

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2024-02**

**AN ORDINANCE AMENDING THE ZONE MAP OF THE TOWN OF WHITELAND,
REZONING CERTAIN PROPERTY FROM TO I-1 (INDUSTRIAL) TO R-1
(RESIDENTIAL)**

**(Fishburn Estates/“Limestone Land Developers, LLC”, 17.59 acres north of Tracy Rd. on
the east side of Emerson Ave., Whiteland, IN)**

WHEREAS, the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the petition for rezoning of approximately 17.59 acres located generally north of Tracy Rd. on the east side of Emerson Ave., within the Town of Whiteland (“Town”), depicted on attached Exhibit A, incorporated herein, (the “Property”), from the current zoning of I-1 (Industrial) to R-1 (Residential) use;

WHEREAS, the Property is the western part of tax parcel 41-05-15-023-007.011-028, consisting of approximately 37.378 acres (the “Parcel”), which Parcel is legally described on Exhibit A, and the part of the Parcel located east of the Property is already zoned R-1;

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 favorable recommendation by a vote of 4 for and 0 against regarding the change in the zone map and has certified the same to the Whiteland Town Council (“Council”);

WHEREAS, the Council has considered the recommendation of the Commission and paid reasonable regard to items 1 thru 5 referred to above;

WHEREAS, the amendments herein are consistent with the following purposes, as required under I.C. 36-7-4-601(c):

- a. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
- b. Lessening or avoiding congestion in public ways;
- c. Promoting the public health, safety, comfort, morals, convenience, and general welfare; and
- d. Otherwise accomplishing the purposes of I.C. 36-7-4;

WHEREAS, the Council has given notice under I.C. 5-14-1.5-5 (the Open Door Law) of its intention to consider the amendment to the Whiteland Zoning Map; and

WHEREAS, the Council desires to adopt the proposed amendment to the Zoning Map of the Town of Whiteland.

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

Section 1. The official Zone Map of the Town of Whiteland, as referred to in Section 156.041 of the Whiteland Zoning Code as incorporated into the Whiteland Municipal Code, is hereby amended to rezone the Property, depicted on Exhibit A incorporated herein, from I-1 (Industrial) to R-1 (Residential), resulting in all of the Parcel having a zoning classification of R-1 (Residential).

Section 2. The Whiteland Plan Commission and Community Development Department are hereby authorized to make the above described change to the official Zone Map of the Town of Whiteland.

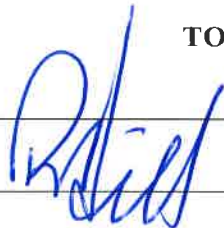
Section 3. This Ordinance shall have no effect as to changing any other provision of the Whiteland Zoning Code other than the amendment of the official Zone Map.

Section 4. This Ordinance shall be in full force and effect from and after its adoption.

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DULY PASSED AND FINALLY ADOPTED on the 9 day of January, 2024, by a vote of 5 in favor and 0 against.

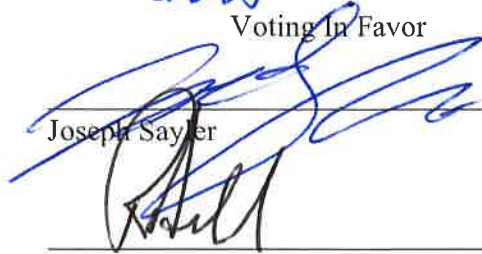
TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



_____, President

Voting In Favor

Voting Opposed



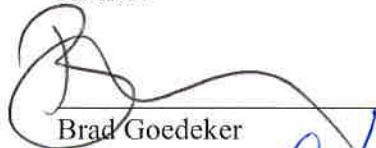
Joseph Sayler

Joseph Sayler



Richard Hill

Richard Hill



Brad Goedecker

Brad Goedecker



Debra L. Hendrickson

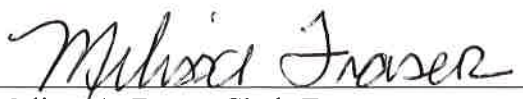
Debra L. Hendrickson



Matthew Tim Brown

Matthew Tim Brown

Attest:



Melissa A. Fraser, Clerk-Treasurer

EXHIBIT A
Depiction of the Rezoned Property
(Page 1 of 2)



EXHIBIT A
Legal Description of the Parcel of which the Rezoned Property is a Part
(Page 2 of 2)

A part of the Southwest Quarter of Section 15, Township 13 North, Range 04 East of the Second Principal Meridian, Pleasant Township, Johnson County, Indiana. This description prepared by Bruce E. Strack, Indiana LS 20200057, working for Stoepelwerth and Associates, Inc. as part of Project 105650LLD, being more particularly described as follows:

Beginning at the Northwest corner of said Quarter Section; thence North 87 degrees 51 minutes 04 seconds East, along the North line of said Quarter Section, a distance of 2353.14 feet to the West line of a ten acre tract off of the East end of the North Half of the Southwest Quarter; thence South 00 degrees 43 minutes 26 seconds West, along said line, a distance of 832.37 feet to the Northeast corner of Lot 2 in Shelby Howard Minor Plat, a Subdivision in Johnson County, Indiana, the plat of which is recorded in Plat Book D, Page 770 in the Office of the Recorder of Johnson County, Indiana; thence South 88 degrees 06 minutes 33 seconds West, along the North line of said Lot 2 and the North line of Lot 1 in said Minor Plat, a distance of 1660.56 feet to the Southeast corner of a 6.86 acre tract of land described in Instrument Number 2021-035071 in said Recorder's Office; thence North 00 degrees 08 minutes 43 seconds East, along the East line of said land, a distance of 446.45 feet to the Northeast corner thereof; thence South 88 degrees 19 minutes 46 seconds West, along the North line of said land, a distance of 666.22 feet to the West line of the aforementioned Southwest Quarter Section; thence North 00 degrees 31 minutes 50 seconds East, along said line, a distance of 375.28 feet to the Point of Beginning, Containing 37.378 acres, more or less.

