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Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
04-18-2005 At 12:47 pm.
ORDINANCE 101.00

ORDINANCE NO. 04-01

**AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT
TO TITLE 16 - LAND USE CONTROLS**

WHEREAS, The Town of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Township Plan Commission ("Commission") considered a petition (docket 0310-PUD-06) filed with the Commission to rezone certain lands; and

WHEREAS, the Westfield Washington Township Plan Commission did take action to forward the request to the Westfield town Council with a negative recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the commission to the Town Council on January 27, 2004; and

WHEREAS, the Westfield Town Council is subject to the provisions of IC 36-7-4-608(f) or IC36-7-4-608(g) concerning any action on requests forwarded by the Advisory Plan Commission.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL
THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCE BE AMENDED AS
FOLLOWS:**

SECTION 1. WC-16-04.Zoning maps amended as follows:

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the real estate described in the attachment "West Oak Planned Unit Development" hereto (Real Estate) from EI to EI-PUD This real estate being subject to commitments and standards as detailed in the attachment "Westoak Industrial Park Planned unit Development District"

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF
WESTFIELD, HAMILTON COUNTY, INDIANA THIS 8 DAY OF
Mar, 2004

WESTFIELD TOWN COUNCIL

Voting For

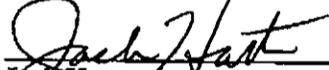
Voting Against

Abstain

Teresa Otis Skelton

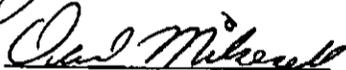
Teresa Otis Skelton

Teresa Otis Skelton


Jack Hart

Jack Hart

Jack Hart


David Mikesell

David Mikesell

David Mikesell


Bob Smith

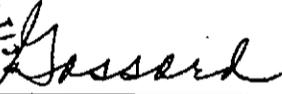
Bob Smith

Bob Smith

Ron Thomas


Ron Thomas

Ron Thomas

 
Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Jerry Rosenberger, Town Manager

3/3/2004

Ordinance 04-01

**WESTFIELD WASHINGTON TOWNSHIP PLAN COMMISSION
CERTIFICATION**

The Westfield Washington Township Plan Commission met in regular session on Monday, January 26, 2004, to consider an amendment of the Comprehensive Zoning Ordinance of Westfield Washington Township 1977, as amended. Notice of public hearing on November 24, 2003, was presented to the Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed amendment is as follows:

A change in zoning classification, from AG-SF1 to E1/PUD,
at the 16500 block of Oak Ridge Road.

A motion was approved to forward this request to the Westfield Town Council with a recommendation to disapprove (7-2-0).

I, Kevin G. Buchheit, AICP, being the Secretary of the Westfield-Washington Township Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Township Plan Commission held on January 26, 2004.



Kevin G. Buchheit, AICP, Secretary

January 27, 2004

Date

Ordinance 04-01

This rezone petition was initially heard on November 24, 2003, along with a public hearing, at the Plan Commission. The initial Town Council presentation was on January 12, 2004. The Comprehensive Plan Subcommittee of the Plan Commission met and discussed the petition with the petitioner. The Plan Commission took action on the petition on January 26, 2004, and submitted a recommendation to Town Council to disapprove the petition. Ordinance 04-02 was continued from the February 9, 2004, Town Council meeting for additional consideration.

Proposed Resolution of the Issues

LB Use List: The Plan Commission subcommittee developed a list of proposed uses for the LB area of this project with which the petitioner agrees. The list has been incorporated into the rezone document as Exhibit 7.

Loading Berths in southern EI area: The petitioner has agreed to limit the location of loading berths in this area to the east and north sides of any building(s) that may locate here. This has been incorporated into the rezone document on page 9, paragraph 6.

Buffer yard landscaping materials: The petitioner has adjusted all buffer landscaping materials to include two evergreen Blue or Norway Spruce trees 10-12 feet tall, one evergreen Blue or Norway Spruce tree 6 feet tall and two evergreen shrubs per 30 lineal feet.

Landscaping, buffer along the west line of the southern EI area: The petitioner agreed to add a landscape buffer along the southern end of the western line of the southern EI area for a distance of 30 feet and a width of 15 feet. This will assist in buffering Ridgewood Subdivision from buildings on this property.

Landscaping, berm within buffer adjacent to easements along Ridgewood Subdivision: The Plan Commission subcommittee suggested including a three-foot-high earthen berm parallel to and adjacent to the 20-foot utility easement north of Ridgewood Subdivision. The effect of a berm, along with the landscaping in the buffer would be to further buffer Ridgewood Subdivision from the more intense uses in this project. A three-foot-high berm constructed with 3:1 slopes could be built in an area 18 feet wide. The petitioner has agreed to a 15-foot-wide buffer, while the Plan Commission subcommittee suggested 20 feet. This could be accomplished with little to no ill effect on the proposed project due to proximity slope requirements for MF 2 (see discussion below on proximity slope).

Project access: The project, as proposed, has two access points onto Oak Ridge Road with new streets. Southpark Drive will extend from east to west through this project and intersect Oak Ridge Road immediately opposite the Oak Trace Elementary School entrance. This is where Southpark Drive needs to access Oak Ridge Road. A second project entrance from Oak Ridge Road is proposed directly into the proposed MF 2 area.

This is a reasonable proposal. The MF 2 area will also have full access to Southpark Drive, also a reasonable proposal.

NO INDIVIDUAL ACCESS for buildings or building tenants to Oak Ridge Road should be granted. All individual access for the nonresidential uses should be from Southpark Drive. All individual access for the residential uses should be from drives internal to the Residential Area.

Residential Area, MF 2 or MF 1? There has been considerable discussion about whether MF 2 or MF 1 is appropriate for this site. The Plan Commission subcommittee suggested that it should be MF 1 along with the following requirements: no accessory storage buildings allowed; "for sale" units only; with each units having an attached one-car garage; no manufactured housing park (allowed as special exception). Some have also considered whether the units closest to Ridgewood Subdivision should be one story.

