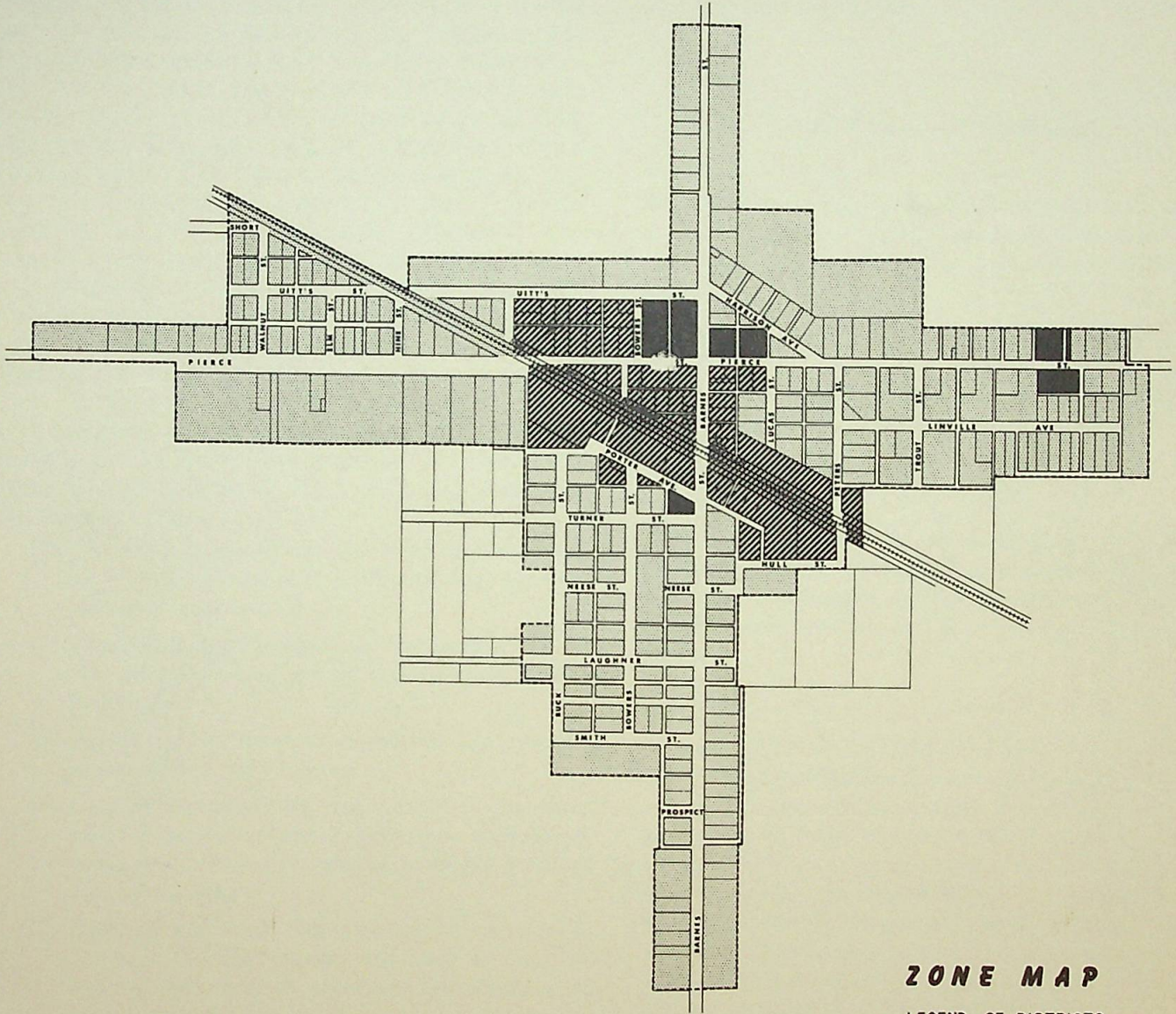


Sharon Blunkette Walker





WHITESTOWN

INDIANA



ZONE MAP

LEGEND OF DISTRICTS

-  SUBURBAN
-  RESIDENTIAL
-  LOCAL BUSINESS
-  INDUSTRIAL



ZONING ORDINANCE

GENERAL ORDINANCE NO. 1-1956

AN ORDINANCE ESTABLISHING A ZONING PLAN FOR THE TOWN OF WHITESTOWN, INDIANA, AND THE CONTIGUOUS UNINCORPORATED TERRITORY OVER WHICH IT EXERCISES PLANNING AND ZONING JURISDICTION, TO CONSERVE THE VALUE OF PROPERTY AND TO THE END THAT ADEQUATE LIGHT, AIR, CONVENIENCE OF ACCESS, AND SAFETY FROM FIRE AND OTHER DANGERS MAY BE SECURED: THAT CONGESTION IN THE PUBLIC STREETS MAY BE LESSEMED OR AVOIDED: AND THAT THE PUBLIC HEALTH, SAFETY, CONVENIENCE, COMFORT, AND GENERAL WELFARE MAY BE PROMOTED IN A MANNER WHICH RECOGNIZES THE NEEDS OF INDUSTRY AND BUSINESS IN THE FUTURE GROWTH OF THE TOWN AND WHICH WILL ENCOURAGE THE DEVELOPMENT OF HEALTHY SURROUNDINGS FOR FAMILY LIFE IN RESIDENTIAL NEIGHBORHOODS: ALL IN ACCORDANCE WITH A MASTER PLAN DESIGNED TO ASSURE EFFICIENCY AND ECONOMY IN THE PROCESS OF DEVELOPMENT OF THE TOWN, AND FOR THE PURPOSE OF: --

- (1) Classifying, regulating and limiting the height, area, bulk and use of buildings and premises hereafter to be erected;
- (2) Regulating and determining the area of front, rear and side yards and other open spaces about buildings;
- (3) Regulating and determining the use and intensity of use of land and lot areas;
- (4) Classifying, regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses;
- (5) Dividing the town into districts of such kind, character, number, shape and area as may be deemed necessary to carry out the purposes of this ordinance;

AND FURTHERMORE PROVIDING FOR ITS ADMINISTRATION; CREATING A BOARD OF ZONING APPEALS, PROVIDING FOR REVIEW OF THE DECISIONS OF SUCH BOARD BY THE COURT.

Be it Ordained by the Board of Trustees of the Town of WHITESTOWN, INDIANA:

ARTICLE I. IN GENERAL

Section 1.

