



Westfield City Council Report

Ordinance Number:	15-12
APC Petition Number:	1506-ZOA-01
Requested Action:	Approval of an Ordinance to Amend Various Provisions of the Westfield-Washington Township Unified Development Ordinance.
Exhibits:	<ol style="list-style-type: none">1. Staff Report2. Ordinance 15-123. Street Tree Exhibit4. Dumpster Enclosures (UDO Excerpts)5. Gasoline Service Station Canopies Exhibit
Prepared by:	Jesse M. Pohlman, Senior Planner

PETITION HISTORY

This petition is scheduled to be introduced at the May 11, 2015, City Council meeting. The petition is scheduled for its public hearing at the May 18, 2015, Advisory Plan Commission (the "APC") hearing. Subject to the public hearing, the petition is currently scheduled to be at the Council's June 08, 2015, meeting for adoption consideration.

PROCEDURAL

- Procedures to amend a zoning ordinance are established by Indiana Code (I.C. 36-7-4-600, et seq.). Amendments are required to be considered at a public hearing. The public hearing for this petition is scheduled for the May 18, 2015, Advisory Plan Commission meeting.
- No action by the Council is required at this time.

OVERVIEW

The proposed amendment to the Westfield-Washington Township Unified Development Ordinance (the "UDO") addresses the following topics, which are further summarized in detail below.

1. Street Trees (residential)
2. Dumpster Enclosures
3. Gasoline Service Station Canopies
4. Nonconforming Lots of Record (downtown)

After consideration by the Council's Committee on Ordinance Revisions, the proposed amendments are reflected in the attached ordinance (see **Exhibit 2**).

STREET TREES:

Standard: Article 6.8(J) of the UDO (pg. 6-32) requires street trees within residential developments. Street trees are required either: (i) within the public right-of-way in accordance with the City's Construction Standards for a local street; or (ii) in the front yard of the adjacent lot within 10 feet of the right-of-way.

Issue: Street trees are desired between the sidewalk and curb to enhance the streetscape; however, the City's prior street cross-section that allowed street trees within the right-of-way has proven undesirable by developers because of the wider right-of-way required (required 10'-wide planting area for street trees). Alternatively, placing the street trees in the front yard of the adjacent lot for the narrower right-of-way cross-section has also proven challenging due to conflicts with utility infrastructure and easements.

Amendment: The proposed amendment is in conjunction with the Board of Public Works and Safety's recently amended street cross-section. The amended cross-section provides for an 8'-wide tree lawn between the curb and sidewalk for street trees. To offset the impact of the wider right-of-way, the amendment to the UDO will allow for a reduction in the front yard setback and minimum lot size standards.

The reductions would be proportionate to the increase of the right-of-way. The specific details of the cross-sections are further illustrated in **Exhibit 3**.

The amendment also: (i) incorporates maintenance and species standards that currently exist either within the City's municipal code or the City's Construction Standards; and (ii) requires that the street trees be shown and reviewed as part of a subdivision's Overall Development Plan.

DUMPSTER ENCLOSURES:

Standard: The UDO (see **Exhibit 4**) requires that dumpsters be screened with enclosures. The UDO also encourages that enclosures have pedestrian access openings (or man-doors) to minimize the frequency of the larger service gates being opened and potentially remaining open.

Amendment: The proposed amendment (Article 6.1(H)(6)) requires pedestrian access openings for dumpster enclosures. The amendment (Article 6.1(H)(3)) further clarifies that the enclosure itself shall consist of Masonry Materials that matches or complements the Principal Building.

GASOLINE SERVICE STATION CANOPIES:

Standard: Article 6.3(F)(11)(c) Architectural Standards; Business Districts; Gasoline Service Station Canopies; Roof Design of the UDO establishes design standards for Gasoline Service Stations that reads as follows:

11. Gasoline Service Station Canopies: This section shall apply to canopies for all Gasoline Service Stations:
- a. Materials: The support structures for canopies shall be wrapped in Masonry Materials to complement the Principal Building. Canopy fascia and canopy roof materials shall match the color and texture of the Principal Building.
 - b. Height: In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be sixteen (16) feet and the maximum top of the canopy shall be twenty-two (22) feet. The maximum width of the canopy fascia shall be thirty (30) inches.
 - c. Roof Design: A canopy shall include a pitched or sloped roof design.