MF 1 limits density to a maximum of 6 units per acre while MF 2 limits density to a maximum of 10 units per acre. MF 1 limits the maximum number of dwelling units per MF 1 district to 48, while MF 2 limits the maximum number of dwelling units per MF 2 district to 150. In both cases, site constraints and design may practically limit the total number of dwelling units realized on the site to something less than the maximum permitted by ordinance. However, MF 2 carries the requirement of proximity slope to determine setback from the perimeter of a project site. Proximity slope requires buildings to be set back from property lines at a ratio of 1:3 (building height to building setback). For example, a two-story apartment structure may measure to a height of 24 feet, which means that it would have to set back from the property line a minimum of 72 feet (height of building = 24 feet X 3 = 72 feet). A building with a maximum height of 35 feet (by ordinance) would have to set back a minimum of 105 feet. In other words, the greater the height of a structure, the greater the setback distance from the property line. This requirement will cause some limitation on the number of dwelling units that may be achieved on the proposed Residential Area. It will also cause the impact of multifamily structures on Ridgewood Subdivision homes to be minimized due to the increased setback requirements.

In an attempt to further reduce the impact of potential multifamily structures on Ridgewood Subdivision, any design for multifamily structures should minimize the impact of the mass of multifamily structures on Ridgewood Subdivision by placing the structure side with the lesser mass parallel with the subdivision and placing the structure side with the greater mass perpendicular to the subdivision.

The petitioner has agreed to remove Manufactured Home Parks from the Special Exception list in the MF 2 district regulations. However, staff could not determine where this was explicitly stated in the rezone document. This needs to be incorporated into the rezone document.

Council should consider whether additional requirements for 1) no accessory storage buildings, and 2) dwelling units with attached garages should be attached to this project.

Street Stub to the north: Concern for minimizing the amount of nonresidential traffic onto Oak Ridge Road coupled with the anticipated development of the currently vacant land to the north of this project area lends weight to the argument for requiring an internal road to be stubbed to the north property line. Such connections are currently required for residential developments and make sense from the points of dual/multiple emergency access and interconnections between adjacent business/industrial parks. This should be a requirement for this project just as it was for Southpark and Southoak developments, which each had to extend the road to the adjacent, undeveloped property.

The petitioner has argued that such a requirement on this development would make it economically infeasible. Economic feasibility of a project should not be the determining factor for making a rezone decision. It makes total planning sense to include the stub street to the north as part of this project. Planning sense needs to be weighed against the best interests of the community from an economic development standpoint as another factor for consideration.

Recommendations

The following points have been refined since the rezone petition was originally submitted for consideration:

- LB use list has been pared to a reasonable collection of uses given the context of the proposed setting (Exhibit 7 of petitioner's information booklet).
- The loading berths in the southern EI area have been limited to the east and north sides of any building(s) that may locate there.
- Buffer landscaping materials have been adjusted to include two evergreen Blue or Norway Spruce trees 10-12 feet tall, one evergreen Blue or Norway Spruce tree 6 feet tall and two evergreen shrubs per 30 lineal feet.
- The petitioner agreed to add a landscape buffer along the southern end of the western line of the southern EI area for a distance of 30 feet and a width of 15 feet.
- A landscaped berm along Ridgewood Subdivision as described above would require a 20-foot-wide easement. The petitioner has proposed 15 feet. Requiring 20 feet would not impact where buildings are located in the Residential area given the "proximity slope" discussion above. A landscape easement 20 feet wide with a continuous three-foot-high earthen berm and required buffer landscaping described in the proposed ordinance should be required.
- Project access to Oak Ridge Road should be limited to Southpark Drive and one access point for the Residential area. A full access to Southpark Drive from the Residential area should also be permitted.
- **NO INDIVIDUAL ACCESS** for buildings or building tenants to Oak Ridge Road should be permitted. All individual access for the nonresidential uses shall be from Southpark Drive. All individual access for the residential uses shall be from drives internal to the Residential Area.

- MF 2 zoning, which requires proximity slope setbacks, should be approved for the Residential area with the following modifications:
 - Two story limitation for all structures.
 - Design for multifamily structures should minimize the impact of the mass of multifamily structures on Ridgewood Subdivision by placing the structure side with the lesser mass parallel with the subdivision and placing the structure side with the greater mass perpendicular to the subdivision.
 - Manufactured Home Parks are not permitted, either outright or by Special Exception.
 -  Council should consider whether to require the following points that were discussed by the Advisory Plan Commission subcommittee:
 - For sale units only.
 - No accessory storage buildings.
 - Dwelling units with attached garages.
- Street Stub to the North: please consider the discussion presented above. An alternative to absolutely requiring the street stub north to the adjacent undeveloped property has been suggested whereby a threshold number of lots for the internal EI area (suggested as 5 or 6 lots) could be established, above which the street stub would be required. In other words, if the threshold is 5 lots, then if a 6th lot is created, the stub street would be required to be constructed. The petitioner has argued that requiring the street stub may, among other considerations, limit his ability to market the internal EI area as a whole to one end user. In consideration of this point, Council may consider establishing a threshold. The recommended threshold should be one lot. If more than one lot is created out of the EI area, then the street stub to the north shall be required.

If Council entertains a motion to approve the rezone, consideration should be given to including the points above. The points above, if deemed appropriate, should be incorporated as amendments into the rezone document prior to recordation.

RECOMMENDED MOTION

Plan Commission recommends (6-2-0) to disapprove this petition for rezone.

WLB ASSOCIATES, INC.

**Petition to Change Zoning
Docket No. 0310-PUD-06**

**35 Acres South of 169th Street
and East of Oakridge Road**

**Town of Westfield
Town Council
February 9, 2004**

**Applicant: WLB Associates
Attention: Wayne Beverage (846-2575)**

**Charles D. Frankenberger
NELSON & FRANKENBERGER
3021 East 98th Street, Suite 220
Indianapolis, IN 46280
Telephone: (317) 844-0106**

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1. Explanation
2. Aerial
3. PUD Ordinance – includes Concept Plan

EXPLANATION

By way of general background, WLB Associates, Inc. ("WLB") previously requested and obtained a change in zoning to a PUD zoning classification for the real estate outlined in white on the aerial photograph included as Exhibit 2 and commonly known as Southoak Industrial Park. WLB is now requesting a change in the zoning classification of approximately 35 acres located south of 169th Street and east of Oakridge Road, and outlined in red on the aerial photograph included as Exhibit 2. It is presently zoned AG-SF1, and is located within the Town of Westfield.