SHORT TITLE. This ordinance, and ordinances supplemental or amendatory thereto, shall be known, and may be cited hereafter, as the Zoning Ordinance of Whitestown, Indiana.

Section 2.

IDENTIFICATION. Wherever the word "Town" appears in this Ordinance, it shall be deemed to refer to the Town of Whitestown, Indiana.

Section 3.

INTERPRETATION. In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare.

Section 4.

NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances, other than expressly repealed hereby, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or provided, except, that where this ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required by or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations, or permits, the provisions of this ordinance shall control.

ARTICLE II. DISTRICTS AND ZONE MAPS

Section 1.

DISTRICTS. The Town of Whitestown and its Jurisdictional Area is hereby divided into four (4) districts in order to carry out the purposes of this ordinance. The Districts shall be known and designated throughout this ordinance as follows:

<i>Name of District</i>	<i>Designation Hereinafter</i>
"S" Suburban District	"S"
"A" Single-Family and Two-Family Residential District	"A"
"LB" Local Business District	"LB"
"I" Industrial District	"I"

Section 2.

ZONE MAP. The Zone Map, dated , 19 , is hereby declared to be a part of this ordinance. The Zone Map shows the areas included in the above Districts. Notations, references, indications and other matters shown on the Zone Map are as much a part of this ordinance as if they were fully described in the text of this ordinance.

Two copies of said Zone Map are on file in the office of the Clerk-Treasurer of the Town of Whitestown, Indiana.

Section 3.

DETERMINATION AND INTERPRETATION OF DISTRICT BOUNDARIES. In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the Town.

Where uncertainty exists as to the exact boundaries of any district as shown on the Zone Map, the following rules shall apply:

- Where district boundaries are indicated as following street, alley or lot lines, or approximately along such lines, such lines shall be construed to be the district boundaries.
- In unsubdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the ZONE MAP.

- In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the Zone Map as to the location of the boundary in question.

Section 4.

PROCEDURE RELATING TO ANNEXED OR VACATED AREAS. Territory which may hereafter be annexed to the Town shall immediately be included in the "A" Residential District, until changed by amendment of this ordinance.

Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, waterway, or similar areas, shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.

ARTICLE III.

GENERAL PROVISIONS, CHARTS & SPECIFICATIONS

Section 1.

USE. No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.

Section 2.

HEIGHT. No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.

Section 3.

YARDS, LOT AREA AND SIZE OF BUILDING. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which such building is located.

Section 4.

LOTS. Every building hereafter erected shall be located on a lot which fronts on a street

Section 5.

VEHICLE PARKING SPACE: LOADING AND UNLOADING BERTHS. Every building hereafter erected shall pro-

vide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

Section 6.

CHARTS AND SPECIFICATIONS. The following Charts and the specifications outlined thereon are hereby declared to be a part of this ordinance:

- CHART 1 - DEFINITIONS
- CHART 2 - RESIDENTIAL USES
- CHART 3 - COMMERCIAL USES
- CHART 4 - INDUSTRIAL USES
- CHART 5 - CONTINGENT USES
- CHART 6 - CONDITIONAL USES
- CHART 7 - VEHICLE PARKING SPACE
- CHART 8 - UNIT DEVELOPMENT PLAN

Charts 2 to 5, inclusive, show the district or districts in which the use, which is the subject of the Chart, is permitted, and delineates the specifications for:

- Lot Area per Family
- Width of Lot
- Height of Building
- Vehicle Parking Space
- Front, Side, Rear and Other Yards
- Lot Coverage
- Size of Building
- Vision Clearance
- Accessory Buildings and Uses

applicable to the particular use in each district where such use is authorized.

Two copies of the Charts and specifications referred to herein are on file in the Office of the Clerk-Treasurer of the Town.

ARTICLE IV. NONCONFORMING USE SPECIFICATIONS

Section 1.

CONTINUATION THEREOF AND RECONSTRUCTIONS. The lawful use of a building or premises, existing at the time of passage of this ordinance, may be continued although such use does not conform to all the provisions of this ordinance, except as hereinafter provided.

Section 2.

EXTENSION. A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.

Section 3.

CHANGE. A non-conforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been

changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a non-conforming use or a less restricted one.

Section 4.

ERECTION AND RE-ERECTION OF BUILDINGS. No building shall be erected upon any premises devoted to a nonconforming use, and no building located upon any such premises which has been damaged by fire or other causes to the extent of more than seventy-five (75) per cent of its appraised valuation, shall be repaired or rebuilt, except in conformity with regulations of this ordinance.

Section 5.

TEMPORARY PERMITS. The Board of Zoning Appeals authorize, by written permit, in a residential district for a period of not more than one (1) year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said district.

Section 6.

RIGHT TO CONSTRUCT IF PERMIT ISSUED. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit and which entire building shall be completed according to such plans, as filed within three (3) years from the date of passage of this ordinance.

Section 7.

USE TO CONFORM AFTER DISCONTINUANCE. In the event that a nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

Section 8.

DISCONTINUANCE OF NONCONFORMING USE OF LAND. The lawful use of land for open storage purposes, which does not conform to the provisions of this ordinance, shall be discontinued within two (2) years from the date of passage of this ordinance, and the use of land for storage purposes, which may become a nonconforming use by reason of an amendment to this ordinance, shall be discontinued within two (2) years from the date of passage of such amendment.

Section 9.

NONCONFORMING USE CREATED BY AMENDMENT. These provisions apply in the same manner to a use

which may become a nonconforming use due to a later amendment to this ordinance.

ARTICLE V. ADMINISTRATION

Section 1.

ENFORCEMENT BY WHOM. The Building Inspector is hereby designated and authorized to enforce this Ordinance.

Section 2.

PLATS. Each application for an Improvement Location Permit shall be accompanied by a plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, reconstructed or structurally altered, and such other information as shall be necessary to provide for the enforcement of this ordinance. A careful record shall be kept of all such applications and plats, in the Office of the Building Inspector.

Section 3.

CERTIFICATE OF OCCUPANCY.

- A. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the building and use comply with all of the provisions of this ordinance applicable to the building or premises or the use in the district in which it is to be located.
- B. No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued by the Building Inspector, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance.
- C. Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration of such building shall have been completed.
- D. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected. A fee of one dollar (\$1.00) shall be charged for each original certificate and fifty cents (50¢) for each copy thereof.

- E. No Improvement Location Permit shall be issued for excavation for or the erection, reconstruction or alteration of any building, before application has been made for a Certificate of Occupancy.

ARTICLE VI. BOARD OF ZONING APPEALS

Section 1.

ESTABLISHMENT.

