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ORDINANCE 11-08

AN ORDINANCE BY THE WESTFIELD CITY COUNCIL CONCERNING AMENDMENTS TO CHAPTER 16 – WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

WHEREAS, the City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance ("Zoning Ordinance"); and

WHEREAS, the Westfield-Washington Advisory Plan Commission ("Commission") considered a request (Docket 1104-ZOA-03), filed with the Commission to amend and revise the Zoning Ordinance as described herein; and

WHEREAS, the Commission held a public hearing and forwarded the request to the Westfield City Council with a favorable recommendation under the provision of Ind. Code § 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council; and

WHEREAS, the Westfield City Council is subject to the provision of Ind. Code § 36-7-4-607(e) concerning any action on this request.

NOW THEREFORE BE IT ORDAINED by the Westfield City Council, meeting in a regular session that Chapter 16 of the Westfield Code of Ordinances be amended as follows:

Section 1. That the text of the Zoning Ordinance is hereby amended to incorporate section WC 16.04.065 – State Highway 32 Overlay Zone, attached hereto as Exhibit "A".

Section 2. Sections WC 16.04.075 and WC 16.04.077 are hereby repealed.

Section 3. This Ordinance shall be in full force and effect in accordance with Indiana law upon the passage by the Westfield City Council, its publication in accordance with law, and upon the occurrence of any other legally required acts, including passage of any applicable waiting period, all as provided by the laws of the State of Indiana.

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ALL OF WHICH IS ORDAINED THIS 9 DAY OF May, 2011.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
John Dippel	John Dippel	John Dippel
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Kenneth Kingshill	Kenneth Kingshill	Kenneth Kingshill
Robert J. Smith	Robert J. Smith	Robert J. Smith
Thomas Smith	Thomas Smith	Thomas Smith
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

Cindy J. 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 11-08 was delivered to the Mayor of Westfield

on the 10 day of May, 2011 at 2:00 pm.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-08

this 11 day of May, 2011.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 11-08

this _____ day of _____, 2011.

J. Andrew Cook, Mayor

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: Andrew Murray

Prepared by: Andrew Murray, Planner I, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

EXHIBIT A

May 9, 2011

WC 16.04.065 State Highway 32 Overlay Zone.

1) Purpose and Intent.

   a) The purposes of the State Highway 32 Overlay Zone are: (1) to preserve and enhance the aesthetic qualities of the State Highway 32 corridor by regulating building architecture, building placement and building orientation, landscaping, design of water detention areas and transitions between the corridor and adjacent uses; and (2) to preserve and enhance the transportation functionality and safety of the State Highway 32 thoroughfare by limiting road access, regulating building setbacks, providing for alternative transportation, and providing for the future development/redevelopment of the State Highway 32 corridor into an "employment corridor" as contemplated in the Westfield - Washington Township Comprehensive Plan.

   b) Several figures are referenced within this State Highway 32 Overlay Zone ordinance. Such figures are intended to illustrate the specific subjects of the paragraphs in which they are referenced. Not every figure included in this State Highway 32 Overlay Zone ordinance is intended to illustrate a structure that fully complies with all standards of this ordinance.

2) Applicability. The provisions of this State Highway 32 Overlay Zone ordinance shall apply in the following instances:

   a) The State Highway 32 Overlay Zone standards shall apply to any petition, application, development or improvements within the State Highway 32 Overlay Zone that require a change in zoning, variance of use or development plan review.

   b) The State Highway 32 Overlay Zone is hereby established as the land area within six hundred (600) feet of the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline (the "32 Overlay Zone").

   c) If any building, structure or improvement is only partially located within the 32 Overlay Zone, the provisions of this Section shall apply to all of such building, structure or improvement.

   d) To the extent the provisions of this State Highway 32 Overlay Zone ordinance conflict with the provisions established elsewhere within the Westfield–Washington Township Zoning Ordinance, the provisions of this State Highway 32 Overlay Zone ordinance shall supersede and apply.

3) Exceptions. The provisions of this Section shall not apply to the following geographic areas which are at least partially contained within the 32 Overlay Zone:

   a) The area identified as "Downtown Westfield" in Figure 16.04.065.A;

   b) The area identified as "Eagletown" in Figure 16.04.065.B;

   c) The area identified as "Jolietville" in Figure 16.04.065.C; and

   d) The platted area of Sandpiper Lakes Subdivision.

4) Permitted Uses. All uses permitted in the underlying zoning districts within the 32 Overlay Zone shall be permitted unless otherwise excluded herein.

5) Access Control Requirements.

   a) The purpose of this Section is to make the closing of all private curb cuts along State Highway 32 possible by establishing a common access road to provide access to and through lots abutting State Highway 32.

   b) New road cuts shall not be permitted unless specifically approved by the Westfield City Council and the Indiana Department of Transportation prior to installation.

   c) Access roads in substantial compliance with the design plan included at Figure 16.04.065.D shall be provided by developers of lots along State Highway 32 unless the Westfield City Council approves development of a lot without providing the normally required access road.

   d) Approval of an illustrative concept plan showing vehicular drive cuts as part of a zoning petition shall not constitute approval of the drive cuts by the Westfield City Council.

   e) In those cases where tracts can be accessed via a connection to an arterial, collector, frontage road or an adjoining parking lot, new curb cuts shall not be permitted on State Highway 32.

   f) All developments along State Highway 32 shall provide for vehicular and pedestrian interconnectivity between neighboring uses, parking lots and developments in order to encourage and facilitate east/west vehicular movements without directly accessing State Highway 32. Cross access easements shall be provided to ensure continued access and connectivity between and through uses along the 32 Overlay Zone.

   g) Any existing road cuts along State Highway 32 shall be vacated and eliminated as a condition of any discretionary approval for use or development of land on which such road cuts are present, if an alternative vehicular access is available.

