

**ORDINANCE NUMBER 13-18**

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON  
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO  
TITLE 16 – LAND USE CONTROLS**

This is a Planned Unit Development District Ordinance to amend the Westfield-Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Zoning Ordinance;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1306-PUD-07**), filed by the property owner, Village Park Plaza, LLC (the "Petitioner"), with the Commission requesting an amendment to the Zoning Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 1306-PUD-07** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a \_\_\_\_\_ recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on \_\_\_\_\_, 2013;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 This PUD District Ordinance (this "Ordinance") applies to the Real Estate and shall hereafter be referred to as the "Village Park Plaza PUD".
- 1.2 Development of the Real Estate shall be governed by the provisions of the Zoning Ordinance unless specifically modified by the terms of this Ordinance. All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.
- 1.3 The underlying zoning district shall be the **GB –General Business District** (the "Underlying Zoning District"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the Underlying Zoning District shall apply.
- 1.4 Section ("WC §") cross-references of this Ordinance shall hereafter refer to the Section as specified and referenced in the Zoning Ordinance.
- 1.5 The US Highway 31 Overlay Zone (*WC § 16.04.070*) shall not apply to the Real Estate, except for the following provisions:  
*WC § 16.04.070(6) and (7)*. In addition, no outside, unenclosed storage of refuse shall be permitted on any lot. All refuse shall be contained in enclosed facilities. All heating, ventilating, communication and like equipment for any facility shall be screened from view in a manner that is homogeneous with the balance of the structure.
- 1.6 This Ordinance is adopted with the intent and purpose to repeal, supersede and/or void any and all variances previously granted to the Real Estate by the Board of Zoning Appeals ("Granted Variances"). Further, this Ordinance is adopted with the expressed request and consent of the Petitioner. Any Granted Variance held to be valid after the adoption date of this Ordinance shall render this Ordinance void.

**Section 2. Legally Established Pre-Existing Improvements.** The Real Estate has been developed as a regional shopping center, as generally depicted on the Concept Plan, in compliance with either Granted Variances or in compliance with the Zoning Ordinance in effect at the time that each improvement was made to the Real Estate (the "Existing Improvements"). Some of the Existing Improvements may not conform to the regulations of this Ordinance ("Legally Established Nonconforming Existing Improvement"), either as a result of the adoption of this Ordinance, or as a result of outside factors that have impacted the Real Estate (e.g., perimeter roadway improvements). Legally Established Nonconforming Existing Improvements may continue after the effective date of this Ordinance in accordance with the Zoning Ordinance's nonconforming development standard

provisions. Modifications to Existing Improvements on the Real Estate, including any new construction, new sign permits, building renovations, or site plan changes, shall comply with the standards set forth in this Ordinance. Repair, maintenance and restoration of Existing Improvements on the Real Estate shall not be deemed a modification that requires compliance with the standards of this Ordinance.

**Section 3.** **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance.

3.1 **Concept Plan:** The plan attached hereto and incorporated herein by reference as **Exhibit B.** Exhibit B is a general plan for the development of the Real Estate.

**Section 4.** **Permitted Uses.** All uses permitted in the Underlying Zoning District shall be permitted; in addition, all uses permitted in the LB Local and Neighborhood Business District shall be permitted.

**Section 5.** **Development Standards.**

5.1 **General Regulations.** The regulations of *WC § 16.04.050 Business Districts* applicable to the Underlying Zoning District shall apply.

5.2 **Off-Street Loading and Parking.** Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.04.120*), except as modified below:

A. **Parking Space Size.** The minimum off-street parking space size shall be nine (9) feet in width by eighteen (18) feet in length, exclusive of access drives, aisles, ramps, columns, and office or work area.

5.3 **Landscaping and Screening.** Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.06*).

5.4 **Sign Standards.** Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.08.010*), except as modified below:

A. **General Sign Standards:**

- i. Wording on permitted Wall Signs and Monument Signs shall be limited to store trade name (DBA), logo, hallmark, insignia or other trade identification only. Each tenant's customary signature or logo, hallmark, insignia or other trade identification shall be permitted to the extent it otherwise complies with this Ordinance.
- ii. Sign company names or stamps shall not be visible on Signs.
- iii. Painted and printed Signs shall be prohibited on the exterior surface of any building.
- iv. Exposed raceways, ballast boxes or electrical transformers shall be prohibited except as required by Code, or if required by special

- conditions, as determined by the Director.
- v. Exposed sign illumination or illuminated sign cabinets or modules shall be prohibited.

