

## ORDINANCE NUMBER 14-45

### AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE CUSTOM COMMERCE PARK PLANNED UNIT DEVELOPMENT AND THE UNIFIED DEVELOPMENT ORDINANCE

This is an Ordinance (this "Ordinance") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development 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 Unified Development Ordinance;

**WHEREAS**, the Council enacted Ordinance No. 03-29, the Custom Commerce Park Planned Unit Development District (the "Original PUD Ordinance"), on September 18, 2003;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1411-PUD-16**), requesting an amendment to the Original PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 1411-PUD-16** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a \_\_\_\_\_ 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;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 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 Original PUD Ordinance and the Unified Development Ordinance and are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 This Ordinance shall replace and supersede the Original PUD Ordinance, in its entirety, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.2 Chapter (“*Chapter*”) and Article (“*Article*”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.3 All provisions and representations of the Unified Development 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 Unified Development Ordinance.

- 2.1 **Pipeline Easement:** The easement recorded as Instrument # 200658449 in the Office of the Recorder or Hamilton County, Indiana, and as generally depicted on the Concept Plan.
- 2.2 **Underlying Zoning District:** The Zoning District of the Unified Development Ordinance that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance.

**Section 3. Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with *Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan*.

**Section 4. Underlying Zoning District(s).** The Underlying Zoning District of this District shall be the Enclosed Industrial District.

**Section 5. Permitted Uses.** The permitted uses shall be as set forth below.

- 5.1 The uses that were otherwise permitted by the Original Ordinance, as attached hereto as **Exhibit C**.
- 5.2 Construction Trade Office.
- 5.3 Assembly Operations of Pre-Manufactured Parts, Components
- 5.4 Outside Storage, as regulated herein, shall be permitted only on those areas of the Real Estate labeled “Outside Storage Area” on the Concept Plan.

**Section 6. General Regulations.** The standards of *Chapter 4: Zoning Districts*, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

**Section 7. Development Standards.** The standards of *Chapter 6: Development Standards* shall apply to the development of the District, except as otherwise modified below.

7.1 Outside Storage Standards: *Article 6.12(D) Outside Storage and Display; Industrial Districts* shall apply to the Real Estate, except as modified below:

- A. Screening: The Outside Storage Area shall be screened as follows:
- i. The minimum screening along the west and north boundaries of the Outside Storage Area, as labeled on the Concept Plan, shall be screened in accordance with *Article 6.12(D)(2); Outside Storage and Display; Industrial Districts; Screening*.
  - ii. An eight (8) foot, solid, opaque, wooden fence shall be required to screen and enclose the east and south boundaries of the Outside Storage Area.
  - iii. An eight (8) foot tall black, vinyl-coated chain link gate, slatted to provide the appearance of an opaque wall, shall serve as the storage yard gate entry.
- B. Storage Surface: *Article 6.12(D)(3)(a) Outside Storage and Display; Industrial Districts; Storage Surface* shall apply; however, the minimum depth adjacent to the building to be hard surfaced shall be twenty (20) feet and the point of entry into the Outside Storage Area from Foundation Parkway shall be hard surfaced with asphalt or concrete at least three (3) feet past the gate entry.

7.2 Landscaping Standards: *Article 6.8 Landscaping Standards* shall apply to the Real Estate, except as modified below:

- A. Pipeline Easement: Landscaping within the Pipeline Easement is restricted by the Grantee of the Pipeline Easement. As a result, if plantings required by this Ordinance are not permitted by the Grantee of the Pipeline Easement within the Pipeline Easement (e.g., Parking Area island plantings), then the required plantings shall be relocated and installed elsewhere on the Real Estate. If the relocation of plantings results in planting congestion or is otherwise contrary to landscaping best management practices, then the Director or Plan Commission may approve a landscape plan with fewer plantings than otherwise required.

- B. Foundation Plantings: Article 6.8(L) Foundation Plantings shall apply; however, plantings shall not be required along the east and south fence or wall enclosing the Outside Storage Area.
- C. External Street Frontage Landscaping: Article 6.8(M) External Street Frontage Landscaping Requirements shall apply; however, this standard shall not apply along the Oak Ridge Road frontage occupied by the Pipeline Easement, unless otherwise permitted by the Grantee of the Pipeline Easement.

**Section 8.** **Infrastructure Standards.** The District’s infrastructure shall comply with the Unified Development Ordinance and the City’s Construction Standards (see *Chapter 7: Subdivision Regulations*), unless otherwise approved by the Plan Commission or 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.

**Section 9.** **Design Standards.** The standards of *Chapter 8: Design Standards* shall apply to the development of the District, except as otherwise modified below.

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

WESTFIELD CITY COUNCIL

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Charles Lehman

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Charles Lehman

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Charles Lehman

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Robert W. Stokes

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 14-45** was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 14-45**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 14-45**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
J. Andrew Cook, Mayor

This document prepared by:

**SCHEDULE OF EXHIBITS**

- Exhibit A    Real Estate (Legal Description)
- Exhibit B    Concept Plan
- Exhibit C    Permitted Uses

**EXHIBIT A**  
**REAL ESTATE**

Lot 1 in Custom Commerce Park, a subdivision in Hamilton County, Indiana, as per First Amendment to the Secondary Plat of Custom Commerce Park, recorded March 24, 2011, as Instrument 2011015213, in the Office of the Recorder of Hamilton County, Indiana. Also known as 17219 Foundation Parkway, Westfield, Indiana 46074.



**EXHIBIT C**  
**PERMITTED USES**

1. Assembly Halls
2. Bicycles Sales, Rental Ect.
3. Blueprinting, Photocopying, Ect.
4. Charitable Institutions
5. Civic Clubs
6. Consumer Service Offices
7. Custard Stands
8. Deli
9. Dry Cleaning/Laundry Pick Up
10. Educational Institutions
11. Employment Agencies
12. Financial Institutions
13. Florists
14. Government Offices/Institutions
15. Insurance Company
16. Laundromats and Self-Service Dry Cleaning
17. Lawyers
18. Locksmith Shop
19. Hospital/Medical/Health-Related Offices/Institutions
20. Pet Grooming
21. Philanthropic Institutions
22. Photography Studio
23. Picture Framing
24. Printing and Photocopying
25. Real Estate Offices
26. Shoe Repair
27. Taylor/Seamstress
28. Travel Bureaus
29. Upholsters
30. Data Processing
31. Industrial Schools/Training Facilities
32. Convents/Monasteries/Rectories/Parishes
33. Office Buildings – General Purpose