2014006955 ORDINANCE $49.00
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Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

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ORDINANCE NUMBER 14-03

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 favorable 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 January 21, 2014;

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 development and redevelopment of this Real Estate in order to promote its best use now and in the future.
B. Encourage the quality of construction of new facilities and reconstruction of the existing facilities to enhance the existing conditions and 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. **Conceptual Site Plan** – The site plan attached as set forth in Exhibit "2" illustrates the proposed subdividing of the Real Estate into Parcels.
2. **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.
3. **Director** – The Director of Economic and Community Development for the City of Westfield.

4. **Interim Streetscape Plan** – The landscaping plan attached as set forth in Exhibit "3" illustrating the immediate interim perimeter buffering and screening.
5. **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.
6. **Plan Commission** – The Westfield – Washington Township Advisory Plan Commission.
7. **Real Estate** – The property as described as set forth in Exhibit "1".
8. **Zoning Ordinance** – The City of Westfield – Washington Township Zoning Ordinance.

SECTION 1.5. TRANSPORTATION INFRASTRUCTURE

A. The Real Estate shall comply with the Westfield Thoroughfare Plan (the "Thoroughfare Plan").

For portions of the Real Estate that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions established in the Thoroughfare Plan, the additional width along either or both sides of such streets located on the Real Estate, sufficient to meet the requirements of the Thoroughfare Plan shall be dedicated to the City.

B. The following right-of-way shall be dedicated to the City of Westfield, at no cost to the City of Westfield, at the time of secondary platting or within sixty (60) days of written notice provided the Owner of the Real Estate or portion thereof (the "Owner") from the City, whichever occurs first. If notice is provided to the Owner prior to secondary plat approval, then the City shall bear all expenses associated with preparing legal descriptions and recordable instruments to effectuate the conveyance. If the conveyance is done in conjunction with the secondary plat approval process, then the Owner shall bear the costs of preparing such document as part of preparing such secondary plat(s).
    1. Wheeler Road – Twenty-five (25) feet from the centerline of the alignment of Wheeler Road existing at the time of this Ordinance adoption, along the West property line of the Real Estate;
    2. 181st Street – Sixty (60) feet from the centerline of the alignment of 181st Street existing at the time of this Ordinance adoption, along the North property line of the Real Estate; and,
    3. Roundabout – all property necessary to construct a roundabout at the future alignment of the 181st Street and Wheeler Road intersection.

ARTICLE 2:

SECTION 2.1. APPLICABILITY

A. The Real Estate is reclassified on the Westfield Washington Township Zoning Map (the "Zoning 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 full 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. As requested by the Landowner, this Real Estate and PUD Ordinance are specifically exempt from IC 36-7-4-1109.

1. All new construction improvements shall fully comply with this 181st Street PUD Ordinance.
2. The buffer yard requirements that would normally apply to the Real Estate under WC 16.06.060 shall be installed within twelve (12) months of the adoption of this 181st Street PUD Ordinance , unless an agreement with the Westfield Public Works Department otherwise allows the Interim Streetscape Plan, as outlined below in this paragraph, to occur within the public right-of-way. The "Interim Streetscape Plan" attached hereto and incorporated herein by reference as Exhibit "3" shall be completed as follows:
    a. Within one hundred and eighty (180) days of the adoption of this 181st Street PUD Ordinance, the existing chain link type fence along the western, a portion of the southern and northern boundaries of Parcel "E" shall be removed.
    b. Within twelve (12) months of the adoption of this 181st Street PUD Ordinance, the western and northern boundaries of Parcel "D" shall be landscaped in substantial compliance with the Interim Streetscape Plan as set forth in Exhibit "3". The landscaping 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 installation, a detailed landscaping plan shall be submitted and approved by the Director.
    c. Within twelve (12) months of the adoption of this 181st Street PUD Ordinance, the existing wood privacy fence and chain link type fence gates along the

northern boundary of Parcel "A", Parcel "B" and portions of Parcel "D" as depicted in Exhibit "3" shall be repaired or replaced to like-new condition.

