2016043756 ORDINANCE $45.00
08/26/2016 10:32:09A 18 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NUMBER 16-25

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the "**PARK STREET IN THE JUNCTION PUD DISTRICT**") 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 Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1608-PUD-12**), requesting an amendment to the Unified Development 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. 1608-PUD-12** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (8-0) 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 August 2, 2016;

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 Unified Development Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as "**Park Street in the Junction**" (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 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.

1.3 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.

1.4 All provisions and representations of the Unified Development Ordinance that

COPY

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. **District Intent**. The District is intended to support the vision of the Westfield-Washington Township Comprehensive Plan, as amended by the Grand Junction Implementation Plan 2013 (Resolution 13-112) and the Grand Junction Addendum: Sub-Districts of the Grand Junction (Resolution 15-119, as amended by Resolution 16-106) (the "Sub-District Addendum"). This Ordinance further creates the regulatory framework to encourage and permit the Real Estate to be developed and used in accordance with the vision of the Sub-District Addendum.

Section 3. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

3.1 Building, Existing: A Building constructed prior to the effective date of this Ordinance, as generally depicted on the Concept Plan and Existing Character Exhibit.

3.2 Building, New: A Building constructed after the effective date of this Ordinance.

Section 4. **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. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 5. **District Parcels.** The Real Estate consists of two (2) parcels, as illustrated on the Concept Plan and labeled as 228 Park Street on **Exhibit B-1** ("228 Parcel") and 226 Park Street on **Exhibit B-2** ("226 Parcel"). Development of each parcel shall be regulated as set forth in this Ordinance.

Section 6. **Underlying Zoning District.** The Underlying Zoning District shall be the GB: General Business District (the "Underlying Zoning District").

Section 7. **Permitted Uses.** All uses permitted in the Underlying Zoning District shall be permitted on the Real Estate except as otherwise set forth below.

7.1 Prohibited Uses: A Gasoline Service Station and other automobile-dominated uses with a drive-through or pick-up window (e.g., restaurant, pharmacy, and financial institution).

Section 8. **General Regulations.** The standards of Chapter 4 Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the Real Estate, except as otherwise modified below.

8.1 Minimum Lot Frontage: No minimum.

8.2 Minimum Lot Size: No minimum.

8.3 Minimum Building Setback Lines:

A. Front Yard: Twenty (20) feet

B. Side Yard: Five (5) feet; except for Existing Buildings on 228 Parcel which may be four (4) feet as depicted on **Exhibit B-1**.

C. Rear Yard: Five (5) feet; except for Existing Buildings on 228 Parcel

which may be four (4) feet as depicted on **Exhibit B-1**.

8.4 Maximum Front Yard Building Setback Line for a Principal Building: Forty (40) feet

8.5 Minimum Principal Building Separation: Twenty (20) feet

8.6 Building Size: No minimum or maximum size; however, to maintain and enhance the desired character of the Park Street corridor, a single use or tenant shall not exceed five thousand (5,000) square feet per Building and there shall be a maximum of two (2) tenants per Building.

Section 9. **Development Standards.** The standards of Chapter 6 Development Standards shall apply, except as otherwise modified below.

9.1 Article 6.1 Accessory Use and Building Standards: Shall apply, except as otherwise modified below.

A. Article 6.1(D) Building Location: Accessory Buildings shall be subject to the Minimum Building Setback Lines set forth herein.

B. Article 6.1(H)(6) Screening of Receptacles and Loading Areas: Dumpster enclosures shall not be required to have pedestrian access openings (dumpster man-doors) and shall have a minimum setback of two (2) feet from a Lot Line.

9.2 Article 6.3 Architectural Standards: Shall not apply except as otherwise set forth below. The following shall apply, as incorporated from the recommendations of the Sub-District Addendum.

A. Franchise and Prototype Architecture: Buildings that are stylized in an attempt to use the building itself as advertising or is contractually required as a standardized or prototype building by a use as a formula from or for another location shall be prohibited, particularly where the proposed architecture is the result of corporate or franchise architecture.

B. Existing Buildings:

(1) Existing Buildings, as characterized in the Existing Character Exhibit, attached hereto as **Exhibit C**, shall not be required to comply with the Architectural Standards of this Ordinance, unless otherwise provided herein.