A Board of Zoning Appeals is hereby established in accordance with Chapter 174, Acts of 1947 of the Indiana General Assembly.

Section 2.

COMPOSITION AND APPOINTMENT.

The Board shall be composed of six (6) members, all of whom shall be residents of the Town, and none of whom shall hold other elective or appointive office, except that two (2) of the five (5) members shall be appointed from the Town Plan Commission's citizen membership. Of the original five members, one shall be appointed to serve for one (1) year; one for two (2) years; one for three (3) years; and two for four (4) years. Terms of these members shall expire on the first day of January of the first, second, third or fourth year, respectively, following their appointment. Thereafter, as terms expire, each new appointment shall be for a term of four (4) years. All members of the Board shall be appointed by the President of the Town Board of Trustees.

Section 3.

ORGANIZATION.

At the first meeting of each year, the Board shall elect a Chairman and a Vice-chairman from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensations theretofore fixed by the Town Board of Trustees.

Section 4.

RULES OF PROCEDURE.

The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this ordinance.

Section 5.

MEETINGS AND RECORDS.

All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member

voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record.

Section 6.

APPEALS FROM BUILDING INSPECTOR.

Any decision of the Building Inspector made in enforcement of this ordinance may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such decision.

Section 7.

POWERS AND DUTIES OF THE BOARD.

A. The Board shall have the following powers and it shall be its duty to:

- (1) Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Inspector in the enforcement of this ordinance.
- (2) Hear and decide on permits for conditional uses, development plans or other uses upon which the Board is required to act under this ordinance.
- (3) Authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

B. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

Section 8.

RESTRICTIONS ON BOARD ACTION.

- A. Every decision of the Board shall be subject to review by certiorari.
- B. No variance in the application of the provisions of this ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find that such variance will not:
- (1) Alter the land use characteristics of the district.

- (2) Impair the adequate supply of light and air to adjacent property.
- (3) Increase the hazard from fire, flood and other dangers of said property.
- (4) Diminish the marketable value of adjacent lands and buildings.
- (5) Increase the congestion in the public streets.
- (6) Otherwise impair the public health, safety, convenience, comfort or general welfare.

ARTICLE VII. AMENDMENTS

Section 1.

AMENDMENTS.

All amendments to this ordinance shall be in conformance with the provisions of Chapter 175, Acts of 1947, General Assembly of Indiana, and all Acts amendatory thereto. Any proposed amendment shall be submitted to the Plan Commission for report and recommendation prior to any action thereon by the Town Board of Trustees. If the Plan Commission recommends against the enactment of any proposed amendment, it shall become effective only by a three-fourths vote of the Town Board of Trustees.

ARTICLE VIII. REMEDIES

Section 1.

REMEDIES. The Town Plan Commission, the Board of Zoning Appeals, the Building Inspector, or any designated enforcement official, or any person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of the County in which the Town is located, to restrain an individual or a governmental unit from violating the provisions of this ordinance. The Town Plan Commission or the Board of Zoning Appeals may also institute a suit for mandatory injunction directing an individual, a corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance. Any building, erected, raised or converted, or land or premises used in violation of any provisions of this ordinance or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

ARTICLE IX. VALIDITY

Section 1.

INVALIDITY OF PORTIONS. Should any Article, Section or Provision of this ordinance be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the portion so declared to be invalid.

Section 2.

WHEN EFFECTIVE. This ordinance shall be in full effect from and after its passage, approval and publication according to law.

ARTICLE X.

AVAILABILITY FOR PUBLIC INSPECTION

Section 1.

DUTY OF THE CLERK-TREASURER. The Clerk-Treasurer of the Town, is hereby directed to keep on file two copies of the Zone Map referred to in Article II, Section 2, and of the Charts and Specifications referred to in Article III, Section 6, and said Maps, Charts and Specifications shall be available for public inspection during all regular office hours of the said Clerk-Treasurer.

Passed by the Town Board of Trustees of the *Town of Whitestown, Indiana*, on the 12th day of January, 1956.

Harvey D. Lovett, M.D.

Harvey D. Lovett, M.D.
President of Town Board

Wm E. Spencer

William E. Spencer

Attest:

Robert G. McMakin

Robert G. McMakin
Town-Clerk Treasurer

Donald M. Sortor

Donald M. Sortor

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted and defined as follows:

Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure" and vice versa; the word "shall" is mandatory and not directory.

1. ACCESSORY USE: A use which is incidental to the main use of the premises.
2. ALLEY: A public thoroughfare, which affords only secondary means of vehicular access to abutting property, and less than thirty (30) feet in width.
3. BASEMENT: A story partly underground, but having less than one-half of its clear height below, which unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurements.
4. BLOCK: Property having frontage of one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier.
5. BOARD: The Board of Zoning Appeals of the Town of Whitestown, Indiana.
6. BOARDINGHOUSE: A building not open to transients, where lodging and/or meals are provided for three (3) or more, but not over 30 persons regularly; a lodging house.
7. BUILDING: A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without openings through such walls, each portion of such a building shall be considered a separate structure.
8. BUILDING ACCESSORY: A subordinate building, or a portion of a main building, the use of which is incidental to that of the main building.
9. BUILDING AREA: The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.
10. BUILDING, FRONT LINE OF: The line of that face of the building nearest the front lot line.
11. BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as a part of the principal building.
12. BUILDING, HEIGHT OF: The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
13. BUSINESS: The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.
14. CAMP, PUBLIC: Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, or two (2) or more camping parties, including cabins, tents or other camping outfits.
15. COMMERCIAL: See Business.
16. DISTRICT: A section of the Town of Whitestown or the jurisdictional area for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.
17. FAMILY: A group of one or more persons occupying a building and living as a single housekeeping unit. No unrelated group living as a single housekeeping unit shall consist of more than six (6) persons, as distinguished from a group occupying a lodging house or hotel.
18. GARAGE, PRIVATE: An accessory building with capacity for not more than three (3) motor vehicles for storage only, not more than one (1) of which may be a commercial vehicle of not more than three (3) tons capacity. Provided, however, that a garage designed to house one (1) motor vehicle for each family housed in an apartment shall be classed as a private garage.
19. GARAGE, PUBLIC: Any building or premises, except those defined herein as a Private Garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
20. GROUND FLOOR AREA: The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breeze-ways, terraces, garages, exterior and interior stairways.
21. HOME OCCUPATION: An occupation, carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold or stock in trade is kept on the premises; no person is employed other than a member of said family; and no sign, other than a nameplate, not exceeding one square foot in area, is displayed.
22. HOTEL: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding or lodging house.
23. KENNEL: Any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.
24. JURISDICTIONAL AREA: For Planning and Zoning; the Town of Whitestown, Indiana, and the contiguous unincorporated territory shown on a map filed by the Whitestown Town Plan Commission with the County Recorder of Boone County, Indiana.
25. LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building and its accessory buildings, and the open spaces required by this Ordinance, and having its principal frontage on

a street.

26. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.
27. LOT COVERAGE: The percentage of the lot area covered by the building area.
28. LOT, DEPTH OF: The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.
29. LOT, GROUND LEVEL:
 - a. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
 - b. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.
 - c. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.
30. LOT, INTERIOR: A lot other than a Corner Lot or Through Lot.
31. LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.
32. LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
33. LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line.
34. LOT, THROUGH: A lot having frontage on two streets at opposite ends of the lot.
35. LOT, WIDTH OF: The distance between the side lot lines at the front line of building measured at right angles to the depth of the lot.
36. MOTEL: A building or group of buildings, in which lodging is provided and offered to the public for compensation, and catering primarily to the public travelling by motor vehicle.
37. NONCONFORMING USE: A building or premises which does not conform in its use or otherwise with all of the regulations of the district in which such building or premises is located.
38. PARKING LOT: A parcel of land devoted to unenclosed parking space for five (5) or more motor vehicles for compensation or otherwise.
39. PROFESSIONAL OFFICE: Office of members of recognized professions, such as an architect, artist, dentist, engineer, musician, physician, surgeon or other professional person.
40. PLACE: An open unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.
41. STORY: That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.
42. STORY, HALF: That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.
43. STREET: A public thoroughfare thirty (30) feet or more in width between property lines, which affords principal means of vehicular access to abutting property.
44. STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something permanently located on the ground.
45. TERRITORIAL JURISDICTION FOR PLANNING AND ZONING: The Town of Whitestown, Indiana, and the contiguous unincorporated territory shown on a map on file with the County Recorder of Boone County.
46. TOURIST HOME: A dwelling in which overnight accommodations for not more than five (5) transient guests is offered for compensation.
47. VEHICLE PARKING SPACES: The area required for parking one automobile, which in this Ordinance is held to be an area nine (9) feet wide and twenty (20) feet long plus seventy (70) square feet of maneuver area for each vehicle parking space.
48. VISION CLEARANCE ON CORNER LOTS: A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the height of 3½ and 12 feet above established grade, determined by a diagonal line connecting two points measured equidistant from the corner along each property line.
49. YARD, FRONT: Horizontal space measured at 90 degrees with the property line, between the front line of the principal building and the property line of the street upon which the building faces, unoccupied other than by steps, walks, terraces, and open, unroofed, unenclosed porches; or architectural appurtenances projecting not more than 24 inches from the building.
50. YARD, REAR: Horizontal space measured at 90 degrees to the rear lot line, between the rear of the principal building and the rear line of the lot, unoccupied other than by vehicle parking space, architectural appurtenances, or accessory buildings which do not occupy more than 30 per cent of the required rear yard.
51. YARD, SIDE: Horizontal space measured at 90 degrees to the side lot line between the side of a building and the adjacent side line of the lot, unoccupied other than by architectural appurtenances projecting not more than 24 inches, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not over 4 feet.
52. ZONE: Same as District.

SINGLE FAMILY DWELLING

DEFINITION: A detached building designed or occupied by one family exclusively.

LOCATION PERMITTED: In all Districts, provided it is located:

1. On a lot which was in single ownership or included in a subdivision recorded in the office of the Recorder of Boone County, Indiana, on or before the date of passage of this Ordinance, or
2. On any lot with a minimum area in square feet and width in feet as follows:

DISTRICT	LOT AREA	LOT WIDTH
"S"	12,000	80
"A"	6,000	60
"LB" & "I"	6,000	50

HEIGHT OF BUILDINGS:

Principal Building - Normal maximum 35 feet or 2½ stories.

Conditional Exception - Height of principal building may be increased above 35 feet but not higher than 45 feet or three stories, if two side yards of 15 feet each are provided.

TWO FAMILY DWELLING

DEFINITION: A detached building designed for or occupied by two families. A Duplex dwelling has one family above the other. A Double dwelling has one family beside the other.

LOCATION PERMITTED: Only in the Districts designated below on any lot with a minimum area in square feet and a minimum width in feet as follows:

DISTRICT	LOT AREA	LOT WIDTH
"S"	18,000	80
"A"	7,200	60
"LB" & "I"	6,000	50

HEIGHT OF BUILDINGS:

Principal Building - Normal maximum 35 feet or 2½ stories.

Conditional Exception - Height of principal building may be increased above 35 feet but not higher than 45 feet or three stories, if two side yards of 15 feet each are provided.

FRONT YARD: 20% of the average depth of lots in the block.

GROUP HOUSE

DEFINITION: A building designed for or occupied by three or more families, exclusively for dwelling purposes, not exceeding 2½ stories in height.

LOCATION PERMITTED: Only in the Districts designated below, on any lot with a minimum area in square feet and a minimum width in feet as follows:

DISTRICT	LOT AREA PER FAMILY	LOT WIDTH
"S"	7,200	80
"A"	3,000	60
"LB" & "I"	3,000	60

HEIGHT OF BUILDING:

Principal Building - Maximum of 35 feet.

FRONT YARD: 20% of the average depth of lots in the block.

SIDE YARD: The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of 5 feet for either side yard.

REAR YARD: 15% of the depth of the lot, with a minimum depth of 15 feet.

GROUND FLOOR AREA: Not less than the following:

DISTRICT	GROUND FLOOR AREA
"S"	768 sq. ft.
"A", "LB" & "I"	672 sq. ft.

LOT COVERAGE: 40% maximum on a corner lot; 35% maximum on interior lot.

ACCESSORY BUILDING, USES PERMITTED: Private garage, storage, exclusive of industrial or commercial use. Quarters for bonafide servants employed by the occupants of the dwelling on the same lot, but only on the second floor of the building. One guest house with cooking facilities on lots containing not less than 12,000 square feet.

SIDE YARD: The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of 5 feet for either side yard.

REAR YARD: 15% of the depth of lot, with a minimum depth of 15 feet.

GROUND FLOOR AREA: Not less than the following:

ZONE	GROUND FLOOR AREA
"S"	Double-900 sq. ft.; Duplex 768
"A"	Double-900 sq. ft.; Duplex 672
"LB"	Double-900 sq. ft.; Duplex 672

LOT COVERAGE: 40% maximum on a corner lot; 35% maximum on an interior lot.

