

ORDINANCE 14-47

AN ORDINANCE TO AMEND A VARIETY OF PROVISIONS OF THE WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the City of Westfield, (the “City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the “Council”); and,

WHEREAS, it is the duty and the responsibility of the City to administer the Westfield-Washington Township Unified Development Ordinance (the “UDO”) throughout the City and Washington Township Indiana through a Joinder Agreement; and,

WHEREAS, from time to time it becomes necessary to amend and revise the UDO, and pursuant to I.C. § 36-7-4-602 and I.C. § 36-7-4-701, the City is authorized to amend the UDO; and

WHEREAS, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. 1412-ZOA-02 to the Council with a _____ recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the following provisions of the Unified Development Ordinance are amended as follows:

Section 1. **Article 3.5(C) Floodplain Administrator; Duties** shall be amended to add a subsection (11) and (12) to read as follows: “11. Notify adjacent communities and the State’s floodplain coordinator prior to any alteration or relocation of a Watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. 12. Assure that maintenance is provided within the altered or relocated portion of said Watercourse so that the flood-carrying capacity is not diminished.”

Section 2. **Article 5.5 Floodplain Overlay District** shall be amended as follows:

A. Article 5.5(C) Definitions: Shall be amended as follows:

- (i) Add new definition to read as follows: “Effective Date of Initial Floodplain Management Regulations: August 15, 1975.”
- (ii) Amend “Construction, New” definition as follows: “Any Building or Building Addition for which the Start of Construction commenced after the ~~effective date of this Ordinance~~ Effective Date of Initial Floodplain Management Regulations.”

- (iii) Amend “Manufactured Home Park, Existing” definition as follows: “A Manufactured Home Park for which the construction of Buildings and facilities for servicing the Manufactured Homes (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the ~~effective date of this Ordinance~~ Effective Date of Initial Floodplain Management Regulations.”
- (iv) Amend “Manufactured Home Park, New” definition as follows: “A Manufactured Home Park for which the construction of Buildings and facilities for servicing the Manufactured Homes (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the ~~effective date of this Ordinance~~ Effective Date of Initial Floodplain Management Regulations.”

B. Article 5.5(H)(9) Major Subdivisions shall be amended as follows: “~~Major Subdivisions/Development: All Major Subdivisions and other Development proposals (including Manufactured Home Parks), which are greater than fifty (50) Lots or five (5) acres,~~ within this Overlay shall: (a) Be consistent with the need to minimize flood damage. (b) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage hazards. (c) Have adequate drainage provided to reduce exposure to flood hazards. (d) Provide BFE data. (e) Minimize development in the SFHA and/or limit density of development permitted in the SFHA. (f) Ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).”

Section 3. Article 6.1(B) Accessory Use and Building Standards; General Standards shall be amended as follows: Add a section (8) under the General Standards to read as follows: “8. Carports shall be consistent in design, appearance and materials with the Principal Building. Carports for Single-family Dwellings shall be attached to the Principal Building.”

Section 4. Article 6.3(C) Architectural Standards; Single-family Districts (Residential Uses) shall be amended as follows:

A. **Article 6.3(C)(1) Perimeter Lots** shall be amended as follows: “A minimum of one (1) of the following two (2) design objectives shall be met for Dwellings on Perimeter Lots. For purposes of this section, a Perimeter Lot shall include Lots abutting: (a) an External Street or alternative transportation corridor bearing a designation on the Thoroughfare Plan, abutting; or (b) a Common Area abutting an External Street, or abutting an alternative transportation corridor bearing a designation on the Thoroughfare Plan (collectively, “Perimeter Lot”): If a Lot abutting a

Common Area is not within the view shed (without regard to landscaping and mounding) from the Subdivision's External Street or alternative transportation corridor frontage, then the Perimeter Lot standards shall not apply.

- B. **Article 6.3(C)(1)(b)(ii)(b) Perimeter Lots; Rear/Side Building Façade Enhancements; Qualifying Characteristics** shall be amended as follows: “The closest Building Façade of the Dwelling from the Right-of-way line of the External Street or alternative transportation corridor bearing a designation on the Thoroughfare Plan is greater than two hundred and fifty (250) feet ~~from the Right-of-way line of the External Street~~ (1 point); or five hundred (500) feet (2 points).”
- C. **Article 6.3(C)(2)(a) Streetscape Diversity** shall be amended as follows: “The front façade of a front-load garage shall be recessed from the Front Building Façade by at least five (5) feet. A rear-load garage or a side-load garage, with a minimum of twenty-five (25) square feet of windows in the Building Façade oriented toward the Street, shall also meet this objective.”

Section 5.