(2) Renovations and new improvements to Existing Buildings shall be required to comply with the Architectural Standards set forth herein, as architecturally appropriate. Renovations and new improvements shall be done in a way that enhances the Existing Building and furthers the objectives of the Sub-District Addendum.

C. Architectural Theme: A New Building or renovation/addition of an Existing Building shall enhance and be compatible with surrounding buildings. Sensitivity shall be given to the character of the building in

relation to the Park Street corridor and adjacent buildings.

D. Roofs: Article 6.3(F)(7) Roof Design shall apply; however, flat roofs shall be prohibited. Exceptions for Accessory Buildings or ancillary roofs may be permitted, as architecturally appropriate.

E. Street Level Architecture: The street level of a Principal Building shall be designed with architecture that engages the street/sidewalk in a contextually appropriate manner, and integrates the building and landscape architecture.

F. Pedestrian Scale: Pedestrian scale detailing shall be incorporated on the Front Building Facade. Particularly, the street level of the Front Building Façade shall incorporate a higher level of visual interest and richer architectural detailing. Overall façade composition shall break the building down into smaller distinct portions to provide a small-scale impression.

G. Building Materials for Existing Buildings: Existing buildings on the Real Estate and in the Park Street corridor include a variety of shake shingles, clapboard siding, brick and stone. Expansions or renovations of existing buildings on the Real Estate shall utilize existing building materials that complement an Existing Building.

H. Building Materials for New Buildings: The following shall apply to new buildings on the Real Estate.

(1) Permitted Materials: New buildings shall be faced with authentic natural materials such as wood, brick, and stone. Highly reflective materials, exterior insulation finishing systems (EIFS), vinyl siding, and concrete block shall be prohibited.

(2) Alternate Materials: The limited use of alternate materials (e.g., synthetic materials, fiber cement siding, vinyl siding, or other modern materials) as a secondary exterior building material may be appropriate on a case by case basis if used in the same way as traditional materials, and is consistent with an intended historical architectural style (e.g., shape, size, profile, texture matching the historical practice when these elements were used).

(3) Durability: Building materials shall be selected for long-term durability and minimal maintenance requirements, particularly at pedestrian levels. Less durable materials (e.g., stucco, fiber cement siding) shall only be used above the first story.

(4) Foundations: Exposed foundations shall be covered with masonry materials (e.g., limestone, granite, fieldstone) or architectural concrete that matches a color and texture that is historically consistent with the building's architectural style.

I. Material Variation: The building material selection for all Building Facades shall be supplemented with multiple colors and multiple textures (e.g., rough, smooth, striated, etc.).

J. Material Transitions: If material changes are proposed, then they shall

generally occur at corners, changes of exterior planes, or be delineated by a specific horizontal transitional detail such as pronounced belt course or substantial reveal. The heavier material shall always be placed beneath the lighter material.

K. Trim Details: Trim details such as corner beads, window and door trim, soffits and eaves, and accent surfaces shall be wood, or at a minimum, imitate traditional wood, as architecturally appropriate.

L. Building Orientation: All Principal Buildings shall face Park Street, with a primary entrance readily apparent as a prominent architectural feature visible from Park Street.

M. Building Entrances: Entrances shall include a functional overhead weather protection such as porches, awnings or building recesses. Awnings shall comply with Article 6.3(F)(10) Awnings and shall not be internally illuminated.

N. Windows:

(1) All window designs shall be compatible with the style, materials, color, details and proportion of the existing or proposed building and desired pedestrian scale.

(2) The number of window panes, the number of window openings, window trim and other architectural design elements designed to accent the windows shall be consistent with and complementary to the architectural style of the building.

(3) When a window design has been selected for a building, then the same design shall be used on all Building Facades. Use of other window designs as accents may be appropriate if consistent with the architectural style of the building.

(4) Window trim and other architectural design elements designed to accent the windows shall be on all new windows (e.g., shutters, keystones, masonry arches, awnings, decorative stone frames, masonry row-lock frames, or other such trim). Exceptions for existing buildings may be appropriate.

