

ORDINANCE NUMBER 13-XX

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY,
INDIANA CONCERNING AMENDMENT TO TITLE 16-LAND USE CONTROLS**

This is a planned unit development ordinance (the “181st Street PUD Ordinance”) to amend the Westfield-Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “Zoning 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 (“City”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1311-PUD-10, filed with the Commission requesting an amendment to the Zoning Ordinance;

WHEREAS, the Commission forwarded Docket 1311-PUD-10 to the Westfield City Council with _____ recommendation in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on _____, 2013;

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

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE ZONING ORDINANCE AND ZONING MAP BE AMENDED AS FOLLOWS:

ARTICLE 1:

SECTION 1.1. LEGISLATIVE INTENT

Having given reasonable regard to (i) the comprehensive plan, (ii) current conditions and character of the current structures and uses on the real estate, more particularly described in Exhibit “1” which is attached hereto and incorporated herein by reference (the “Real Estate”), (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values throughout the City of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the Plan Commission in recommending, and the Council in adopting, to:

- A. Allow for the flexibility in the redevelopment of this Real Estate in order to promote its best use now and in the future.
- B. Encourage the quality of reconstruction of the existing facilities to be harmonious with the surrounding properties in its design and character.

SECTION 1.2. EFFECT

This 181st Street PUD Ordinance (the “Ordinance”) shall be in full force and effect in accordance with the laws of the State of Indiana. Unless specifically stated in the terms of this Ordinance, all terms of the Zoning Ordinance shall apply. Nothing in this Ordinance shall be interpreted to alter, change, exclude, delete or modify any rules or regulations beyond those contained in the Zoning Ordinance, unless specifically provided herein. To the extent this Ordinance conflicts with the terms of the Zoning Ordinance, the terms of this Ordinance shall prevail.

SECTION 1.3 U.S. HIGHWAY 31 OVERLAY ZONE

Section 16.04.70 (US Highway 31 Overlay Zone) of the Zoning Ordinance shall be inapplicable to the use and development of the Real Estate.

SECTION 1.4. DEFINITIONS

Unless otherwise specified in this Ordinance, the definitions of the Zoning Ordinance shall apply to the words and terms used in this Ordinance. The following words and terms, not defined elsewhere in the Ordinance or its exhibits, shall have the following meanings:

- 1. **Existing Conditions Site Plan** – The site plan attached as set forth in Exhibit “2” illustrating the existing facilities on the Development as of the effective date of this Ordinance.
- 2. **Conceptual Site Plan** – The site plan attached as set forth in Exhibit “3” illustrates the proposed subdividing of the Development into Parcels.
- 3. **Conceptual Dimensional Plan** – The site plan attached as set forth in Exhibit “4” illustrating the proposed subdividing of parcels with dimensions to the proposed property lines.
- 4. **Development** – The project illustrated on the Existing Conditions Site Plan as set forth in Exhibits “2, 3, 4 & 5”.
- 5. **Director** – The Director of Economic and Community Development for the City of Westfield.
- 6. **Plan Commission** – The Westfield – Washington Township Plan Commission.
- 7. **Parcel** – Land area having public street frontage with the intention of being platted into a lot or lots incorporating existing buildings and/or proposed buildings including additions.
- 8. **Real Estate** – The property as described as set forth in Exhibit “1”.
- 9. **Zoning Ordinance** – The City of Westfield – Washington Township Zoning Ordinance.

10. Development and Use Sequence – The long and short term phasing out of the enclosed industrial uses on the Real Estate, in addition to a timeline for requiring the Real Estate to be in full compliance with the Development Standards and Architectural design requirements of this Ordinance .

ARTICLE 2:

SECTION 2.1. APPLICABILITY

- A. The Real Estate is reclassified on the Westfield Washington Township Zone Map (the “Zone Map”) from the Enclosed Industrial (EI) District classification to the Planned Unit Development District (PUD) classification. The underlying zoning district shall be the Zoning Ordinance’s General Business (GB) District.