Issue: The Plan Commission has recently approved a number of development plans for gasoline service stations. As a result of those proposals, which are reflected in **Exhibit 4**, this amendment is being proposed to refine the standard for the desired canopy roof design.

Amendment: The proposed amendment is intended to require a more balanced proportion between the canopy's fascia and the sloped roof. As a result, Article 6.3(F)(11)(c) Roof Design is proposed to be revised as follows: "A canopy shall include a pitched or sloped roof design with a minimum height of two and one half (2.5) times the width of the canopy fascia."

NONCONFORMING LOTS OF RECORD:

Standard: Article 9.4 Nonconforming Regulations; Nonconforming Lots of Record reads:

9.4 Nonconforming Lots of Record

- A. A Legal Nonconforming Lot shall be deemed as such for any Lot that: (i) was established and recorded prior to the date of passage of the Westfield Washington Township Zoning Ordinance of December 20, 1977; and (ii) no longer conforms to the regulations set forth in this Ordinance, or its subsequent amendments, as applicable to Lots (e.g., Lot Area, Lot Width, Lot Depth, Lot Frontage).
- B. A Legal Nonconforming Lot may be: (i) used as permitted by the Zoning District in which the Lot is located; and (ii) built upon, only if the Lot and improvements otherwise comply with all other standards of this Ordinance, and provided that:
 1. The Property Owner of said parcel does not own, in whole or in part, sufficient adjacent land to enable the parcel to conform to the dimensional and acreage requirements of this Ordinance;
 2. The Lot Width is no less than one hundred (100) feet; and
 3. The Lot Area is no less than one (1) acre.
- C. A Legal Nonconforming Lot shall lose its status as Legal Nonconforming Lot if the Lot has been either: (i) combined into a single Lot or parcel that either fully conforms with the standards of the Zoning District or decreases the nonconformity; or (ii) is combined with a conforming Lot or parcel. Once combined with another Lot, a Legal Nonconforming Lot shall not thereafter be subdivided except when the resulting Lots are in full compliance with this Ordinance.

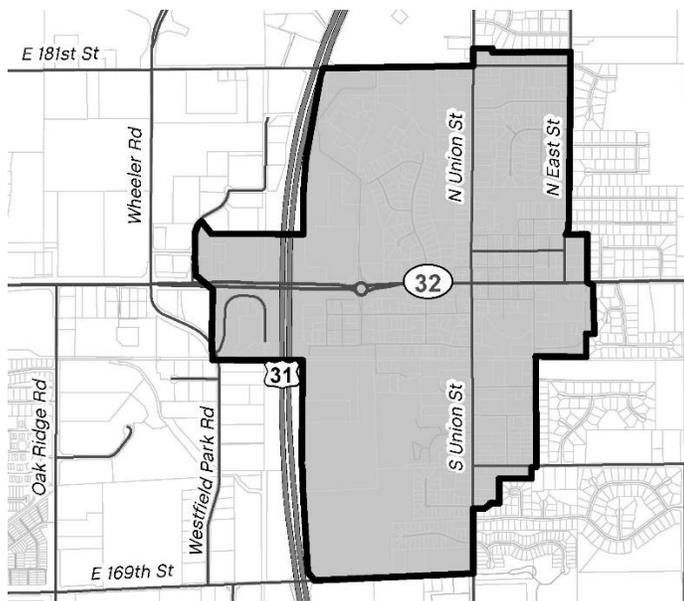
Issue: The yellow highlighted section provides that a Legal Nonconforming Lot (a lot that was legal when created but that no longer complies with the current lot size and width requirements) may only be built upon if it meets those additional criteria.

