

ORDINANCE NO. 2019-12

**AN ORDINANCE AMENDING THE TOWN OF
NEW WHITELAND, INDIANA, ZONING ORDINANCE AND ZONE MAP**

WHEREAS, New Whiteland Advisory Plan Commission (“Plan Commission”), pursuant to Indiana Code Sections IC 36-7-4-602(b) and 607 has initiated proposed amendments to the Town’s Zoning Ordinance;

WHEREAS, the amendments to the Town’s Zoning Ordinance are consistent with the statutory purposes as enumerated in I.C. 36-7-4-601(c):

WHEREAS, the Plan Commission, on September 24, 2019, pursuant to IC 36-7-4-604, held a public hearing on its proposed amendments to the Town’s Zoning Ordinance;

WHEREAS, the Plan Commission, pursuant to IC 36-7-4-604, at least ten (10) days prior to its August 23rd, 2016, public hearing, published notice in the Daily Journal;

WHEREAS, the Plan Commission, after paying reasonable regard to applicable statutory criteria, voted by a majority to approve the proposed amendments to the Town’s Zoning Ordinance and has submitted to the New Whiteland Town Council (the “Council”) its favorable recommendation; and

WHEREAS, the Council, at its October 15, 2019 regular public meeting, considered the Plan Commission’s favorable recommendation and the proposed amendments to the Town’s Zoning Ordinance

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

1. The New Whiteland Zoning Ordinance is hereby amended as follows:

Section 6-100, Table of Uses is amended to add the following:

- to the listed Residential Uses -garage sales-which shall be permitted in RS1, RS2, RS3, RF1, and MH;
- to the listed Institutional Uses-public and private schools-which shall be permitted in GB1, GB2, and GBM, and shall be special exception uses in RS1, RS2, RS3, and RF1;
- to the listed commercial uses-recreational vehicle (RV) sales and service, including repairs-which shall be a special exception use in GB2, GBM, and M;

The revised Section 6-100, Table of Uses, attached hereto, is hereby adopted and incorporated by reference as a part of the New Whiteland Zoning Ordinance.

2. Section 2-200 of the New Whiteland Zoning Ordinance is hereby amended to include the following definition: *Garage sale-an open sale of tangible personal property from a dwelling, or other structure, driveway, and/ or yard on property which is zoned residential, or planned unit development district (PUD), and designated for residential use.*

3. The following regulations are added to the New Whiteland Zoning Ordinance as Section 6-303

GARAGE SALES:

- a. ***Limitation on number and duration of garage sales:***

- *No more than one (1) garage sale each month shall be held at the same location. Garage sales shall not be held in the same location in consecutive weeks.*
- *No single garage sale shall continue for more than four (4) consecutive days.*
- *Garage sales shall not begin prior to 7:00 a.m. or continue past 7:00 p.m.*

- b. ***Restrictions on garage sales:***

It shall be unlawful to hold a garage sale:

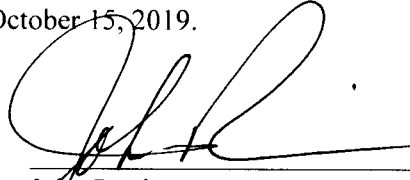
- *Within the travel portion of any street or alley, or upon any median thereof, while such street or alley is open to vehicular traffic; or*
- *Upon any public sidewalk or right-of-way in such a manner as to impede the flow of pedestrian traffic.*

c. **Regulations related to signage:**

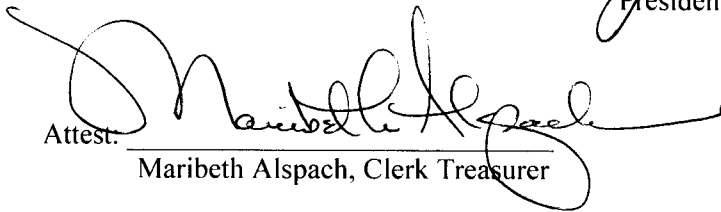
If a garage sale is advertised by the use of signs, the number, size, location, and duration of such signs shall comply with the applicable provisions of Sections 7-1400 through 1406 of this Zoning Ordinance. All signs advertising a garage sale must include the address of the garage sale and the dates of the sale.

4. 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.
5. The New Whiteland Plan Commission is hereby authorized and instructed to make the above-described changes to the Town's Zoning Ordinance.
6. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

This Ordinance has been adopted by affirmative vote of the Town Council of the Town of New Whiteland, Indiana, at its regular meeting on October 15, 2019.



John Perrin,
President of the New Whiteland Town Council



Attest. _____
Maribeth Alspach, Clerk Treasurer