- B. Development and Use Sequence – As outlined below, the implementation of the 181st Street PUD Ordinance will occur over time. Full compliance with the 181st Street PUD ordinance shall be accomplished by no later than December 31, 2023.
 - 1. All new construction improvements shall be in full compliance with this Ordinance
 - 2. By December 31, 2014 a landscape buffer along the West property line of Parcel “D” (as depicted on the Landscape Plan, which is attached hereto and incorporated herein by reference as Exhibit “5”), shall be installed. The landscape buffer shall be planted with the following minimum requirements: evergreen trees having a minimum height of six (6) feet spaced at twelve (12) feet on center. Prior to commencing of the installation of the landscape buffer, approval of the materials shall be coordinated with the Director.
 - 3. The streetscape along Wheeler Road and 181st Street (as depicted on the Landscape Plan, which is attached hereto and incorporated herein by reference as Exhibit “5”), shall be installed as each Parcel is Developed or a building permit is required for each Parcel or by no later than December 31, 2023 for all Parcels. The streetscape shall be planted with the following minimum requirements: A minimum of three (3) shade trees and one (1) ornamental tree shall be provided per every one hundred (100) lineal foot of frontage along Wheeler Road and 181st Street. Shade trees shall be spaced at least fifteen (15) feet apart and no more than forty (40) feet apart, all trees shall be at least two and one half (2.5) inches in caliper at the time of planting.
 - 4. Expansion of a building that exists at the time of the adoption of this Ordinance for the purpose of warehousing use only is not required to comply with the Architectural Design Requirements of this Ordinance. If the expansion is for a non-warehouse use or changes

the use of the building, then the building shall comply with the Architectural Design Requirements of this Ordinance.

5. By December 31, 2023, all Parcels, including all buildings on these Parcels, shall be in full compliance with the Development Standards and Architectural Design requirements of this Ordinance.
 6. On January 1, 2024, all Enclosed Industrial (EI) District uses designated in Section 2.3 C of this Ordinance shall be prohibited on the Real Estate.
- C. Site Plan – The Existing Condition Site Plan, this shall serve as the illustrative Site Plan (Exhibit “3 & 4”) for the Development. The Development shall consist of Five (5) Parcels, designated as Parcel “A” through Parcel “E” and a Common Area (which includes the storm water detention pond).

SECTION 2.2. USES

- A. The permitted uses for the Real Estate shall include all permitted uses in the General Business (GB) District of the Zoning Ordinance, unless otherwise described in this Ordinance.
- B. The following General Business (GB) District uses shall be prohibited on the Real Estate;
 1. Amphitheaters
 2. Auction rooms
 3. Billiard parlor
 4. Bus station
 5. Casket and casket supplies (mortuary)
 6. Charitable donation pick-up stations/institutions
 7. Churches
 8. Civic centers
 9. Department stores/discount stores over 50,000 Sq Ft
 10. Exhibition halls
 11. Exterminators
 12. Farm implement sales/service
 13. Feed store
 14. Fire station
 15. Fruit stand
 16. Liquor stores
 17. Millinery
 18. Milk processing/bottling /manufacturing of milk products
 19. Motorcycle sales/service /repair/outdoor display
 20. Newspaper distribution station