6) Setback Requirements. The following setback requirements regulating the distance from State Highway 32 that buildings may be constructed shall supersede all conflicting setback standards of the Westfield Washington Township Zoning Ordinance.

   a) Maximum Setback. The building elevation of all primary structures nearest to State Highway 32, on lots abutting State Highway 32, shall be located no more than one hundred and twenty (120) feet from the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline.

   b) Minimum Setback. The building elevation of all primary structures and all signs nearest to State Highway 32, on lots abutting State Highway 32, shall be located at least thirty (30) feet from the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline.

   c) Accessory Structures.

      i) No accessory structures shall be erected between State Highway 32 and the setback line established by the building elevation of a primary structure nearest to State Highway 32, on a lot abutting State Highway 32.

      ii) For the purpose of paragraph WC 16.04.065.6.c.i, the term "accessory structure" shall not include the following if provided for public use and enjoyment: ponds, fountains, gazebos, picnic shelters, benches, public restrooms, drinking fountains, utility installations, bike racks, decorative walls and fences (not to exceed an average height of four (4) feet), hardscape amenities, landscaping, pavement, curbs and other similar improvements.

      iii) For the purpose of paragraph WC 16.04.065.6.c.i, monument signs shall not constitute accessory structures.

7) Height and Area Requirements.

   a) Building Height.

      i) Minimum Building Height.

         (1) Buildings constructed, or substantially modified to the point of requiring development plan review, shall be at least eighteen (18) feet in height.

         (2) Buildings with flat roofs shall not be required to meet the eighteen (18) feet minimum building height requirement as long as such buildings include parapet walls on all sides which extend to a minimum height of eighteen (18) feet.

      ii) Multiple Stories – Buildings with multiple stories shall be encouraged, but not required.

iii) Maximum Building Height – No Maximum Building Height.

b) Gross Floor Area – The gross floor area square footage requirements set forth below are intended to create a certain massing for structures to be located within the State Highway 32 Overlay Zone. Although it is contemplated that some retail structures within the Overlay Zone may be acceptable with square footages below the minimum floor area set forth below, decisions to lower the minimum gross floor area requirement within the Overlay Zone shall be considered on a case-by-case basis. In instances where the minimum square footage requirement set forth below is lowered, enhanced architectural materials and features may be required.

i) Minimum Gross Floor Area – Five Thousand (5000) square feet.

ii) Maximum Gross Floor Area – No Maximum Gross Floor Area.

8) Architectural Design Requirements.

a) Design Theme – General Standards.

i) Architectural variation is encouraged within the State Highway 32 Overlay Zone. The architectural requirements included in these State Highway 32 Overlay Zone standards are intended to provide consistent architectural quality among buildings and other improvements within the State Highway 32 Overlay Zone.

ii) All structures within the State Highway 32 Overlay Zone shall be thoughtfully designed in a manner that visually and functionally complements existing topography of the building site.

b) Building Elevations.

i) All building elevations shall be encouraged to have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice as illustrated in Figure 16.04.065.E.

ii) Building elevations which are ninety (90) feet or greater in length, shall be designed with aggregate offsets (projecting or recessed) of not less than ten (10) percent of the building elevation length. Offsets shall be constructed at intervals of not greater than sixty (60) feet (see Figure 16.04.065.F).

iii) All buildings shall be constructed with the same quality of building materials and the same level of architectural detail on all elevations of such buildings.

iv) Openings.

(1) Design elements of the building elevations shall be organized such that openings (including, but not limited to, windows, doors, loading berths, faux windows and architectural or painted elements resembling openings) line up horizontally and vertically with other openings (see Figure 16.04.065.G).

(2) Openings in a building elevation shall be arranged in a balanced, relatively uniform fashion (see Figure 16.04.065.H).

(3) Exceptions to these standards may be permitted if openings are organized in an aesthetically pleasing manner and constitute an essential artistic design element appropriate for the building type, scale, orientation, location and building site.

v) Gutters and downspouts shall be visually integrated with the architectural style of the structure. The color of gutters and downspouts shall be selected to complement or to be consistent with the building materials used.

c) Roofs.

i) Pitched Roofs.

(1) Pitched roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12 (see Figure 16.04.065.I).

(2) Pitched roofs shall be clad in wood shingles, slate, composition shingles, clay tiles or standing seam panels.

(3) If asphalt composition shingles are used:

(a) They shall be gray, black, dark blue, dark green, barn red or dark brown.

(b) They shall be of the dimensional asphalt shingle grade.

(c) They shall be made of a non-reflective material.

(4) If standing seam panels are used:

(a) They shall be gray, black, dark blue, dark green, barn red or dark brown.

(b) They shall be made of a non-reflective material.

ii) Flat Roofs.

(1) Flat roofs are permitted if edged by architectural moulding, an articulated cornice feature or a decorative parapet wall (see Figure 16.04.065.J).

(2) Parapets shall be fully integrated into the architectural design of buildings to create seamless design transitions between the main building mass and roof-mounted architectural elements (which may include roof-mounted equipment screening).

iii) Modulation of the roofs and/or roof lines shall be required in order to eliminate the appearance of box-shaped buildings (see Figure 16.04.065.K).

iv) Dormers shall be designed with appropriate details, proportion and style consistent with the overall building composition and roofed with symmetrical gable, hip or barrel roofs (see Figure 16.04.065.L).

v) All visible vents, attic ventilators, turbines, flues and other visible roof penetrations:

(1) Shall be painted to match the color of the roof or flat black; and

(2) Shall be oriented to minimize their visibility from adjacent parcels and thoroughfares.

d) Main Entrances.

i) All buildings shall be designed with a main entrance and at least two (2) window openings associated with the main entrance (see Figure 16.04.065.M).

ii) Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the architectural style and details of the building as a whole (see Figure 16.04.065.N).

iii) The location, orientation, proportion and style of doors shall complement the style of the building.

e) Windows.

i) All window designs shall be compatible with the style, materials, color, details and proportion of the building. The number of window panes, the number of window openings, window trim and other architectural design elements designed to accent the windows (e.g., shutters, keystones, ledges, etc.) shall be consistent with and complementary to the architectural style of the building (see Figure 16.04.065.O).

ii) Window trim and other architectural design elements designed to accent the windows (e.g., shutters, keystones, ledges, etc.) shall be required for all windows unless, by determination of the Director, such trim or design elements would detract from the design objectives of the State Highway 32 Overlay Standards.

f) Awnings.

i) Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors and details (see Figure 16.04.065.P).

ii) Awnings shall be made of a non-reflective material.

iii) All awnings shall be kept in good repair.