ACCESSORY BUILDING, USES PERMITTED: Private garage; storage, exclusive of industrial or commercial use.

FRONT YARD: 20% of the average depth of lots in the block.

SIDE YARD: The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of 5 feet for either side yard.

REAR YARD: 15% of the depth of lot, with a minimum depth of 15 feet.

GROUND FLOOR AREA: Minimum of 500 square feet for each first floor family.

LOT COVERAGE: 50% maximum on corner lots, 40% maximum on interior lots.

ACCESSORY BUILDINGS, USES PERMITTED: Private garage, storage, exclusive of industrial or commercial use.

RESIDENTIAL USES

APARTMENT HOUSE

DEFINITION: A building designed for or occupied by three or more families, exclusively for dwelling purposes, three or more stories in height.

LOCATION PERMITTED: As a conditional use in All Districts in accordance with the procedure specified in "Chart 6 - Conditional Uses" provided that the lot area per family shall be not less than the following:

DISTRICT	LOT AREA PER FAMILY	LOT WIDTH
"S"	7,200	80
"A"	3,000	60
"LB" & "I"	3,000	60

HEIGHT OF BUILDING:

Principal Building:

DISTRICT	MINIMUM HEIGHT
"S" & "A"	35 feet
"LB" & "I"	45 feet

GENERAL PROVISIONS AND CONDITIONAL EXCEPTIONS APPLICABLE TO ALL RESIDENTIAL USES IN DISTRICTS WHERE PERMITTED

GENERAL PROVISIONS

REAR YARD: One-half of an alley abutting the rear lot may be included in the required rear yard.

VISION CLEARANCE ON CORNER LOT: Eight feet from the intersection of property lines.

VEHICLE PARKING SPACE: One space on the lot for each family housed in the principal building.

ACCESSORY BUILDINGS:

1. Shall not be permitted prior to the erection of the principal building, except for strictly storage purposes and not for human occupancy.
2. No accessory building shall be located closer to a side lot line or a rear lot line than 3 feet.
3. The normal maximum height permitted shall be 18 feet or 1½ stories.

CONDITIONAL EXCEPTIONS

FRONT YARD:

1. Where 25% or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block, but the maximum front yard need not exceed 40 feet in "A" District, or 15 feet in the "LB" District.

2. Front yard or setback lines established in recorded subdivisions establish the dimension of front yards in such blocks, except when such setback lines may be less restrictive as provided in Article I, Section 4.

3. On lots extending through from one street to another, a front yard is required on each street.

TAPERED YARD: Where a reversed interior lot abuts a corner lot, or on an alley separating such lots, any accessory building located on the rear lot line of a corner lot shall set back from the side street as far as the dwelling on the reversed interior lot; for each foot that such accessory building is placed from the rear line towards the front line of the corner lot, the accessory building may be set 4 inches closer to the side street line, but in no case closer than 5 feet.

ACCESSORY BUILDINGS: The height of accessory buildings may be increased to 25 feet or 2 stories provided the minimum required 3 foot distance from side and rear lot lines is increased one foot for each 2 feet above the normal maximum height permitted.

LOCAL BUSINESS USES

DEFINITION: Commercial uses primarily of a retail or service nature.

LOCATION PERMITTED: The following classification of business uses specifically stated or implied are permitted in the "LB" and "I" Districts:

1. AUTOMOBILE SERVICE

- | | |
|---------------------------|----------------------------------------------------------|
| a. Filling Station | e. Open Automobile or Trailer Sales Area |
| b. Commercial Garage | |
| c. Commercial Parking Lot | f. Automobile Repair, entirely within enclosed buildings |
| d. Sales Room | |

2. BUSINESS SERVICE

- | | |
|-----------|---------------------|
| a. Bank | c. Postal Station |
| b. Office | d. Telegraph Office |

3. CLOTHING SERVICE

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| a. Laundry Agency | pounds using cleaning fluid which is non-explosive and non-inflammable. |
| b. Self-Service Laundry | |
| c. Dry Cleaning Establishment using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than 40 | d. Dressmaking |
| | e. Millinery |
| | f. Tailor and Pressing Shop |
| | g. Shoe Repair Shop |

4. EQUIPMENT SERVICE

- | |
|----------------------------|
| a. Radio Shop |
| b. Electric Appliance Shop |
| c. Record Shop |

5. FOOD SERVICE

- | | |
|-----------------|---------------------------------------------|
| a. Grocery | f. Cold Storage Lockers, for individual use |
| b. Meat Market | |
| c. Supermarket | g. Bakery |
| d. Restaurant | h. Roadside Sales Stand |
| e. Delicatessen | |

6. PERSONAL SERVICE

- | | |
|----------------|------------------------|
| a. Barber Shop | c. Reducing Salon |
| b. Beauty Shop | d. Photographic Studio |

7. RETAIL SERVICE, RETAIL STORES GENERALLY

- | | |
|-------------------------------------------------|------------------------------------------------------------------|
| a. Drugstore | f. Commercial Greenhouse, not exceeding 1000 square feet in area |
| b. Hardware | |
| c. Stationer | g. Apparel Shop |
| d. Newsdealer | h. Flower Shop |
| e. Show Room, for articles to be sold at retail | |

8. COMMERCIAL RECREATIONAL USES conducted only within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.

- | | |
|--------------------|--------------------------------------------------------------------------------------------------------|
| a. Theater | e. Tavern or Night Club, only in conformity with requirements of laws or ordinances governing such use |
| b. Bowling Alley | |
| c. Billiard Room | |
| d. Dancing Academy | |

9. HOTEL

10. PRIVATE CLUB OR LODGE

HEIGHT OF BUILDINGS:

DISTRICT	NORMAL MAXIMUM HEIGHT
"LB"	45 feet
"I"	45 feet

FRONT YARD: 15 feet

SIDE YARD:

- Along the side street line of a corner lot in an "LB" District, where the block is adjoined by a residential block, the minimum dimension shall be five feet.
- Where an "LB" District adjoins an "A" District within the block, there shall be a side yard of at least 5 feet.
- In blocks included entirely in "LB" or "I" Districts, no side yards are required. However, if a side yard is provided the minimum dimension shall be four feet.

REAR YARD: 10% of the depth of lot.

LOT COVERAGE: 90%, but this shall not waive provision of yards where required.

GENERAL BUSINESS USES

DEFINITION: Commercial uses including wholesale and storage uses conducted within enclosed, substantially constructed buildings.