WLB is requesting that the zoning for Real Estate be changed to a PUD zoning classification. To this end, the public hearing before the Plan Commission occurred on November 24, 2003 and the Comprehensive Plan Committee met on January 24, 2004. WLB then went back before the Plan Commission on January 26, 2004, and the Plan Commission sent this matter to the Town Council with an unfavorable recommendation.

The proposed PUD Ordinance and preliminary concept plan are included as Exhibit 3. As illustrated in the preliminary concept plan, the Real Estate will comprise four (4) distinct areas; namely, (i) the Local Business Area, (ii) the Residential Area, (iii) the Southern Industrial Area, and (iv) the Northern Industrial Area.

The underlying zoning classification of the Local Business Area will be the LB District of the Zoning Ordinance. The LB Provisions of the Zoning Ordinance will apply to the Local Business Area except that (i) the minimum tract requirement will be 2.5 acres instead of five (5) acres and (ii) those uses permitted in the Local Business Area include only the uses as illustrated in Exhibit 7 of the PUD.

The underlying zoning classification of the Residential Area will be the MF2 District of the Zoning Ordinance. The MF2 Provisions of the Zoning Ordinance will apply to the Residential Area.

The underlying zoning classification of both the Southern Industrial Area and the Northern Industrial Area will be the EI District of the Zoning Ordinance, with the following exceptions:

1. Those uses permitted in the Southern Industrial Area include only the Southern Uses as illustrated in Exhibit 6 of the PUD;
2. Those uses permitted in the Northern Industrial Area include only the Northern Uses as illustrated in Exhibit 6 of the PUD;
3. The EI Provisions of the Zoning Ordinance will apply to the both the Southern Industrial Area and Northern Industrial Area except that the minimum tract requirement will be 1.3 acres instead of three (3) acres; and
4. With respect to both the Southern Industrial Area and Northern Industrial Area, Section 16.04.165(D)(4)(f) of the DP provisions of the Zoning Ordinance is replaced and superceded by what is attached to the PUD and incorporated therein by reference as Exhibit 12.

Subject only to the above modifications, all of the applicable provisions of the Zoning Ordinance in force and effect at the time of the enactment of this proposed PUD Ordinance including, without limitation, the DP Provisions, the Landscaping Standards, the Lighting Standards, and the Sign Standards, will apply to the Real Estate.

South Park Drive, now existing to the east of the Real Estate, will be extended west to Oakridge Road so that it accesses Oakridge Road directly opposite the entrance to Oakridge Elementary School, at an exact location later to be determined by the owners of the Real Estate. In addition, the owners of the Real Estate will establish a second curb inlet on Oakridge Road, allowing access into the Residential Area from Oakridge Road, at a point later to be determined by the owners of the Real Estate and approved by the Town of Westfield.

We look forward to presenting this request to you on February 9, 2004.

Respectfully submitted,



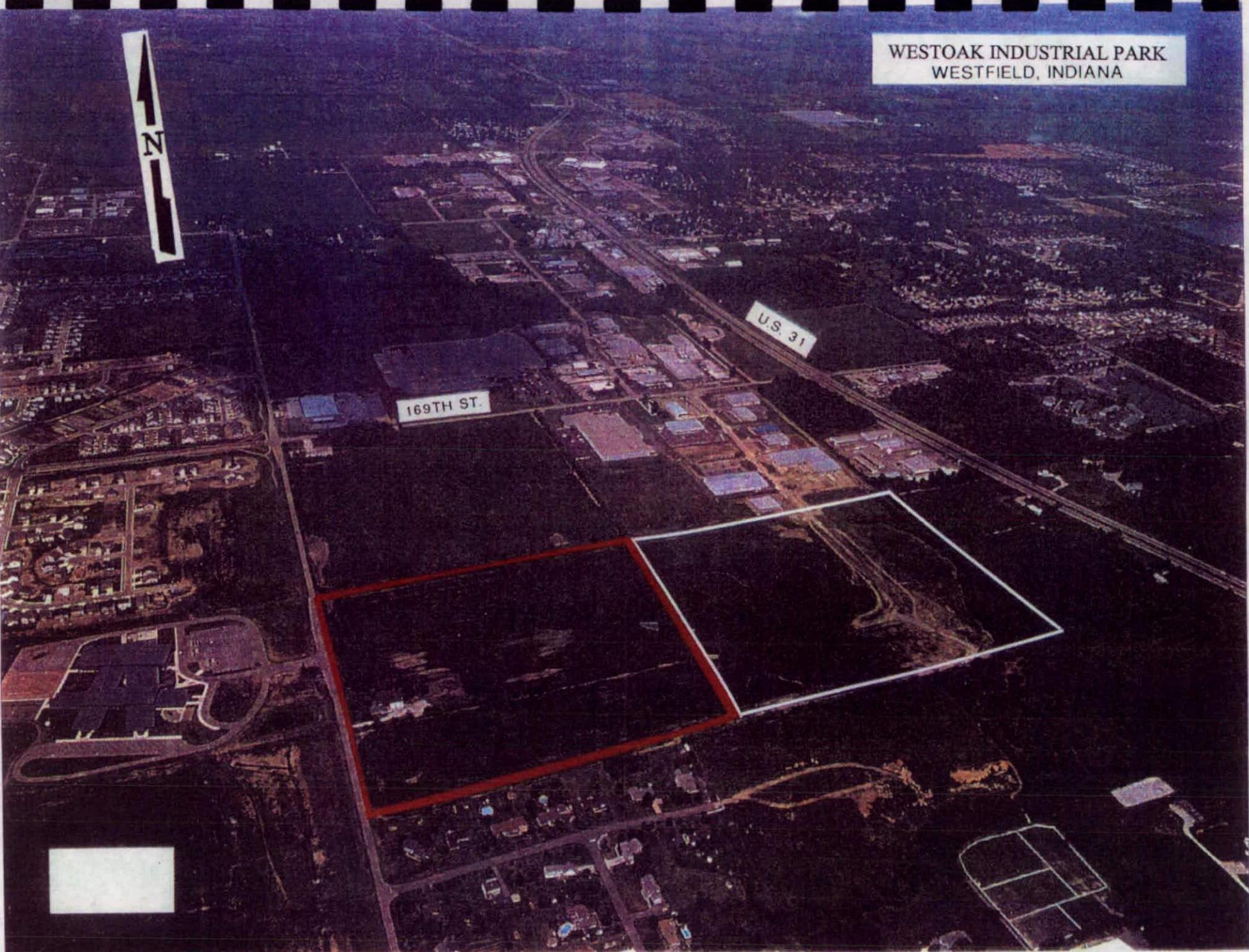
Lawrence J. Kemper

WESTOAK INDUSTRIAL PARK
WESTFIELD, INDIANA



169TH ST.