(5) When shutters are used, they do not necessarily need to be used on all elevations. When used, shutters shall be solid-paneled or louvered and they shall be sized and mounted in a way that gives the appearance of operability and full coverage of the window.

(6) Window frames shall be of wood and may have either vinyl or aluminum cladding on the exterior.

O. 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.

P. Mechanical Screening: Article 6.3(F)(1) Mechanical Screening shall apply.

Q. Accessory Buildings: Article 6.3(F)(12) Accessory Buildings shall apply.

9.3 Article 6.5 Fence Standards: Shall apply. In addition, the following shall apply.

A. The design of fencing, sound walls, enclosures and similar site elements should replicate the architecture of the Principal Building in construction material and detailing.

B. Low, wrought iron fences and stone or brick walls no taller than thirty (30) inches shall be permitted in the Established Front Yard to further define the streetscape.

C. Wrought iron, wood fences, or other approved fence, or brick or stone walls up to six (6) feet tall shall only be permitted in Side and Rear Yards.

D. Chain link fencing shall be prohibited.

9.4 Article 6.8 Landscaping Standards: The Minimum Lot Landscaping Requirements (Article 6.8(K)), Foundation Plantings (Article 6.8(L)), External Street Frontage Landscaping Requirements (Article 6.8(M)), Buffer Yard Requirements (Article 6.8(N)), and Parking Area Landscaping (Article 6.8(O)) shall not apply; rather, the following shall apply.

A. 228 Parcel: Landscaping shall be required and installed in substantial compliance with the Landscape Plan, attached hereto as **Exhibit D**.

B. 226 Parcel: Landscaping shall be required and applied in a similar manner to the landscaping required for 228 Parcel.

C. Landscape Plan Modifications: The Landscape Plan implements the recommendations of the Sub-District Addendum; however, it is contemplated that alternatives that accomplish the design intent of the Sub-District Addendum and intended character of the Park Street corridor may be appropriate. As a result, modifications to the Landscape Plan may be approved by the Department if the modifications further the following objectives:

(1) The primary focus for landscaping is within the area immediately abutting the street, where the highest pedestrian activity will occur. This area shall be landscaped with vegetation and/or hardscaped.

(2) If hardscaping is proposed, then window or ground planters shall be considered to enhance the Building Facade and soften the streetscape.

(3) The density of trees and flowers or shrubs will depend on the setback of the building from the street. Spaces abutting the right-of-way shall be enhanced with natural vegetation to the reasonable extent possible to ensure best practices for the plantings health, while also maximizing the "curb appeal" and streetscape character. The

building placement will dictate whether a lawn or hardscape is more appropriate.

(4) Outdoor dining areas abutting non-restaurant uses shall incorporate barriers or screening to minimize the impact on adjoining properties.

9.5 Article 6.9 Lighting Standards: Shall apply, except as otherwise modified below.

A. Lighting shall be designed so that light is not directed off the Real Estate and the light source is shielded from direct offsite viewing.

B. Exterior lighting may overflow to adjacent properties and rights-of-way; however, for any use abutting Single-family District, illumination levels should not exceed 0.5 foot candles at the Lot Line. The minimum amount of light possible for lighting sidewalks shall be used to not wash out Building Facades but still maintain a safe environment.

C. Exterior lighting shall be decorative (e.g., gooseneck) and fixtures shall be architecturally integrated with the building style, material and color. Fixtures shall not obscure any building ornamentation. Rooftop lighting is prohibited.

D. All exterior architectural, display, decorative and sign lighting shall be generated from concealed, low level fixtures.

9.6 Article 6.14 Parking and Loading Standards: Shall apply, except as otherwise modified below.

A. Article 6.14(G)(11) Off-street Parking; Required Spaces: No off-street Parking Spaces shall be required for the Real Estate.

9.7 Article 6.17 Sign Standards: Shall apply; however, permanent signs shall be regulated as follows.

A. General Sign Standards:

(1) Design: Signs shall be primarily oriented and scaled to the pedestrian, as regulated herein. Sign colors and materials shall be restrained and harmonious with the building architecture. Signs shall be compatible with adjacent signs and shall not compete for attention, such as use of excessively bright colors or disproportionally sized letters. Signs shall be durable, well-designed and act as unique expressions of the business, as illustrated in the Illustrative Sign Exhibit, attached hereto as **Exhibit E**.

