

DRAFT

ORDINANCE 14- 22

The Junction

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 (Docket _____), filed with the Commission requesting an amendment to the Zoning Ordinance and to the Zoning Map;

WHEREAS, the Commission forwarded Docket _____ 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 _____, 2014; and,

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.

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 subject real estate more particularly described in **Exhibit A** attached hereto (the “Real Estate”) and shall hereafter be referred to as the "**The Junction 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All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance shall be superseded by the terms of this Ordinance.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.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance.

- 2.1 Site Concept Design 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.
- 2.2 Illustrative Character Exhibit: A general representation of the intended architecture and character for the proposed development of the Real Estate attached hereto as **Exhibit C**.
- 2.3 Pedestrian & Vehicular Accessibility Plan:
- A. Pedestrian Accessibility Plan: A general representation of the intended pedestrian connectivity with surrounding developments and enhanced pedestrian connectivity internal to the Real Estate herein referenced as **Exhibit E**.
 - B. Vehicular Accessibility Plan: A general representation of the intended vehicular connectivity with surrounding developments and enhanced vehicular connectivity internal to the Real Estate herein referenced as **Exhibit F**.
- 2.4 Assisted Living Facility: A commercial facility for persons having such disabilities as to require assistance with daily living tasks. Such facilities contain four (4) or more dwelling units and/or rooming units, provided a combination of housing, support services, personalized assistance, and healthcare, and respond to the individual needs of persons requiring assistance with the activities of daily living but [may or may not require] 24 hour skilled medical care.
- 2.5 Independent Senior Living Facility: A senior living community commonly providing apartments but some also offer cottages, condominiums, and single-family homes. Residents are seniors who do not require assistance with daily activities or 24/7 skilled nursing but may benefit from convenient services, senior-friendly surroundings, and increased social opportunities that independent senior living communities offer.

Section 3. Permitted Uses.

- 3.1 Assisted Living Facility and Independent Senior Living Facility.
- 3.2 All uses permitted in the Underlying Zoning District shall be permitted, except the following:

Auto Parts Sales	Auto Rental	Auto Sales, New or Used
Bus Stations	Carwash	Casket and Casket Supplies
Cemetery Monument Sales	Charitable Donation Pickup	Drive-In Food & Beverage
Electrical Supply Store	Embalming School	Exterminators
Farm Implement Store	Feed Store	Frozen Food Store/Locker
Gasoline Service Station	Laundromats	Liquor Stores
Locksmith Shop	Millinery	Mortuaries
Motorcycle Sales & Service	Nursery – Plants, Retail	Roller & Ice Skating Rink

Self-Service Car Wash	Semi-Automatic Car Wash	Tire & Auto Service Center
Tobacco Shops	Trailer Rental	Tool/Equipment Rental
Travel Trailer Sales/Rental	Typewriter Sales/Rental	Upholsters

Section 4. Development Standards.

- 4.1 **General Regulations.** The regulations of *WC § 16.04.050 Business Districts* applicable to the Underlying Zoning District shall apply except as modified herein:
- A. **Minimum Setback Lines**
 Front Yard: No minimum
 Side Yard abutting road or street: No minimum
 Side Yard abutting residential: 15 Feet
 Rear Yard: No minimum
 - B. **Maximum Building Height.** The maximum height of any building or structure shall not exceed one hundred (100) feet above grade.
 - C. **Pedestrian Accessibility.** The following shall be required in order to encourage pedestrian connectivity with surrounding developments and enhance pedestrian connectivity internal to the Real Estate. **Exhibit E**
 - (i) All walkways internal to the Real Estate that cross vehicular ways (e.g., drive lanes, parking lots) shall be delineated and distinguished from driving surfaces through the use of durable, low maintenance surface materials such as integrated concrete pavers, scored or textured concrete, asphalt, painted asphalt or brick.
 - (ii) Sidewalks, no less than six (6) feet wide, shall be provided along the full length of a building façade featuring a customer entrance, and along any façade abutting a public parking area.
 - D. **Trash Enclosures.** Trash containers shall: (i) be screened on all sides with a solid walled or fenced enclosure not less than six (6) feet in height above grade and equipped with wood covered gates; (ii) not be located between the front line of the primary building and the front lot line.
- 4.2 **Off-Street Loading and Parking.** Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.04.120*), with the exception that *WC § 16.04.120(2)(e) Size*, shall be modified to 9 feet x 18 feet.
- 4.3 **Landscaping and Screening.** Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.06*); however, the Real Estate's minimum buffer yards are as illustrated in **Exhibit D**.
- A. Minimum required buffer area between non-residential and residential shall not apply to mixed use areas;
 - B. Buffer yard of Commercial Area to any existing Single Family and all other zoning classifications to the south shall be none;
 - C. Buffer yard of Commercial Area to any existing Single Family to the east shall be 15 feet;