Article 6.4 Building Standards shall be amended as follows:

- A. **Article 6.4(B) Minimum Building Separation** shall be relocated to **Article 6.16 Setback Standards** in between section (C) and (D). This standard provides that: “If a minimum Building Separation requirement is not otherwise provided by the Zoning District of a Lot that permits multiple Principal Buildings, then the minimum Building Separation requirement of the Zoning District’s minimum Side Yard Building Setback Line shall apply.”
- B. **Article 6.4(F) Agriculture-Related Uses** shall be amended as follows: “More than one (1) Principal Building shall be permitted on a Lot for the following uses: Agricultural Uses, Agritourism Uses, Equestrian Facilities, ~~Hobby Farms~~, and Nurseries.”

Section 6.

Article 6.8 Landscaping Standards shall be amended as follows:

- A. **Article 6.8(E)(6)(vi) Preservation and Replacement of Trees; Incentives to Preserve Trees** shall be amended as follows: “Shall be of a species native to the ~~ecosystem~~ State or on the Master Tree and Shrub List, as maintained by the City.”
- B. **Article 6.8(F)(2)(b); Mounds; Maximum Slope** shall be amended as follows: “The maximum slide slope of mounds shall not exceed a three (3) (horizontal units) to one (1) (vertical unit) ratio. The maximum slide slope of a mound may be increased to a two (2) (horizontal units) to one (1)”

(vertical unit) ratio for those areas of the mound that only includes trees and shrubs and no-mow Groundcover or mulch.”

- C. **Article 6.8(L); Foundation Plantings** shall be amended to add a section (5) to read as follows: “5. Monument Signs shall include a landscaped area at the base of the Monument Sign. The minimum size of the landscaped area shall be equivalent to one side of the Monument Sign’s Sign Face. The landscaped area shall be substantially covered with a variety of planting types such as Groundcover, perennials, shrubs, and ornamental trees.”
- D. **Article 6.8(N)(5); Buffer Yard Requirements; Required Buffer Yard** shall be amended to add a section (b) to read as follows: “b. Single-family Dwelling Subdivisions Abutting Agricultural Uses: If the Plan Commission determines a smaller Buffer Yard is appropriate after consideration of the existing and potential use of the adjacent property, then as part of the Overall Development Plan review, the Plan Commission may approve a narrower Buffer Yard with fewer plantings than required above (but no less than 15 feet wide) for Single-family Dwelling Subdivisions adjacent to an Agricultural Use.”

Section 7. **Article 6.16 Setback Standards** shall be amended to add a section (H) as follows: “H. Side Load Garages: The Minimum Building Setback Line for a Side Yard in a Major Subdivision in a Single-family District may be reduced to five (5) feet for Dwellings with a side or courtyard loading garage; however, the Lot’s aggregate Building Setback Lines for the combined Side Yards shall be a minimum of the District’s Minimum Building Setback Line for a Side Yard multiplied by two (2).”

Section 6. **Article 8.6(G) Open Space and Amenity Standards; Qualifying Site Features** shall be amended as follows:

- A. **Article 8.6(G)(1) [Third Party Regulated Utility Easements]** shall be amended as follows: “A maximum of fifty percent (50%) of required Open Space may come from: wetlands, third party regulated utility easements that existed prior to the development of the property (e.g., gas or oil pipelines, transmission lines), legal drains and equivalent land, as determined by the Plan Commission or Director.”
- B. **Article 8.6(G) [Medians in Right-of-Way]** shall be amended to add a subsection (4) to read as follows: “4. Street (public or private) medians may qualify towards required Open Space only if the following criteria are met: (a) Medians are placed within Common Areas which are maintained by the homeowners’ association; (b) Medians are a minimum of sixteen (16) feet wide from back of curb to back of curb; and (c) Medians are

landscaped, at a minimum, pursuant to the Street Tree requirements set forth in Article 6.8 Landscaping Standards.”

Section 7. **Article 10.12(A) Processes & Permits; Subdivision; Applicability** shall be amended as follows:

- A. **Article 10.12(A)** amended to read “**Applicability Authority:** This Article establishes the process for the subdivision of land, in accordance with *CHAPTER 7: SUBDIVISION REGULATIONS*, to ensure adherence to the standards of this Ordinance. Subdivision applications shall be generally considered favorably by the Plan Commission and Department.”
- B. Add a new section following **Article 10.12(A)** to read as follows: “**Applicability:** The procedures set forth in this Article shall be required for all Minor and Major Subdivisions (see also CHAPTER 12: DEFINITIONS).”

Section 8. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts undertaken to in creation of this Ordinance are hereby ratified.

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ALL OF WHICH IS ORDAINED THIS ____ DAY OF NOVEMBER, 2014.

WESTFIELD CITY COUNCIL

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

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 Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 14-47 was delivered to the Mayor of Westfield
on the _____ day of November, 2014, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 14-47
this _____ day of November, 2014.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 14-47
this _____ day of November, 2014.

J. Andrew Cook, Mayor

This document prepared by
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