iv) Awnings used to comply with the architectural design requirements of the State Highway 32 Overlay Zone shall not be removed from a building elevation unless the building elevation would comply with such architectural design requirements without such awnings.

g) Drive-thrus and Fueling Stations. On parcels adjacent to the State Highway 32 right-of-way line (and also including parcels where the parcel line may not be immediately adjacent to the State Highway 32 right-of-way line, but such parcel line is located in such a manner that no significant structures can reasonably be constructed between the parcel and the State Highway 32 right-of-way line) the following standards shall apply:

i) Drive-thru windows and lanes shall not be permitted between the right-of-way line of State Highway 32 and the side of a structure that is nearest to said right-of-way.

ii) Vehicular fuel pumps and canopies shall be located at least thirty (30) feet farther away from the State Highway 32 right-of-way line than the elevation of the primary structure, to which the fuel pumps or canopies are appurtenant or associated, that is nearest to said right-of-way line (see Figure 16.04.065.Q).

h) Building Materials.

i) Brick and other masonry materials (as defined in WC 16.04.165.D.4.f.) shall be the preferred exterior building materials within the State Highway 32 Overlay Zone.

ii) The installation of brick or other masonry materials to create a wainscot or brick-wrap effect around buildings shall be encouraged.

iii) A minimum of sixty percent (60%) of each building elevation shall be covered with brick or other masonry materials, exclusive of windows (including faux windows and glazing), doors and loading berths. For the purposes of meeting the 60% masonry requirement in the paragraph, E.I.F.S shall not constitute a brick or masonry material.

iv) No more than twenty-five percent (25%) of each building elevation may be covered with metal or vinyl exterior building materials, exclusive of windows (including faux windows and glazing), doors and loading berths.

v) Increased and enhanced use of brick or other masonry materials and other architectural ornamentation shall be required around building entrances and on building elevations visible from State Highway 32 in order to create an aesthetically pleasing appearance and to create an appearance of high-quality, visually interesting architecture.

i) Accessory Structures. All detached accessory structures shall be architecturally compatible with the primary building(s) with which they are associated.

9) Landscaping and Amenity Requirements.

a) Purpose.

i) The purpose of the following provisions is to establish an alternative transportation corridor along both sides of State Highway 32 by requiring an alternative transportation trail and various other amenities to be installed along State Highway 32 on all lots abutting State Highway 32.

ii) It is the policy of the City of Westfield that the Trail Corridor (defined below) and the improvements therein will be owned and maintained by the City of Westfield. It is the policy of the City of Westfield to have the real estate within the Trail Corridor acquired, pledged, contracted or granted prior to development of adjacent parcels.

b) Trail Corridor Requirements.

i) Requirement. A linear greenspace (the "Trail Corridor") along each side of State Highway 32 that contains the required alternative transportation trail mentioned in the previous paragraph shall be provided.

ii) Width. The Trail Corridor shall be a minimum width of thirty (30) feet, running parallel and immediately adjacent to State Highway 32. The thirty (30) feet wide Trail Corridor shall be measured from the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline.

iii) Alternative Transportation Trail.

(1) Alternative transportation trail improvements shall be installed in substantial compliance with the design plan included at Figure 16.04.065.R.

(2) The alternative transportation trail shall be at least eight (8) feet in width and shall be constructed of asphalt material in compliance with the Westfield Construction Standards and Specifications. Construction of the trail with a meandering design shall be encouraged.

iv) Interconnectivity. All developments along State Highway 32 shall provide for alternative transportation interconnectivity between neighboring uses, developments and the Trail Corridor in order to encourage and facilitate alternative transportation movements without directly accessing State Highway 32. Cross access easements and connections to the alternative transportation trail referenced above shall be appropriately provided to ensure continued alternative transportation access and connectivity between and through uses along the Trail Corridor.

c) Corridor Plantings. The primary landscaping materials used in the Trail Corridor shall be shade trees, ornamental trees, shrubs, ground cover and grass.

i) A minimum of three (3) shade trees and one (1) ornamental tree shall be provided per every one hundred (100) linear feet of Trail Corridor along State Highway 32. Installation of plantings on both sides of the alternative transportation trail referenced above shall be encouraged. All trees shall be at least two and one half (2.5) inches in caliper at the time of planting.

ii) Shade trees planted within the Trail Corridor shall be spaced at least fifteen (15) feet apart and no more than forty (40) feet apart.

iii) Landscaping required to be planted within the Trail Corridor under this Ordinance shall be counted toward meeting the planting requirements established in WC 16.06 as if the Trail Corridor property were a part of the parcel being developed.

d) Mound/Berms.

i) The construction of intermittent, undulating mounds or berms within the Trail Corridor shall be encouraged, but not required.

ii) If mounds or berms are installed, they should be designed in a manner that complements other improvements in the vicinity and in no event shall such mounds or berms be installed in a manner that unsafely inhibits vehicular line of sight or use of the alternative transportation trail required herein.

10) Miscellaneous Requirements.

a) Loading Berths.

i) Loading berths shall be oriented in a manner so that they are not visible from State Highway 32.

ii) Loading berths shall be oriented in a manner that minimizes their visibility from all other public rights-of-way.

iii) The use of loading berth enclosures shall be utilized where appropriate in order to accomplish these design objectives as established in paragraphs (i) and (ii) above.

iv) Loading berths shall comply with the following standards:

(1) All loading berths shall be adjacent to the primary structure and shall be located entirely within the side or rear yards of lots.

(2) Loading berths shall be screened, to the extent reasonably necessary to accomplish the design objectives referred to paragraphs (i), (ii), and (iii), by installing solid, opaque walls or fences. Special attention shall be given to minimize the visibility of loading berths from adjacent properties or rights-of-way.

(3) A chain link fence or a variation of a chain link fence shall not constitute an acceptable screen.

(4) Loading berth walls or fences shall be softened by installing the following landscaping materials adjacent to such screens, except no landscaping shall be required where access/delivery doors or gates are present.

