

## ORDINANCE NUMBER 14-21

### 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 District Ordinance (to be known as the "**SPRINGMILL/186<sup>TH</sup> STREET PUD DISTRICT**") 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 (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Zoning Ordinance;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (petition No. 14##-PUD-##), requesting an amendment to the Zoning Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded Petition No. 14##-PUD-## to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (#-#) 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 , 2014;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §367-4-1507 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 Zoning Ordinance and Zoning Map are hereby amended as follows:

#### **Section 1.     Applicability of Ordinance.**

- 1.1     The Zoning Ordinance is hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**SPRINGMILL/186<sup>TH</sup> STREET PUD DISTRICT**" (the "District").
- 1.2     Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Zoning Ordinance as set forth herein, unless specifically modified by the terms of this Ordinance.

- 1.3 All provisions and representations of the Zoning 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.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance.

- 2.1 **Character Exhibit(s).** The illustrative exhibits attached hereto and incorporated by reference as Exhibit #. The exhibits are a compilation of images designed to capture the intended quality of structures to be constructed in the District. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are permitted to be constructed and that contribute to the District's intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.
- 2.2 **Conceptual Plan:** The plan attached hereto and incorporated herein by reference as Exhibit B.
- 2.3 **Developer:** Any individual, corporation, partnership or entity engaged in the improvement of a parcel of land or construction of a building within the District.
- 2.4 **Underlying Zoning District:** The Zoning District of the Zoning Ordinance that shall govern the development of the District and its various subareas, as set forth in this Ordinance.

**Section 3.** **Conceptual Plan.** The Conceptual Plan provides a general vision for the development of the District which illustrates one possible layout of internal drives, uses, green space, thoroughfares, and buildings that are permitted by this Ordinance. The Conceptual Plan is only conceptual. The final layouts and sites plans shall be subject to the terms and conditions of this Ordinance and may vary from the Conceptual Plan.

**Section 4.** **Underlying Zoning Districts.** The Underlying Zoning District shall be the GB-PD District. Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the Underlying Zoning District, as set forth above, shall apply. Section ("We §") cross-references of this Ordinance shall hereafter refer to the Section as specified and referenced in the Zoning Ordinance.

**Section 5.** **Permitted Uses.** The uses permitted in each District Area shall be as set forth below.

- 5.1 All uses permitted in the Underlying Zoning District shall be permitted.  
5.2 Additional District I Uses: The following additional uses shall be permitted:

A. Landscape, lawn and garden sales, maintenance, outdoor storage and related retail services.

- 5.3 Prohibited Uses: The following uses shall be prohibited:

- A. Apartment-Hotels, Motels, Hotels  
B. Auto Parts Sales  
C. Auto Sales, New or Used, Service and Repair  
D. Boat and Trailer Sales & Service  
E. Bowling Alley

**Section 6.** General Regulations. The regulations of the Underlying Zoning District shall apply to the development of the District.

- 6.1 Building Height. Building height shall be measured from (i) the average ground level at the foundation of the building facing the street (ii) to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Chimneys, elevators, tanks and other similar structures shall not be included in calculating heights. No building shall exceed three stories or 45 feet, whichever is greater.

**Section 7.** Bulk and Density Standards. The regulations of the Underlying Zoning District shall apply, except as otherwise provided below.

**Section 8.** Off-Street Loading and Parking. The parking and loading standards of the Zoning Ordinance (*We §16.04.120*) shall apply, except as provided below:

- A. Number of Spaces: A minimum of one (1) bicycle parking space shall be provided per thirty (30) vehicular parking spaces. No more than fifteen (15) bicycle spaces shall be required for any principal building.
- B. Proximity to Principal Structure: The bicycle parking spaces shall be located in close proximity to a main entryway into the principal building or be located inside the principal building.
- C. Rack Requirement: A bicycle rack shall be installed on a hard dustless surface that allows the parking structure to be securely fastened to the ground and that secures the bicycles.

**Section 9.** Landscaping and Screening. The District's landscaping and screening shall comply with the Zoning Ordinance (*we § 16.06*), except as otherwise provided below.

**Section 10. Sign Standards.** The District's signs shall comply with the Zoning Ordinance (*WC §16.08.010*).

**Section 11. Lighting Standards.** The District's lighting shall comply with the Zoning Ordinance (*WC §16.07.010*) with the following exceptions:

Decorative street lights may differ from the City's standards if approved by the Department of Public Works. Decorative street lights shall be consistent with the development theme and shall be installed at the expense of the Developer and maintained by the Owner.

Real or faux gas lights may be used without shielding.

