes to water courses.”

SECTION 3. The Municipal Code, Section 156.206, shall be amended to delete the current language and insert the following:

“Section 156.206 Development Plans

(A) Purpose

Development plan review is a process in which certain types of proposed construction and development are reviewed by the Plan Commission to ensure their compliance with the Zoning Code, Comprehensive Plan, and other applicable codes and requirements. This section shall apply to all zoning districts.

(B) Types of Review

- (1) The Plan Commission shall review and determine the compliance of certain types of construction and development, while other types shall require only staff review. The levels of review for different types of development are outlined in the following table:

Table A: Plan Review	
Staff-only Review	Plan Commission Development Plan Review
<ul style="list-style-type: none"> <li>• Construction of or additions to single- and two-family dwelling</li> <li>• Construction of or additions to agricultural buildings in the AG zoning district</li> <li>• Enlargements of non-residential or multi-family structures not to exceed 25% of the area of the existing structure*</li> <li>• Residential accessory structures</li> <li>• Non-residential accessory structures not exceeding 200 square feet in area</li> <li>• Temporary uses and structures</li> <li>• Reconstruction of conforming structures due to natural disaster or emergency, provided that the structure is rebuilt using the pre-disaster footprint</li> <li>• Site alterations of less than 5 acres of disturbed soil</li> </ul>	<ul style="list-style-type: none"> <li>• Construction of new non-residential and multi-family structures</li> <li>• Enlargements of non-residential or multi-family structures exceeding 25% of the area of the existing structure</li> <li>• Non-residential accessory structures exceeding 200 square feet</li> <li>• Site plans submitted as part of a rezoning petition</li> <li>• Site alterations exceeding 5 acres of disturbed soil</li> </ul>

(2) Staff-only review does not require a formal development plan, and such proposals are not subject to this section, except in cases of (3) and (4) below.

(3) The sum of multiple enlargements to non-residential or multi-family structures cannot exceed 25% of the original structure area without Plan Commission review.

(4) Staff may determine in writing that a proposed development has particularly significant, unique, or otherwise special features that require Plan Commission review.

(C) Application Procedures

(1) Pre-application conference

In order to best review all applications, at least one pre-application conference between the applicant and staff is recommended to informally discuss application requirements, procedures, and details of the proposed development. Formal application or filing is not required, and any discussion is not binding on the Plan Commission review.

(2) Development Plan filing requirements

Development Plans requiring Plan Commission review shall submit at least the following materials:

(a) List of interested parties names and addresses

(b) Two full-scale copies and ten smaller scale (no larger than 11"x17") copies of the Development Plan, containing at least the following information:

1. Scale drawing of the parcel with dimensions and acreage
2. Locations and uses of proposed and existing structures
3. Locations of existing structures within 25' of the subject parcel
4. Proposed and existing rights-of-way, streets, and alleys, and street names
5. Existing adjacent rights-of-way, streets, and alleys, and street names
6. Easements on the parcel or adjacent to the parcel, including the easement holder and a description of the easement type
7. Location of any existing or proposed drainage tile
8. Elevation of existing and proposed structures
9. Proposed and existing elevations, shown by two-foot contour lines

10. Location of existing and proposed ponds, lakes, stormwater detention basins, etc, with normal pool elevations
  11. Location of any wetlands and floodplains/floodways
  12. Location of areas of mature trees, greater than 9” in DBH
  13. Proposed landscaping plan
  14. Proposed lighting plan
  15. Proposed locations of dumpsters, recycling bins, free-standing signs, and/or other accessory items
  16. Location of existing and proposed utility lines, septic systems, wells, etc.
  17. Vicinity map showing the site within context of the surrounding area, including at least the zoning classification and existing use of surrounding parcels, nearby thoroughfares, and nearby water courses
- (c) Storm water management plan, including water quality control and soil erosion control measures.
  - (d) Calculations of existing and proposed lot coverage of structures and impervious areas (e.g. parking lots, driveways, sidewalks, etc.)
  - (e) Traffic impact analysis that includes average daily and peak hour estimates and proposed public right-of-way improvements
  - (f) Drawings and elevations of proposed structures
  - (g) Drawings and elevations of any proposed signage
  - (h) For sectionalized developments, a proposed schedule of development phases
  - (i) One digital copy of the above submitted materials in pdf format
  - (j) Application form
  - (k) Filing fee
  - (l) Staff may waive or reduce the detail of any of the above required information if not relevant or necessary for adequate review. Staff may also require any additional information reasonably necessary for review of complex or unique projects.
- (3) The filing deadline for Development Plan review is as stated in the Plan Commission schedule of meetings.
- (D) Notification requirements
- The petitioner shall be responsible for notifying all interested parties and publishing legal notice in accordance with the Plan Commission Rules of Procedure.
- (E) Review Procedures
- (1) Plan Commission review
    - (a) The Whiteland Technical Review Committee (TRC) will review and comment on the Development Plan. The committee’s comments will be provided to the applicant at a scheduled TRC meeting prior to the Plan Commission meeting date.
    - (b) The Planning Director will submit a staff report for the Plan Commission to review prior to their meeting. The report will outline the development proposal, surrounding land uses, compliance with the applicable codes, utility availability, TRC comments, and other pertinent facts about the development.
    - (c) The Plan Commission will review the Development Plan application in a public hearing. The Commission shall consider:
      1. The Development Plan application and supporting information
      2. The staff report, and any information presented by the Planning Director, Building Commissioner, TRC, and/or other department or agency
      3. Testimony of the applicant
      4. Input from members of the public during the public hearing
      5. Any applicable provisions of the Whiteland Zoning Code, Subdivision Control Code, Sign Code, Building Code, or other applicable code

