

ORDINANCE NUMBER 13-XX

**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 ordinance (the “181st Street PUD 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 (“City”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1311-PUD-10, filed with the Commission requesting an amendment to the Zoning Ordinance;

WHEREAS, the Commission forwarded Docket 1311-PUD-10 to the Westfield City Council with favorable recommendation in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on _____, 2013;

WHEREAS, the Westfield City Council is subject to the provisions of the Ind. Code § 36-7-4-1507 and Ind. Code § 36-7-4-1512 concerning any action on this request;

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE ZONING
ORDINANCE AND ZONING MAP BE AMENDED AS FOLLOWS:**

ARTICLE I:

SECTION 1.1. LEGISLATIVE INTENT

Having given reasonable regard to (i) the comprehensive plan, (ii) current conditions and character of the current structures and uses on the Real Estate referenced as Exhibit 1, (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values throughout the City of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the Plan Commission in recommending, and the Council in adopting, to:

- A. Allow for the flexibility in the redevelopment of this Real Estate in order to promote its best use now and in the future.

- B. Encourage the quality of reconstruction of the existing facilities to be harmonious with the surrounding properties in its design and character.

SECTION 1.2. EFFECT

This Ordinance 13-XX shall be in full force and effect in accordance with the laws of the State of Indiana. Unless specifically stated in the terms of this Ordinance 13-XX, all terms of the Zoning Ordinance shall apply. Nothing in this Ordinance 13-XX shall be interpreted to alter, change, exclude, delete or modify any rules or regulations beyond those contained in the Zoning Ordinance, unless specifically provided herein. To the extent this Ordinance 13-XX conflicts with the terms of the Zoning Ordinance, the terms of this Ordinance 13-XX shall prevail.

Section 16.04.70 (US Highway 31 Overlay Zone) of the Zoning Ordinance shall be inapplicable to the use and development of the Real Estate.

SECTION 1.3. DEFINITIONS

Unless otherwise specified in this East 181st Street PUD , the definitions of the Zoning Ordinance shall apply to the words and terms used in this 181st Street PUD. The following words and terms, not defined elsewhere in the 181st Street PUD or its exhibits, shall have the following meanings:

1. **Existing Conditions Site Plan** – The site plan attached as set forth in Exhibit “2A” illustrating the existing facilities on the Development as of this date.
2. **Proposed Site Plan** – The site plan attached as set forth in Exhibit “2B” illustrates the proposed subdividing of the Development into Parcels.
3. **Proposed Dimensional Plan** – The site plan attached as set forth in Exhibit “2C” illustrating the proposed subdividing of parcels with dimensions to the proposed property lines.
4. **Development** – The project illustrated on the Existing Site Plan as set forth in Exhibits “2A, 2B & 2C”.
5. **Director** – The director of Community Development for the City of Westfield.
6. **Plan Commission** – The Westfield – Washington Township Plan Commission.
7. **Parcel** – Land area having public street frontage with the intention of being platted into a lot or lots incorporating existing buildings and/or proposed buildings including additions.
8. **Real Estate** – The property as described as set forth in Exhibit “1”.
9. **Architectural Building Requirements** – The architectural guidelines as set forth in Section 2.4 B.
10. **Zoning Ordinance** – The City of Westfield – Washington Township Zoning Ordinance.

ARTICLE II:

SECTION 2.1. PUD STANDARDS

The Real Estate is reclassified on the Westfield Washington Township Zone Map (the "Zone Map") from the Enclosed Industrial (EI) District Classification to the Planned Unit Development District (PUD) Classification. The underlying zoning district shall be the Zoning Ordinance's Enclosed Industrial (EI) District and General Business (GB) District as defined by the Real Estate.

SECTION 2.2. LOCATION

EXISTING SITE PLAN. The Development is located at 9470 East 181st Street, Westfield, Indiana as depicted on the Existing Site Plan, this shall serve as the illustrative Site Plan (Exhibit "2B & 2C") for the Development. The Development shall consist of Five (5) Parcels, designated as Parcel #1 through Parcel #5 and a Common Area (includes the storm water detention pond).