d. Within twelve (12) months of the adoption of this 181st Street PUD Ordinance, the chain link type fence gates on Parcel "A", Parcel "B" and Parcel "D" shall be covered with a matching black, brown or gray screening material, similar or equal to the material depicted in Exhibit "5", as determined by the Director.

e. The existing one-story metal building that is located on the northern boundary line of Parcel "A" may be removed in conjunction with the U.S. 31 road improvements. In the event the building is removed, a wood privacy fence to match the existing wood privacy fence that is located on the northern boundary of Parcel "A"; or evergreen trees having a minimum height of six (6) feet, spaced at a minimum of twelve (12) feet on center; or a combination thereof shall be installed within one hundred and eighty (180) days of the buildings removal.

f. The landscape and fencing improvements shall be installed in substantial compliance with the Interim Streetscape Plan as set forth in Exhibit "3".

g. Over time, the Interim Streetscape Plan shall be fully replaced by the Landscape Buffer Plan as set forth in Exhibit "4" in accordance with the terms of Section 2.1, B, 3.

3. The streetscape along Wheeler Road and 181st Street (the "Streetscapes") as depicted on the Landscape Buffer Plan, which is attached hereto and incorporated herein by reference as Exhibit "4", shall be installed 1) on each Parcel at the time development or redevelopment of each Parcel requires the Development Plan Review process, 2) on each Parcel at the time the first building on a Parcel requires an Improvement Location Permit; or 3) by no later than December 31, 2023 for all Parcels, whichever occurs first. The landscaping shall be installed in substantial compliance with the Landscape Buffer Plan as set forth in Exhibit "4". When installing on a Parcel, the Landscape Buffer Plan as set forth in Exhibit "4" shall replace the correlating screening and landscaping required by the Interim Streetscape Plan of Exhibit "3" for that Parcel. The Streetscapes 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 the Parcels, shall be in full compliance with the Landscape Buffer Plan as set forth in Exhibit "4", 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 Conceptual Site Plan, which is attached hereto and incorporated herein by reference as Exhibit "2", shall serve as the illustrative Site Plan for the Real Estate. The Real Estate 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. Fruit stand
   15. Liquor stores
   16. Millinery
   17. Milk processing/bottling /manufacturing of milk products
   18. Motorcycle sales/service /repair/outdoor display

19. Newspaper distribution station
20. Newspaper publishing
21. Philanthropic institutions
22. Recycling collection systems
23. Restaurants/cafeterias having less than 50% of gross sales derived from food sales excluding drive-inns
24. Secondary food processing/packaging/(initially processed off premises)
25. Self-service carwash
26. Semi-automatic carwash
27. 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 and redevelopment of the Parcels shall be in accordance with the General Business (GB) and State Highway 32 Overlay Zone (the "Overlay Zone") 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 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:

      i. Front Yard Setbacks
         1. From an expressway, primary arterial or secondary arterial right-of-way
            a. Buildings – 60 feet
            b. Signs – 10 feet
         2. From all street right-of-way
            a. Buildings – 40 feet
            b. Signs – 10 feet

      ii. Side Yard Setbacks
         1. From a public street right-of-way
            a. Buildings – 40 feet
            b. Signs – 10 feet
         2. From the other property lines
            a. Buildings – 20 feet
            b. Signs – 10 feet

      iii. Rear Yard Setbacks
         1. Buildings – 10 feet
         2. Signs – 10 feet

2. State Highway 32 Overlay Zone Modifications

   a. The Landscape and Amenity Requirement of the Overlay Zone (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). 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. Pedestrian Pathways shall be installed within the future right-of-way of Wheeler Road (East Side) and 181st Street (South Side). They shall be a minimum of eight (8) feet in width and shall be constructed in compliance with the City of Westfield's Construction Standards and Specifications. The Pedestrian Pathway installation requirements that would normally apply at the Secondary platting stage shall apply, unless an agreement with the Westfield Public Works Department states otherwise.