While these additional criteria may be appropriate for the non-urbanized areas of the community, these additional criteria have inhibited the ability for property owners within the downtown area to build or rebuild on existing lots, even though the lots were legal when they were created.

Amendment: As a result, the proposed amendment adds a new section that removes these additional criteria for those Legal Nonconforming Lots within the downtown area as follows:

“A Legal Nonconforming Lot within the geographic area identified in FIGURE 9.4(1): DOWNTOWN AREA may be: (i) used as permitted by the Zoning District in which the Lot is located; and (ii) built upon, only if the Lot and improvements otherwise comply with all other standards of this Ordinance.”

FIGURE 9.4(1): DOWNTOWN AREA



STATUTORY CONSIDERATIONS

Indiana Code 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

RECOMMENDATIONS/ACTIONS

APC Public Hearing

Public Hearing/Recommendation: May 18, 2015

City Council

Introduction: May 11, 2015

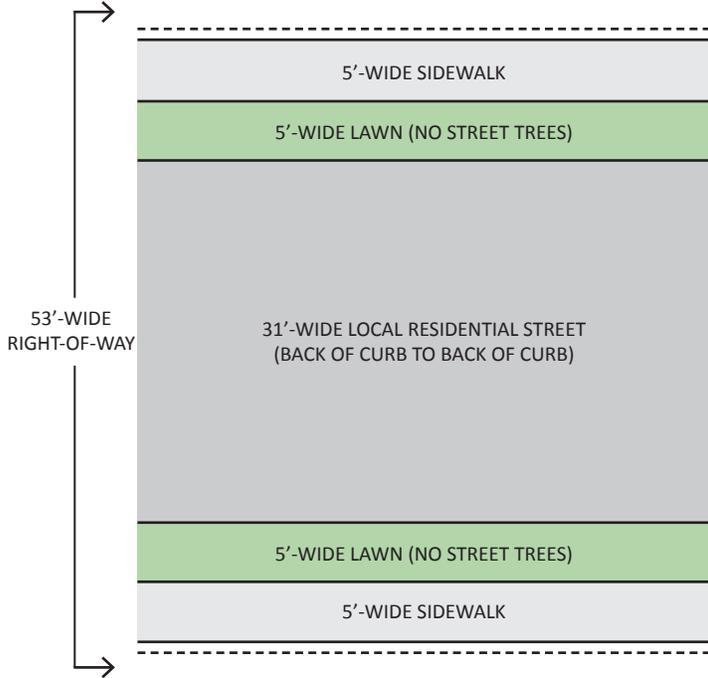
Eligible for Adoption: June 08, 2015

Submitted by: Jesse M. Pohlman, Senior Planner
Economic and Community Development Department