U.S. 31



WESTFIELD, INDIANA

PUD ORDINANCE NO. 04-01

**WESTOAK INDUSTRIAL PARK
PLANNED UNIT DEVELOPMENT
DISTRICT**

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4. Local Business (LB) provisions of the Zoning Ordinance
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ORDINANCE NO. 04-01

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF WESTFIELD
AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

This PUD Ordinance (the "Westoak PUD") amends the Zoning Ordinance of the Town of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the Town of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended;

WITNESSETH:

WHEREAS, the Plan Commission of the Town of Westfield and Washington Township (the "Commission") has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by WLB Associates, Inc. for the real estate containing approximately 35.13 acres, legally described on Exhibit "1" hereto, and located in Washington Township, Westfield, Indiana (the "Real Estate");

WHEREAS, the Commission has sent to the Town Council of the Town of Westfield, Indiana (the "Town Council") its recommendation adopted on the 26th day of January, 2004; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council meeting in regular session, that the Zoning Ordinance and the Zone Map (the "Zone Map") of the Zoning Ordinance are hereby amended as follows:

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and uses in the Real Estate, (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values throughout the Town of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the Council in adopting, to:

- A. Encourage flexibility in the development of land in order to promote its most appropriate use;
- B. Improve the design, character and quality of new development;
- C. Encourage a harmonious and appropriate mixture of uses;
- D. Facilitate the adequate and economic provisions of streets, utilities, and municipal services;
- E. Preserve the natural environmental and scenic features of the Real Estate;
- F. Encourage and provide a mechanism for arranging improvement on-site so as to preserve desirable features; and
- G. Mitigate the problems which may be presented by specific site conditions.

SECTION 2. EFFECT. The development standards created by this Westoak PUD supersede the development standards of the Zoning Ordinance. Unless otherwise specified herein, the owner(s) of the Real Estate shall otherwise comply with the terms, conditions, and procedures of PUD Ordinance 02-01 (WC 16.04.190).

SECTION 3. DEFINITIONS. The following definitions shall apply in this Westoak PUD:

- A. **Local Business Area:** The area of the Real Estate identified on Exhibit 2 as the Local Business Area ("Local Business Area").
- B. **Southern Industrial Area:** The area of the Real Estate identified on Exhibit 2 as the Southern Industrial Area ("Southern Industrial Area").
- C. **Residential Area:** The area of the Real Estate identified on Exhibit 2 as the Residential Area ("Residential Area").
- D. **Northern Industrial Area:** The area of the Real Estate identified on Exhibit 2 as the Northern Industrial Area ("Northern Industrial Area").

- E. EI Provisions: Attached hereto and incorporated herein by reference as Exhibit 3 are the Enclosed Industrial provisions (the "EI Provisions") of the Zoning Ordinance, which were in force and effect at the time of the enactment of this Westoak PUD.
- F. LB Provisions: Attached hereto and incorporated herein by reference as Exhibit 4 are the Local Business provisions (the "LB Provisions") of the Zoning Ordinance, which were in force and effect at the time of the enactment of this Westoak PUD.
- G. MF2 Provisions: Attached hereto and incorporated herein by reference as Exhibit 5 are the Multi Family Two provisions (the "MF2 Provisions") of the Zoning Ordinance, which were in force and effect at the time of the enactment of this Westoak PUD.
- H. Northern Industrial Area Uses: The uses specified as permitted uses in the Northern Industrial Area are listed under the column entitled "Northern" and indicated by an "X" in what is attached hereto and incorporated herein by reference as Exhibit 6 (collectively the "Northern Industrial Area Uses").
- I. Southern Industrial Area Uses: The uses specified as permitted uses in the Southern Industrial Area are listed under the column entitled "Southern" and indicated by an "X" in what is attached hereto and incorporated herein by reference as Exhibit 6 (collectively the "Southern Industrial Area Uses").
- J. Local Business Area Uses: The uses specified as permitted uses in the Local Business Area are listed on what is attached hereto and incorporated herein by reference as Exhibit 7 (collectively the "Local Business Area Uses").

- K. DPR Provisions: Attached hereto and incorporated herein by reference as Exhibit 8 are the Development Plan Review provisions (the "DPR Provisions") of the Zoning Ordinance, which were in force and effect at the time of the enactment of this Westoak PUD.
- L. Landscape Standards: Attached hereto and incorporated herein by reference as Exhibit 9 are the Landscaping Standards (the "Landscape Standards") of the Zoning Ordinance which were in force and effect at the time of the enactment of this Westoak PUD.
- M. Lighting Standards: Attached hereto and incorporated herein by reference as Exhibit 10 are the Lighting Standards (the "Lighting Standards") of the Zoning Ordinance which were in force and effect at the time of the enactment of this Westoak PUD.
- N. Sign Standards: Attached hereto and incorporated herein by reference as Exhibit 11 are the Sign Standards (the "Sign Standards") of the Zoning Ordinance which were in force and effect at the time of the enactment of this Westoak PUD.

SECTION 4. RECLASSIFICATION OF ZONING. The zoning classification of the Real Estate is reclassified on the Zone Map from AG-SF1 to the Planned Unit Development District classification – Westoak PUD, the underlying zoning classification of which shall be as follows:

- A. Local Business Area: The underlying zoning classification of the Local Business Area shall be the LB District of the Zoning Ordinance in force at the time of the enactment of this Westoak PUD.

- B. Residential Area: The underlying zoning classification of the Residential Area shall be the MF2 District of the Zoning Ordinance in force at the time of the enactment of this Westoak PUD.
- C. Southern Industrial Area: The underlying zoning classification of the Southern Industrial Area shall be the EI District of the Zoning Ordinance in force at the time of the enactment of this Westoak PUD.
- D. Northern Industrial Area: The underlying zoning classification of the Northern Industrial Area shall be the EI District of the Zoning Ordinance in force at the time of the enactment of this Westoak PUD.