c. 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.

d. The Access Control requirements of the Overlay Zone (WC 16.04.065, 5) shall not be applicable, except for Parcels "B" through "E" shall have cross access easements to ensure interconnectivity between adjoining parcels, with restrictions on the use of any cross-access easements that may be of concern during the time of platting.

e. Standards in the Overlay Zone that apply to the "State Highway 32 right-of-way line" shall be applied to the Wheeler Road and 181st Street right-of-way lines adjacent to the Real Estate.

f. Fencing shall not be allowed in the front yard except for security purposes, as approved by the Director, or as otherwise allowed by the 181st Street PUD Ordinance.

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 rights-of-way.
    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 1) on each building on a Parcel at the time development or redevelopment of each Parcel requires the Development Plan Review process, or 2) on each building at the time each building requires an Improvement Location Permit for a building exterior renovation or modification, whichever occurs first. At the time the Existing Siding is removed, the building elevations shall comply with the Architectural Design Requirements of this Ordinance. If a renovation or modification of a building exterior, (i.e. replacing the exterior façade) does not require an Improvement Location Permit, then the building elevation is not required to comply with the Architectural Design Requirements of this Ordinance. If a renovation or modification of a building exterior does require an Improvement Location Permit, then the building elevation shall comply with the Architectural Design requirements of this Ordinance.
    d. Standards in the Overlay Zone that apply to the "State Highway 32 right-of-way line" shall be applied to the Wheeler Road and 181st Street right-of-way lines adjacent to the Real Estate.

SECTION 3. APPROVAL Upon motion duly made and seconded, this Ordinance was passed by members of the Common Council this 27, day of JANUARY, 2014.

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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNDIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 29 DAY OF June, 2014.

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 14-03 was delivered to the Mayor of Westfield on the 28 day of Jan, 2014, at 11:15 Am.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 14-03
this 28 day of January, 2014

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 14-03
this _____ day of _____, 2014

J. Andrew Cook, Mayor

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 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, In 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 "2"
CONCEPTUAL SITE PLAN