(i) 1 ornamental or evergreen tree every 30 feet

(ii) 5 shrubs every 30 feet

v) The use of mounds or berms shall also be an acceptable method for screening loading berths. Such berms may also be utilized in combination with a wall or fence enclosure to accomplish the screening objectives set forth in this ordinance.

b) Dumpsters

i) Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas and other similar facilities shall be completely and permanently screened from view of public rights-of-way and adjoining properties.

ii) Screening methods for dumpsters shall include a solid wall or fence enclosure of a material that matches or complements the primary structure to which it is associated (see Figure 16.04.065.S).

iii) Dumpster enclosures which are structurally connected to the primary use on a given parcel shall be encouraged, but not required.

iv) Man-doors which do not include swinging, moveable doors shall be encouraged in order to provide daily access to dumpsters for waste disposal (see Figure 16.04.065.T).

v) Dumpster enclosures, which include swinging, moveable doors, shall be kept closed at all times when said doors are not in active use.

vi) Direct access to dumpster enclosures from within primary structures shall be encouraged.

c) Mechanical Equipment

i) Mechanical equipment, satellite dishes and other similar improvements shall be completely and permanently screened from view of public rights-of-way and adjoining properties.

ii) When attached to the ground, screening methods shall include mounding/berming or an opaque wall or fence enclosure of a material that matches or complements the primary structure to which it is appurtenant.

iii) When roof mounted, screening methods shall include parapet walls, enclosures or other similar architectural treatment that matches or complements the primary structure to which it is appurtenant.

d) Water Retention/Detention Ponds

i) Natural Appearance. Water retention/detention ponds shall be located and designed to be natural in appearance, with undulating perimeters, to enhance the entrance to sites and/or view of buildings. Wetlands/aquatic vegetation planted around the wet perimeter of ponds may be utilized to further this design objective.

ii) Water retention facilities (wet ponds) and water features. Side slopes above the water line shall not exceed 4:1.

iii) Water detention facilities (dry ponds). Side slopes above the water line shall not exceed 4:1 and shall be graded to harmonize with the overall open space design of the site.

e) Walls and Fencing

i) The following wall and fence types are permitted within the 32 Overlay Zone: masonry, decorative metal (wrought iron, or wrought iron in appearance) or finished wood (stained or painted). In areas requiring security, decorative metal fencing with a spiked or curved top profile or razor/concertina/barbed wire mounted inside a solid fence or wall is recommended. This type of fence shall only be permitted with the express written approval of the Director and may not be permitted in all cases based on the visibility of the fence.

ii) The following wall and fence types are prohibited in areas visible from outside the parcel on which such walls or fences are installed: non-solid and/or unfinished wood, chain link (with or without slats), non-decorative corrugated metal, electrified fences and razor/concertina/barbed wire.

iii) Walls and fencing shall not be located in a front yard.

iv) If walls or fencing consists of the same building materials as those used on the primary structure to which they are appurtenant, they shall be permitted to extend into a side yard in a manner that is flush with the front building elevation of the primary structure.

v) If walls or fencing does not consist of the same building materials as those used on the primary structure to which they are appurtenant, they shall not be permitted to extend into a side yard in a manner that is flush with the front building elevation of the primary structure. Instead such walls or fencing shall be setback at least eight (8) additional feet from the plane established by the front elevation of the primary structure.