21. Newspaper publishing
 22. Philanthropic institutions
 23. Police stations
 24. Recycling collection systems
 25. Restaurants/cafeterias having less than 50% of gross sales derived from food sales excluding drive-inns
 26. Rootbeer stands
 27. Secondary food processing/packaging/(initially processed off premises)
 28. Self-service carwash
 29. Semi-automatic carwash
 30. Theaters-outdoor
- C. The following Enclosed Industrial (EI) District uses shall temporarily be permitted on the Real Estate in accordance with the Development and Use Sequence found in Section 2.1 of this Ordinance;
1. Assembly operations of pre-manufacturing parts/components
 2. Assembly/repair/manufacturing component parts
 3. Auto repair garages/rustproofing/storage
 4. Crating & package services
 5. Distributors inside storage
 6. Engineering & research labs
 7. Import/export warehouse distribution
 8. Light manufacturing & assembly doors/windows/wood components
 9. Manufacturing & assembly of office equipment
 10. Manufacturing of furniture
 11. Manufacturing of paper boxes & paper products from finish paper
 12. Manufacturing of household appliances/hand tools/etc.
 13. Mattress manufacturing & upholstering
 14. Motor truck terminal
 15. Pharmaceutical/medicine/cosmetic manufacturing
 16. Stamping & fabrication metal shop
 17. Storage & transfer (household goods) inside
 18. Storm doors/windows/awnings/siding manufacturing/contractors
 19. Tennis facilities
 20. Testing laboratories
 21. Trucking companies
 22. Warehousing inside storage
 23. Wholesalers inside storage

SECTION 2.3. DEVELOPMENT STANDARDS AND ARCHITECTURAL DESIGN REQUIREMENTS

A. Development Standards – The development of the Parcels shall be in accordance with the General Business (GB) and State Highway 32 Overlay Zone District (the “Overlay District”) standards in the Zoning Ordinance, except as modified below by the addition or modification of the provisions and text thereof:

1. General Business (GB) District Modifications:

- a. Development of the Real Estate into Parcels shall be substantially in accordance with the Conceptual Site Plan and Conceptual Site Dimensional Plan, and shall be in accordance with the Development Standards and Architectural Design Requirements listed below.
- b. The Setback Requirements for all buildings (primary and accessory) and signs shall be modified as follows:
 - Front Yard Setback – Buildings not less than sixty (60) feet and signs not less than ten (10) feet from the right-of-way of an expressway, primary arterial and secondary arterial. Buildings not less than forty (40) feet and signs not less than ten (10) feet from the right-of-way of all other streets.
 - Side Yard Setback – Buildings and signs not less than twenty (20) feet except a sideyard abutting a public street which shall have forty (40) feet.
 - Rear Yard Setback – buildings and signs not less than ten (10) feet.

2. State Highway 32 Overlay District Modifications

- a. The Landscape and Amenity Requirement of the Overlay District (WC 16.04.065, 9) shall not be applicable; the streetscape along 181st Street and Wheeler Road shall be provided with a landscaping area adjacent to the right-of-way a minimum of ten (10) feet in width, which shall be limited to landscaping materials (a minimum of three (3) shade trees and 1 ornamental tree every one hundred (100) feet of frontage including five (5) shrubs per every thirty (30) feet of frontage) in accordance with the City of Westfield landscape standards. This ten (10) foot landscape area shall be unoccupied except for plant material, steps, pedestrian walkways, terraces, bike paths, utilities, driveways, lighting standards, signs or other similar structures (excluding parking).
- b. The number of loading berths shall be as is required under the Zoning Ordinance; except loading docks and other service areas shall be placed to the rear and/or side of the buildings.

- c. Fencing shall not be allowed in the front yard except for security purposes as approved by the Director.
- d. The Access Control requirements of the Overlay District (WC 16.04.065, 5) shall not be applicable, except for the development of Parcels “B” through “E” shall have cross access easements to ensure interconnectivity between adjoining parking access drives.
- e. All references to State Highway 32 in the Overlay District shall be replaced with Wheeler Road and 181st Street as applicable.