SECTION 5. MODIFICATIONS TO UNDERLYING ZONING. Subject to the following changes and modifications, the applicable provisions of the Zoning Ordinance in force and effect at the time of the enactment of this Westoak PUD including, without limitation, the LB Provisions, the MF2 Provisions, the EI Provisions, the DPR Provisions, the Landscaping Standards, the Lighting Standards, and the Sign Standards, shall apply to the Real Estate:

- A. The additional provisions applicable only to the Local Business Area are as follows:
 - 1. The LB Provisions shall apply to the Local Business Area; provided, however, the minimum tract requirement of five (5) acres specified in the LB Provisions shall not apply to the Local Business Area but, instead, the minimum tract requirement applicable to the Local Business Area shall be 2.5 acres.
 - 2. Those uses permitted in the Local Business Area include only the Local Business Area Uses.

B. The additional provisions applicable only to the Residential Area are as follows:

1. The MF2 Provisions shall apply to the Residential Area.
2. On the north side of the existing forty (40) foot wide utility easement which runs parallel and adjacent to the southern boundary line of the Residential Area, the lot owner shall create an additional fifteen (15) foot wide landscape buffer parallel and adjacent to the existing forty (40) foot wide utility easement. The fifteen (15) foot wide landscape buffer shall include the following per thirty (30) lineal feet: (i) two (2) Evergreen Trees ten to twelve (10-12) feet in height (of the Blue Spruce or Norway Spruce variety only), (ii) one (1) Evergreen Tree which shall be a minimum of six (6) feet in height (of the Blue Spruce or Norway Spruce variety only), and (iii) two (2) evergreen shrubs.

C. The provisions applicable only to the Southern Industrial Area are as follows:

1. Those uses permitted in the Southern Industrial Area include only the Southern Industrial Area Uses.
2. The EI Provisions shall apply to the Southern Industrial Area; provided, however, the minimum tract requirement of three (3) acres specified in the EI Provisions shall not apply to the Southern Industrial Area but, instead, the minimum tract requirement applicable to the Southern Industrial Area shall be 1.3 acres.
3. With respect to the Southern Industrial Area, Section 16.04.165(D)(4)(f) of the DPR provisions is hereby replaced and superceded by what is attached hereto and incorporated herein by reference as Exhibit 12.

4. With respect to the Southern Industrial Area, outdoor sales and storage are prohibited, and all Southern Industrial Area Uses shall be conducted only inside buildings constructed upon the Southern Industrial Area.
5. For each lot within the Southern Industrial Area upon which a building is constructed, the maximum building height shall be twenty-five (25) feet. The term "building height" shall be as described by the Zoning Ordinance.
6. For each building within the Southern Industrial Area, loading and unloading berths shall be permitted, at the discretion of owner, (i) on the elevation closest to the eastern boundary line of the Real Estate or (ii) on the elevation closest to the northern boundary line of the Real Estate.
7. Chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, power transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to a height not to exceed fifteen (15) feet above the highest point of the roof.
8. On the north side of the existing fifty (50) foot wide utility easement which runs parallel and adjacent to the southern boundary line of the Southern Industrial Area, the lot owner shall create an additional fifteen (15) foot wide landscape buffer parallel and adjacent to the existing fifty (50) foot wide utility easement (hereafter, collectively, the "Southern Industrial Buffer"). The fifteen (15) foot wide landscape buffer shall include the following per thirty (30) lineal feet: (i) two (2) Evergreen Trees ten to twelve (10-12) feet in height (of the Blue Spruce or Norway Spruce variety only), (ii) one (1) Evergreen Tree which shall be a

minimum of six (6) feet in height (of the Blue Spruce or Norway Spruce variety only), and (iii) two (2) evergreen shrubs.

9. On the western boundary line of the Southern Industrial Area, the lot owner shall create a fifteen (15) foot wide landscape buffer parallel and adjacent to the western boundary line of the Southern Industrial Area, which landscape buffer shall (i) commence at the point where the northernmost line of the Southern Industrial Buffer intersects the western boundary line of the Southern Industrial Area (the "Intersection") and (ii) have a length of thirty (30) feet, measuring north from the Intersection. The fifteen (15) foot wide landscape buffer shall include the following: (i) two (2) Evergreen Trees ten to twelve (10-12) feet in height (of the Blue Spruce or Norway Spruce variety only), (ii) one (1) Evergreen Tree which shall be a minimum of six (6) feet in height (of the Blue Spruce or Norway Spruce variety only), and (iii) two (2) evergreen shrubs.

D. The provisions applicable only to the Northern Industrial Area are as follows:

1. Those uses permitted in the Northern Industrial Area include only the Northern Industrial Area Uses.
2. The EI Provisions shall apply to the Northern Industrial Area; provided, however, the minimum tract requirement of three (3) acres specified in the EI Provisions shall not apply to the Northern Industrial Area but, instead, the minimum tract requirement applicable to the Northern Industrial Area shall be 1.3 acres.

3. With respect to the Northern Industrial Area, Section 16.04.165(D)(4)(f) of the DPR provisions is hereby replaced and superceded by what is attached hereto and incorporated herein by reference as Exhibit 12.
4. With respect to the Northern Industrial Area, outdoor sales and storage are prohibited, and all Northern Industrial Area Uses shall be conducted only inside buildings constructed upon the Northern Industrial Area.
5. For each lot within the Northern Industrial Area upon which a building is constructed, the maximum building height shall be forty (40) feet. The term "building height" shall be as described by the Zoning Ordinance.
6. Chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, power transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to a height not to exceed fifteen (15) feet above the highest point of the roof.

SECTION 6. OTHER APPLICABLE PROVISIONS. The following shall also apply to the Real Estate:

- A. South Park Drive, now existing to the east of the Real Estate, shall be extended west to the western boundary of the Real Estate so that it accesses Oakridge Road directly opposite the entrance to Oak Trace Elementary School, at an exact location later to be determined by the Owner of the Real Estate and approved by the Town of Westfield.
- B. The Owner of the Real Estate shall establish a second curb inlet on Oakridge Road, allowing access into the Residential Area from Oakridge Road, at a point

later to be determined by the Owner of the Real Estate and approved by the Town of Westfield.