- D. All other buffer yard required minimums shall be 10 feet;
 - E. Perimeter parking lot landscaping may occupy the same space as required buffer yard areas and planting requirements will satisfy buffer yard planting requirements in those areas;
- 4.4 Sign Standards. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.08*).
- 4.5 Lighting. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.07.010*). The following additional restrictions shall apply:
- A. Uniformity. All lighting fixtures and poles shall be consistent in style, color, size, height and design and shall be compatible with the architecture of the Real Estate's buildings.
 - B. Decorative Fixtures. Decorative light fixtures shall be provided along the Real Estate's entrance drives, public rights-of-way, building and pedestrian walkways as part of the site's overall architectural design.
 - C. Full Cut-Off Fixtures. With the exception of low intensity architectural lighting and internally-illuminated signage, all exterior wall mounted lights and pole mounted lights shall utilize full cut-off fixtures that direct light downward.

Section 5. **Architectural and Design Standards.** The regulations of *WC § 16.04.165 Development Plan Review* applicable to the Underlying Zoning District shall apply except for those sections modified and/or enhanced by this Ordinance.

- 5.1 Special Requirements. Buildings shall comply with *WC § 16.04.065(8) Architectural Design Requirements* of the State Highway 32 Overlay Zone (the "Overlay Zone"). Standards in the Overlay Zone that apply to the "State Highway 32 right-of-way line" shall be applied to the **The Junction**, with the following exceptions:
- A. *WC § 16.04.065(8)(h)(iii) Building Materials* shall allow textured or decorative tilt wall construction as a masonry material for buildings not adjacent to SR 32.
- 5.2 Site Concept Design Plan. Site shall be developed in substantial compliance with **Exhibit B**.
- 5.3 Character and Quality. Representative character and quality of buildings are illustrated in **Exhibit C**.
- 5.4 US 31 Overlay Requirements – The regulations of *WC § 16.04.070 US 31 Overlay*. Shall not apply.

**ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF
WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF
_____, 2014.**

**WESTFIELD COMMON COUNCIL
HAMILTON COUNTY, INDIANA**

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Chuck Lehman

Chuck Lehman

Chuck Lehman

Bob Smith

Bob Smith

Bob 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 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: _____.

This Instrument prepared by: _____.

I hereby certify **ORDINANCE 14-22** was delivered to the Mayor of Westfield on the _____ day of _____, 2014.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 14-22 this _____ day of _____, 2014.

I hereby VETO ORDINANCE 14-22 this _____ day of _____, 2014.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

EXHIBIT A
LAND DESCRIPTION

DESCRIPTION OF REAL ESTATE: TRACT No. 1*

PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER NORTH 89 DEGREES 26 MINUTES 12 SECONDS EAST (ASSUMED BEARING) 856.74 FEET TO THE WEST LINE OF THE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT No. 200400013188 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE ON SAID WEST LINE THE FOLLOWING 3 COURSES: 1) NORTH 00 DEGREES 24 MINUTES 03 SECONDS WEST 203.00 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; 2) THENCE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST 296.83 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE EAST RIGHT OF WAY LINE OF STATE ROAD No. 31; 3) THENCE ON SAID EAST RIGHT OF WAY LINE NORTH 00 DEGREES 04 MINUTES 04 SECONDS WEST 507.82 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE NORTH 89 DEGREES 53 MINUTES 15 SECONDS EAST 676.43 FEET TO A MAG NAIL; THENCE SOUTH 00 DEGREES 17 MINUTES 53 SECONDS WEST 705.55 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE ON SAID SOUTH LINE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST 373.99 FEET TO THE POINT OF BEGINNING, CONTAINING 9.58 ACRE, MORE OR LESS.