B. Architectural Design Requirements – The design of the buildings shall be in accordance with the General Business (GB) District and State Highway 32 Overlay Zone standards in the Zoning ordinance, except as modified below by the addition or modification of the provisions and text thereof:

1. State Highway 32 Overlay Zone

- a. Buildings with drive-thru windows on Parcels adjacent to 181st Street and Wheeler Road rights-of-ways shall not have the drive-thru window facing these right-of-ways.
- b. The State Highway 32 Overlay Zone’s Architectural Design requirements (WC 16.04.065, 8) shall apply to building elevations of principal and accessory buildings, as defined by the City of Westfield and Washington Township Zoning Ordinance that have visibility from a Public Way. The State Highway 32 Overlay Zone’s Architectural Design requirements shall not be required for building elevations that are not visible from a Public Way.
- c. There shall be no vinyl or aluminum siding allowed on any building, unless it exists at the time of the adoption of this Ordinance (the “Existing Siding”). The Existing Siding shall be removed if a Parcel is developed, at which time the building elevations shall comply with the Architectural Design Requirements of this Ordinance. If a renovation of a building exterior, (i.e. replacing the exterior façade) doesn’t require a building permit, then the building elevation is not required to comply with the Architectural design requirements of this ordinance. If a renovation of a building exterior does require a building permit, then the building elevation shall comply with the Architectural Design requirements of this Ordinance.
- d. All reference to State Highway 32 in the Overlay District shall be replaced with Wheeler Road and 181st Street respectfully.

SECTION 3. APPROVAL Upon motion duly made and seconded, this Ordinance was fully passed by members of the Common Council this _____ day of _____, 2013.

[REST OF PAGE IS INTENTIONALLY LEFT BLANK]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2013.

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

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 J. Gossard, Clerk-Treasurer

I hereby certify ORDINANCE 13-XX was delivered to the Mayor of Westfield on the _____ day of _____, 2013, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 13-XX
this _____ day of _____, 2013

I hereby VETO ORDINANCE 13-XX
this _____ day of _____, 2013

J. Andrew Cook, Mayor

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: Larry House and Rodger Hall

Prepared by: Larry House and Rodger Hall – Hall and House, LLC

P.O. Box 47710, Indianapolis, Indiana 46247

EXHIBIT “1”

LEGAL DESCRIPTION

Part of the Southwest and Southeast Quarter of Section 36, Township 19 North, Range 3 East located in Washington Township, Hamilton County Indiana described as follows:

Beginning at the Northwest Corner of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 59 minutes 39 seconds East along the north line of said Quarter Section 823.93 feet; thence South 00 degrees 00 minutes 21 seconds East 147.60 feet; thence North 89 degrees 59 minutes 39 seconds East 359.87 feet; thence North 00 degrees 00 minutes 21 seconds West 147.60 feet to the aforesaid north line; thence North 89 degrees 59 minutes 39 seconds East along said north line 141.08 feet to the Northeast Corner of the Southwest Quarter; thence North 89 degrees 53 minutes 12 seconds East along the north line of said Southeast Quarter 518.27 feet to the eastern right-of-way of U.S. Highway 31; the next five courses follow said right-of-way; 1) thence South 00 degrees 06 minutes 48 seconds East 16.50 feet; 2) thence South 56 degrees 22 minutes 20 seconds East 85.23 feet to a non-tangent curve to the left having a central angle of 02 degrees 19 minutes 36 seconds, a radius of 8120.00 feet and a length of 329.72 feet, 3) said curve subtended by a chord bearing of South 16 degrees 57 minutes 32 seconds West and a chord length of 329.70 feet; 4) thence South 21 degrees 04 minutes 04 seconds West 101.93 feet; 5) thence South 14 degrees 49 minutes 00 seconds West 74.71 feet; thence South 88 degrees 40 minutes 42 seconds West 394.72 feet; thence South 00 degrees 41 minutes 46 seconds West 105.36 feet; thence South 89 degrees 53 minutes 12 seconds West 50.54 feet; thence South 00 degrees 47 minutes 10 seconds West 3.92 feet; thence North 89 degrees 55 minutes 29 seconds West 1324.87 feet; thence North 00 degrees 47 minutes 16 seconds East 662.06 feet to the Point of Beginning containing 25.64 Acres more or less.