Figure 16.04.065 A

Downtown Westfield

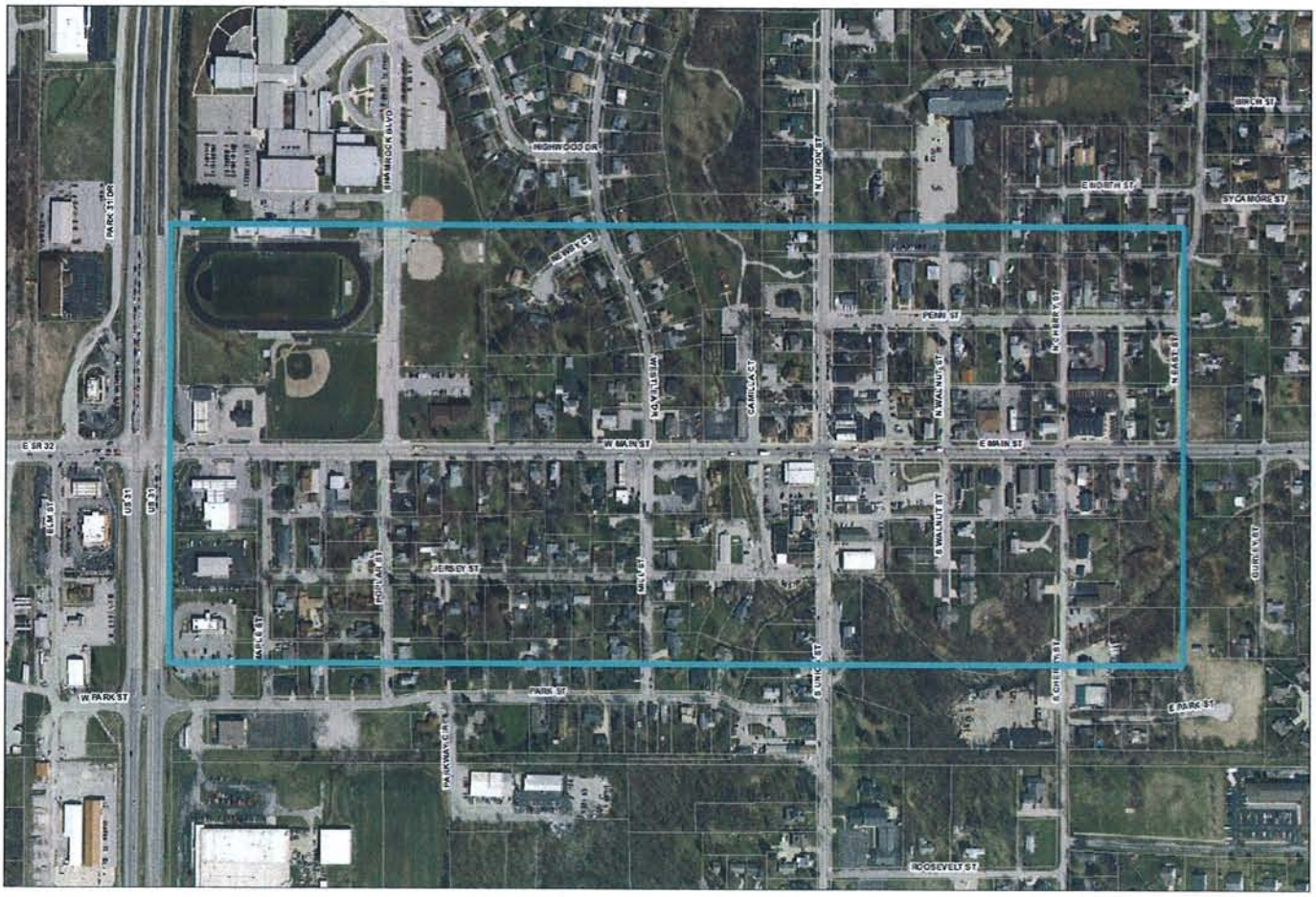


Figure 16.04.065.B

Eagletown

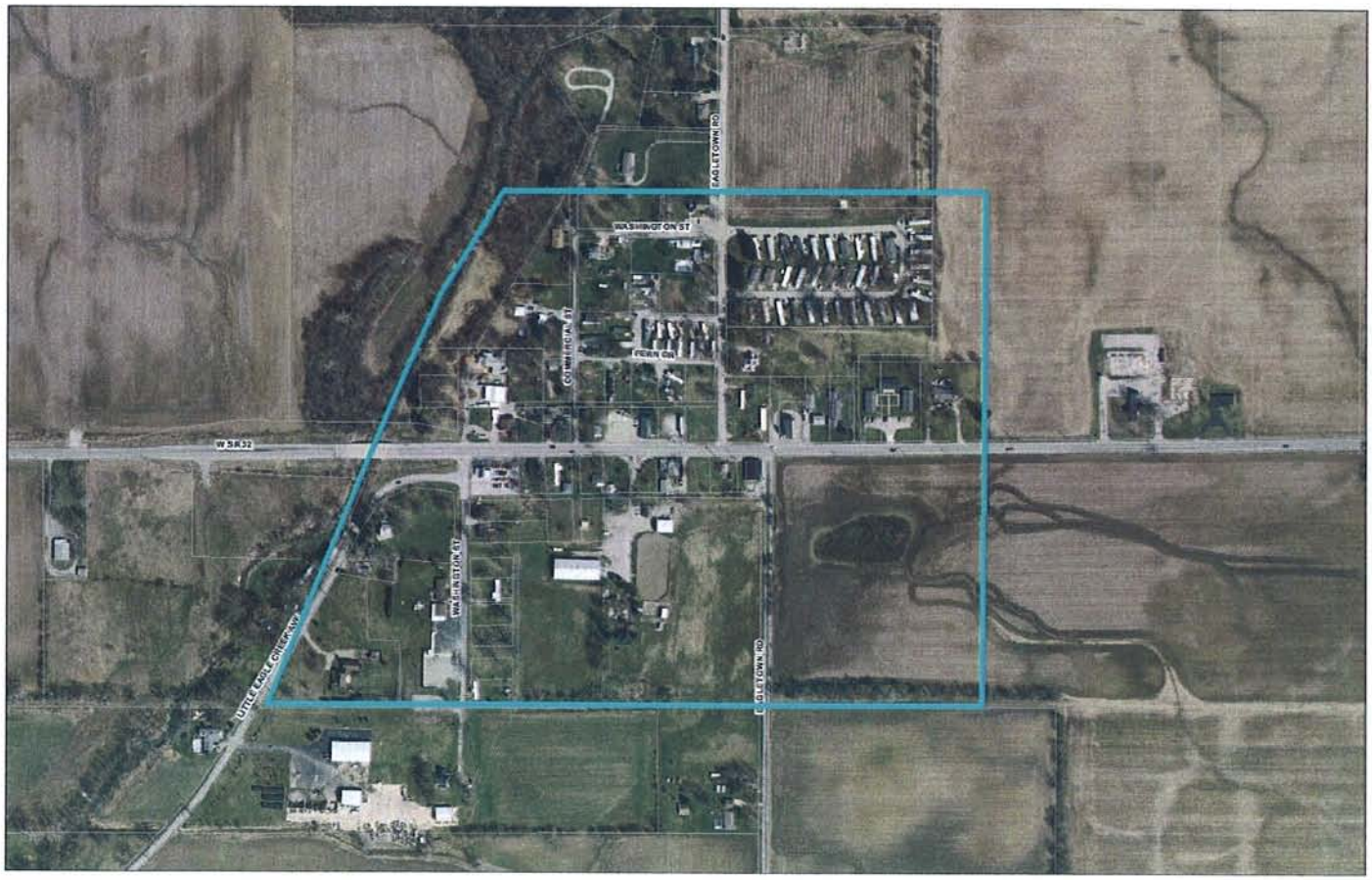


Figure 16.04.065 C

Jolietville

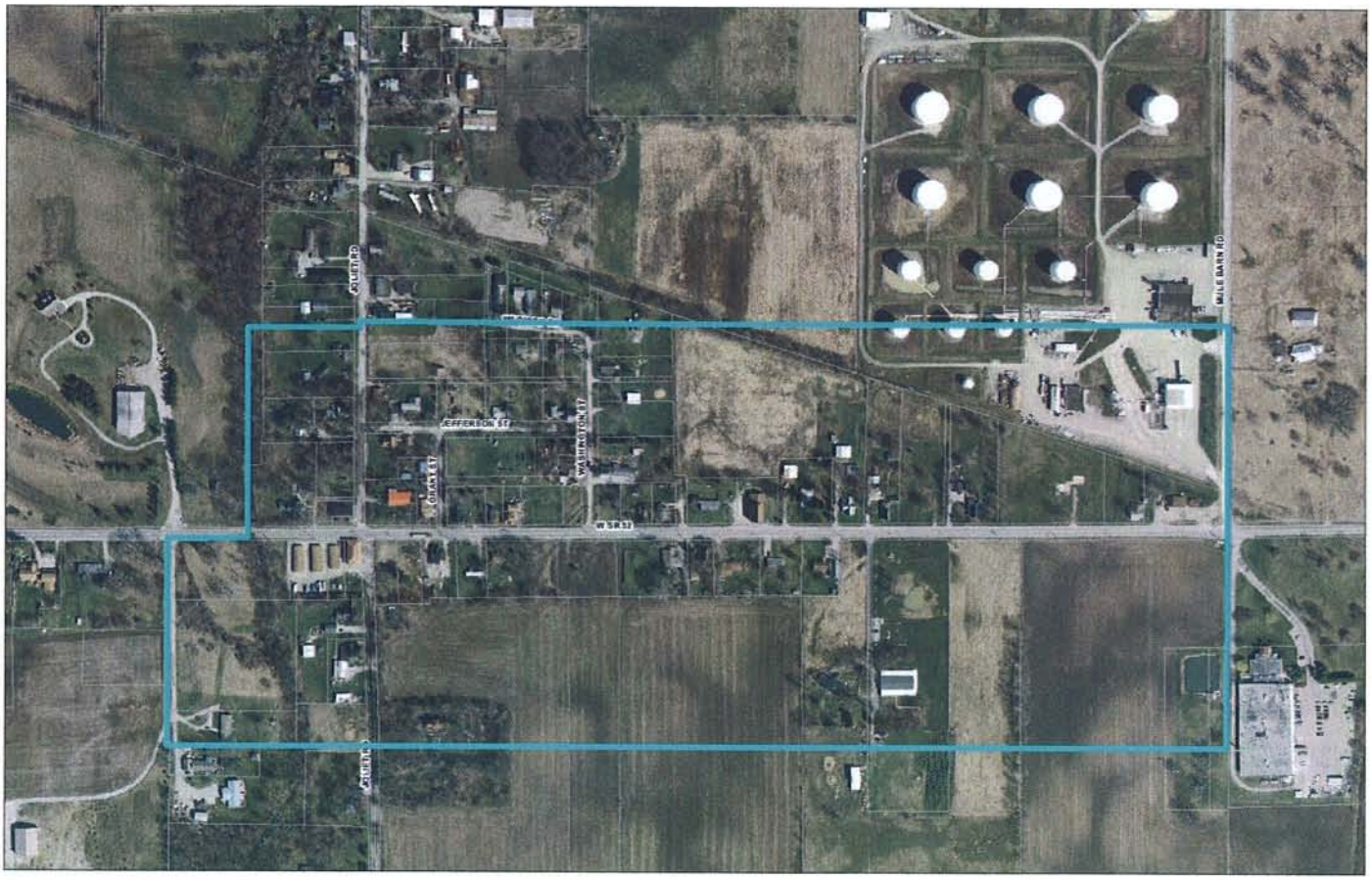