SECTION 7. CONCEPT PLAN AND PHASING OF DEVELOPMENT PLANS. The Concept Plan for the Real Estate is attached hereto and incorporated herein by reference as Exhibit 2. The Development Plans for portions of the Real Estate shall be submitted and approved in phases, with each phase representing a portion of the Concept Plan. Development Plans for any portion or phase of the Real Estate may be submitted at any time within ten (10) years from the enactment of this Westoak PUD, without the need for an extension of time from the Plan Commission; however, Development Plans for any phase representing a portion of the Concept Plan may not be submitted more than ten (10) years after the date of the enactment of this PUD Ordinance without an extension of time from the Plan Commission.

Upon motion duly made and seconded, this Westoak PUD was fully passed by the members of the Council this _____ day of _____, 2004.

TOWN COUNCIL, TOWN OF WESTFIELD

BY:	AYE		NAY
	_____	Teresa Otis Skelton	_____
	_____	John Hart	_____
	_____	Bob Smith	_____
	_____	Ron Thomas	_____
	_____	David Mikesell	_____

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EXHIBIT "1"

**WESTOAK PARK PHASE TWO
LEGAL DESCRIPTION**

A part of the Northwest Quarter of Section 12, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the northwest corner of the Northwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence South 00 degrees 03 minutes 25 seconds West (assumed bearing) on the west line of said Northwest Quarter 620.99 feet to the northwest quarter of the real estate described in Instrument No. 2001-9484; thence the following three calls on the perimeter of said real estate: 1.) North 87 degrees 59 minutes 45 seconds East 517.24 feet; 2.) South 00 degrees 03 minutes 25 seconds West 168.73 feet; 3.) South 87 degrees 59 minutes 45 seconds West 517.24 feet to the west line of said Northwest Quarter; thence South 00 degrees 03 minutes 25 seconds West on said west line 62.03 feet to the northwest corner of the real estate described in Instrument No. 2001-9151; thence North 87 degrees 41 minutes 43 seconds East on the north line of said real estate 1291.00 feet; thence North 00 degrees 11 minutes 26 seconds East 857.16 feet to a point on the north line of said Northwest Quarter; thence South 87 degrees 27 minutes 34 seconds West on the north line of said Northwest Quarter 1293.23 feet to the Point of Beginning, containing 23.32 acres, more or less.

Also including the following described real estate:

Part of the Northwest Quarter of Section 12 North, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the northwest corner of the Northwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence South 00 degrees 03 minutes 25 seconds West (assumed bearing) on the west line of said Northwest Quarter 851.75 feet to the POINT OF BEGINNING of the herein described real estate, said point also being the northwest corner of the real estate described in Instrument No. 2001-9151 in the Office of the Recorder of Hamilton County, Indiana; thence continuing South 00 degrees 03 minutes 25 seconds West on said west line 331.29 feet to the northwest corner of Ridgewood Section Two, as recorded in Plat Book 6, Pages 75-77; thence North 87 degrees 41 minutes 43 seconds East on the north line of said Subdivision 1290.23 feet; thence North 00 degrees 11 minutes 26 seconds East 331.32 feet to a point on the north line of said Instrument No. 2001-9151; thence South 87 degrees 41 minutes 43 seconds West 1291.00 feet to the Point of Beginning, containing 9.81 acres, more or less.

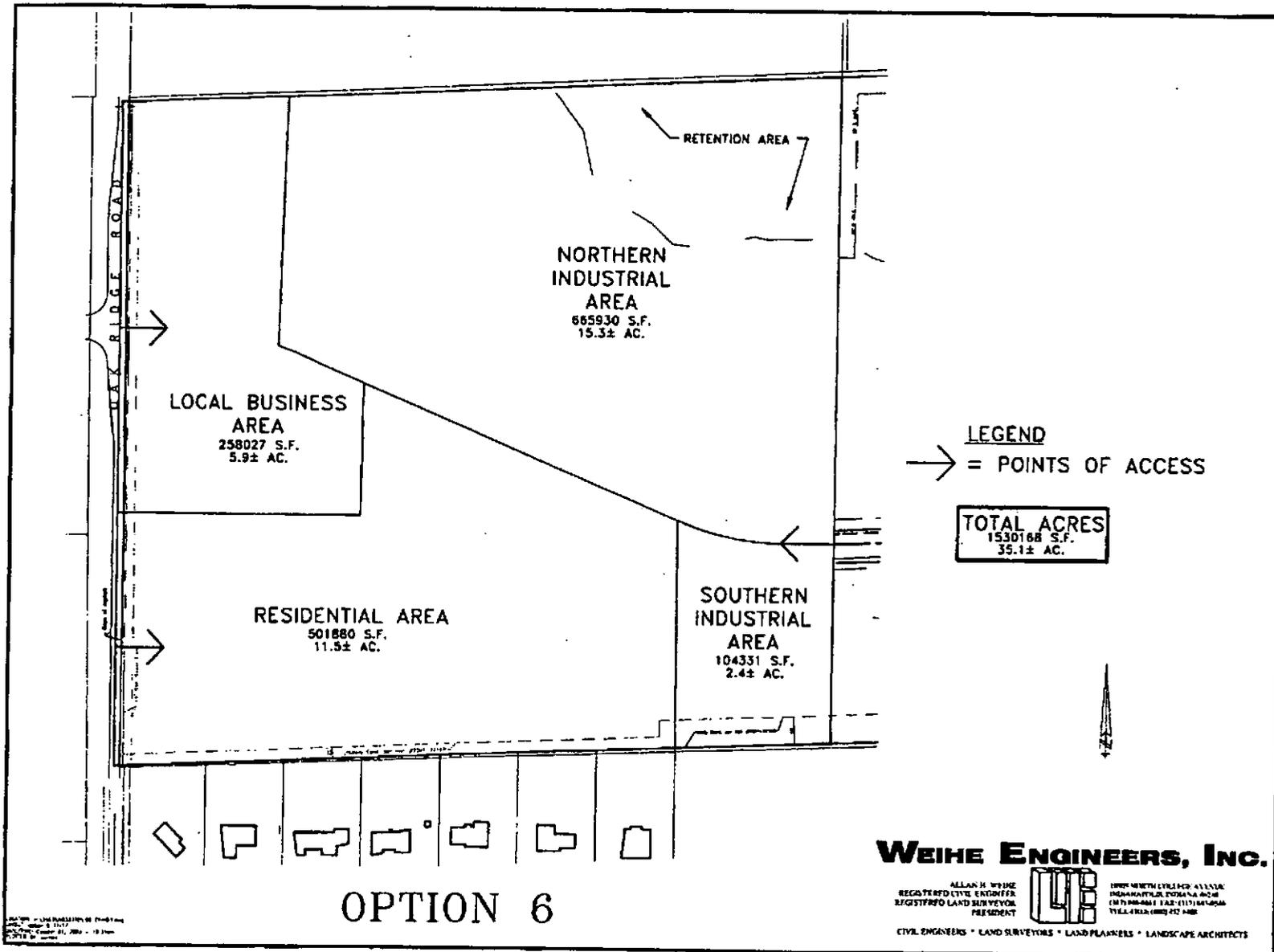
Also including the following described real estate:

Part of the Northwest Quarter of Section 12 North, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Northwest Quarter of Section 12, Township 18 North, Range 3 East, in Washington Township, Hamilton County, Indiana; thence South 00 degrees 00 minutes 08 seconds West (assumed bearing) on the West line of said Northwest Quarter 620.99 feet to the northwest corner of the real estate described in Instrument No. 97-18412 in the Office of the Recorder, Hamilton County, Indiana, said corner being the POINT OF BEGINNING of the herein described real estate; thence North 87 degrees 56 minutes 28 seconds East 517.24 feet; thence South 00 degrees 00 minutes 08 seconds West parallel with the west line of said Northwest Quarter 168.72 feet to a point on the south line of said Instrument No. 97-18412; thence south 87 degrees 56 minutes 28 seconds West on said south line 517.24 feet to said west line of said Northwest Quarter; thence North 00 degrees 00 minutes 08 seconds East on said west line 168.72 feet to the Point of Beginning, containing 2.00 acres, more or less.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD.

EXHIBIT 2
CONCEPT PLAN



SCALE: 1" = 100' (AS SHOWN)
DATE: 11/17/17
PROJECT: 17-000 - 10-1000
SHEET: 10-1000

EXHIBIT 3

ENCLOSED INDUSTRIAL (EI) PROVISIONS OF THE ZONING ORDINANCE

EXHIBIT 4

LOCAL BUSINESS (LB) PROVISIONS OF THE ZONING ORDINANCE

EXHIBIT 5

MULTI-FAMILY TWO (MF2) PROVISIONS OF THE ZONING ORDINANCE

EXHIBIT 6

**SCHEDULE OF USES PERMITTED IN NORTHERN INDUSTRIAL AREA AND SOUTHERN
INDUSTRIAL AREA**

TYPE OF BUSINESS	NORTHERN	SOUTHERN
Advertising & business signs (including fabrication)	X	X
Antiques	X	X
Art School	X	X
Assembly operations of pre-manufactured parts, components	X	
Assembly repair & manufacture of light component parts	X	X
Auction Rooms-Inside	X	X
Auto parts sales inside	X	
Auto Rental-Inside	X	X
Auto repair Garages	X	
Auto rustproofing	X	
Auto Sales, new & used, service and repair-Inside	X	X
Auto Storage-inside	X	X
Mobile home rental/sales/service/repair-Inside	X	
Truck cleaning, service, rental & repair-Inside	X	
Bakeries	X	X
Banks & Savings & loan Assoc.	X	X
Barber & Beauty Schools	X	X
Bicycle sales, rental & Service	X	
Blueprinting, Photocopying job printing	X	X
Boat & Trailer Sales and Service-inside storage	X	
Book Stores	X	X
Bottling of Alcoholic & Non-Alcoholic Beverages	X	
Camera Stores	X	X
Car Wash-Indoor	X	
Caskets & Casket Supplies	X	
Cemetery Monument Sales	X	
Cemeteries-Pet	X	X
China & Glassware Shops	X	X
Civic Clubs	X	X
Coffee Roasting-wholesale	X	X
Coin Shops	X	X
Commissary, food, catering service	X	
Concrete contractors	X	
Consumer Service Offices	X	X
Crating & Packaging Service	X	
Credit Union offices	X	X
Custard Stands	X	
Dancing Schools	X	
Data Processing	X	X

TYPE OF BUSINESS	NORTHERN	SOUTHERN
Delicatessen	X	
Dentist	X	X
Distributors-inside storage	X	X
Education Institutions Public and Private	X	
Electrical Contractors	X	X
Electrical Supply Store-wholesale	X	X
Engineering & Research Labs	X	
Exterminators	X	
Fabric Shops-wholesale	X	X
Farm implement sales and service-inside	X	X
Fire Stations	X	X
Floor Covering	X	
Florist-wholesale	X	X
Frozen food stores and lockers	X	X
Furniture Stores-wholesale	X	X
Furrier Shops-Wholesale	X	X
Galleries	X	
Garden & lawn materials & supply stores-wholesale	X	
General construction company	X	
Glass fabrication and installation	X	
Government Offices-Universities	X	
Greenhouses-wholesale	X	
Gymnasiums	X	
Health Fitness and Exercise Center	X	
Hobby Shops-Wholesale	X	X
Home remodeling company	X	
Home remodeling supplies and materials-wholesale	X	X
Hospitals (Minor) Medical & Dental clinics & Labs	X	X
Indoor Sports and Recreational Facilities	X	
Industrial Schools & Training Facilities	X	
Insurance Companies	X	X
Interior Decorating	X	X
Jewelry Stores-Wholesale	X	X
Language Schools	X	
Laundromats & dry cleaning pick up & drop off only	X	
Lawyers	X	X
Locksmith	X	X
Luggage Stores-Wholesale	X	
Lumber/building materials-Inside	X	X
Lunch Counters	X	