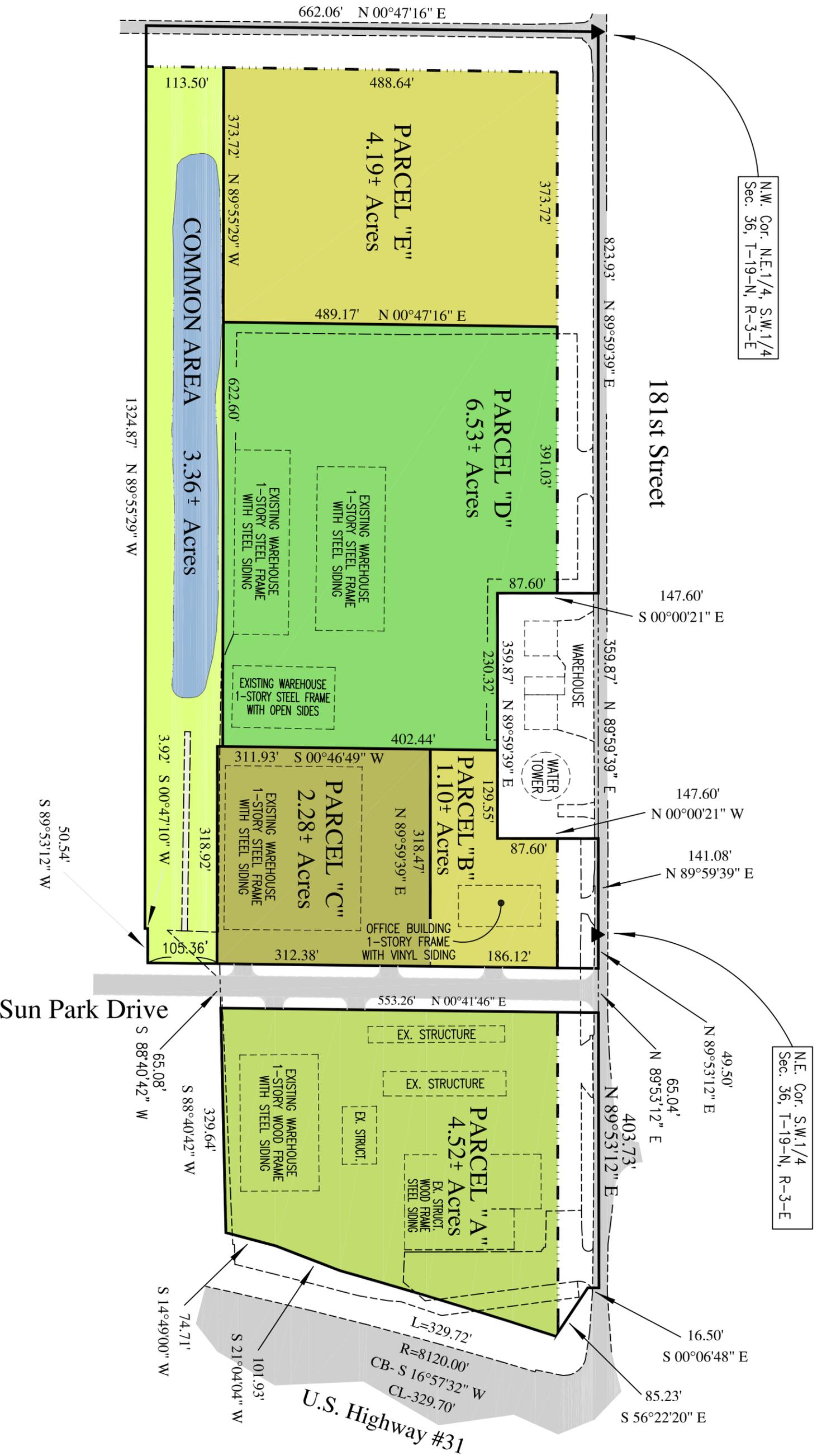
Exhibit "3"