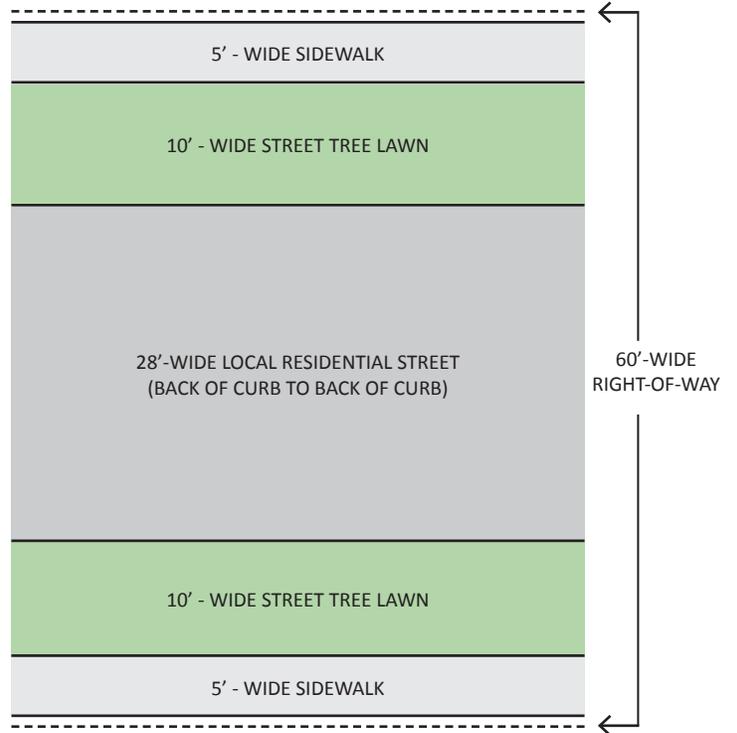
STREET TREE EXHIBIT

**Developers had the option of which cross-section to build; however, in most instances, developers opted to construct the narrower right-of-way without street trees in the r/w (street trees are then placed in front yard of adjacent lot).*

PREVIOUS CROSS-SECTION WITHOUT STREET TREES IN R/W

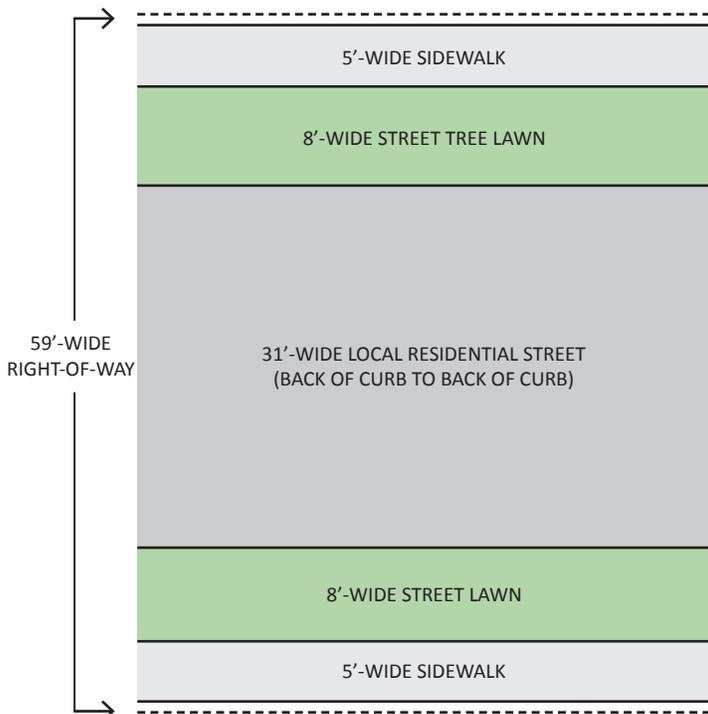


PREVIOUS CROSS-SECTION WITH STREET TREES IN R/W



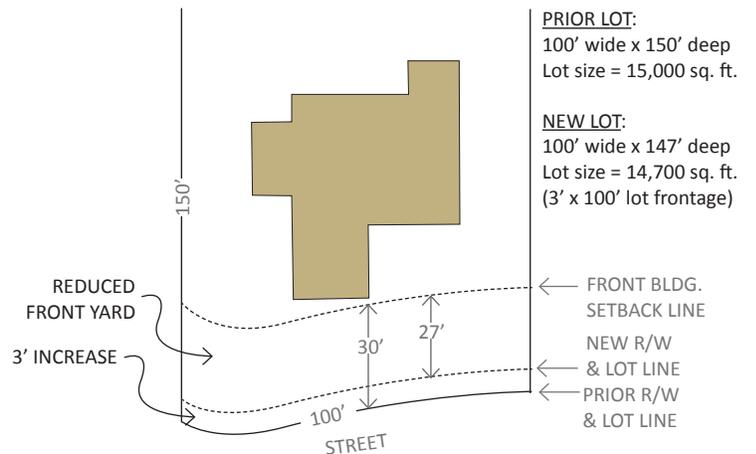
CURRENT, REVISED CROSS-SECTION WITH STREET TREES IN R/W

**The revised cross-section is intended to balance the City's desire to locate street trees between the curb and sidewalk while accommodating the need to minimize the r/w width and impact on the front yard setback and size of abutting lots.*



EXAMPLE IMPACT ON LOT (TYPICAL SF2 LOT)

The proposed amendment accommodates the increased right-of-way width by allowing the existing required front yard building setback line to be maintained, and allowing the required lot size to be proportionately decreased.