(2) Electronic Signs: Electronic signs shall be prohibited.

(3) Setbacks: All Signs shall conform to the Minimum Building Setback Lines set forth herein; however, the minimum Front Yard setback requirement shall be five (5) feet from the Front Lot Line or Right-of-way line, which is greater.

(4) Lighting: Internally illuminated signs shall not be permitted. Externally lit with decorative (e.g., gooseneck) light fixtures shall

be permitted.

B. Permitted Sign Area: The total Sign Area Allocation permitted shall be one (1) square foot of Sign Area for each one (1) lineal foot of Lot Frontage. The total permitted Sign Area Allocation may be divided between Monument, Wall, Awning, and Projecting Signs. Both sides of a Monument Sign and Projecting Sign shall count against the total Sign Area Allocation.

C. Monument Signs: One (1) Monument Sign shall be permitted for each Principal Building in accordance with the following:

(1) Design: The design shall be unique to the business and match the style and materials of the corresponding building, as illustrated in the Illustrative Sign Exhibit, attached hereto as **Exhibit E**. Monument Signs shall primarily consist of wood and may include support structures as depicted in the Illustrate Sign Exhibit.

(2) Maximum Sign Area: Ten (10) square feet.

(3) Maximum Sign Height: Six (6) feet.

(4) Landscaping: Landscaping shall be integrated with the sign to soften its appearance and not create a site or visual obstruction.

D. Wall Signs: Wall Signs shall be permitted in accordance with the following:

(1) Design: Projecting raceways or pins that cause a Wall Sign to protrude from the wall shall be prohibited. Channel letters may be flush-mounted to the building.

(2) Maximum Sign Height: Twenty-four (24) inches.

E. Projecting Signs: Projecting Signs shall be permitted in accordance with the following:

(1) Maximum Sign Area: Sixteen (16) square feet.

(2) Location: Projecting signs shall be positioned along the first floor level of the Building Facade.

Section 10. **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 unique design intent of the District.

Section 11. **Design Standards.** The standards of Chapter 8 Design Standards shall apply to the development of the District, except as otherwise modified below.

Section 12. **Development Plan Review**. Article 10.7 Development Plan Review shall apply; however, the review and approval process of the District's Detailed Development Plan(s) shall be delegated to the Department. The Department shall determine whether a Detailed Development Plan complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.

ALL OF WHICH IS ORDAINED/RESOLVED THIS 8TH DAY OF AUGUST, 2016.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
Jim Ake	Jim Ake	Jim Ake
James J. Edwards	James J. Edwards	James J. Edwards
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Mark F. Keen	Mark F. Keen	Mark F. Keen
Charles Lehman	Charles Lehman	Charles Lehman
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 16-25** was delivered to the Mayor of Westfield

on the 9th day of Aug, 2016, at 9:30 AM m.

Cindy Gossard

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-25**

this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-25**

this _____ day of _____, 2016.

J. Andrew Cook, Mayor

"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: Jesse M. Pohlman

This document prepared by:
Jesse M. Pohlman | Senior Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074 | (317) 804-3170

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Existing Character Exhibit
Exhibit D	Landscape Plan
Exhibit E	Illustrative Sign Exhibit

EXHIBIT A
REAL ESTATE

226 Park Street (Parcel No: 09-09-01-02-06-014.000)

Beginning at the Southwest Corner of Lot 8 in Roberts Addition to the Town Westfield, Indiana, thence West 4 and 7/100 rods, thence North 9 and 62/100 rods, thence East 4 and 24/100 rods, thence South 9 and 62/100 rods to the place of Beginning, containing ¼ acre more or less, in Hamilton County, Indiana.

