

ORDINANCE NUMBER 16-26

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE TRAILS PLANNED UNIT DEVELOPMENT DISTRICT 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 Common Council enacted Ordinance No. 15-27, The Trails Planned Unit Development District on November 9, 2015, recorded as Instrument No. 2015059892 in the Office of the Recorder of Hamilton County, Indiana (the "Original PUD Ordinance");

WHEREAS, the Westfield-Washington Township Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1608-PUD-13**), requesting an amendment to the Unified Development Ordinance, the Original PUD 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-13** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **favorable** recommendation (5-0) 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 October 18, 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 Original PUD Ordinance, the Unified Development Ordinance, and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 This Ordinance hereby repeals and supersedes in its entirety the Original PUD Ordinance.
- 1.2 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 "**The Trails PUD District** " (the "District").

- 1.3 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.
- 1.4 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.
- 1.5 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 **Family Entertainment Center:** A retail/entertainment establishment which may include any combination of the following activities: bowling, laser tag, arcade, full-service restaurant and bar, outdoor seating, outdoor entertainment, and other similar activities.

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

Section 4. **District Areas.** The Real Estate is hereby divided into three (3) areas as illustrated on the District Area Exhibit, attached hereto as **Exhibit C**, as follows: Lot A, Lot B, and Lot C ("District Area"). Development of each District Area shall be regulated as set forth in this Ordinance.

Section 5. **Underlying Zoning District(s).** The Underlying Zoning District (the "Underlying Zoning District") of each District Area shall be as follows:

- 5.1 **Lot A:** MF2: Multi-Family Medium Density District
- 5.2 **Lot B:** GB: General Business District
- 5.3 **Lot C:** GB: General Business District

Section 6. **Permitted Land Uses.** All uses permitted in the Underlying Zoning District shall be permitted on the Real Estate except as otherwise set forth below.

- 6.1 Additional Uses: In addition to uses permitted in the Underlying Zoning District, the following uses shall also be permitted on Lot B and Lot C:
- A. Family Entertainment Center
 - B. Mixed-Use Commercial, including office and/or retail space
 - C. Car Washes
- 6.2 Prohibited Uses: The following uses shall be prohibited on Lot B and Lot C:
- A. Auction rooms
 - B. Garden and Lawn Center
 - C. Mortuary
 - D. Retail, High Intensity
 - E. Club, Private
 - F. Tavern (or Nightclub)
 - G. Data processing / call centers
 - H. Nursery
 - I. Heliport
 - J. All Special Exception uses listed in Article 13.2 for the General Business District shall also be prohibited.

Section 7. **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.

- 7.1 Lot A: Article 4.11 MF2: Multi-Family Medium Density District shall not apply; rather, the following shall apply:
- A. Maximum Density: Thirty (30) Dwelling Units per acre.
 - B. Maximum Dwelling Units per Structure: Three Hundred (300)
 - C. Maximum Number of Dwelling Units: Three Hundred (300)
 - D. Minimum Living Area: 650 square feet
 - E. Minimum Building Height:
 - (1) All Buildings: Three (3) stories
 - (2) At least twenty-five percent (25%) of the final total unit count shall be in a building (or buildings) that are at least four (4) stories in height.

- F. Maximum Building Height: Eighty (80) feet
- G. Minimum Building Setback Lines:
 - (1) Front Yard: 0 feet
 - (2) Side Yard: 5 feet
 - (3) Rear Yard: 10 feet
- H. Minimum Distance Between Buildings: Fifteen (15) feet

Section 8. **State Highway 32 Overlay District.** The regulations of Article 5.3 Overlay Districts; State Highway 32 Overlay District (the “SR 32 Overlay”) shall apply to the development of Lot C. Any modifications or enhancements to the regulations of the SR 32 Overlay by this Ordinance shall not apply to Lot C.

The regulations of Article 5.3 Overlay Districts; State Highway 32 Overlay District shall apply to the development of ~~the Real Estate Lot A and Lot B~~, except as otherwise modified or enhanced by this Ordinance.

