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Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NUMBER 07-09

AN ORDINANCE OF THE TOWN OF WESTFIELD TO ESTABLISH COMPLIANCE WITH THE TOWN THOROUGHFARE PLAN AND STATE OF INDIANA U.S.31 PROJECT

WHEREAS, the Town of Westfield, Indiana, hereinafter "Town", is a duly formed municipal corporation within the State of Indiana, hereinafter, "State", governed by the Town Council, hereinafter "Council", has the duty, responsibility and authority to establish, monitor, and maintain ordinances for the general safety and welfare of the public as well as foster good economic growth for the citizens; and,

WHEREAS, it is the duty of the Council to improve the health, safety, convenience, and welfare of their citizens and to plan for the future orderly development and growth of their communities by enhancing the roadways system under its jurisdiction; and

WHEREAS, the Council is aware of the State's plans to expand and /or relocate and/or otherwise enhance the right of way for the U.S. 31 corridor as an additional means to enhance the roadway system for use of the citizens of the State, hereinafter, "Project", pursuant to plans adopted by the State; and

WHEREAS, the Council wishes to aid and foster this orderly and planned growth by aiding the State in their project by requiring development to be compliant with the Project so as not to unnecessarily require the relocation of businesses and persons; and,

WHEREAS, a failure to attempt to safeguard the proposed rights of way would only unnecessarily increase the acquisition costs for the implementation of the Thoroughfare Plan of the Town and the Project by the State that would be a detriment to all as well as allow for the unnecessary dislocation of persons and businesses; and,

WHEREAS, the Town has recently adopted a Thoroughfare Plan as a means to plan for the orderly movement of traffic and persons throughout the planning jurisdiction of the Town; and,

WHEREAS, requiring development to be consistent with both the Project of the State and the Thoroughfare Plan of the Town is in the best interests of the citizens of the Town and those served by the planning and zoning of the Town by requiring orderly growth of and the expansion of roadways; and,

WHEREAS, after being fully advised in the matter,

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL THAT:

SECTION I. This Ordinance shall require that the Westfield-Washington Zoning Ordinance be amended to include that all development within the Town's planning area shall be required to comply with the Westfield-Washington Thoroughfare Plan.

SECTION II. This Ordinance shall require that any development taking place within the area designated as the U.S 31 Overlay Zone as described within the Westfield-Washington Zoning Ordinance, be required to send notice of any proposed development to the State of Indiana by registered mail of said development at the time of the initial filing with the Town of Westfield.

SECTION III. The Community Development Director is hereby ordered to provide for the amendment of the rules and procedures that must be addressed in carrying out this Ordinance and to create a document to be forwarded to the State for any development within the U.S 31 Overlay Zone.

SECTION IV. 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 herby ordered repealed.

ADOPTED AND PASSED THIS 11 DAY OF June, 2007, BY THE WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD TOWN COUNCIL
Hamilton County, Indiana

Voting For	Voting Against	Abstain
J. Andrew Cook	J. Andrew Cook	J. Andrew Cook
Jack Hart	Jack Hart	Jack Hart
John Dippel	John Dippel	John Dippel
Bob Smith	Bob Smith	Bob Smith
Ron Thomas	Ron Thomas	Ron Thomas
Robert Horkay	Robert Horkay	Robert Horkay
Joseph Plankis	Joseph Plankis	Joseph Plankis

ATTEST:

Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Brian Zaiger, Attorney at Law
KRIEG DEVAULT. LLP
12800 North Meridian
Carmel IN 46032
317-238-6266

"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

WESTFIELD TOWN COUNCIL

Request Establishment of an Ordinance requiring new development to comply with the Westfield Thoroughfare Plan and requiring new development within the US 31 corridor to provide notice to the Indiana Department of Transportation.

Exhibits 1) Proposed Ordinance

PETITION HISTORY

The Advisory Plan Commission held a public hearing on this petition at the April 23, 2007 APC hearing. The public hearing was conducted in accordance with statute. The Advisory Plan Commission voted to send a favorable recommendation to the Town Council.

PROCEDURAL

Notice of this proposed ordinance was published in newspapers of general circulation in accordance with applicable State statutes (minimum of 10 days prior to hearing).

Notice provided to newspapers of general circulation failed to meet Westfield-Washington legal notice standards (minimum of 21 days prior to hearing). The Advisory Plan Commission waived this requirement, and the request was heard at the April 23, 2007 hearing.

Copies of the proposed text amendment have been made available to the public, the reviewing committees, subcommittees, and elected officials in advance of the published hearing date.

SUMMARY

This proposed ordinance would require any new development in Westfield and Washington Township to comply with the recommendations of the Westfield Thoroughfare Plan, adopted by resolution of the Westfield Town Council on April 9, 2007 (Ordinance 07-08).

The proposed ordinance would further provide for the Indiana Department of Transportation to receive a notice of any proposed development within the US 31 Corridor. In addition, the ordinance instructs the Community Development Department to create any and all necessary forms and proposed revisions to any applicable rules and procedures to accomplish this notification.

RECOMMENDATION

Approve the proposed ordinance as presented.

WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION CERTIFICATION

The Westfield-Washington Township Advisory Plan Commission met on Monday, April 23, 2007, to conduct a public hearing for establishment of an Ordinance requiring new development to comply with the Westfield Thoroughfare Plan and requiring new development within the US 31 corridor to provide notice to the Indiana Department of Transportation. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana.

A Public Hearing was held at the Westfield Washington Advisory Plan Commission Meeting.

I, Andy Kern, being the Secretary of the Westfield-Washington Township Advisory 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 Advisory Plan Commission held on April 23, 2007.

Secretary

April 24, 2007
Date

Establishment of an Ordinance requiring new development to comply with the Westfield Thoroughfare Plan and requiring new development within the US 31 corridor to provide notice to the Indiana Department of Transportation.

Kingshill moved to approve the waiver to suspend the rules.

Del Greco seconded, and the motion passed unanimously.

A Public Hearing opened at 7:40 p.m.

Naas asked if there is a definition of "new development."

The Public Hearing closed at 7:45 p.m.

Plankis moved to send this Ordinance to the Town Council with a positive recommendation.

Kingshill seconded, and the motion passed unanimously.