B. Wall Sign Standards: The following shall replace and supersede the Zoning Ordinance's sign standards for Center In-Line Tenant Wall Signage:

- i. Location: All Wall Signs shall be located on designated Sign Planes within the limits of the tenant's Facade and shall not project more than eight (8) inches (twelve (12) inches to accommodate a pin mounted letter) beyond the face of the Sign Plane, measured horizontally. No Wall Sign shall be located closer than eighteen (18) inches to the end of the tenant's Facade.
- ii. Design: Wall Signs shall consist of individual reverse channel type letter only.
- iii. Quantity: A tenant shall be permitted one (1) Wall Sign per each of its Facade; however, a tenant shall have no more than two (2) total Wall Signs, except if a tenant has multiple Front Facades (e.g., corner or building end space), then such tenant shall be permitted up to three (3) total Wall Signs.
- iv. Front Façade Sign Height:
  - a. If a tenant's Front Façade width is twenty (20) feet or less, then the maximum height of letters shall be twenty-four (24) inches.
  - b. If a tenant's Front Façade width is greater than twenty (20) feet, then the maximum height of letters shall be thirty (30) inches.
  - c. If the gross square footage of a tenant's space exceeds five thousand (5,000) square feet, then the total height of letters may be thirty-six (36) inches, provided the Sign does not encroach beyond the designated Sign Plane for that tenant space.
  - d. If the gross square footage of a tenant's space exceeds nine thousand (9,000) square feet, then the maximum height of the letters shall be forty-eight (48) inches.
  - e. If the gross square footage of a tenant's space exceeds twenty-four thousand (24,000) square feet, then the maximum height of letters shall be sixty (60) inches.
- v. Front Façade Sign Width: The total width of a tenant's Front Façade Wall Sign shall not exceed seventy percent (70%) of the tenant's Front Façade and shall in no event exceed a length of thirty (30) feet.
- vi. Rear Façade Signs: Wall Signs on a tenant's Rear Façade shall be limited to seventy percent (70%) of its allowable Front Façade signage (for a single sign). Raceways shall be prohibited for Wall Signs on Rear Facades.
- vii. Building E: Wall Signs on the west Façade of the Real Estate's

southwest most building (identified as “Building E” on the Concept Plan) shall be permitted letters up to forty-eight (48) inches in height. The north and south elevations shall be permitted Rear Façade Wall Signs.

- C. Under Canopy Blade Signs: Each tenant shall be permitted one (1) additional sign that is perpendicular to the storefront, under the canopy, and preferably adjacent to the tenant’s primary customer entrance. Tenants may elect to use a variety of media for this sign; however, all under-canopy blade signs are required to meet the following criteria:
- i. Shall be fabricated as a single panel and be constructed of wood, metal, sandblasted glass or other material deemed acceptable by the Director and with the consent of the Property Owner.
  - ii. Shall be wall mounted, supported by bracket(s) to the tenant’s Front Façade, or hung from the canopy or trellis above. Hanging signs shall be hung from solid brackets, not chains.
  - iii. Shall not exceed four (4) square feet in size.
  - iv. Shall consist of individual letters which shall not exceed six (6) inches in height and may be routed out of the face of the sign panel or mounted to the face of the sign panel.
  - v. Verbiage shall be limited to the tenant’s trade name (DBA) and logo. Graphic representations are not limited in content although they should incorporate imagery consistent with the store theme or product line.
  - vi. Shall be non-illuminated.

5.5 Lighting. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.07.010*).

**Section 6.** **Architectural and Design Standards.** The procedures and regulations of *WC § 16.04.165 Development Plan Review* applicable to the Underlying Zoning District shall apply

**Section 7.** **Expansion of PUD District.** This Ordinance is contemplated in the future to be expanded to incorporate adjacent real estate as generally identified on **Exhibit C**, attached hereto (the “Additional Real Estate”), in order to encourage and facilitate the coordinated (re)development of this commercial node.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

WESTFIELD COMMON COUNCIL  
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

\_\_\_\_\_  
Jim Ake

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Jim Ake

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Jim Ake

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John Dippel

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John Dippel

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John Dippel

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Bob Smith

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Bob Smith

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Bob Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Robert W. Stokes

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Timothy E. Ochs.

This Instrument prepared by: Timothy E. Ochs, Esq., Attorney at Law, Ice Miller, LLP, One America Square, Suite 2900, Indianapolis, Indiana 46282-0200.

I hereby certify **ORDINANCE 12-XX** was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 13-XX  
this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I hereby VETO ORDINANCE 13-XX  
this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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J. Andrew Cook, Mayor

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J. Andrew Cook, Mayor

ATTEST:

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Cindy J. Gossard, Clerk Treasurer

**EXHIBIT A**  
**REAL ESTATE**

**EXHIBIT B**  
**CONCEPT PLANE**

**EXHIBIT C**  
**ADDITIONAL REAL ESTATE**