- 8.1 Illustrative Character Exhibit. Buildings constructed on ~~the Real Estate Lot A and Lot B~~ shall be substantially similar in quality and character with the Illustrative Character Exhibit: Multi-Family, Illustrative Character Exhibit: Drive-Thru, and Illustrative Character Exhibit: Car Wash, attached hereto as **Exhibit D, Exhibit E, and Exhibit F**, respectively (collectively, “Character Exhibits”), **as applicable to the use**. These Character Exhibits are hereby incorporated as 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.
- 8.2 Building Size Requirements. A maximum of one (1) building within Lot B may have a Minimum Gross Floor Area of less than five thousand (5,000) square feet (the “Smaller Building”), if the following requirements are met:
 - A. The Smaller Building shall not have a Gross Floor Area of less than two thousand five hundred (2,500) square feet;
 - B. If the Smaller Building is used for a restaurant and/or serves food and/or beverages, then it shall have a minimum of six hundred (600) square feet of outdoor seating space;

- C. The Smaller Building shall be connected to the next adjacent building by an architecturally-compatible canopy, as conceptually depicted in **Exhibit B**. The design and massing of the canopy shall be architecturally consistent with and compatible with the adjoining buildings and shall be substantially similar in quality and character with the Canopy Character Exhibit attached hereto as **Exhibit G-Exhibit E**.
- D. The Smaller Building, the adjacent building, and the canopy, as conceptually depicted in **Exhibit B** shall all be constructed at the same time.

8.3 Lot B and Lot C:

- A. Article 5.3(K) Architectural Design Requirements: Shall apply, except as otherwise modified by the Character Exhibits.
- B. Article 5.3(K)(2)(k)(iii) Building Materials; Masonry Materials: Shall be modified to require that a minimum of sixty percent (60%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, shall be covered with Masonry Materials.
- C. Article 5.3(K)(2)(k)(iv) Building Materials; Other Materials: Shall be modified to permit no more than forty percent (40%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with another single building material (exclusive of Masonry Materials).

Section 9. Development Standards. The standards of Chapter 6: Development Standards shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

- 9.1 Article 6.1(H) Screening of Receptacles and Loading Areas: Shall apply, except as modified below.
 - A. For the purpose of this standard only, any Lot Line in Lot B or Lot C along the frontage road labeled as “Future Road” on **Exhibit B**, shall not be considered a Front Lot Line, but rather a Side Lot Line or Rear Lot Line, as would otherwise be applicable if the Lot Line were not also a street or road.
- 9.2 Article 6.3 Architectural Standards: Shall apply, except as modified below.
 - A. Article 6.3(E)(2) Masonry Materials: Shall be modified to require that a minimum sixty percent (60%) of each Building Façade in Lot A, excluding windows and doors, shall be Masonry Materials.
- 9.3 Article 6.8 Landscaping Standards: Shall apply. In addition, the existing trees and other vegetation along the Midland Trace Trail corridor shall be preserved and maintained.

- 9.4 Article 6.14 Parking and Loading Standards: Shall apply to the Real Estate, except as otherwise modified below.
- A. Article 6.14(G)(11)(c) Off-street Parking; Required Spaces; Multi-family Dwellings: Shall be modified to require 1.5 spaces per Dwelling Unit.

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 preservation of the natural topography and environment and 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 Real Estate, except as otherwise modified below.

- 11.1 Article 8.6 Open Space and Amenity Standards: Shall apply, except as otherwise modified below.
- A. Article 8.6(B)(1) Minimum Open Space: Shall be modified to require fifteen percent (15%).
- B. Lot A: Article 8.6(H)(1) Multi-Family Districts; Minimum Number of Amenities: Shall be modified as follows: The following amenities shall be required in Lot A:
- (i) Clubhouse (The clubhouse shall be architecturally consistent and compatible with the principal building(s) in Lot A).
 - (ii) Fitness Center in Clubhouse
 - (iii) Pool at Clubhouse
 - (iv) Business Center in Clubhouse
 - (v) Dog Park
 - (vi) Bicycle Storage Units
 - (vii) Electric car charging station
- (1) The following amenity shall be optional in Lot A:
- (i) Grilling Cabana at Clubhouse

- 11.2 Trail Access: The regulations for the trail access shall apply to the development of the Real Estate, except as otherwise modified below.
- A. Midland Trace Trail: The Real Estate's access to the Midland Trace Trail shall be limited to the intersection of the trail with perimeter path along Oak Ridge Road, unless otherwise requested or required by the City.
 - B. Monon Trail: Lot A shall include direct access to the Monon Trail.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 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 16-26** was delivered to the Mayor of Westfield
on the _____ day of _____, 2016, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-26**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-26**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

This document prepared by: Adam Horkay
EdgeRock Development, LLC
733 E. State Road 32, Westfield, IN 46074

SCHEDULE OF EXHIBITS

- Exhibit A Real Estate (Legal Description)
- Exhibit B Concept Plan
- Exhibit C District Map
- Exhibit D Illustrative Character Exhibit: Multi-Family
- Exhibit E Illustrative Character Exhibit: Drive-Thru
- Exhibit F Illustrative Character Exhibit: Car Wash
- ~~Exhibit G Canopy Character Exhibit~~