SECTION 2.3. USES

The following shall be prohibited uses on the Real Estate which include; amphitheaters, apartment-hotels, auction rooms, barber & beauty schools, billiard parlor, book stores, bottling of alcoholic and non-alcoholic beverages, bus stations, casket and casket supplies (mortuary), cemetery monument manufacturing/sales, charitable donations pick-up station/institutions, churches, civic centers, coffee roasting, coin shops, concrete contractors/batch plants, department stores/discount stores over 5,000 sq. ft, educational institutions public/private, electrical contractors/heavy commercial, embalming school, exhibition halls, exterminators, farm implement sales/service, feed stores, fire station, fruit stands, furniture stores, galleries, general construction company, glass fabrication/installation, government offices, heliport, home remodeling company/supplies/materials, industrial laundry/dry cleaning plants, liquor stores, millinery, milk processing/bottling/mfg of milk products, mobile home sales, model display homes/garages, mortuaries, motorcycle sales/service/repair/outdoor display, museums, newspaper distribution station, newspaper publishing, painting/decorating contractors-heavy commercial, philanthropic institutions, plumbing contractors-heavy commercial, police stations, post offices, radio/tv service, raising small animals for biological purposes/furs/pets, recycling collection systems, restaurants/cafeterias having less than 50% of gross sales derived from foods sales excluding drive-inns, roofing contractors-heavy commercial, root beer stands, secondary food processing/packaging/(initially processed off premises), self service carwash, semi-automatic carwash, septic system contractors, sewing machine sales/service, taxidermist, theaters-indoor/outdoor and tire recapping.

SECTION 2.4. DEVELOPMENT AND ARCHITECTURAL STANDARDS

- A. Development Standards** - Development of the Parcels shall be in accordance with the General Business (GB) and Enclosed Industrial (EI) District standards in the Zoning Ordinance except as modified below by the addition or modification of the provisions and text thereof:
1. Development of the Parcels shall be substantially in accordance with the Proposed Site Plan and Proposed Site Dimensional Plan, and in accordance with the Architectural Building Requirements in below.
 2. The minimum Parcel area shall be 43,560 square feet being one (1) acre.
 3. The minimum frontage on a roadway shall be not less than eighty (80) feet.
 4. The minimum Setback lines shall be:
 - Front Yard – Not less than Sixty (60) feet from the right-of-way of an expressway, primary arterial and secondary arterial. Not less than Forty (40) feet from the right-of-way of all other streets.
 - Side Yard – Not less than Twenty (20) feet except a sideyard abutting a public street which shall have Forty (40) feet.
 - Rear Yard – Not less than Ten (10) feet in depth.
 5. The maximum height of any building shall be Sixty (60) feet.
 6. The streetscape along 181st Street, Wheeler Road, US 31 and Sun Park Drive shall be provided with a landscaping area adjacent to the right-of-way a minimum of ten (10) feet in width, which shall be limited to landscaping materials in accordance with the overall City of Westfield standards. This ten (10) foot landscape area shall be unoccupied except for plant material, steps, pedestrian walkways, terraces, bike paths, utilities, driveways, lighting standards, signs or other similar structures (excluding parking).
 7. The number of loading berths shall be as is required under the Zoning Ordinance; Except loading docks and other service areas shall be placed to the rear and/or side of the buildings.
 8. The existing wood fence and chain link security fence if removed shall not be a requirement to be replaced, they shall be discrecnary. Fencing shall not be allowed in the front yard except for security purposes.

B. Architectural Standards – The development of the 181st Street PUD is to be established an attractive mixed commercial/retail/enclosed industrial development, any activity requiring development plan review, as required by the zoning ordinance, shall be subject to the following architectural standards, unless the Director approves otherwise.

1. Buildings with drive-thru windows on Parcels adjacent to 181st Street and Wheeler Road right-of-way shall not have the drive-thru window facing the right-of-ways.
2. All architectural elevations of Principal Buildings, as defined by the City of Westfield and Washington Township Zoning Ordinance shall consist of a defined base or foundation, a middle or modulated wall and a top formed by a pitched roof or articulated cornice. Building elevations shall have aggregate offsets (projecting or recessed) along the right-of-way frontages of the building in maximum intervals of sixty (60) feet.
3. All predominant exterior building materials must be of high quality, be aesthetically compatible with materials used within the development. The building elevations material shall be a combination of masonry veneer, decorative precast panels, architectural cast stone, limestone, textured concrete masonry units, decorative architectural metals and EIFS (Synthetic Stucco). The exception shall be if an existing building is being expanded for its present used or an existing open side is to be enclosed (other than adding office space outside the present structure), the same steel siding (color, pattern etc.) on the existing buildings shall be acceptable.
4. There shall be no vinyl or aluminum siding allowed on any building, unless it exists presently and shall be removed if a parcel is redeveloped.
5. The roof system if a pitched roof shall be a minimum of a 4:12 with an overhang of twelve (12) inches, be symmetrically pitched in a configuration of gables and hips. Flat roof systems are permitted if edged by an articulate cornice feature or a decorative parapet wall integrated into the architectural design of the building.
6. All windows and door designs shall be compatible with the style, material, color and details of the building including its trim and accessories.
7. All garbage containers, trash receptacles, trash compactors, recycle bins or similar facilities shall be permanently enclosed with a masonry material having swinging solid screen doors with locking hardware. A reinforced concrete apron shall be installed at the entrance to the dumpster adequate depth to accommodate trash removal service equipment.