LOCATION PERMITTED: The following classification of business uses specifically stated or implied are permitted in the "I" District.

- Advertising Sign or Billboard
Local Business Uses
Department Store
Storage Warehouse
Wholesale Establishment
Motor Bus or Railroad Passenger Station
Any Commercial Use Not Specifically Stated or implied Elsewhere in this Ordinance and complying with the above definition.

HEIGHT OF BUILDINGS:

DISTRICT	NORMAL MAXIMUM HEIGHT PERMITTED
"I"	60 feet

FRONT YARD: 15 feet

SIDE YARD: None required. However, if a side yard is provided the minimum dimension shall be four feet.

REAR YARD: 10% of the depth of lot.

LOT COVERAGE: 90%, but this shall not waiver provision of yards where required.

C O M M E R C I A L U S E S

GENERAL PROVISIONS AND CONDITIONAL EXCEPTIONS
APPLICABLE TO ALL BUSINESS USES IN DISTRICTS WHERE PERMITTED

GENERAL PROVISIONS

VEHICLE PARKING SPACE: Parking Spaces shall be provided on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals, as follows:

USE	NUMBER OF PARKING SPACES
1. Uses listed in local business categories 3 to 7 inclusive, above.	One space for each 125 square feet of floor area.
2. Commercial Recreational Uses, other than theaters, listed in local business category 8 above.	
3. Private Club or Lodge.	
4. Department Store or other Commercial Uses included under General Business Uses.	
5. Business Service Uses listed in local business category 2, above.	One space for each 3 employees.
6. Wholesale Establishments.	
7. Theaters.	One space for each six seats.
8. Hotels.	One space for each 3 sleeping rooms.

LOADING AND UNLOADING BERTHS shall be provided on the lot as follows:

USE	GROSS FLOOR AREA (Square Ft.)	LOADING AND UNLOADING BERTHS
Retail stores, Department stores, Wholesale Establishments, Storage Uses, Other Commercial Uses:	3,000 to 15,000	1
	15,001 to 40,000	2
	Each 25,000 additional	1 additional
Hotels, Office Buildings	100,000 or less	1
	100,001 to 336,000	2
	Each 200,000 additional	1 additional

PAVING: Open parking area and loading and unloading berths shall be paved with a dust-proof or hard surface meeting the standard specifications of the Town.

REAR YARD: One-half of an alley abutting the rear of a lot may be included in the rear yard to satisfy rear yard requirements, but such alley space shall not be included for loading and unloading berths.

VISION CLEARANCE ON CORNER LOTS: Eight feet from the intersection of property lines.

CONDITIONAL EXCEPTIONS

MAXIMUM HEIGHT: The normal Maximum Height of Structures may be increased as follows:

- Buildings may be erected higher than the Normal Maximum if they are set back, from front and rear property lines, one foot for each two feet of additional height above the Normal Maximum Height.
- Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws or ordinances.

FRONT YARD: Where 25% or more of the lots in a block are occupied by buildings, necessary setback of such buildings determines the dimension of the front yard in the block, but the maximum front yard need not exceed 15 feet.

VEHICLE PARKING SPACE:

- Groups of uses requiring Vehicle Parking Space may join in establishing group parking areas with capacity aggregating that required for each participating use.
- Vehicle Parking Requirements shall not apply in a block, 50% or more of the area of which was occupied by business or industrial structures at the time of passage of this ordinance.

CHART 4 - INDUSTRIAL USES

LIGHT INDUSTRIAL USES

DEFINITION: A Light Industrial Use is one which ordinarily uses only light machinery, is conducted entirely within enclosed, substantially constructed buildings; does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose, other than loading and unloading operations in the area; and

which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noises or vibrations beyond the confines of the building.

LOCATION PERMITTED: In the "I" District.

INDUSTRIAL USES

DEFINITION: An Industrial Use is one which requires both buildings and open area for manufacturing, fabricating, processing, heavy repairing, dismantling, storage or disposal of raw materials, manufactured products or wastes, which is not injurious to health or safety of humans or animals, or injurious to vegetation; and which is not noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors, or vibrations beyond the limits of the premises upon which such industry is conducted.

Included in this classification are all industrial uses fully complying with the above definition, plus:

1. Automobile wrecking or junk storage as conditional uses permitted in accordance with the procedure specified for conditional uses, Chart 6, and provided that the use is confined within enclosed buildings or in yards completely enclosed and surrounded by solid walls or solid fences at least 8 feet in height.

2. Poultry Slaughtering and wholesaling.
3. Veterinary Hospital or Kennel.
4. Bulk Storage of inflammable fluids in above ground tanks, but not oil refinery tanks.
5. Truck Terminal.
6. Railroad Freight House.
7. Utilities Storage Yard.
8. Coal, Coke, or Wood Yard.
9. Lumber Yard.
10. Contractor's Plant or Storage Yard.
11. Bus Line Shops or Garage.
12. Building Material Storage Yard.
13. Carting, Express, Hauling or Storage Yard.

LOCATION PERMITTED: In the "I" District.

GENERAL PROVISIONS AND CONDITIONAL EXCEPTIONS APPLICABLE TO ALL INDUSTRIAL USES IN DISTRICTS WHERE PERMITTED

HEIGHT OF BUILDINGS:

DISTRICT	NORMAL MAXIMUM HEIGHT PERMITTED
"I"	60 feet

FRONT YARD:

DISTRICT	DEPTH IN FEET
"I"	15

SIDE YARD: None required. However, if a side yard is provided, the minimum dimensions shall be four (4) feet.

REAR YARD: 10% of the Depth of Lot with a maximum requirement of 10 feet. (One half of an alley abutting the rear of a lot may be included in the rear yard to satisfy rear yard requirements, but such alley space shall not be included for loading and unloading berths.

LOT COVERAGE: 90%, but this shall not waive provision of yards where required.

VISION CLEARANCE ON CORNER LOTS: 8 feet.

VEHICLE PARKING SPACE: One Vehicle Parking Space for each 3 employees shall be provided on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals.

LOADING AND UNLOADING BERTHS shall be provided on the lot as follows:

GROSS FLOOR AREA SQUARE FEET	LOADING AND UNLOADING BERTHS
15,000 or less	1
15,001 to 40,000	2
40,001 to 100,000	3
Each 40,000 additional	1 additional

PAVING: Open parking area and loading and unloading berths shall be paved with a dustproof or hard surface meeting the standard specifications of the Town.