CONCEPTUAL SITE PLAN

— NORTH

Scale: 1"=150'

Wheeler Road



N.W. Cor. N.E.1/4, S.W.1/4
Sec. 36, T-19-N, R-3-E

N.E. Cor. S.W.1/4
Sec. 36, T-19-N, R-3-E

Sun Park Drive

U.S. Highway #31

Exhibit "4"

CONCEPTUAL SITE DIMENSIONAL PLAN

— NORTH Scale: 1"=150'

Wheeler Road

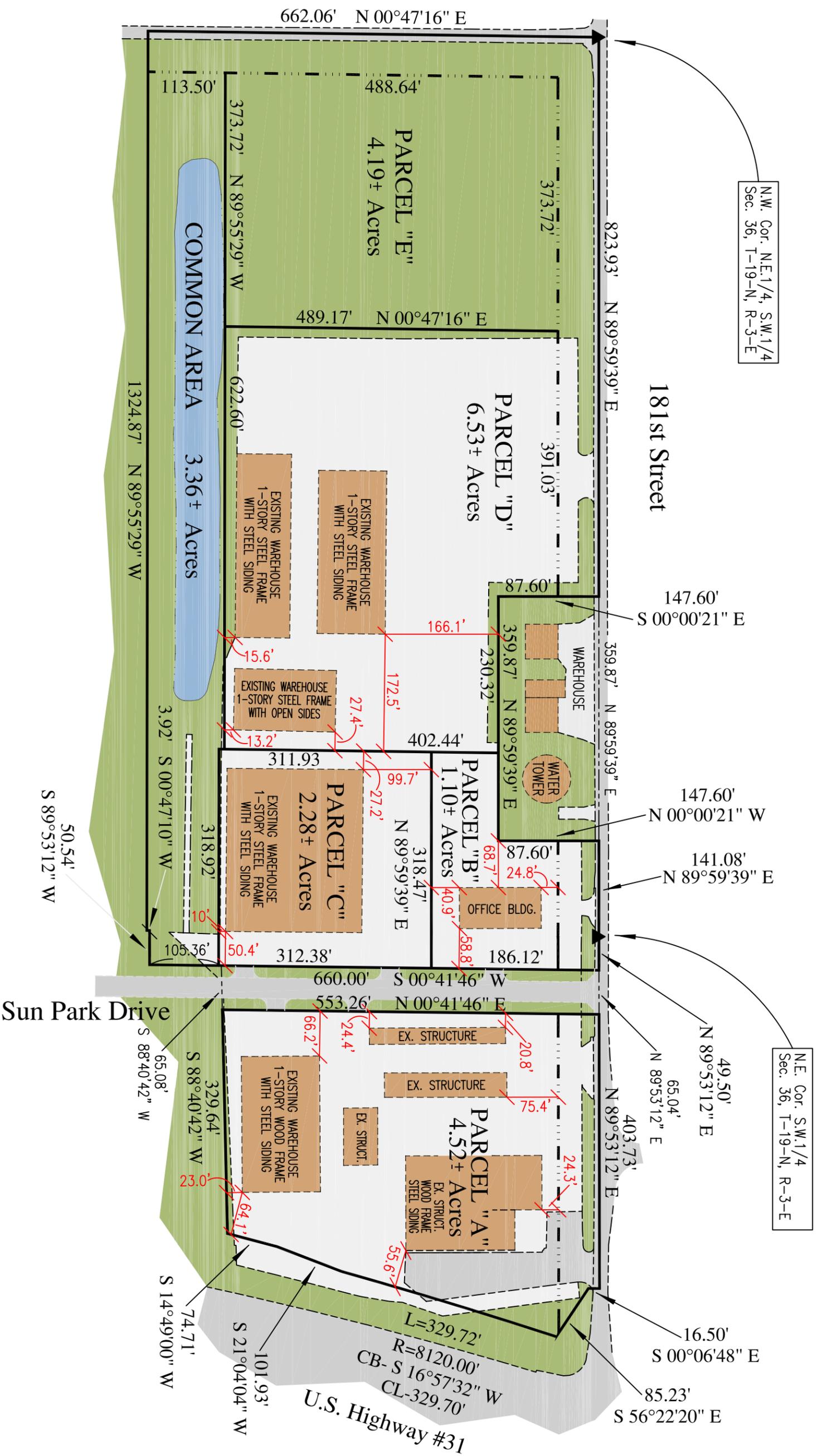


Exhibit "5"

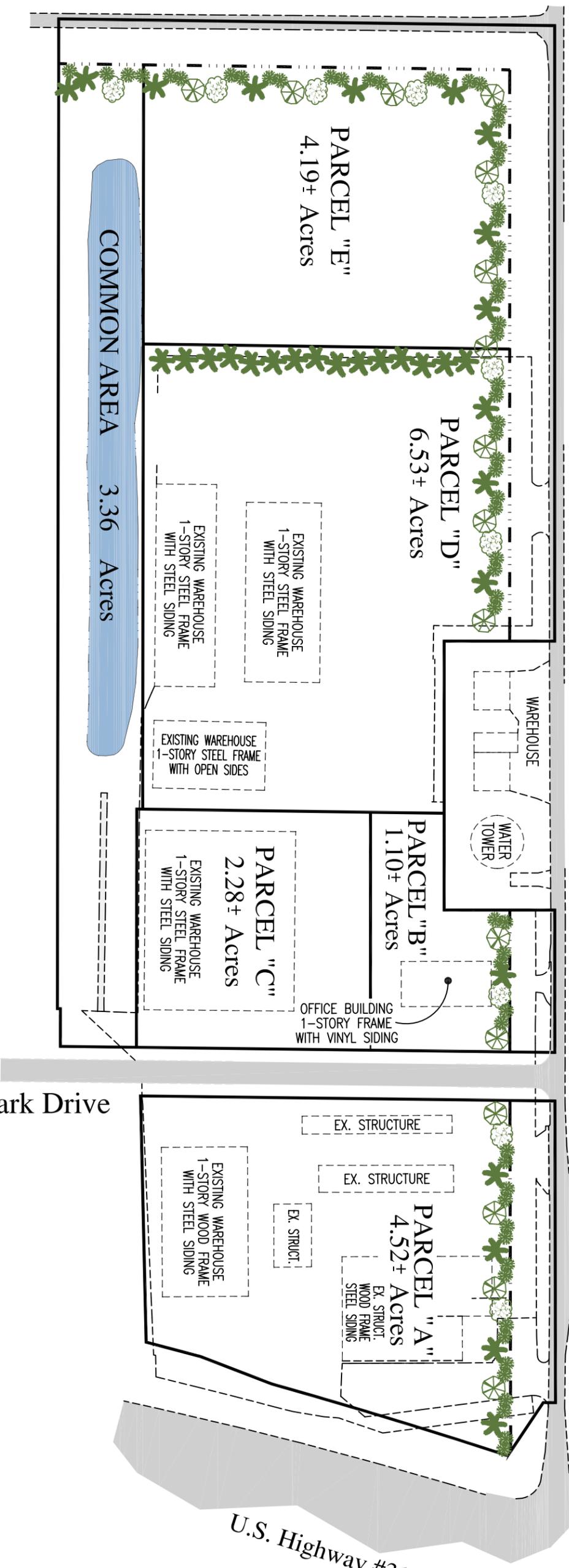
LANDSCAPE BUFFER PLAN

181st Street

Wheeler Road

Sun Park Drive

U.S. Highway #31



Scale: 1"=150'



LEGEND

-  - EVERGREEN
-  - SHADE TREE
-  - ORNAMENTAL
-  - SHRUBS