Figure 16.04.065.D

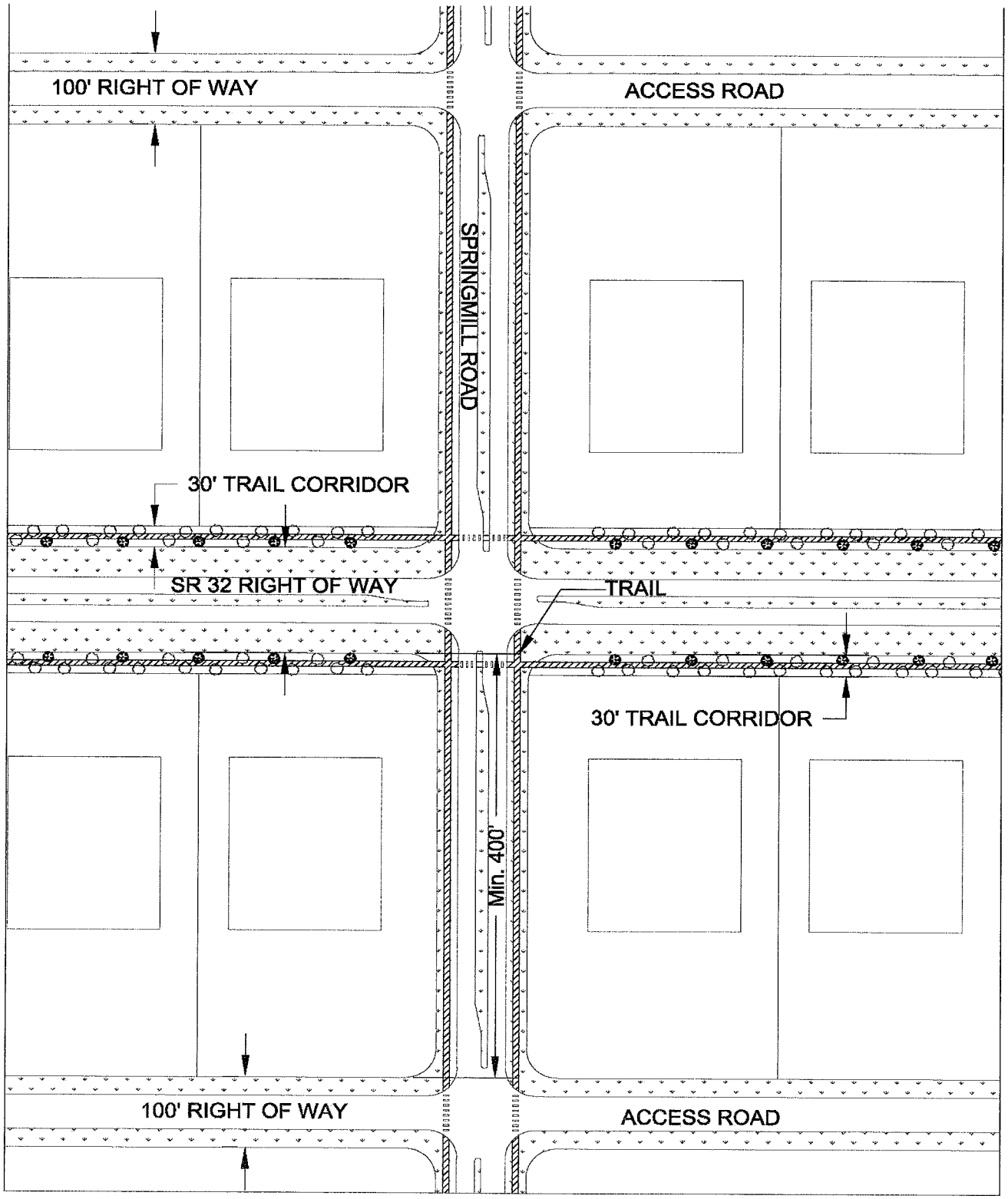


Figure 16.04.065.E

Figure 16.04.065.F

Figure 16.04.065.G

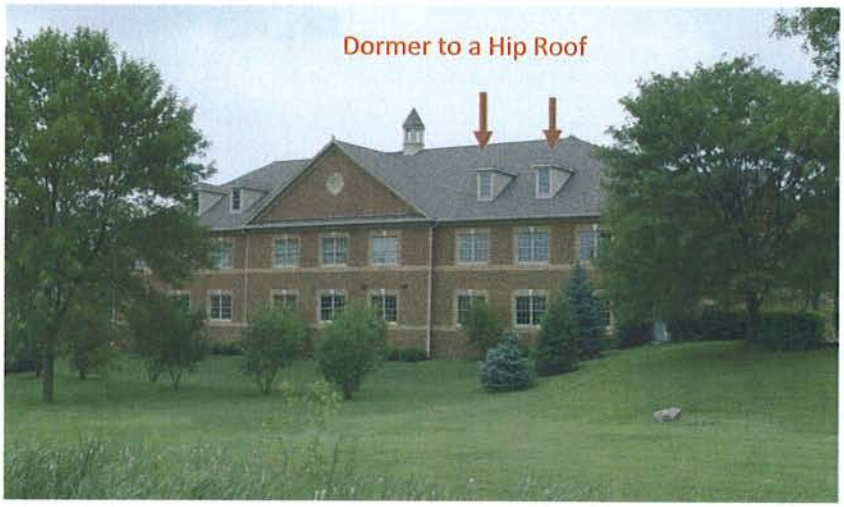
Figure 16.04.065.H

Figure 16.04.065.I