SECTION 3. APPROVAL Upon motion duly made and seconded, this Ordinance was fully passed by members of the Common Council this _____ day of _____, 2013.

[REST OF PAGE IS INTENTIONALLY LEFT BLANK]

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

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Steven Hoover

Steven Hoover

Steven Hoover

Charles Lehman

Charles Lehman

Charles Lehman

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify ORDINANCE 13-XX was delivered to the Mayor of Westfield on the _____ day of _____, 2013, at _____ m.

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

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

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: Larry House and Rodger Hall

Prepared by: Larry House and Rodger Hall – Hall and House, LLC

EXHIBIT "1"

LEGAL DESCRIPTION

Part of the Southwest and Southeast Quarter of Section 36, Township 19 North, Range 3 East located in Washington Township, Hamilton County Indiana described as follows:

Beginning at the Northwest Corner of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 59 minutes 39 seconds East along the north line of said Quarter Section 823.93 feet; thence South 00 degrees 00 minutes 21 seconds East 147.60 feet; thence North 89 degrees 59 minutes 39 seconds East 359.87 feet; thence North 00 degrees 00 minutes 21 seconds West 147.60 feet to the aforesaid north line; thence North 89 degrees 59 minutes 39 seconds East along said north line 141.08 feet to the Northeast Corner of the Southwest Quarter; thence North 89 degrees 53 minutes 12 seconds East along the north line of said Southeast Quarter 518.27 feet to the eastern right-of-way of U.S. Highway 31; the next five courses follow said right-of-way; 1) thence South 00 degrees 06 minutes 48 seconds East 16.50 feet; 2) thence South 56 degrees 22 minutes 20 seconds East 85.23 feet to a non-tangent curve to the left having a central angle of 02 degrees 19 minutes 36 seconds, a radius of 8120.00 feet and a length of 329.72 feet, 3) said curve subtended by a chord bearing of South 16 degrees 57 minutes 32 seconds West and a chord length of 329.70 feet; 4) thence South 21 degrees 04 minutes 04 seconds West 101.93 feet; 5) thence South 14 degrees 49 minutes 00 seconds West 74.71 feet; thence South 88 degrees 40 minutes 42 seconds West 394.72 feet; thence South 00 degrees 41 minutes 46 seconds West 105.36 feet; thence South 89 degrees 53 minutes 12 seconds West 50.54 feet; thence South 00 degrees 47 minutes 10 seconds West 3.92 feet; thence North 89 degrees 55 minutes 29 seconds West 1324.87 feet; thence North 00 degrees 47 minutes 16 seconds East 662.06 feet to the Point of Beginning containing 25.64 Acres more or less.

Exhibit "2B"