CONDITIONAL EXCEPTIONS

MAXIMUM HEIGHT:

1. Buildings may be erected higher than the Normal Maximum if they are set back, from front and rear property lines, one foot for each two feet of additional height above the Normal Maximum height.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

VEHICLE PARKING SPACE:

1. Groups of uses requiring Vehicle Parking Space may join in establishing group parking areas with capacity aggregating that required for each participating use.
2. Vehicle Parking Requirements may be waived by the Board of Zoning Appeals in a block, 50% or more of the area of which was occupied by business or industrial structures at the time of passage of this ordinance.

CHART 5 - CONTINGENT USES

DEFINITION: Uses which are likely or liable, but not certain, to occur, and which are not inappropriate to the principal use of the District in which located.

LOCATION PERMITTED AND VEHICLE PARKING SPACE REQUIRED:

Contingent uses, as listed herein, are permitted in the District indicated below. Each use shall provide on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals, parking space -- open or enclosed -- as follows:

CONTINGENT USE	LOCATION PERMITTED	PARKING SPACES REQUIRED
Apartment Hotel, (in connection with which no business is conducted, other than interior facilities located in the lobby, and without outside display or entrance.)	As provided under Apartment House -- Chart 2.	One for each 3 sleeping rooms
Bulletin Board for a Church or Public Building.	All	
Church or Temple.	All	One for each 6 seats in main auditorium
College or University	All	One for each 3 students and staff
Community Center	All	One for each 6 seats.
Farm, Vegetable or Flower Garden, or Plant Nursery, but without raising of livestock or poultry, and without signs, display or sales stands.	All	
Fraternity, Sorority and Student Cooperatives.	All	One for each 3 occupants
Home Occupation.	All	One additional
Municipal or Governmental Bldg.	All	One for each 125 square feet of ground floor area
Professional Office in Residence of Practicing Professional Person.	All	Two additional
Public Library or Museum.	All	One of each 125 square feet of ground floor area
Public Park or Public Recreational Facility.	All	
Public Utilities Building or Right-of-Way, including purposes essential to utilities operation, but not including commercial or industrial structures or uses in "S" or "A" District.	All	One for each 3 employees in the building
Railroad Right-of-Way, including purposes essential to railroad operation, but not including railroad yards, shops, stations, engine storage, commercial or industrial structure or uses, in "S", "A" or "LB" Districts.	All	
School, Public or Parochial.	All	One for each 3 members of the staff plus one for each 8 seats in auditorium
Temporary Sign, pertaining to lease, hire or sale of a building or premises.	All	

GENERAL PROVISION

Paving: Open Parking area shall be paved with a dustproof or hard surface meeting the Standard Specifications of the Town.

CONDITIONAL EXCEPTIONS

Parking Requirements: A Church or Temple requiring parking area at times when nearby uses do not need their parking facilities, may, by agreement approved by the Board of Zoning Appeals, utilize such facilities in lieu of providing their own parking facilities.

HEIGHT PERMITTED:

DISTRICT	NORMAL MAXIMUM HEIGHT
"A"	35 feet or 2½ stories
"LB"	45 feet
"I"	60 feet

1. Buildings may be erected to heights in excess of the Normal maximum, if they are set back from required front, side, and rear yard lines, or property lines where yards are not required, as follows:

DISTRICT	SETBACK
"A"	One foot for each foot of additional height
"LB" & "I"	One foot for each two feet of additional height

2. In all Districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, water towers, transmission towers, and other essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

THE PROVISIONS FOR YARDS, VISION CLEARANCE, AND ACCESSORY BUILDINGS AS THEY PERTAIN TO GROUP HOUSES IN THE RESIDENTIAL DISTRICT OR LOCAL BUSINESS USES IN "LB" OR "I" DISTRICTS, SHALL APPLY TO CONTINGENT USES LISTED HEREIN.

CHART 6 - CONDITIONAL USES

PERMITS FOR CONDITIONAL USES:

- a. The following uses, or structural alterations thereto, which are classified as Conditional uses, may be permitted in any District by the Board of Zoning Appeals, in accordance with the procedure specified herein.

Airport or Aircraft Landing Field
Amusement Park
Baseball Park
Boarding or Lodging House
Cemetery or Crematory
Country Club or Golf Course
Fire Station
Hospital
Kindergarten and Day Nurseries
Lodge or Private Club
Mortuary
Motel or Tourist Lodge
Nursing Home
Out-Door Theater
Penal or Correctional Institution
Philanthropic or Charitable Institution
Practice Golf Driving Range
Radio or Television Transmitting Tower
Sanitary Fill or Refuse Dump
Sewage Disposal or Garbage Disposal
Trailer or Public Camp

- b. Upon receipt of an application for a Conditional Use by the Board of Zoning Appeals, it shall be referred to the Town Plan Commission for investigation as to the manner in

which the proposed location and character of the Conditional Use will affect the Master Plan of the Town. The Town Plan Commission shall report the results of its study of the proposal to the Board of Zoning Appeals, and, if the report is favorable to the proposal, the Board of Zoning Appeals, may, after public notice and hearing according to law, grant the permit, including the imposition of conditions of use, which the Board deems essential to insure that the Conditional Use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

- c. The following uses may be permitted in the "I" Industrial District only in accordance with the procedure specified in paragraph b, above, and the inclusion of a report by the Town Health Officer or the State Board of Health and the State Fire Marshal that the uses applied for will not be injurious to the public health or safety.

Acid manufacture
Arsenal
Cement, Lime, Gypsum or Plaster of Paris Manufacture
Distillation of Bones, Coal or Wood
Explosives Manufacture or Storage
Incineration or Reduction of Garbage, Dead Animals, Offal or Refuse, except for Municipal Purposes
Packing Plants
Slag, Stone, Cinder or Coal Crushing or Pulverizing
Any other use which may, under some circumstances be injurious to public health or safety, but which may, with adequate safeguards, be designed so as not to be injurious in such manner.

CHART 7 - VEHICLE PARKING SPACE

SECTION 1. SPECIFIC REQUIREMENTS

- a. The Charts numbered from 2 to 5 inclusive, described in Article III of this ordinance, specify the off-street parking requirements for each type of use permitted under the provisions of this ordinance.