H. **Screening of Receptacles and Loading Areas:** These standards shall apply to all garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas and other similar facilities in all Zoning Districts; however, these standards shall not apply to Single-family Dwellings:

1. Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas, loading areas and other similar facilities shall be completely and permanently screened from view of Rights-of-way and where possible, adjoining properties.
2. Enclosures shall not be located in an Established Front Yard or in any required Side or Rear Yard.
3. Screening methods shall include a solid enclosure on all sides not less than six (6) feet in height above grade or two (2) feet above the receptacle, whichever is greater.
4. Enclosures shall be constructed of a Masonry Material that matches or complements the Principal Building, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES.

FIGURE 6.1(2): DUMPSTER ENCLOSURES



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5. Enclosures shall be equipped with opaque gates, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES, that shall not be oriented towards residential properties or the Right-of-way, where possible.
6. Man-doors which do not include swinging, moveable doors are encouraged to provide daily access to dumpsters for waste disposal. See FIGURE 6.1(3): DUMPSTER MAN-DOORS.
7. Enclosures, which include swinging, moveable doors, shall be kept closed at all times when said doors are not in active use.
8. Landscaping shall be provided around enclosures in accordance with [Article 6.8 Landscaping Standards](#).

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FIGURE 6.1(3): DUMPSTER MAN-DOORS



I. **Agriculture-Related Accessory Buildings and Uses:**

1. **Regulated as Principal Buildings:** Accessory Buildings for the following uses shall be exempt from Sections (B)(2) General Standards, (D) Building Location, and (F) Maximum Accessory Building Height of this Article: Agricultural Uses, Agritourism Uses, Equestrian Facilities, Private Stables, and Nurseries. Rather, Accessory Buildings for these uses shall meet the maximum Building Height and minimum Building Setback Line standards of the underlying Zoning District, except as otherwise set forth below. See also *Article 6.4 Building Standards*.
2. **Stables:** In addition to the applicable standards of this Article and those of the applicable Zoning District set forth in *CHAPTER 4: ZONING DISTRICTS*, the following shall apply to Stables:
 - a. **Minimum Side and Rear Yard Building Setback Line:** 150 feet; however, there shall also be a Building Separation of two hundred (200) feet from an existing Dwelling Unit on an adjacent Lot (at the time of installation of the Stable). If the abutting Property Owner executes and records a notarized consent to a reduced setback, then the Building Setback Line may be reduced along that shared Lot Line, but in no instance may the setback be less than thirty (30) feet.