PROPOSED SITE PLAN

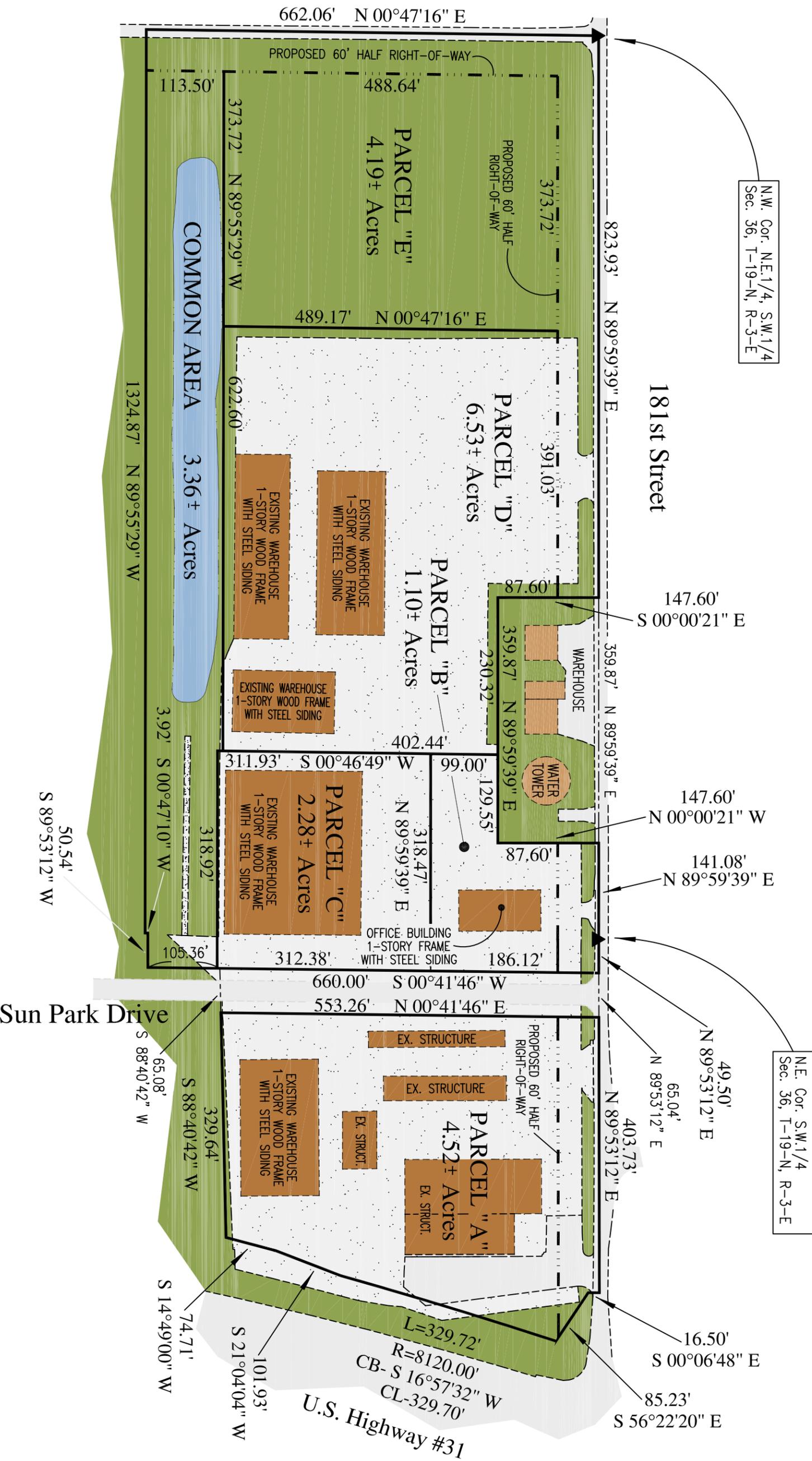
— NORTH

Scale: 1"=150'

Wheeler Road

N.W. Cor. N.E.1/4, S.W.1/4
Sec. 36, T-19-N, R-3-E

N.E. Cor. S.W.1/4
Sec. 36, T-19-N, R-3-E



Sun Park Drive

U.S. Highway #31

181st Street

COMMON AREA
3.36+ Acres

PARCEL "E"
4.19+ Acres

PARCEL "D"
6.53+ Acres

PARCEL "B"
1.10+ Acres

PARCEL "C"
2.28+ Acres

PARCEL "A"
4.52+ Acres

COMMON AREA
3.36+ Acres

EXISTING WAREHOUSE
1-STORY WOOD FRAME
WITH STEEL SIDING

OFFICE BUILDING
1-STORY FRAME
WITH STEEL SIDING

WAREHOUSE

WATER TOWER

EX. STRUCTURE

EX. STRUCTURE

EX. STRUCT.

EXISTING WAREHOUSE
1-STORY WOOD FRAME
WITH STEEL SIDING

L=329.72'
R=8120.00'
CB-S 16°57'32" W
CL-329.70'

