2018016767 ORDINANCE $25.00
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Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 18-08

ORDINANCE OF THE CITY OF WESTFIELD TO AMEND THE WESTFIELD UNIFORM DEVELOPMENT ORDINANCE

WHEREAS, The City of Westfield, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and,

WHEREAS, the Council from time to time may find it necessary to amend previously adopted ordinances to assure that the desired purposes are carried out as contemplated by the Council; and,

WHEREAS, it has come to the attention of the Council that certain amendments are prudent and necessary to the Westfield Uniform Development Ordinance ("UDO").

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Common Council meeting in session as follows:

Section 1. The Council now finds that certain portions of the UDO require amendment.

Section 2. The UDO shall be amended pursuant to those changes outlined in Exhibit "A", attached hereto and incorporated by reference herein.

Section 3. The Director and staff of the Economic and Community Development Department shall amend the UDO as directed by this amendment.

Section 4. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon its passage by the City Council, its publication in accordance with law and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby ordered amended or repealed. All acts taken pursuant to the adoption of this Ordinance are hereby ratified.

COPY

ALL OF WHICH IS ORDAINED THIS 20th DAY OF April 2018.

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 Spoljaric	Cindy Spoljaric	Cindy Spoljaric

ATTEST:

Cindy Gossard, Clerk Treasurer

Chief Deputy

"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

Ordinance 18-08

I hereby certify that ORDINANCE 18-08 was delivered to the Mayor of Westfield on the 20th day of April, 2018, at _____ ____ m.

Kerri Gagnon Chief Deputy
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 18-08 this 20th day of April, 2018.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 18-08 this _____ day of _____, 2018.

J. Andrew Cook, Mayor

This document prepared by
Brian J. Zaiger, Esq.
KRIEG DEVAULT, LLP
(317) 238-6266

EXHIBIT A

Unified Development Ordinance Amendments

1. Modify UDO 6.17.B to read as follows:

   Applicability: This Article shall apply to all Signs **in all zoning districts in Washington Township, Hamilton County, Indiana**, including but not limited to changes in Sign Copy. **However, the owner of any sign that is otherwise allowed by this ordinance may substitute non-commercial copy in place of any other commercial or noncommercial copy without the issuance of a permit.**

2. Modify UDO 6.17.C to read as follows:

   Permits: A sign permit shall be required for all signs ~~(including but not limited to changes in Sign Copy)~~ **unless otherwise permitted under other applicable law or** unless otherwise exempted herein. The Director shall have the authority to review and decide upon sign permit applications. See *Article 10.10 Sign Permits*. If the proposed sign plan is in compliance with the requirements of this Ordinance, then a sign permit shall be issued.

3. Change title of UDO 6.17.D to read as follows:

   ~~Exceptions~~ **Exemptions**: ~~Exceptions~~ **Exemptions** ~~to~~ **from** the standards of this Article and sign permit requirement shall include:

4. Delete UDO 6.17.D.1:

   ~~All regulatory, informational, identification, or directional signs required by law or government entity.~~

5. Delete UDO 6.17.D.2:

   ~~Temporary signs advertising events put on by public entities (e.g., City or Township) and school districts.~~

6. Delete UDO 6.17.D.4:

   ~~Permanent drive-thru menu boards where drive-thru uses are permitted.~~

7. Delete UDO 6.17.D.5:

   ~~Historic site makers or plaques, flags of government, gravestones, and address numbers.~~

8. Delete UDO 6.17.D.7:

~~Structures and/or containers intended for separate use such as phone booths, waste management containers, and point of purchase advertising displays.~~

9. Modify UDO 6.17.D.9 to read as follows:

~~Private Non-commercial informational Signs such as "no trespass," "private," "sale," etc.~~ **Signs which do not advertise products, goods, business services, or identify businesses, and which are not permanently affixed to the ground nor to any surface and** which do not exceed four (4) square feet in surface area. **The owner of any sign that is otherwise allowed herein may substitute non-commercial copy in place of any other commercial or noncommercial copy without the issuance of any permit.**

10. Delete UDO 6.17.D.10:

~~Political Signs, which do not impair lines of sight for vehicles or pedestrians.~~

11. Delete UDO 6.17.D.11:

~~Seasonal decorations within the appropriate holiday season or civic festival season and that does not include commercial advertising or business information.~~

12. Modify UDO 6.17.D.12 to read as follows:

~~Signs~~ **Text or logos not exceeding three (3) inches in height,** appearing on gasoline pumps ~~and~~ **or** automatic teller machines (ATM) ~~, including credit card information, fuel information, and bank network information is exempted. The business name or logo is permitted if less than three (3) inches in height~~.

13. Modify UDO 6.17.F.7 to read as follows:

<u>Identification with the City:</u> ~~Title signs shall~~ **Signs located at the entrances of developments are encouraged to** include, as an integral part of the sign design, the words "of Westfield" following any designation of an industrial park, office park, multi-family development, Subdivision or Nonresidential Center name and alike. The size of the words "of Westfield" ~~shall~~ **are encouraged to** be a minimum of fifty percent (50%) of the size of the development's name on the Sign and shall not count toward the Sign's otherwise permitted Sign Area. Where "of Westfield" is ~~required~~ **used** on a Sign, then the design and material used to include this wording ~~shall~~ **is encouraged** to be the same as the other lettering on the sign. ~~If~~ **The objective of this paragraph may also be achieved**

if the word "Westfield" is ~~already~~ part of the development's name on the Sign~~, then there shall be no requirement for the location of the words "of Westfield" on the Sign~~.

14. Modify UDO 6.17.F.8 to read as follows:

Identification with Grand Park: ~~Signs that~~ **If signs** include ~~identification with~~ **the** Grand Park™ **trademark** ~~shall only be permitted with the written approval and authorization by the City and if permitted,~~ **the use of such trademark** shall not count toward the Sign's otherwise permitted Sign Area.

15. Add new provisions pertaining to election signs at UDO 6.17.K.9 to read as follows:

Election Signs: Election Signs shall be permitted as follows and in accordance with the provisions of IC 36-1-3-11:

a. A sign permit shall not be required for Election Signs.

b. Election Signs shall not exceed thirty-two (32) square feet in area.

c. Election Signs shall only be displayed during the period of time beginning sixty (60) calendar days before an election (as referenced in IC 36-1-3-11) and ending at the beginning of the sixth (6th) calendar day after an election.

d. Election Signs shall not be installed or erected in a manner that impairs lines of sight for vehicles or pedestrians.

16. Modify the definition of "Sign, Election" under UDO 12.1 to read as follows:

~~Sign, Election: A Temporary Sign announcing or supporting candidates or issues in connection with any election or referendum.~~

Sign, Election: A type of Temporary Sign defined in Indiana Code 36-1-3-11.