**Section 12. Architectural and Streetscape Design Standards.** The procedures and regulations of *WC § 16.04.165 Development Plan Review* applicable

to the Underlying Zoning District shall apply, except as otherwise provided below:

12.1 Character Exhibit. Character illustrations indicating conceptually the intended architecture, quality, exterior building materials, and appearance of buildings within the District are provided in the Character Exhibit, attached hereto as **Exhibit C.**

12.2 Alternative Architectural Styles. Variations to the Architectural Design Standards of this section may be approved by the Plan Commission or Director for buildings that are substantially similar in architectural style and character to those depicted in the Character Exhibits in **Exhibit C.**

12.3 Design Elements. Overall design details, architectural style, design theme, exterior materials, colors or other related design elements shall be consistent with overall design theme of the surrounding buildings.

12.4 Building Facades.

A. All building facades fronting Springmill 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.

B. All buildings shall be constructed with the same quality of building materials and the same level of architectural detail on all building facades.

C. 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.

D. Awnings:

- i. Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors and details.
- ii. Awnings shall be made of non-reflective material.
- iii. All awnings shall be kept in good repair.
- iv. Awnings that are installed in order to comply with the requirements of this Ordinance shall not be removed unless the building would otherwise comply without the awnings.

12.5 Exterior Building Materials.

- A. A minimum of twenty percent (20%) of each building façade facing Springmill Road (exclusive of windows, faux windows and glazing, doors and loading berths) of the primary building(s) shall be Masonry.
- B. The use of Masonry to create a wainscot or wrap effect around buildings shall be encouraged.

12.6 Windows and Openings.

- A. 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.

12.7 Roofs.

- A. Pitched roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips. Pitched roofs shall be clad in wood shingles, slate, composition shingles, clay tiles or standing seam panels.
- B. If asphalt composition shingles are used for pitched roofs, then the shingles shall be: (i) gray, black, dark blue, dark green, barn red or dark brown; (ii) of the dimensional asphalt shingle grade; and (iii) made of a non-reflective material.

- C. If standing seam panels are used, then the panels shall be: (i) gray, black, dark blue, dark green, barn red or dark brown; and (ii) made of a non-reflective material.
- D. Flat roofs are permitted if edged by architectural moulding, an articulated cornice feature or a decorative parapet wall.
- E. Parapet walls 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).
- F. Modulation of the roofs and/or roof lines shall be required in order to eliminate the appearance of box-shaped buildings.
- G. 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.
- H. All visible vents, attic ventilators, turbines, flues and other visible roof penetrations shall be: (i) painted to match the color of the roof, flat black or left natural if metal; and (ii) oriented to minimize their visibility from adjacent residential properties, public rights-of-way and the Golf Course thoroughfares.

#### 12.8 Dumpsters

- A. Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas and other similar facilities shall be completely and permanently screen from view of public rights-of-way and adjoining properties.
- B. Solid wall or fence enclosures used for screening shall be of a material that matches or compliments the primary structure to which it is associated.
- C. Dumpster enclosures which are structurally connected to the primary use on a given parcel shall be encouraged, but not required.

Man-doors which do not include swinging, moveable doors shall be encouraged in order to provide daily access to dumpsters for waste disposal.

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

#### 12.9 Mechanical Equipment.

- A. Mechanical equipment for buildings, satellite dishes and other similar improvements (except for equipment or speakers pertaining to safety, weather (e.g., storm siren), security, maintenance, monitoring and other similar devices) shall be completely and permanently screened from view of public right-of-way.
- B. When attached to the ground, screening methods shall include a berm or an opaque wall or fence enclosure of a material that matches or complements the primary structure to which it is appurtenant.
- C. 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.

12.10 Accessory Structures.

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

**Section 13. Infrastructure Standards.** The standards of the Zoning Ordinance shall apply (*WC 16.04.100(3)*) to:

- 13.1 The District's infrastructure shall comply with the Zoning Ordinance and the City's Construction Standards, unless otherwise approved by the Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.
- 13.2 The District shall comply with 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 Developer shall dedicate additional width along either one or both sides of such streets sufficient to meet the requirements of the Thoroughfare Plan.

**Section 14. Annexation.**

- 14.1 The Real Estate, or parts thereof that may be the subject of a development plan and/or secondary plat approval, shall be annexed into the corporate limits of the City of Westfield prior to the approval of such development plan or recording of a secondary plat for that part of the Real Estate.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ## DAY OF \_\_\_\_\_, 2014.

WESTFIELD CITY COUNCIL

**Voting For**

**Voting Against**

**Abstain**

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Jim Ake

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Jim Ake

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Jim Ake

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Steven Hoover

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Robert L. Horkay

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Charles Lehman

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Robert J. Smith

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Cindy L. Spoljaric

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

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Cindy Gossard, Clerk Treasurer

## **SCHEDULE OF EXHIBITS**

Exhibit A      Real Estate (Legal Description)

Exhibit B      Conceptual Plan

Exhibit C      Character Exhibit