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Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NUMBER 15-24

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE SPRING MILL STATION NORTHEAST QUADRANT PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is an Ordinance to amend the Westfield-Washington Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development 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 Unified Development Ordinance;

WHEREAS, the Council enacted Ordinance No. 14-39, Spring Mill Station Northeast Quadrant Planned Unit Development on September 8, 2014;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1508-PUD-15**), requesting an amendment to the Unified Development Ordinance, the Zoning Map and the Spring Mill Station Northeast Quadrant PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (collectively, the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1508-PUD-15** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a positive recommendation (8-0) 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 September 9th, 2015;

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

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Spring Mill Station Northeast Quadrant Planned Unit Development and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to incorporate the real estate described in **Exhibit A.4** into the Spring Mill Station Northeast Quadrant Planned Unit Development District (the “District”), and the real estate shall hereinafter be known as “Area A.4”.
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Spring Mill Station Northeast Quadrant PUD Ordinance (the “PUD Ordinance”); and (iii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the PUD Ordinance.
- 1.3 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. The definitions of the PUD Ordinance shall apply in addition to the following:

- 2.1 **Curb Side Pickup Station:** Dedicated parking spaces with covered canopy, appurtenances and way finding/identification signage where merchandise is picked up.
- 2.2 **Anchor Store:** The existing Kroger building located in Area A.1, as generally depicted in **Exhibit B.1** of the PUD Ordinance.

Section 3. Permitted Uses. The permitted use in Area A.4 shall be a Curb Side Pickup Station. The service of curbside delivery shall be permitted utilizing existing parking spaces in Area A.1 with temporary signage, until such time that construction is complete on the elements as shown in **Exhibit B**. The curbside delivery service shall be discontinued in Area A. 1 one hundred eighty (180) days after the adoption of this Ordinance; unless otherwise approved by the Director.**Section 4. Setbacks/Building Separation.** The following shall apply to “Area A.4”.

- 4.1 The separation between the Curbside Pickup Station and the existing grocery store shall be at least thirty (30) feet.
- 4.2 Side and Rear yards that abut existing residential shall be at least forty (40) feet.

Section 5. Parking. Article 6.14 of the UDO shall apply; however, Article 6.14(E), Stacking Requirements for Drive-Through Facilities, shall not apply.**Section 6. Landscaping.** Article 6.8 of the UDO shall not apply; rather, landscaping and

screening shall be installed in substantial compliance with **Exhibit B.**

Section 7. **Sign Standards.** Article 6.17 of the UDO shall apply, except as otherwise modified below.

- A. The maximum permitted Sign Area for the Curb Side Pickup Station shall be one hundred (100) square feet.
- B. The maximum permitted Sign Area for the Anchor Store shall be five hundred (500) square feet.
- C. All signs shall be either (i) reverse channel letter, in accordance with Article 6.17(F)(9) of the UDO; or (ii) externally lit with gooseneck light fixtures.
- D. Ground identification signs shall be architecturally compatible with the architecture of the Real Estate's buildings.
- E. Signs for the Curb Side Pickup Station shall be installed in substantial compliance with **Exhibit C.**
- F. The signs depicted in **Exhibit D** shall be permitted until January 2, 2016, or until signs that conform to Section 7(C) of this Ordinance are installed, whichever occurs first. Extensions may be granted by the Director, as deemed necessary or desirable.

Section 8. **Architectural and Streetscape Design Standards.** Article 6.3 of the UDO shall not apply; however, buildings shall be developed in substantial compliance with **Exhibit E.**

G. One monument sign with fuel pricing on the fuel center site shall be allowed. The maximum size of the monument sign shall be 125 square feet with a maximum of 65 square feet of sign area allowed on each side of the monument sign.

Refer to Exhibits 1,2,3, 4 and A2

ALL OF WHICH IS ORDAINED/RESOLVED THIS 8th DAY OF SEPTEMBER, 2015.

WESTFIELD CITY COUNCIL

Voting For

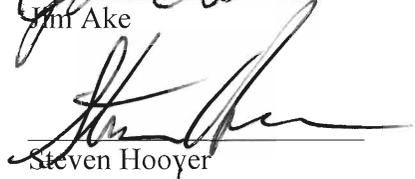
Voting Against

Abstain


Jim Ake

Jim Ake

Jim Ake


Steven Hoover

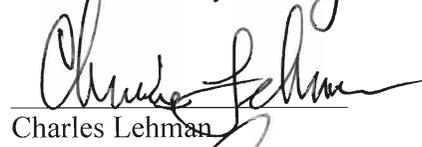
Steven Hoover

Steven Hoover


Robert L. Horkay

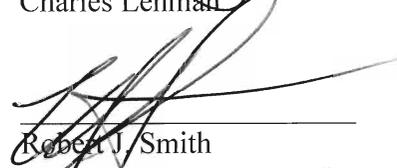
Robert L. Horkay

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

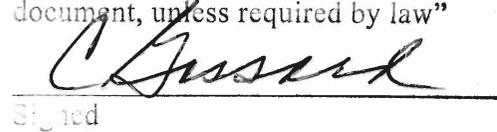
Robert W. Stokes

Robert W. Stokes

ATTEST:

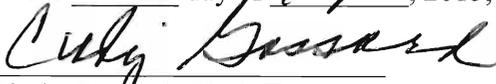

Cindy Gossard, Clerk Treasurer

"I affirm, under the penalties of perjury,
that I have taken reasonable care to redact
each Social Security Number in this
document, unless required by law"


Signed

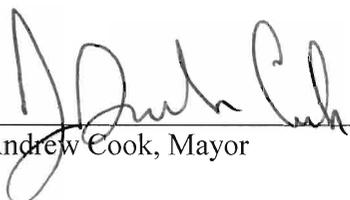
I hereby certify that **ORDINANCE 15-24** was delivered to the Mayor of Westfield

on the 15 day of Sept, 2015, at 3:30 p m.


Cindy Gosard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-24**

this _____ day of _____, 2015.


J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-24**

this _____ day of _____, 2015.

J. Andrew Cook, Mayor

This document prepared by: Paula J. Gartner, PE