

TOWN OF NEW WHITELAND
ORDINANCE NO. 1069

AN AMENDMENT TO THE TEXT OF THE NEW WHITELAND ZONING
ORDINANCE TO PROVIDE MODIFICATIONS AND CLARIFICATIONS TO CLEARLY
REGULATE STORAGE SHEDS AND PORTABLE CARPORTS

WHEREAS, portable carports have begun to proliferate and installation of storage sheds needs to be better monitored, the New Whiteland Advisory Plan Commission ("Plan Commission") has initiated a proposal to amend the New Whiteland Zoning Ordinance ("Zoning Ordinance") pursuant to Indiana Code 36-7-4-602, to provide modifications and clarifications to clearly regulate storage sheds and portable carports;

WHEREAS, the proposed regulations will allow portable carports to be installed, but only within the setbacks established for the buildable area in the particular zoning districts, will require portable carports to be anchored in specific ways, and will require portable carports and sheds to be installed only with a permit.

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 zoning text amendment; 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 said change in the text of the Zoning Ordinance and has certified the same to the New Whiteland Town Council; and

WHEREAS, the Council has considered the Plan Commission's recommendation concerning the proposed amendment to the Zoning Ordinance, and 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 this amendment to the New Whiteland Zoning Ordinance; and

WHEREAS, the New Whiteland Town Council ("Council") has determined it to be appropriate to amend the New Whiteland Zoning Ordinance to provide modifications and clarifications to clearly regulate storage sheds and portable carports;

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

Section 1. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended to specifically define the term "portable carport", by adding to the words and phrases defined in Section 2-200, the following definitions:

CARPORT, PORTABLE A detached manufactured accessory building customarily used for the shelter or storage of vehicles and/or watercraft, including canopies used for such, which can be easily moved without disassembly, after removal of any tie-down or other anchoring provisions intended to compensate for wind displacement, and which is generally a frame covered by lightweight membrane material.

PORTABLE CARPORT See definition for "Carport, Portable".

Section 2. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended to specifically include portable carports and sheds within the meaning of the term "structure", by amending the definition of "structure" found in Section 2-200, to now read as follows:

STRUCTURE Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, signs, portable carports, and sheds (whether the shed is anchored or not anchored to the ground).

Section 3. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended to specifically require a building permit for portable carports, by revising Section 3-400(d) to read as follows:

- d. Residential garages, carports, portable carports (except portable carports located, or to be located, on the premises for less than 72 hours during any thirty day period), and/or additions;

Section 4. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended to limit the height of accessory buildings to the height of the primary building, by adding Subsection 6-203(d), to read as follows:

- d. **Accessory Buildings.** The building height of an accessory building may not exceed the building height of the principal building.

Section 5. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended to specifically include portable carports and sheds as permitted accessory uses in residential districts, by amending subsection 7-201(a), to read as follows:

- a. Accessory garages; carports; portable carports; canopies; awnings; greenhouses; sheds, storage and accessory buildings; patios; outdoor fireplaces; children's playhouses; swings and swing sets; basketball goals; and other play structures and equipment; and other similar uses.

Section 6. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended by adding Subsection 7-203 to read as follows:

7-203 **Accessory Use Requirements.** Accessory uses in all zoning districts, unless otherwise specified in this ordinance, shall comply with the following requirements:

- a. Shall be customarily incidental accessory and subordinate to, and commonly associated with, the operation of the principal use of the lot.
- b. Shall be operated and maintained under the same ownership and on the same lot as the principal use.
- c. Shall be subordinate in area, extent, and purpose to the principal use of building served.
- d. Unless otherwise specified in this ordinance, accessory buildings:
 - 1. Shall not be located closer to any front or side lot line than the required minimum front and side yard setback distances of the District, except as provided in Section 6-202, and
 - 2. In all Residential Districts, shall not be located closer to any rear lot line than five (5) feet, but in no case shall it encroach upon any easement. Sheds constructed on skids and not anchored to the ground may be located upon an easement.
- e. Shall not be permitted prior to the erection of the principal building.
- f. The entire floor area of carports, portable carports, storage rooms, sheds, patios, and porches shall be of concrete or other permanent hard surface material. However,

this requirement shall not apply to portable carports located, or to be located, on the premises for less than 72 hours during any thirty day period.

- g. Portable carports shall be assembled to comply with the manufacturer's instructions and anchored to the ground in compliance with one of the following methods. (However, this requirement shall not apply to portable carports located, or to be located, on the premises for less than 72 hours during any thirty day period.)
- 1) One continuous 8" wide by 36" deep concrete stem wall on each longitudinal side of the carport with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing.
 - 2) A 4" thick concrete slab that extends beyond the perimeter of the carport in each direction with threaded anchor bolts embedded in the slab, deepened to 8" at each anchorage location, to match the carport manufacturer's recommended spacing.
 - 3) Each of the support legs of the frame be embedded in at least 40 pounds of concrete. This can be achieved by placing each leg in a standard 5-gallon bucket filled with concrete or by adding one 40-pound bag of sack concrete mix per bucket. The foot of each metal support shall have 4 #10 self-tapping sheet metal screws with at least 1" of length and head protruding for embedment, or comparable physical method of holding the leg in the concrete.
 - 4) Bolting the support legs, or adjacent cross support, to an existing concrete slab. The method of attaching the upright frame to the slab must be shown in the application for building permit.
 - 5) Install concrete footings under each leg and bolt the legs, or adjacent cross support, to the new footings. The new footings are to be approximately 1 ft. x 1 ft. x 1 ft. deep. The method of attaching the upright frame to the footing must be shown in the application for building permit.
 - 6) An alternate anchoring design that provides a permanently paved hard surface floor and anchors the portable carport to the ground and that is approved by the Zoning Administrator. If an alternative method is proposed, complete installation details must be provided for review.

The plans and details submitted must clearly indicate the method of anchoring and the flooring to be used. If new concrete footings or slabs are to be installed, they must be inspected when formed and prior to pouring of concrete. In all cases, a final inspection must be requested by the applicant

Section 7. 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 Zoning Ordinance, 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.

Section 8. 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.

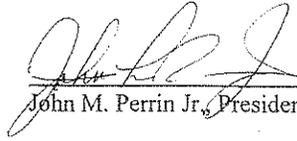
Section 9. This Ordinance shall have no effect on existing litigation or causes in action, and shall not operate as an abatement of any action or proceeding now pending or which could be brought as to changing any other provision of the New Whiteland Town Ordinances, by virtue of the ordinances or sections of ordinances 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 other New Whiteland Ordinances, except to the extent necessary to give this Ordinance full force and effect.

Section 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Introduced to the Town Council of the Town of New Whiteland, Indiana, on the 16th day of September, 2003.

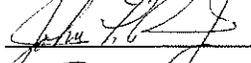
Duly passed and adopted on this 21 day of October, 2003, by a vote of 5 in favor and 0 against.

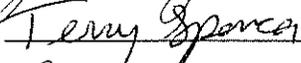


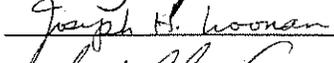
John M. Perrin Jr., President

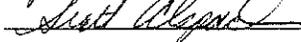
FOR











AGAINST

ATTEST:

William D. Johnson, Clerk-Treasurer

T:\MNEWWHITE.LND\Carpport(Regulations)\Ord-PortableCarpports8-26-03.wpd