Figure 16.04.065.J

Figure 16.04.065.K

Figure 16.04.065.L



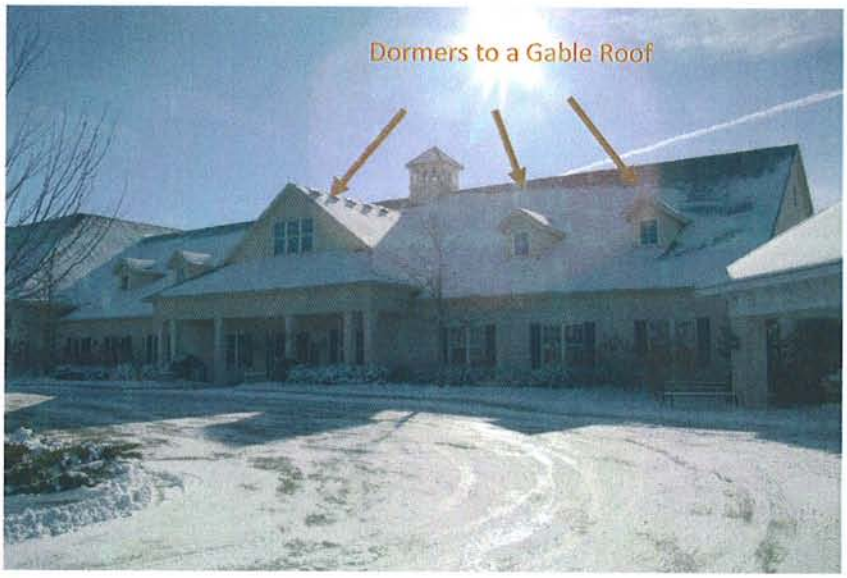


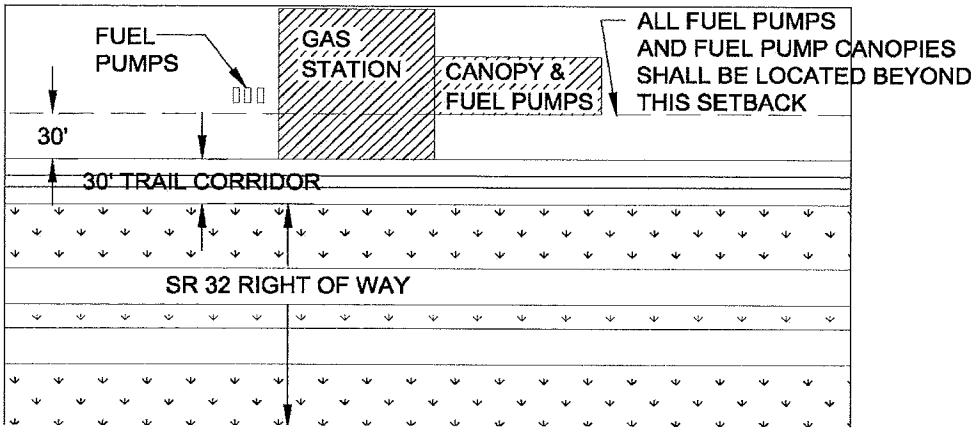
Figure 16.04.065.M

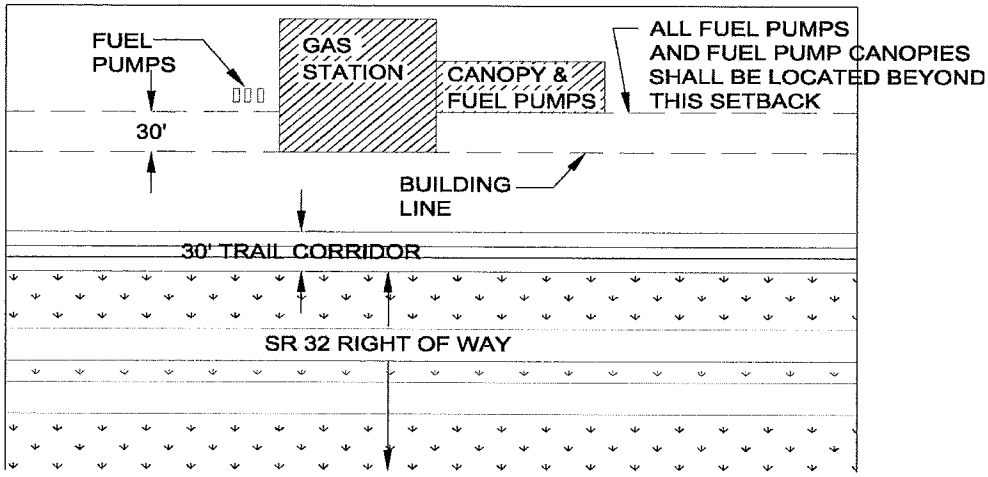