J. **Home Businesses:** See *Article 6.7 Home Business Standards*.

K. **Outside Storage and Display:** See *Article 6.12 Outside Storage and Display*.

L. **Outdoor Cafe and Eating Areas:** See *Article 6.13 Outdoor Café and Eating Areas*.

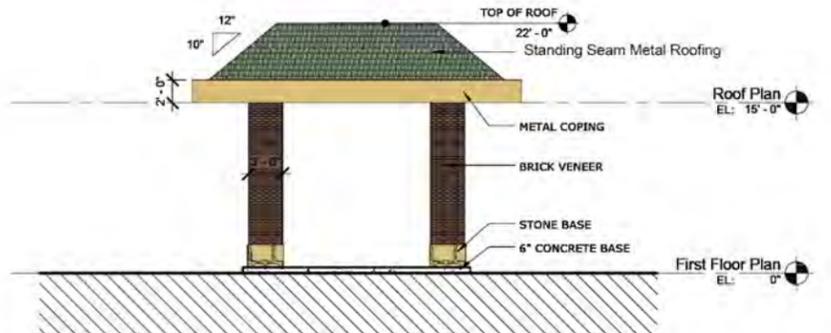
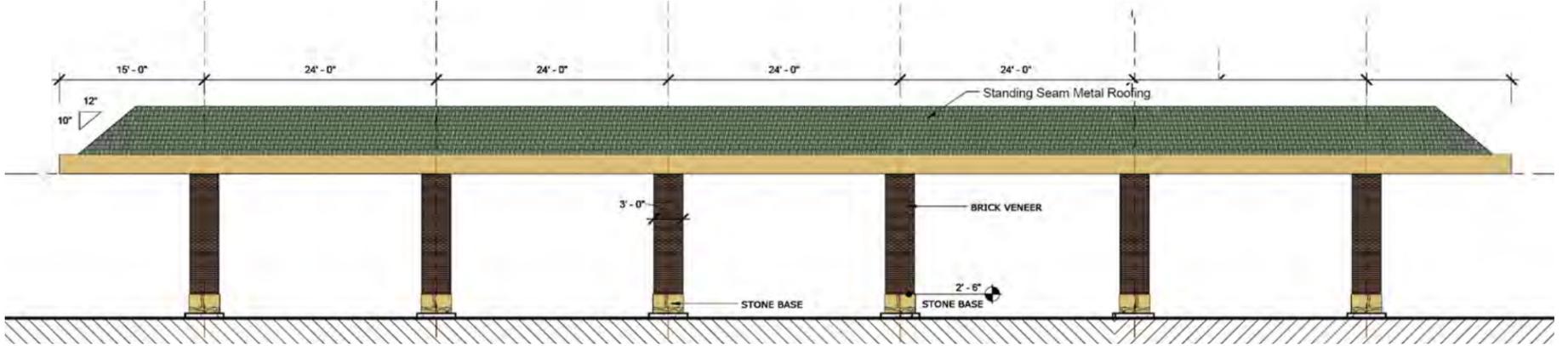
14 empty rectangular boxes, each with a circled number from 1 to 14 to its right.

2 empty rectangular boxes, each with a circled number (1 and 2) to its right.

GASOLINE SERVICE STATION CANOPY EXHIBIT

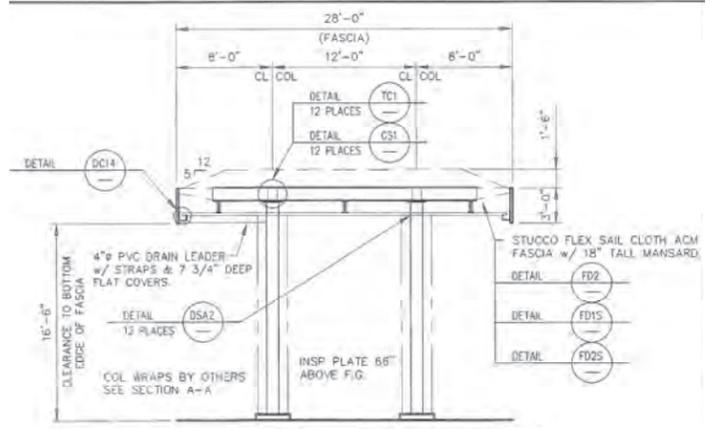
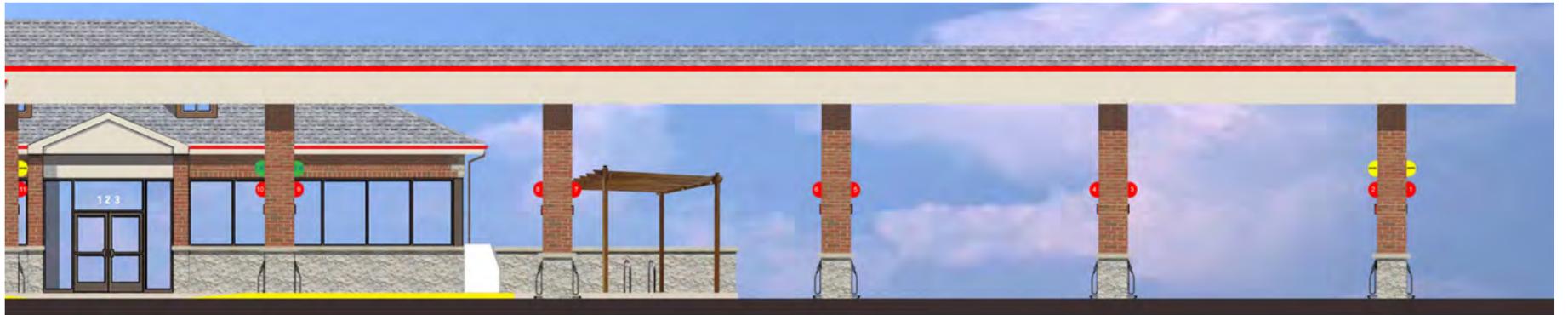
RICKERS (BRIDGEWATER & MONON MARKETPLACE)