6. Any other information as may be required by the Plan Commission to evaluate the application
- (d) The Plan Commission shall make the following findings of fact. Approval of the findings may be stated generally. Disapproval of any of the findings shall specify the code with which there is noncompliance.
1. The Development Plan is consistent with the Town of Whiteland Comprehensive Plan.
  2. The Development Plan does not cause a hazard or unsafe conditions on existing or proposed streets, or at points of access.
  3. The Development Plan does not cause existing or proposed streets to exceed their capacity or cause excessive traffic congestion.
  4. The Development Plan dedicates the necessary right-of-way for future expansion of perimeter roads as indicated in the Thoroughfare Plan.
  5. The Development Plan creates a safe environment for pedestrians and non-motorized vehicles to safely move about the development and to connect to perimeter pedestrian facilities.
  6. The Development Plan arranges buildings and structures appropriately for function and aesthetic appeal.
  7. The Development Plan is compatible with surrounding uses, buildings, and zoning districts; or is designed to effectively and appropriately buffer or transition to surrounding uses, buildings, or zoning districts.
  8. The Development Plan satisfies the applicable design and development standards of the Whiteland Zoning Code.
  9. The Development Plan satisfies the applicable design and development standards of the Whiteland Subdivision Control Code.
  10. The Development Plan satisfies the applicable design and development standards of the Whiteland Sign Code.
  11. The Development Plan satisfies the applicable design and development standards of the Whiteland Building Code.
- (e) The Plan Commission shall take final action or continue the application to a specific future meeting date. The final action shall be based on the findings of fact, and the Plan Commission shall approve, approve with conditions, or deny the application.

(F) Waivers

As part of an approved Development Plan, the Plan Commission may waive or modify the height, intensity of use, size of buildings, yard specifications, parking specifications, exterior materials, and/or the number and location of permitted signs sections of the Zoning and Sign Codes. Such waivers shall be supported by the findings of fact.

(G) Duration

- (1) An approved Development Plan shall be valid for two (2) years from the date of approval, unless the Plan Commission specifies a different period in its approval. It shall expire if development of the approved site improvements have not been completed within the two year period, and it has not been granted an extension.
- (2) The Plan Commission may grant two-year extensions of an approved Development Plan for cause. The applicant may submit a request for an extension along with any supporting documentation prior to the expiration of the Development Plan. The Plan Commission shall review the request and take action to approve the extension, approve an extension shorter than two years, or deny the extension. No further notification or hearing is required for an extension request.
- (3) An approved Development Plan that has not expired shall be effective for as long as the project for which it was approved exists, or until superseded by a new or modified Development Plan.

- (4) A denied Development Plan shall not be resubmitted for at least one (1) year from the date of denial. A new, redesigned, Development Plan application may be submitted prior to one year, if the plan addresses the reasons for the denial.

(H) Modifications

- (1) Minor amendments to approved Development Plans may be authorized by the Planning Director without public hearing, if the proposed amendments do not:
  - (a) Increase height, area, or intensity of land uses, structures, or signs
  - (b) Designate additional land uses
  - (c) Reduce setbacks, yards, or buffers
  - (d) Reduce the amount of landscaping
  - (e) Add driveways or vehicular access points
  - (f) Adversely impact the purpose or intent of the overall approved development
  - (g) Adversely impact surrounding properties or the general public
- (2) Requests for modifications that involve changes to the above list, or that the Planning Director determines are not minor amendments, are major amendments and shall require a new Development Plan application, review, and approval.”

SECTION 4. This Ordinance shall be effective upon final adoption.

ADOPTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 2013.

TOWN COUNCIL OF THE TOWN OF  
WHITELAND, INDIANA

\_\_\_\_\_  
Robert Zehr, President

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Kent Beeson, Vice-President

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Roger Ford, Member

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Ed Tichenor, Member

\_\_\_\_\_  
Chris Hadley, Member

ATTEST:

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Michelle Richards, Clerk-Treasurer

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