228 Park Street (Parcel No: 09-09-01-02-06-015.000)

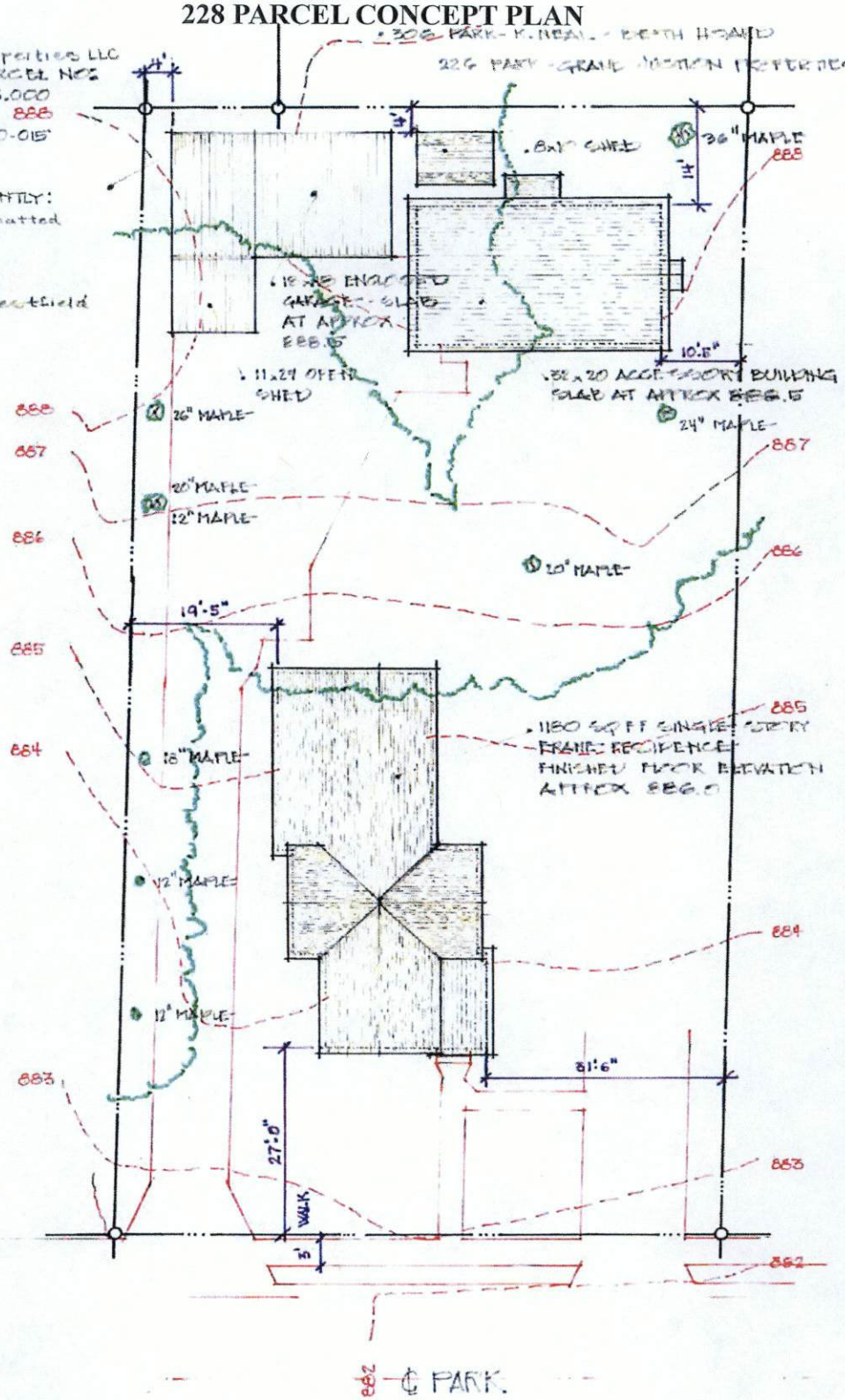
Beginning 722 feet South of the North line of the Northeast Quarter of Section 1, Township 18 North, Range 3 East, Hamilton County, Indiana, and 5 and 31/100 (5.31) rods West of the Southwest Corner of Lot 8 in the Roberts Addition to the Town of Westfield, Indiana, and run North 9 and 62/100 (9.62) rods; thence West 5 and 30/100 (5.30) rods; thence South 9 and 62/100 (9.62) rods; thence East 5 and 30/100 (5.30) rods to the place of Beginning.