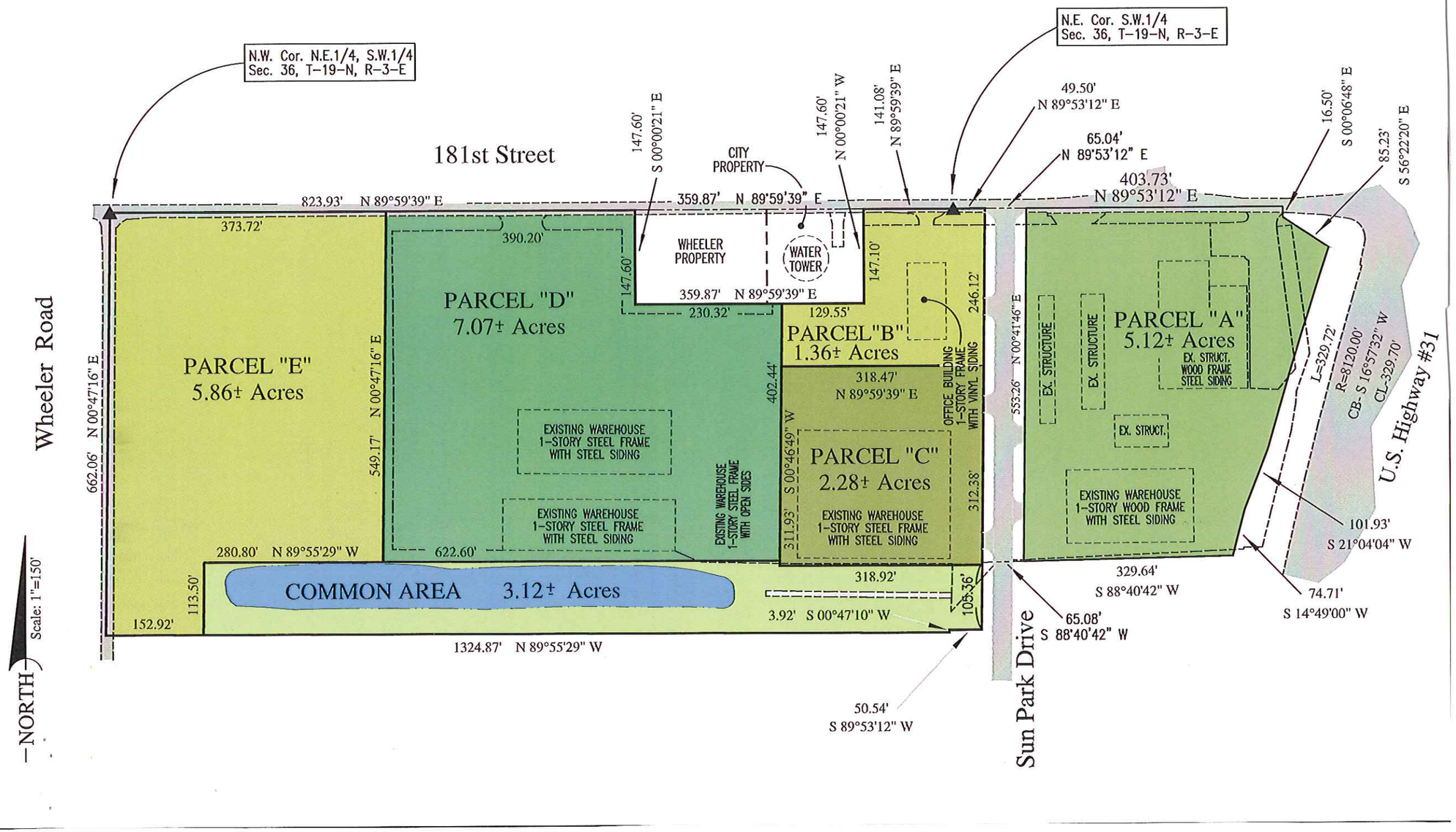