FASCIA = 24" • ROOF = 60" • RATIO = 2.5



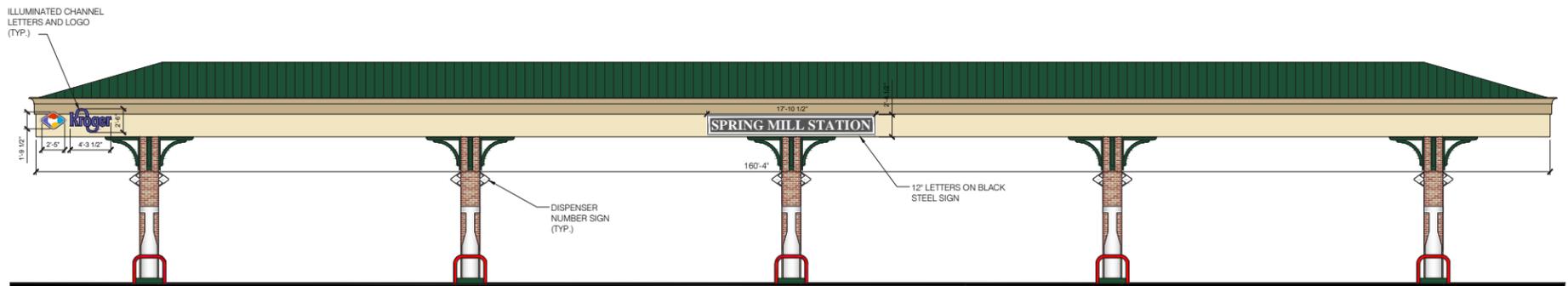
SPEEDWAY (OAK POINTE PUD)

FASCIA = 36" • ROOF = 18" • RATIO = 0.5

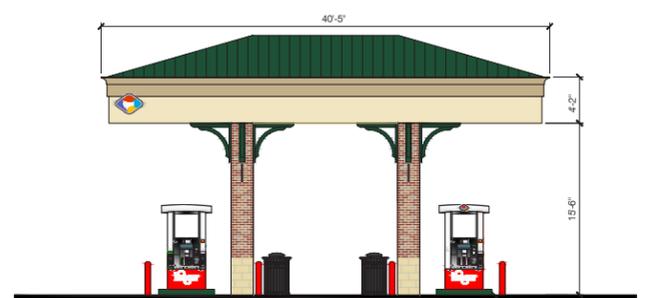


KROGER FUEL STATION (SPRINGMILL STATION)

FASCIA (INCLUDING CORNICHE TREATMENT) = 50" • ROOF = 45" • RATIO = 0.9



1 FRONT ELEVATION
SCALE: NTS



4 LEFT SIDE ELEVATION
SCALE: NTS

DISPENSER ISLAND FORMS PAINTED TO MATCH MANSARD