SECTION 2. PERMITS FOR PARKING LOTS IN RESIDENTIAL ZONES

- a. In order to meet requirements for vehicle parking space, where such space is not available on the lot occupied by a building, as specified in Charts 3 to 5 inclusive, the Board of Zoning Appeals may, after receipt of a favorable report from the Town Plan Commission on the proposal, and after public notice and hearing, grant a permit for the establishment of a parking lot in an "S" or "A" District, provided that the entire area of the parking lot is within three hundred (300) feet of an "LB" or "I" District or, in the case of a church or other place of congregation in an "S" or "A" District, immediately adjacent to such church or other place of congregation, and provided further that:

- (1) There shall be no sales, dead storage, repair work, dismantling or servicing of any kind on said parking lot.
- (2) Entrances and exits shall be approved as to location by the Town Plan Commission.

- (3) No parking shall be permitted nearer than two feet from the front or side lot line.
- (4) Except for otherwise approved entrances and exits, a curb or rail not more than two (2) feet in height and not less than eight (8) inches in height, shall be erected so as to conform with the required front lot line and may be required along boundaries of the parking lot as determined by the Town Plan Commission for the protection of adjoining residentially zoned or used property.
- (5) The lot shall be surfaced with a dustproof or hard surface meeting the standard specifications of the Town.
- (6) No advertising signs shall be erected upon such lot, except not more than one (1) sign on each street side to indicate the operator and purpose of the lot. Such sign shall not exceed twenty (20) square feet in area and shall not extend more than ten (10) feet in overall height above the ground level.
- (7) Lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used.
- (8) If at any time after the issuance of the required permits any of the provisions of this Section are not complied with the permits shall be revoked.

CHART 8 - UNIT DEVELOPMENT PLAN

SECTION 1. RESIDENTIAL DEVELOPMENT PLAN

- a. The owner or owners of any tract of land, comprising an area of not less than ten (10) acres, may submit to the Board of Zoning Appeals a plan for the use and development of the land, primarily for residential purposes. The proposed development plans shall be submitted to the Town Plan Commission for examination, study and report and for a public hearing. If the Town Plan Commission approves the development plan, the plan, together with the recommendations of the Town Plan Commission shall be embodied in a report to the Board of Zoning Appeals, stating the reasons for the approval of the plan and application, and specific evidence and facts showing that the proposed Residential Development Plan has considered and made provision for the following essential elements:

That the appropriate use of property adjacent to the area included in the plan will be fully safeguarded:

That the plan is consistent with the intent of this ordinance to promote public health, safety and the general welfare.

That the buildings shall be used primarily for single-family dwellings, apartments or group houses, and the usual accessory uses such as garages, storage space and community activities.

That the area of the tract, excluding street area, but including the area to be devoted to parks, parkways, and other open spaces, will provide the minimum lot area per family, counting all families to be housed under the Unit Development Plan, which is required for the most intensive use normally permitted in the district in which such development is to be located.

- b. If the Board of Zoning Appeals approves the proposed Residential Development Plan, Improvement Location Permits and Certificates of Occupancy shall be issued, even though

the use of the land, the location of the buildings to be erected in the area, and the yards and open spaces provided in the plan do not conform in certain respects to the regulations for the District in which the development is to be located.

SECTION 2. COMMUNITY SHOPPING CENTER DEVELOPMENT PLAN

- a. The owner or owners of any tract of land, comprising an area of not less than four (4) acres, may submit in a similar manner, a Development Plan for a Community Shopping Center, which shall be processed in the manner prescribed in Section 1, a, herein, and may be approved if the report of the Town Plan Commission shows that:

The commercial uses included in the plan are limited to those permitted in the "LB" District;

The entire Development is designed as a single architectural unit, with appropriate landscape architectural treatment of the entire unit area;

That at least twice the gross floor area of the stores to be included within the development, plus one vehicle parking space for each six (6) seats in any theater or place of congregation included within the plan, is provided in off-street parking area, which are integral parts of the design of the unit plan;

That the appropriate use of property adjacent to the area included in the plan will be fully safeguarded;

That the plan is consistent with the intent of this ordinance to promote the public health, safety and general welfare.

- b. If the Board of Zoning Appeals approves the proposed Development for a Community Shopping Center, Improvement Location Permits and Certificates of Occupancy shall be issued as prescribed in Section 1, b., herein.

ORDINANCE NO. 2- 1956

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF IMPROVEMENT LOCATION PERMITS WITHIN THE JURISDICTION OF THE WHITESTOWN TOWN PLAN COMMISSION, AS A PART OF THE MASTER PLAN FOR THE TOWN OF WHITESTOWN, INDIANA.

NOW BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF WHITESTOWN, INDIANA, UNDER AUTHORITY OF CHAPTER 174, ACTS OF 1947, GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO.

Section 1.

Within the *Town of Whitestown, Indiana*, and the contiguous unincorporated portions of Boone County, Indiana, over which the Town exercises planning and zoning jurisdiction, no structure, improvement, or use of land, may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement or use, and its location, conform with the master plan and ordinances of the *Town of Whitestown*, and an Improvement Location Permits for such structure, improvement, or use has been issued. It is hereby declared that the intent of the permit requirements of this ordinance shall not prevail with respect to a structure which is clearly incidental to agricultural operation; a dwelling, irrespective of location, is not considered incidental to agricultural operations.

Section 2.

Any decision of the Building Inspector of the *Town of Whitestown* concerning the issuance of an Improvement Location Permit may be appealed to the Town Plan Commission by any person claiming to be adversely affected by such decision.

Attest:

Robert G. McMakin

Robert G. McMakin
Town-Clerk Treasurer

Section 3.

Every application for an Improvement Location Permit shall be accompanied by a site plan, drawn to scale, showing the location of the structure, improvement, or use to be altered, changed, placed, erected or located, the dimensions of the lot to be improved, the size of yards and open spaces, existing and proposed streets and alleys adjoining or within the lot, and the manner in which the location is to be improved. Application for an Improvement Location Permit shall be accompanied by a fee of two (2) dollars.

Section 4.

The Building Inspector of the *Town of Whitestown* shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement, or use and its location conform in all respects to the master plan of the *Town of Whitestown, Indiana*.

Section 5.

A decision of the Town Plan Commission may be reviewed by certiorari procedure as provided for the appeal of zoning cases from the Board of Zoning Appeals.

Section 6.

Action on the violation of any provision of this ordinance and the right of injunction against such violation shall be as provided by Chapter 174, Acts of 1947 of the Indiana General Assembly and all Acts amendatory thereto.

Section 7.

This ordinance shall be in force and effect from and after its passage.

Passed by the Town Board of Trustees of the *Town of Whitestown, Indiana*, on the 12th day of January, 1956.

Harvey D. Lovett, M.D.

Harvey D. Lovett, M.D.
President of Town Board

W. E. Spencer

William E. Spencer

Donald M. Sortor

Donald M. Sortor