DATA:

EXHIBIT B-1

228 PARCEL CONCEPT PLAN

DEEDED OWNER:
Grand Junction Properties LLC
HAMILTON COUNTY PARCEL NO:
09-09-01-02-06-015.000
STATE PARCEL No.
29-09-01-206-015.000-015
PROPERTY CLASS:
510
PROPERTY USE - CURRENTLY:
One Family Dwelling Platted
TAX DISTRICT:
Westfield
TIF DISTRICT:
Grand Junction - Westfield
TIF CODE:
90906
DEEDED ACRES:
0.27
PERIMETER:
470 Feet
AREA
12,232 Sq Feet



AS IS SITE PLAN 228 PARK STREET

1/16" = 1'-0"

DRAFT 06 : 22 '16
INITIAL REVIEW 06 : 27 '16
INITIAL SUBMISSION 07 : 01 '16

2 of 4

PREPARED FOR:
GRAND JUNCTION PROPERTIES LLC
16465 WESTFIELD BOULEVARD | WESTFIELD, INDIANA 46074
TO FACILITATE ZONING CHANGE REQUEST

EXHIBIT B-2

226 PARCEL CONCEPT PLAN

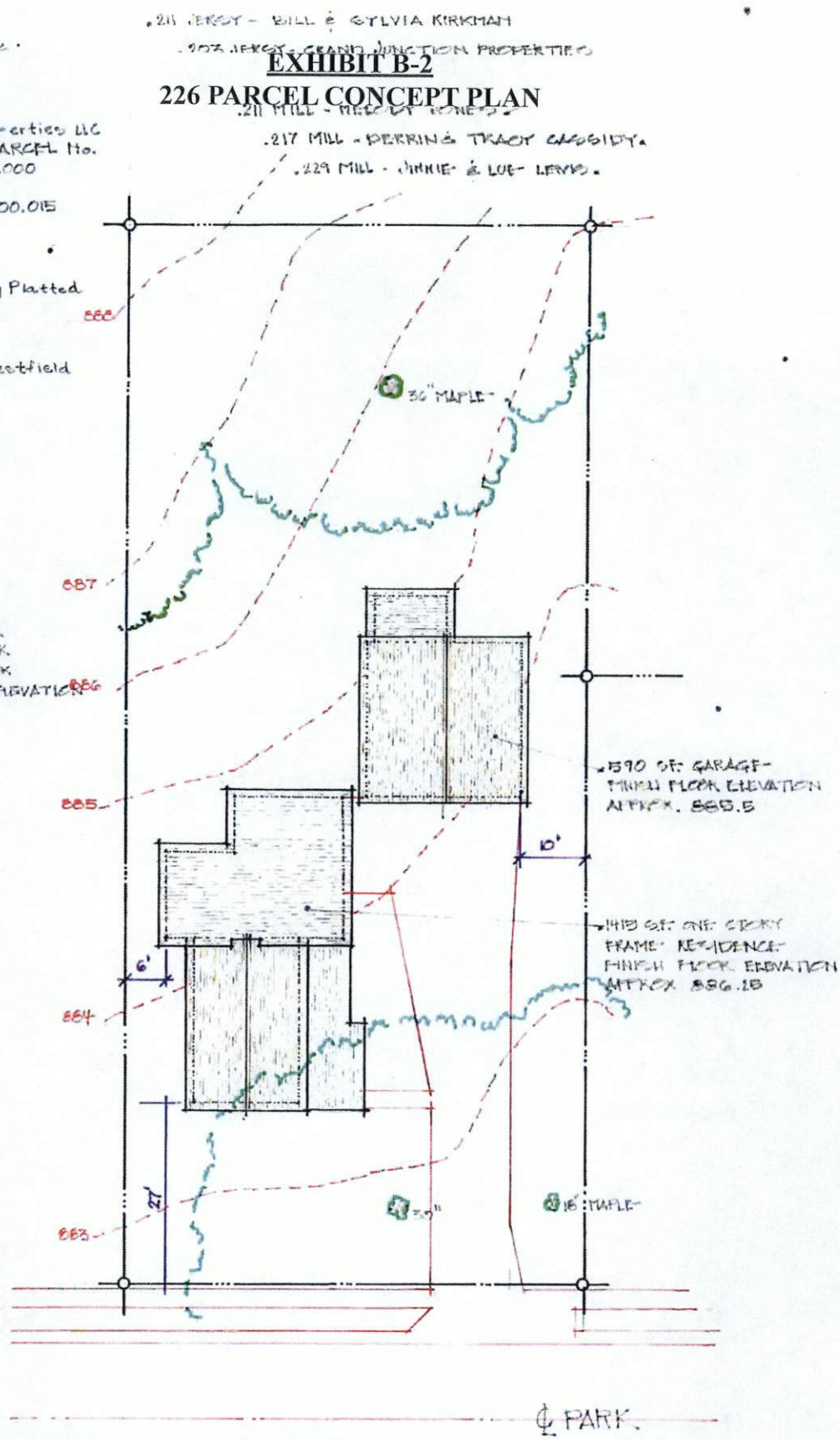
DATA:

PROPERTY ADDRESS:

DEEDED OWNER:
Grand Junction Properties LLC
HAMILTON COUNTY PARCEL No.
09.09.01.02.06.014.000
STATE PARCEL No.
29.09.01.206.014.000.015
PROPERTY CLASS:
510
PROPERTY USE:
One Family Dwelling Platted
TAX DISTRICT:
Westfield
TIF DISTRICT:
Grand Junction - Westfield
TIF CODE:
90902
DEEDED ACRES:
.25
PERIMETER:
451'
AREA
10,698 Sq Ft

INDEX OF SHEETS

1 AS EXISTS: 226 PARK
2 AS EXISTS: 228 PARK
3 PROPOSED: 228 PARK
4 PROPOSED SOUTH ELEVATION AND EXAMPLES.



AS IS SITE - PLAN 226 PARK STREET

1/16" = 1'-0"

DRAFT	06 : 23 '16	
INITIAL REVIEW	06 : 27 '16	
INITIAL SUBMISSION	07 : 01 '16	OF 4

PREPARED FOR:

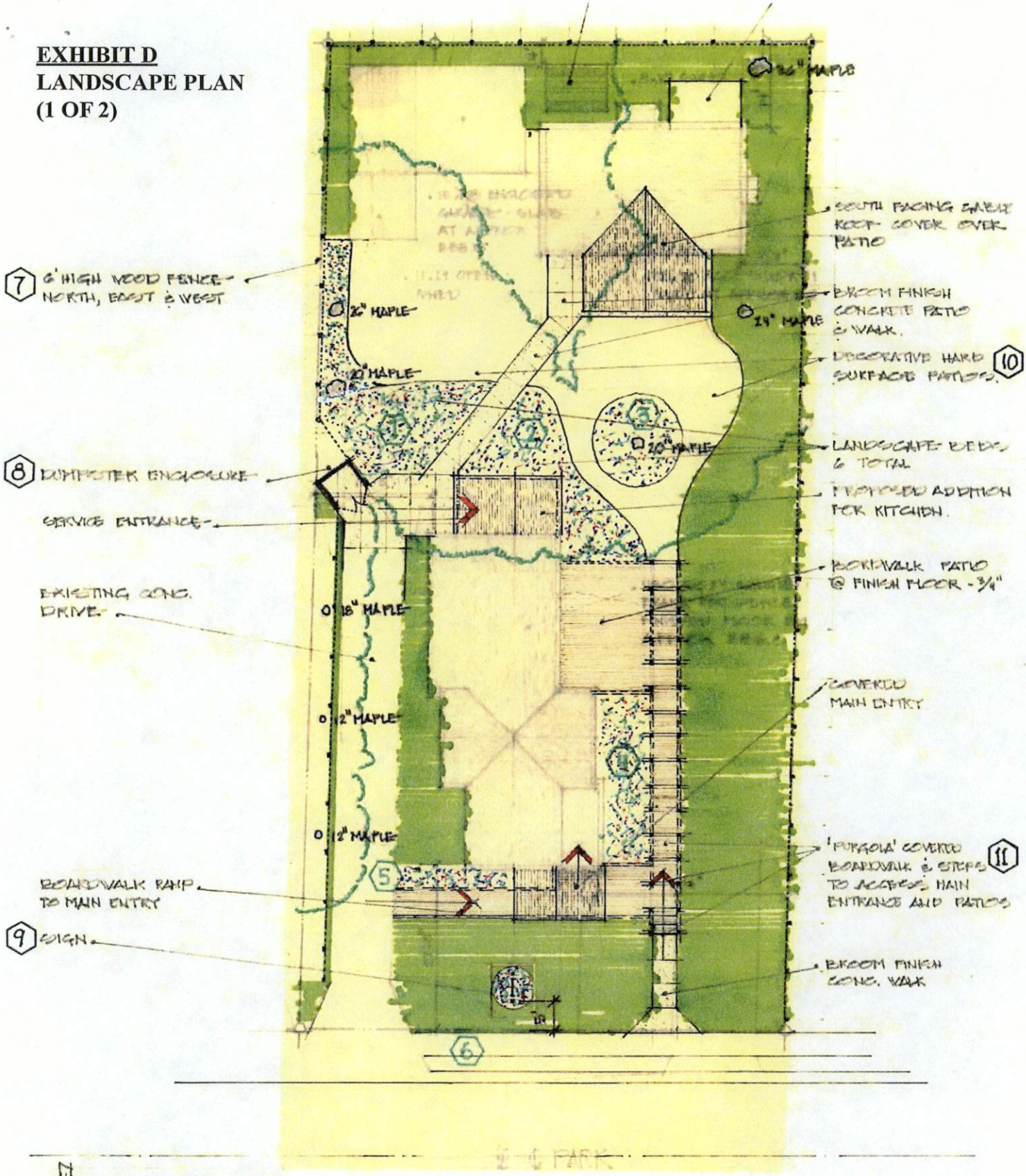
GRAND JUNCTION PROPERTIES LLC
16405 WESTFIELD BOULEVARD / WESTFIELD, INDIANA 46074
TO FACILITATE ZONING CHANGE REQUEST