DESCRIPTION OF REAL ESTATE: TRACT No. 2*

PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER NORTH 89 DEGREES 26 MINUTES 12 SECONDS EAST (ASSUMED BEARING) 1275.74 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 17 MINUTES 53 SECONDS EAST 705.21 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE NORTH 89 DEGREES 53 MINUTES 15 SECONDS WEST 259.37 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE EAST TO THE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT No. 200400019188; THENCE ON THE SAID EAST LINE THE FOLLOWING FOUR COURSES 1) SOUTH 18 DEGREES 01 MINUTES 29 SECONDS EAST 45.45 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; 2) THENCE SOUTH 00 DEGREES 39 MINUTES 17 SECONDS EAST 370.40 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; 3) THENCE SOUTH 89 DEGREES 26 MINUTES 37 SECONDS WEST 0.32 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; 4) THENCE SOUTH 00 DEGREES 37 MINUTES 48 SECONDS EAST 289.36 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE ON SAID SOUTH LINE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST 281.20 FEET TO THE POINT OF BEGINNING, CONTAINING 4.45 ACRE, MORE OR LESS.

**Subject to and exclusive of any Easements, Entitlements and Rights of Way.*

EXHIBIT B
SITE CONCEPT DESIGN PLAN

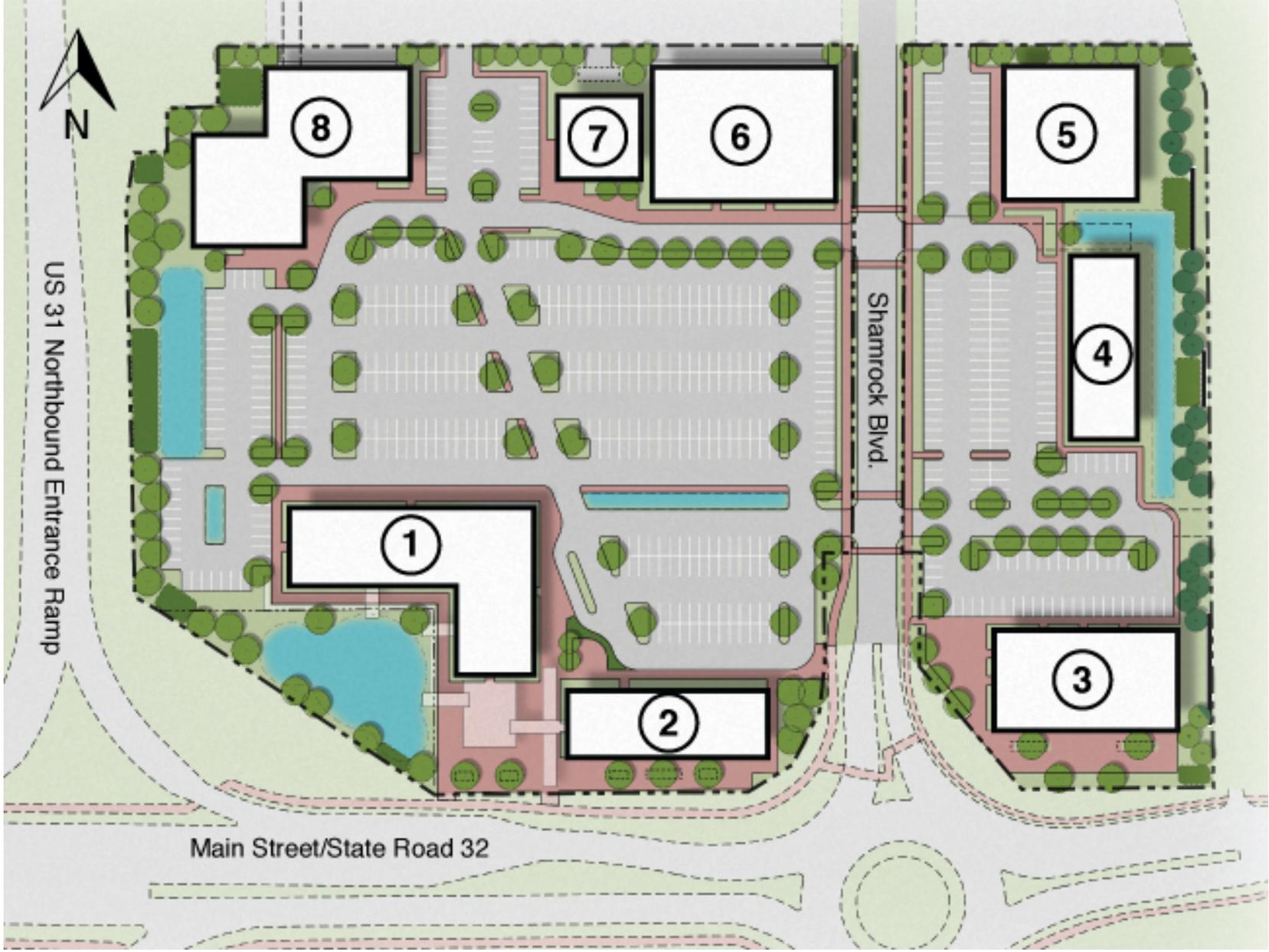


EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBITS



Representative Character - Aerial Future Raised Intersection Perspective

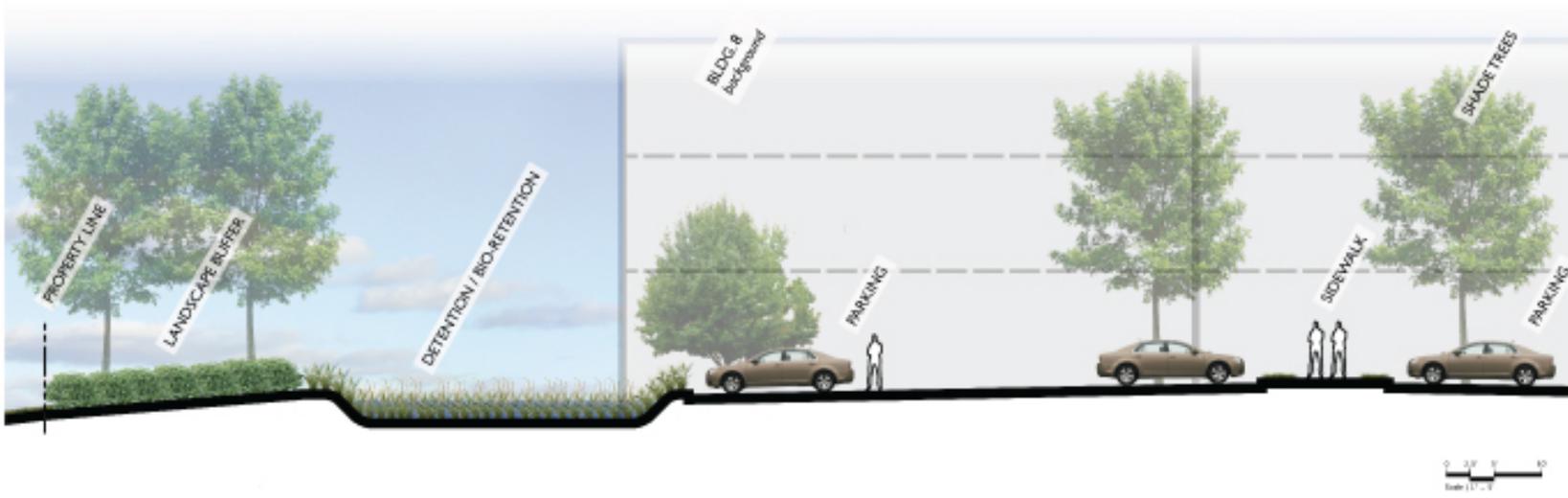


Representative Character - Streetview Future Roundabout Perspective

EXHIBIT D
LANDSCAPE BUFFERING EXHIBITS – OVERVIEW



EXHIBIT D
LANDSCAPE BUFFERING EXHIBITS - WEST BUFFER

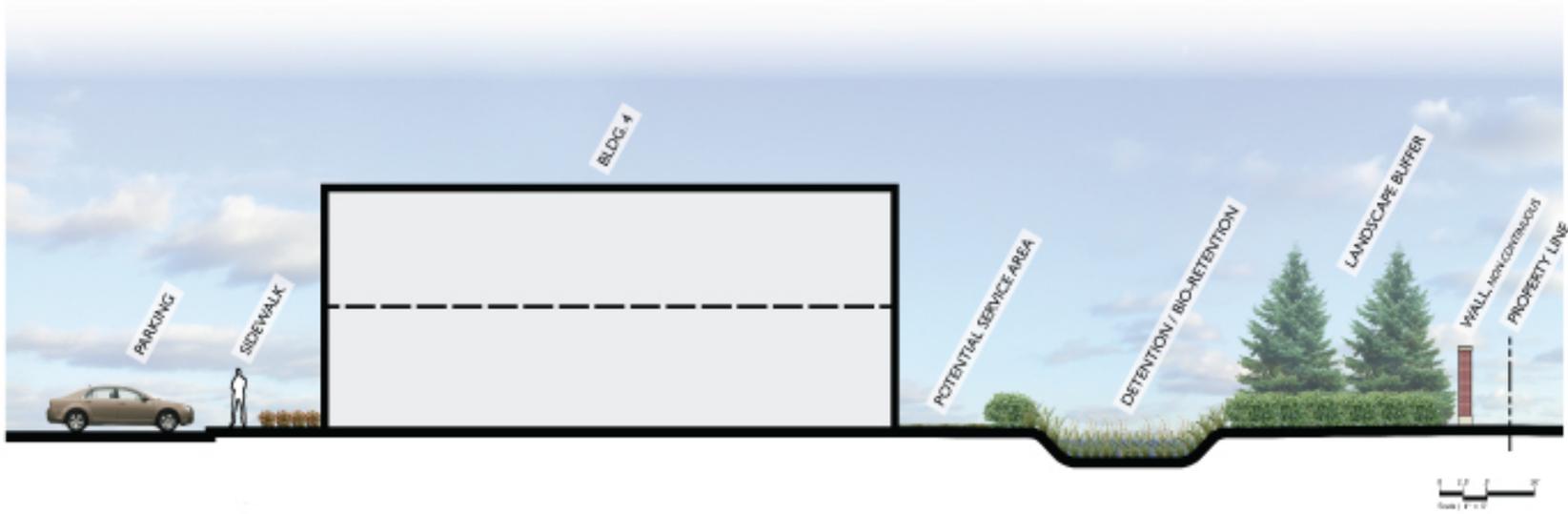


Western Buffer Cross Section (north facing)

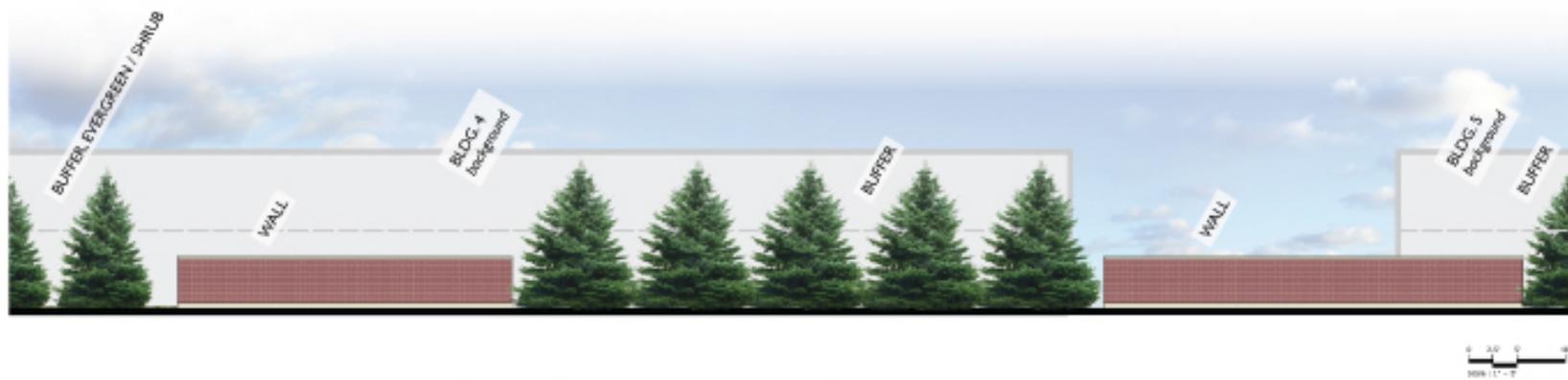


Western Buffer Perspective (east facing)