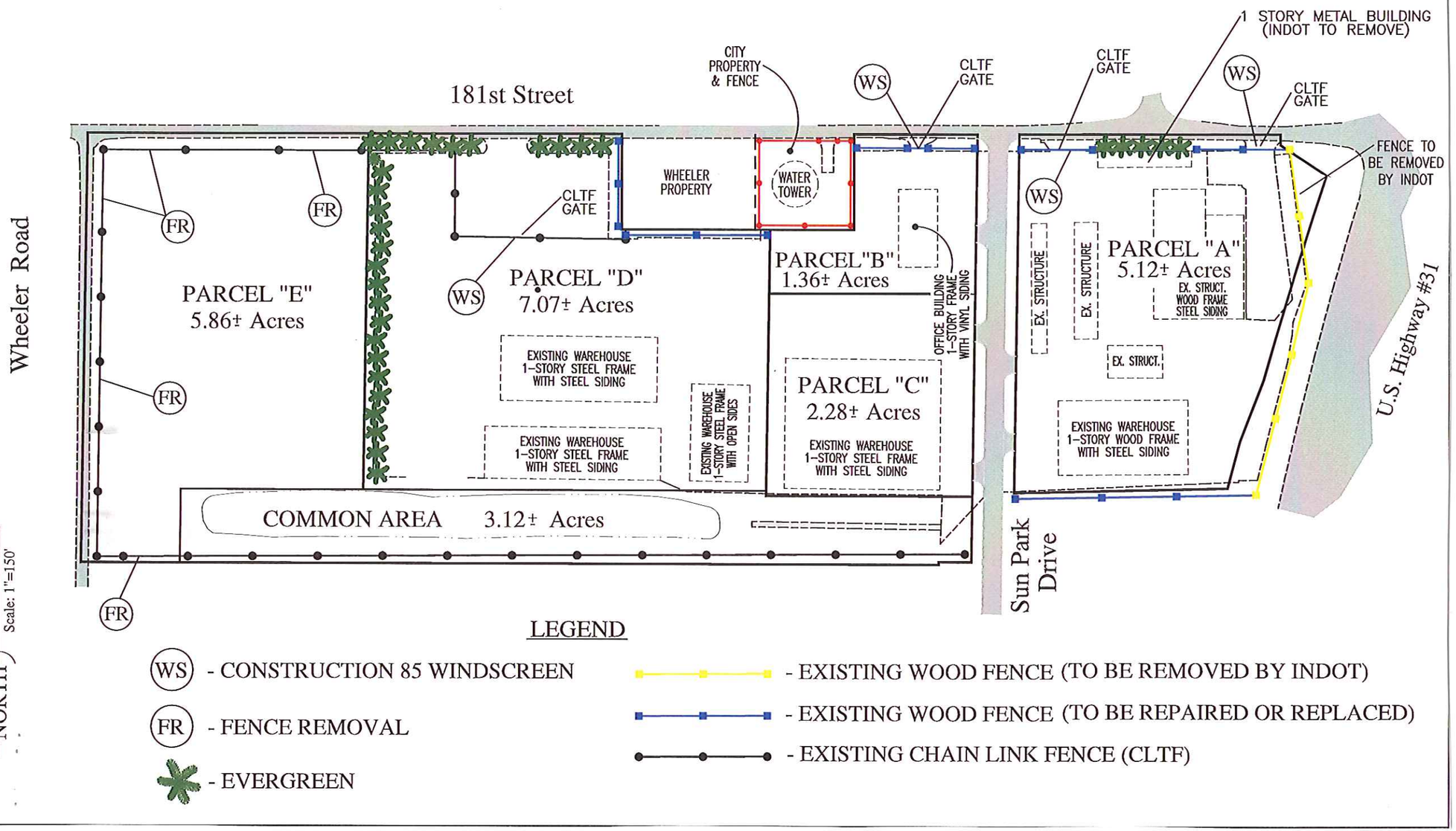