EXHIBIT C
EXISTING CHARACTER EXHIBIT

228 PARCEL

226 PARCEL

EXHIBIT D
LANDSCAPE PLAN
(1 OF 2)



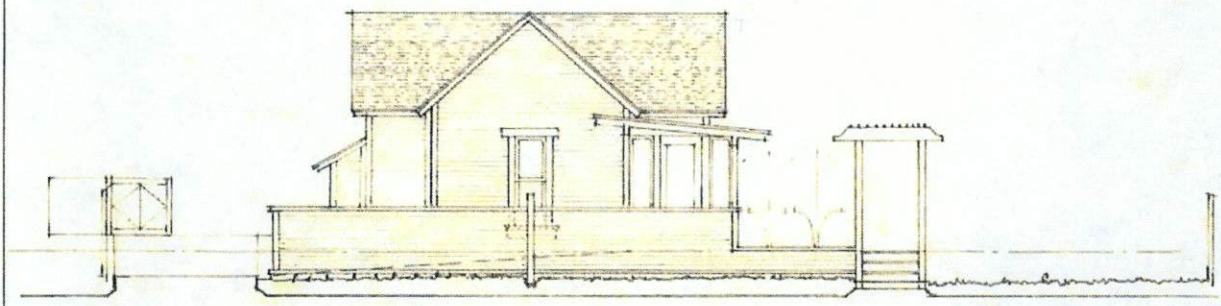
PROPOSED SITE PLAN 228 PARK STREET

1/16" = 1'-0"

INITIAL REVIEW 06:27 '16
INITIAL SUBMISSION 07:01 '16

3 of 4

PREPARED FOR:
GRAND JUNCTION PROPERTIES LLC
16400 WESTFIELD BOULEVARD | WESTFIELD, INDIANA 46074



PROPOSED SOUTH ELEVATION 1/8"=1'-0"

PROPOSED SOUTH ELEVATION & EXAMPLES : 228 PARK..

NO SCALE INITIAL SUBMISSION 07:01'16 4 OF 4

PREPARED FOR :
GRAND JUNCTION PROPERTIES LLC
16405 WESTFIELD BOULEVARD | WESTFIELD, INDIANA 46074
TO FACILITATE ZONING CHANGE REQUEST.

EXHIBIT D
LANDSCAPE PLAN
(2 OF 2)

EXHIBIT E
ILLUSTRATIVE SIGN EXHIBIT