EXHIBIT D
LANDSCAPE BUFFERING EXHIBITS - EAST BUFFER



Eastern Buffer Cross Section (north facing)



Eastern Buffer Perspective (west facing from residential)

EXHIBIT E
PEDESTRIAN ACCESSIBILITY EXHIBIT

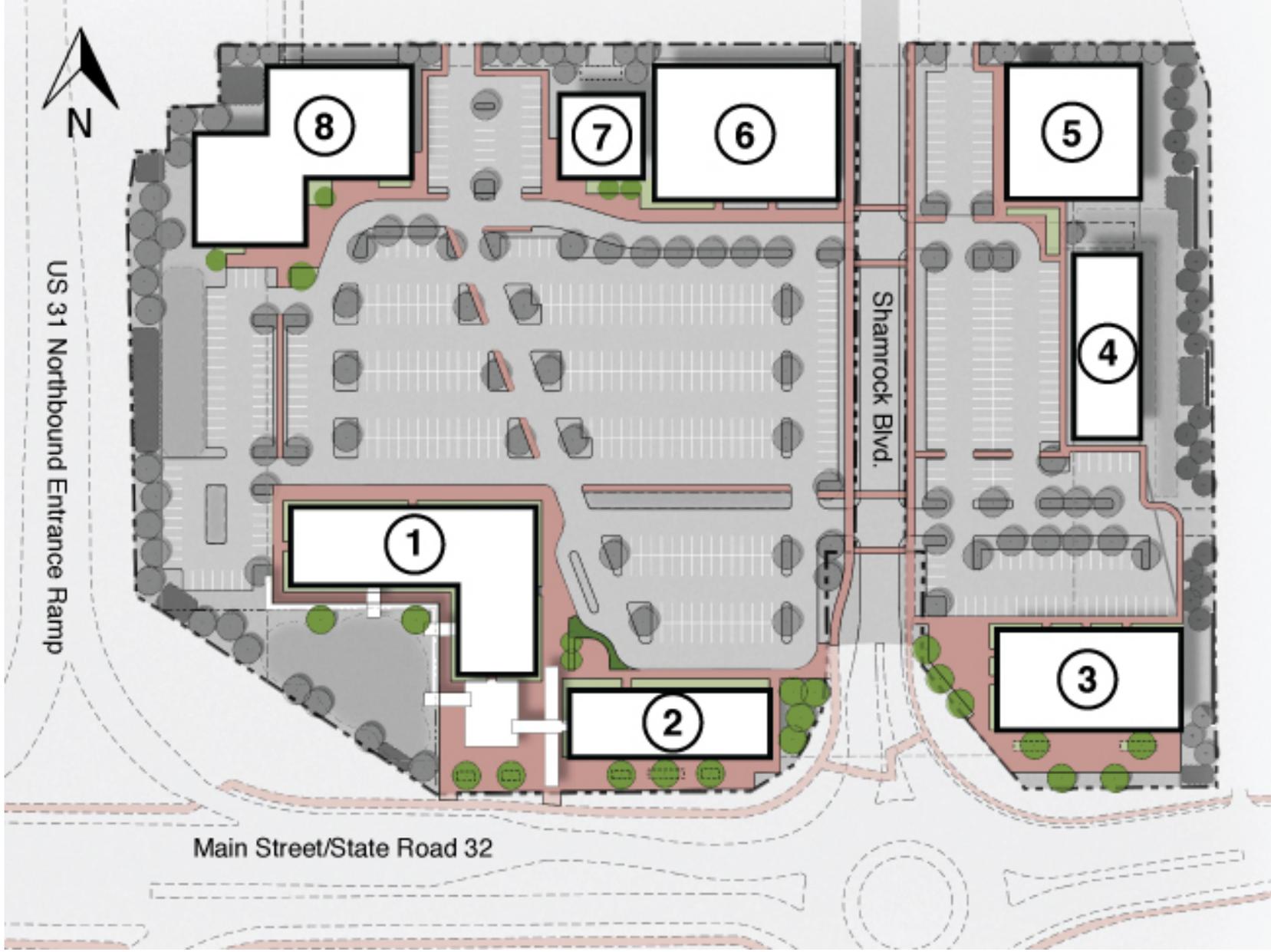


EXHIBIT F
VEHICULAR ACCESSIBILITY EXHIBIT