Figure 16.04.065.N

Figure 16.04.065.O

Figure 16.04.065.P

Figure 16.04.065.Q





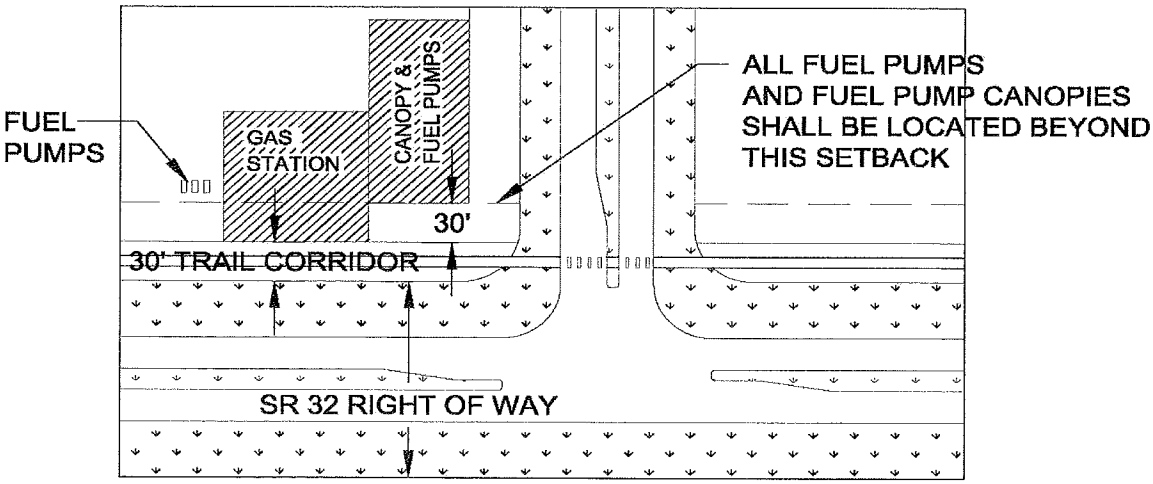


Figure 16.04.065.R

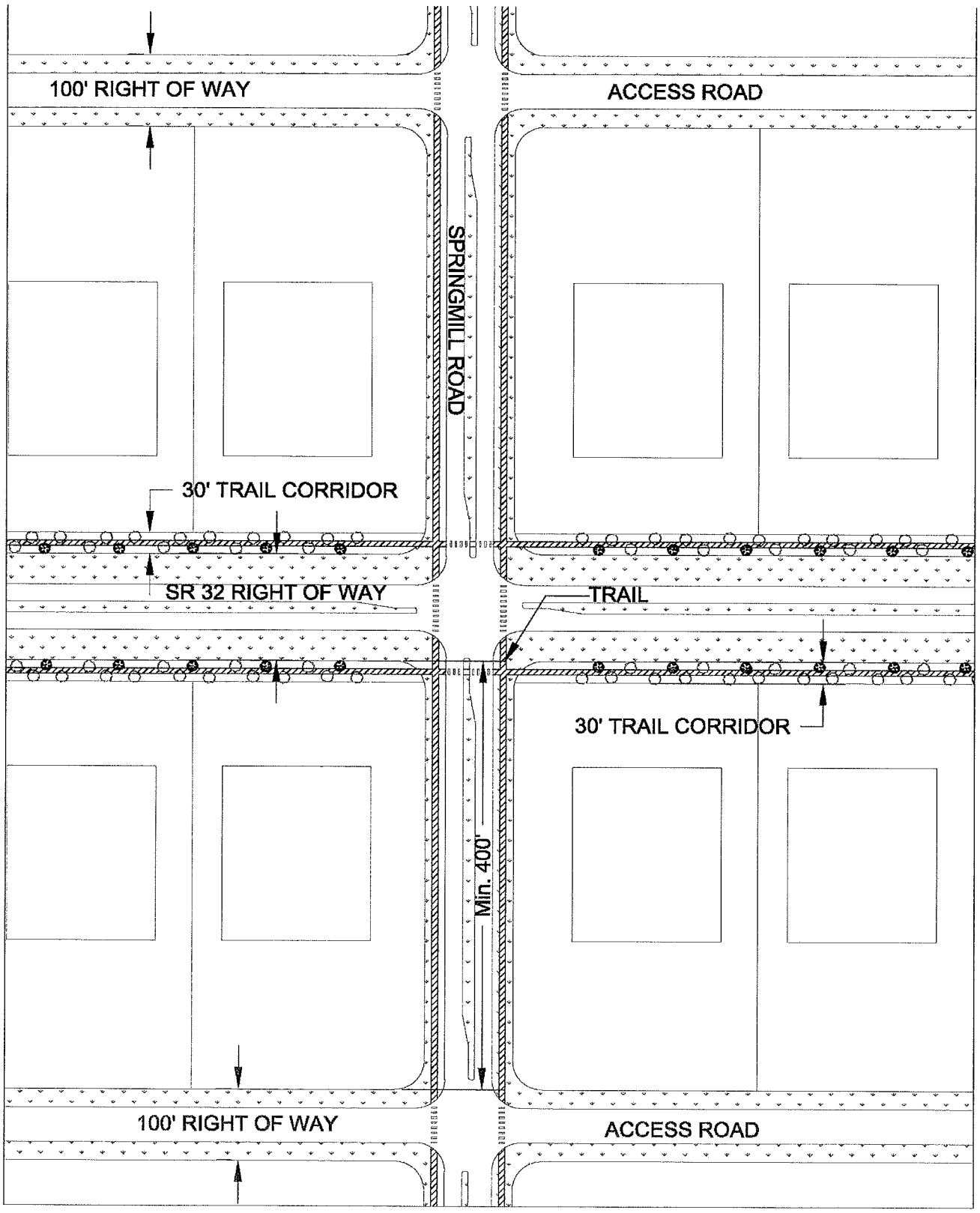


Figure 16.04.065.S

Figure 16.04.065.T