Exhibit "3"
INTERIM STREETSCAPE PLAN



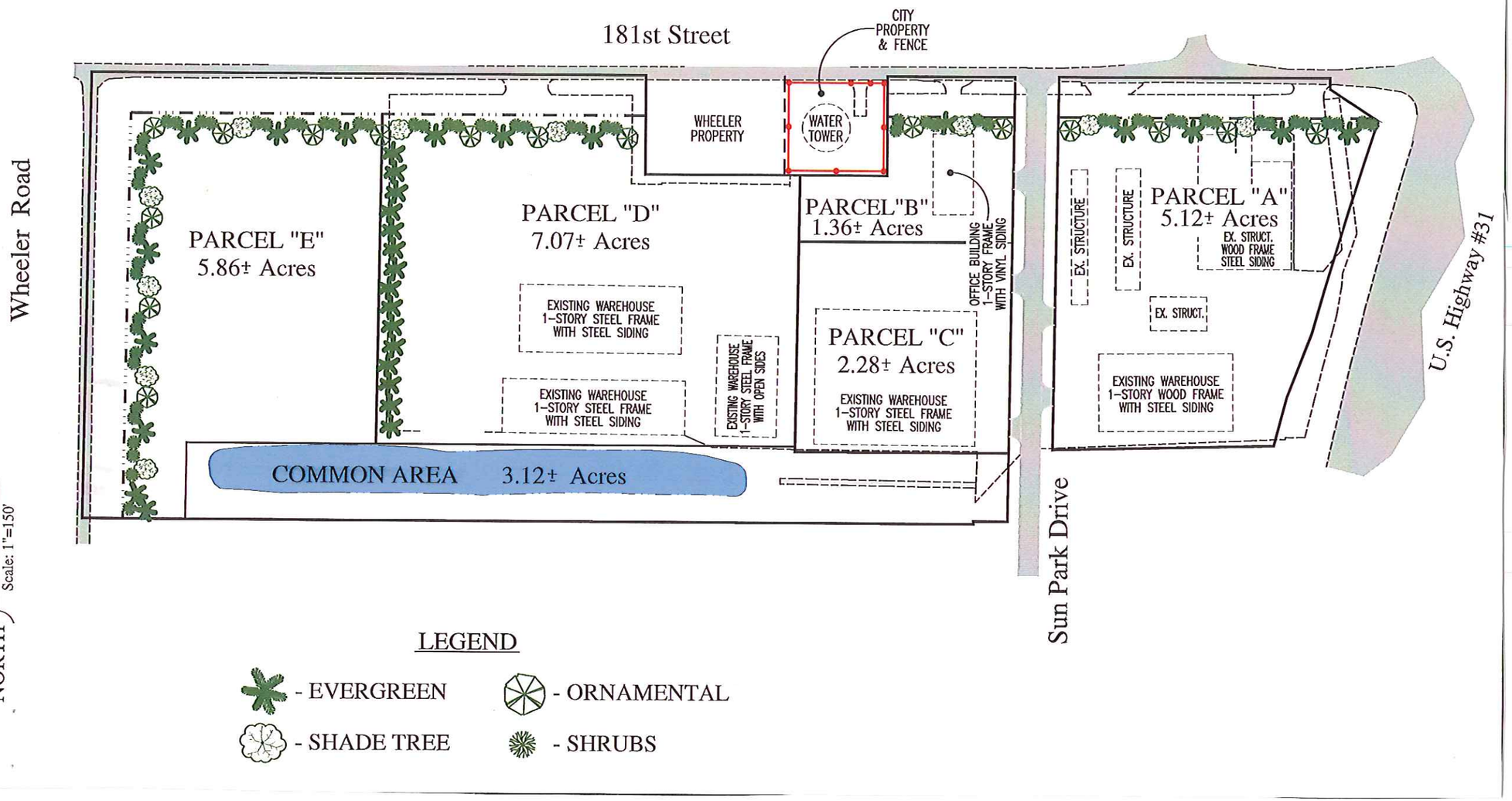
LEGEND

- WS - CONSTRUCTION 85 WINDSCREEN
- FR - FENCE REMOVAL
- EVERGREEN
- EXISTING WOOD FENCE (TO BE REMOVED BY INDOT)
- EXISTING WOOD FENCE (TO BE REPAIRED OR REPLACED)
- EXISTING CHAIN LINK FENCE (CLTF)

Exhibit "4"

LANDSCAPE BUFFER PLAN

(WITH REDEVELOPMENT - PER PUD ORDINANCE)



LEGEND

- EVERGREEN
- ORNAMENTAL
- SHADE TREE
- SHRUBS

EXHIBIT "5"

CONSTRUCTION 85 WINDSCREEN

- Fabric: 100% Polyethylene/open mesh
- Opacity: 85%
- Weight: approx. 5.1 oz./sq. yd.
- Tensile strength: 300 x 205
- Color: Dark Green
- Fabrication: Three ply, reinforced hems on all sides with #2 brass grommets placed on 2' intervals

MIDWEST™ COVER
204 Ivanhoe Court • Griffith, IN 46319
847-277-1140 • 800-594-0744
www.midwestcover.com

Construction Fence Screen

Colors: Green, Black, Brown, Beige, Royal Blue, Navy Blue, Red, Orange, Gray, White

Properties	
Material Composition	Knitted HDPE High Density Polyethelene
Filament Strength	50 lbs. per ft.
Material Break Strength	500 lbs. per ft.
Material Weight	145 grams per sq. meter
Crystaline Melt Point	133 degrees C
Composition of UV Inhibitor	1.5% Amplas CM111821 / 1.5% Equaster CM106000
Shade Value	88%
Flamability Point	364 degrees C

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