

ORDINANCE NO. 2023

AN ORDINANCE AMENDING THE EXISTING
NEW WHITELAND, INDIANA, ZONING ORDINANCE
REGARDING THE STORAGE AND PARKING OF
TRAILERS, BOATS AND COMMERCIAL VEHICLES

WHEREAS, the New Whiteland Town Council and the New Whiteland Advisory Plan Commission ("Plan Commission") have initiated a proposal to amend the New Whiteland Zoning Ordinance pursuant to I.C. 36-7-4-701 and I.C. 36-7-4-602; and

WHEREAS, the Amendments herein are consistent with 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 Plan Commission has given notice and held a public hearing on the proposed amendments to the Zoning Ordinance; and

WHEREAS, the Plan Commission, after paying reasonable regard to (1) the New Whiteland Comprehensive Plan, (2) the current conditions and the character of the current structures and use 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, made a favorable recommendation regarding the amendment of the New Whiteland Zoning Ordinance and has certified the same to the Council; and

WHEREAS, the Council has considered the Plan Commission's recommendation concerning the proposed amendments to the Zoning Ordinance, and has paid reasonable regard to items 1 through 5 referred to above; and

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

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

Section 1. The Plan Commission has given notice and held a public hearing on the proposed amendments to the Zoning Ordinance; and

Section 2. Sections 7-1703 through 7-1705 are hereby stricken from the Town's existing Zoning Ordinance and replaced with the following:

Section 7-1703. Campers, travel trailers, recreational vehicles, boats and boat trailers, utility and hauling trailers shall be permitted on lots within Residential Districts, subject to the following:

- a. Only one (1) of each type of vehicle described in this Section shall be permitted to be stored or parked on any Residential Lot and no more than two (2) different vehicles

described under this Section shall be permitted to be parked or stored on any Residential Lot at the same time.

- b. If two (2) different vehicles as described under this Section are parked on the same Residential Lot at the same time, at least one (1) of those vehicles shall be stored or parked at all times that both are present, behind the Front Line of the Building as that term is defined in this Ordinance.
- c. For purposes of this Section, a boat stored on a boat trailer shall be considered one (1) vehicle.
- d. For purposes of this Section, Residential Lot shall mean a lot located within a Residential District.

Section 7-1704. None of the vehicles referred to in paragraph 7-1703, or any parts thereof, shall be parked or stored, at any time, within twelve feet (12') of the curb of any public street abutting the Residential Lot on which any such vehicle is located.

Section 7-1705. All vehicles referred to in paragraph 7-1703 must be kept in compliance with all licensing and registration requirements of all applicable federal, state and local laws and shall have affixed to them, in plain sight, all required plates, tags, decals, permits, etc. during all times they are stored or parked on a Residential Lot.

Section 7-1706. All vehicles referred to in paragraph 7-1703 shall be maintained in good and safe condition at all times while stored or parked on a Residential Lot so as not to constitute a nuisance or hazard to any other person.

Section 7-1707. None of the vehicles referred to in paragraph 7-1703 shall be inhabited by any person, at any time, while parked or stored on a Residential Lot.

Section 7-1708. The owner or tenant of any Residential Lot on which there exists any violation of Section 1-1703 through 7-1707 shall be notified of the violation and afforded three (3) days after notice to bring the Residential Lot into compliance. Failure to bring the Residential Lot into compliance within three (3) days of notice will subject the owner or tenant of that Residential Lot to a fine of Fifty Dollars (\$50.00) per day for each day the violation exists, dating back to the first day of the violation. Any subsequent violation occurring within 60 days after the Residential Lot is brought into compliance will subject the owner or tenant of the Residential Lot to a fine of One Hundred Dollars (\$100.00) per day for as long as the violation continues from the first day of violation until the property is brought into compliance.

Section 3. All ordinances and sections of ordinances in conflict herewith are hereby repealed to the extent that they conflict with any of the provisions contained herein.

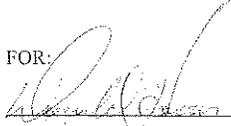
Section 4. The New Whiteland Plan Commission is hereby authorized to make the above-described changes to the zoning ordinance text, to print the text of the amendments so as to be inserted into the book version of the New Whiteland Subdivision Control, and to file two (2) copies of this ordinance in the office of the New Whiteland Clerk-Treasurer to keep on file for public inspection. The New Whiteland Clerk-Treasurer shall keep additional copies of the Subdivision Control Ordinance book in the office for the purpose of sale or distribution.

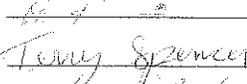
Section 5. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

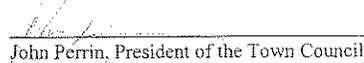
Section 6. This Ordinance shall have no effect on existing litigation or causes in action, and shall not operate as an abatement of any action or proceeding now pending or which could be brought as to changing any other provision of the New Whiteland Town Code, as amended, by virtue of the ordinances or sections of ordinances or Code provisions so amended or repealed and this Ordinance is to amend only as provided above and does not affect any other sections of the New Whiteland Zoning Ordinance or New Whiteland Town Code, except to the extent necessary to give this Ordinance full force and effect.

Section 7. The Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Adopted by an affirmative vote of the Town Council of the Town of New Whiteland at the regular meeting of the Town Council on the 21st day of September, 2006.

FOR:






John Perrin, President of the Town Council

AGAINST:

ATTEST:


Maribeth Alspach, Clerk-Treasurer