TYPE OF BUSINESS	NORTHERN	SOUTHERN
Mail Order	X	X
Machine welding tool & die shops	X	
Major appliance store-wholesale	X	X
Manufacture & assembly Communications equipment	X	X
Manufacture & assembly of Major Household appliances	X	
Manufacture & assembly of marine equipment	X	
Manufacture & assembly of office equipment	X	
Manufacture of cabinets	X	
Manufacture of cans & containers	X	
Manufacture of cloth products from finished material	X	
Manufacture of furniture	X	
Manufacture of instruments	X	
Manufacture of Jewelry	X	
Manufacture of Musical Instruments	X	
Manufacture of non-alcoholic beverage	X	
Manufacture of office machinery	X	
Manufacture of Optical Goods	X	
Manufacture of paper boxes & paper products from finished paper	X	
Manufacture of portable household appliances, electric hand tools	X	
Manufacture of Recording Instruments, Phonograph Records, etc.	X	
Manufacture tools, implements, machinery	X	
Mattress manufacture & upholstery	X	
Millinery-wholesale	X	X
Miniature Golf, Archery, Driving Range, Trampoline Centers-Inside	X	
Milk Processing, Bottling & Mfg. Of Milk Products	X	
Motorcycle Sales, Service & Repair-Wholesale-Inside	X	
Music, Records, Instruments-wholesale	X	X
Newspaper distribution station	X	
Newspaper Publishing	X	
Office Buildings-General Purpose	X	X
Optometrists	X	X
Paint and wallpaper stores	X	
Painting and decorating contractors	X	
Pet Grooming	X	
Pharmaceutical, Medicine & Cosmetic Mfg.	X	
Philanthropic Institutions	X	X
Photography School	X	X
Photography Studio	X	X
Photography Supplies-wholesale	X	X
Physicians	X	X

TYPE OF BUSINESS	NORTHERN	SOUTHERN
Picture Framing-wholesale	X	X
Plumbing contractors	X	
Plumbing showrooms & shop	X	
Police Station	X	X
Post Office	X	X
Printing and Photocopies	X	
Private Clubs and lodges	X	
Professional & Technical Schools	X	
Radio & TV Service	X	X
Real Estate offices	X	X
Roller and Ice Skating rinks-Inside	X	
Roofing contractors	X	
Root Beer Stands		
Schools & Kindergartens	X	
Secondary food processing & packaging (initially processed off the premises)	X	
Self Storage facilities-Inside	X	
Septic System Contractors	X	
Sewing Machine Sales & Service-wholesale	X	X
Sheet metal shop/contractors	X	
Shoe Repair-wholesale	X	X
Stamping & fabricating metal shops	X	
Storage & transfer of Household Goods-Inside	X	
Storm doors, windows, awnings, siding contractors-manufacture	X	X
Tailor or Seamstress	X	X
Taxidermist	X	
Tennis-Indoor	X	
Testing laboratories	X	
Tire & Auto Service Center	X	
Toy wholesale store	X	X
Tool & light equipment rental-Inside	X	
Travel Business office	X	X
Typewriter/copy machine, Sales, Rental & Service	X	X
Upholsters	X	X
Utilities-Regulated by Indiana Utility Regulatory Commission	X	X
Warehouses-inside storage	X	X
Wearing Apparel & Accessory-wholesale	X	
Wholesalers-inside storage	X	X
Wireless Communication Service Facilities	X	X

EXHIBIT 7

SCHEDULE OF USES PERMITTED IN LOCAL BUSINESS AREA

The following uses are the only uses permitted in the Local Business area:

Community Center	Real Estate Agency
Cultural Facility	Shoe Repair
Day Care Facility	Tailoring
Office	Tanning Salon
Postsecondary Educational Institution	Travel Agency
Professional/Technical Training/Ed. Institution	Bakery (retail)
Religious Facilities	Bookstore
Retirement Center	Confectionery
School (K-12)	Drapery Sales
Caterer (off-site service only)	Florist (retail)
Copy and other Administrative Business Services	Flooring, General sales
Dry Cleaning and Laundry Pickup	Gallery
Electrical Repair	Gift Shop
Estate Services	Handicrafts
Financial Service	Jewelry
Insurance Agency	Optical Goods
Interior Decorating	Restaurant
Legal Service	Sporting goods
Locksmith	Photographic Service
Personal Grooming Services	Used Merchandise (Antiques)
Camera and Photographic Supply	Park & Recreation Svc,
Nonprofit	
Leather goods and Luggage stores	
Used Merchandise (General)	
Accessory Uses directly related to the above	

EXHIBIT 8

DEVELOPMENT PLAN REVIEW (DPR) PROVISIONS OF THE ZONING ORDINANCE

EXHIBIT 9

LANDSCAPING STANDARDS OF THE ZONING ORDINANCE

EXHIBIT 10

LIGHTING STANDARDS OF THE ZONING ORDINANCE

EXHIBIT 11

SIGN STANDARDS OF THE ZONING ORDINANCE

EXHIBIT 12

BUILDING MATERIALS PROVISIONS OF THE ZONING ORDINANCE

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d. Signs - See WC 16.08 et seq.

e. Building Orientation.

- (1) Each building façade visible from a public street or oriented to an adjoining Residential District shall be a finished façade.
- (2) No loading spaces shall be permitted to face a public street or an adjoining Residential District.
- (3) No outside storage shall be permitted between an established building line, and the right-of-way of a public street or an adjoining Residential District.
- (4) All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.

f. Building Materials.

In order to create variation and interest in the built environment, all new buildings or building additions located within any Industrial District shall use the exterior building materials specified below on each facade visible from a public street or an adjoining Residential District; ~~the~~ ~~of the building closest to~~

- (1) Brick or other masonry material. Other masonry materials shall include:
 - a. Architectural concrete, if the surface of the architectural concrete simulates brick or stone (e.g., limestone, marble, or granite);
 - b. Pre-cast concrete, if the surface of the pre-cast concrete is painted, textured (e.g. rough, striated, imprinted with a pattern or form), or designed to simulate brick or stone (e.g., limestone, marble or granite);
 - c. External Insulation and Finish System (E.I.F.S.); or
 - d. Stone.
- (2) If a masonry material other than brick is utilized, it shall be supplemented with the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.) or the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each facade visible from a public street or an adjoining Residential District.
- (3) The primary exterior building material shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of ~~the~~ ~~each facade visible from a public street or an adjoining Residential~~ District. ~~of the building closest to~~