U.S. Highway #31

147.60' S 00°00'21" E

147.60' N 00°00'21" W

141.08' N 89°59'39" E

660.00' S 00°41'46" W

553.26' N 00°41'46" E

49.50' N 89°53'12" E

65.04' N 89°53'12" E

403.73' N 89°53'12" E

16.50' S 00°06'48" E

85.23' S 56°22'20" E

87.60' N 89°59'39" E

87.60' N 89°59'39" E

87.60' N 89°59'39" E

87.60' N 89°59'39" E

823.93' N 89°59'39" E

373.72' N 00°47'16" E

488.64' N 00°47'16" E

489.17' N 00°47'16" E

391.03' N 00°47'16" E

230.32' N 89°59'39" E

359.87' N 89°59'39" E

87.60' N 89°59'39" E

318.47' N 89°59'39" E

99.00' N 89°59'39" E

402.44' N 89°59'39" E

311.93' S 00°46'49" W

318.92' S 00°47'10" W

312.38' S 00°47'10" W

105.36' S 89°53'12" W

50.54' S 89°53'12" W

65.08' S 88°40'42" W

329.64' S 88°40'42" W

74.71' S 14°49'00" W

101.93' S 21°04'04" W

74.71' S 14°49'00" W

101.93' S 21°04'04" W

74.71' S 14°49'00" W

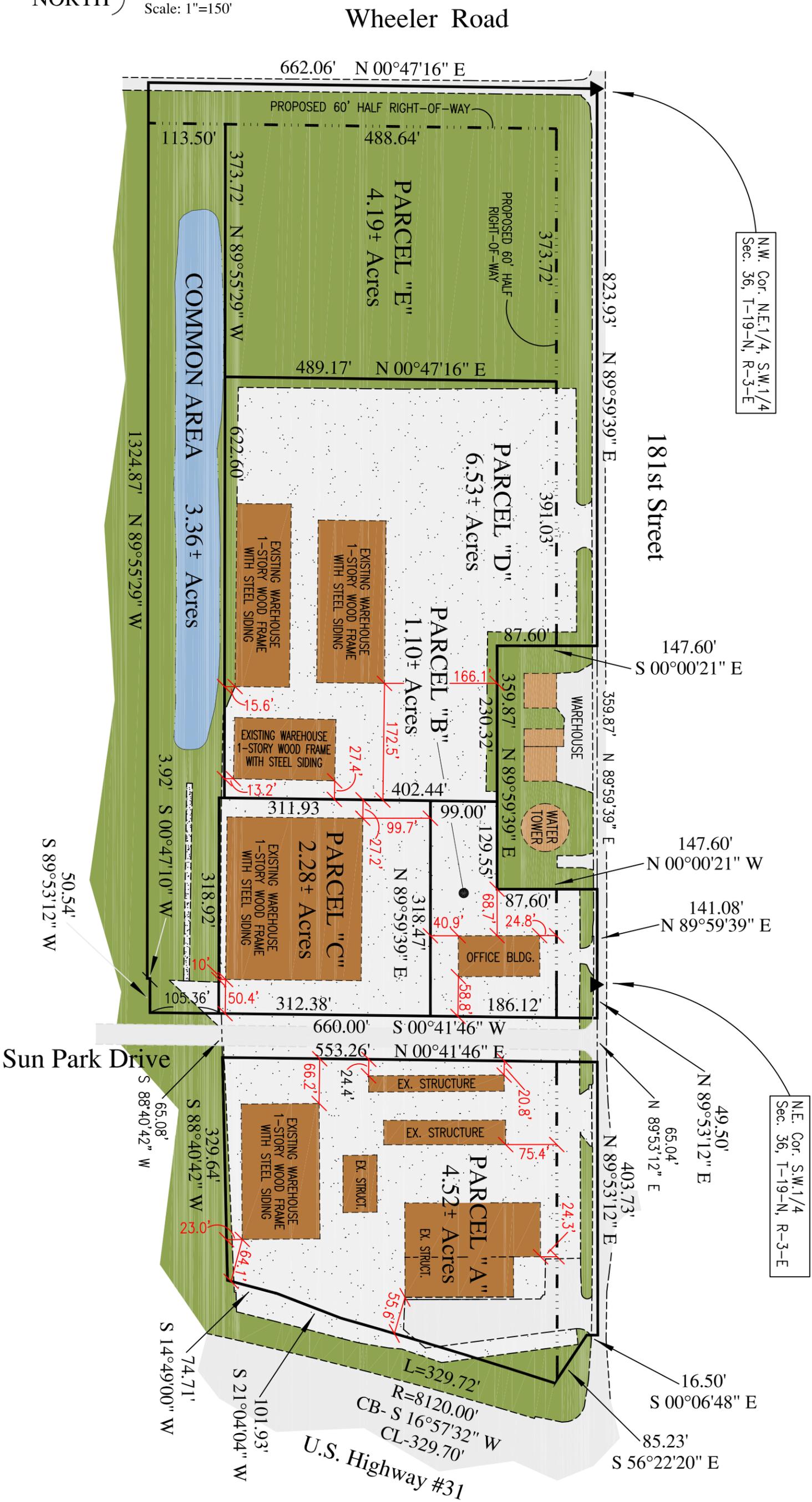
101.93' S 21°04'04" W

74.71' S 14°49'00" W

Exhibit "2C"

PROPOSED SITE DIMENSIONAL PLAN

— NORTH Scale: 1"=150'



N.W. Cor. N.E.1/4, S.W.1/4
Sec. 36, T-19-N, R-3-E

N.E. Cor. S.W.1/4
Sec. 36, T-19-N, R-3-E

U.S. Highway #31
L=329.72'
R=8120.00'
CB-S 16°57'32" W
CL-329.70'