ORDINANCE 19-13

AN ORDINANCE TO AMEND A VARIETY OF PROVISIONS OF THE WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE

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

WHEREAS, it is the duty and the responsibility of the City to administer the Westfield-Washington Township Unified Development Ordinance (the “UDO”) throughout the City and Washington Township Indiana through a Joinder Agreement; and,

WHEREAS, from time to time it becomes necessary to amend and revise the UDO, and pursuant to I.C. § 36-7-4-602 and I.C. § 36-7-4-701, the City is authorized to amend the UDO; and

WHEREAS, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. 1905-ZOA-01 to the 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; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the following provisions of the Unified Development Ordinance are amended as follows:

Section 1. Article 4.6 Zoning Districts; SF3: Single-Family Medium Density District shall be amended as follows:

A. Article 4.6(C); Minimum Lot Area shall be deleted: “1. Duplex Dwellings on Corner Lot: 15,000 square feet”

B. Article 4.6(F); Minimum Lot Width shall be deleted: “1. Duplex Dwellings on Corner Lot: 90 feet”

Section 2. Article 6.3 Architectural Standards shall be amended as follows:

A. Article 6.3(F)(1) Architectural Standards; Business Districts; Mechanical Screening shall be amended as follows: “1. Mechanical Screening: All roof and wall mounted Mechanical Equipment shall be visually integrated into the overall design of the Building and shall not be visible from adjoining Lots or Rights-of-way (including elevated trails and roadways). Clustering of Mechanical Equipment is encouraged. Wall and ground mounted equipment shall be screened in accordance with Article 6.8 Landscaping Standards.”

B. Article 6.3(F)(6) Architectural Standards; Business Districts; Gutters and Downspouts shall be amended as follows: Gutters and Downspouts External Wall Protrusions: Gutters, downspouts, vents, and other external wall protrusions 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.
C. Article 6.3(F)(7)(a)(ii) Architectural Standards; Business Districts; Roof Design, Pitched Roofs shall be amended as follows: “Shall be comprised of three (3) or more roof slope sloped roof planes.”

Section 3. Article 6.8 Landscaping Standards shall be amended as follows:

A. Article 6.8(H)(1); General Screening Standards; Mechanical Screening shall be amended as follows: “1. Mechanical Screening: Wall and ground mounted Mechanical Equipment for nonresidential or multi-family structures shall be completely screened from all ground-level viewpoints. Clearance for proper functioning of the equipment and access to equipment for maintenance shall be incorporated into the design. Screening may be achieved by using either: (i) a Masonry Material or fence constructed of Masonry Material, wood, or fiber cement, that is visually integrated to the adjacent building façade with a minimum height that fully screens the equipment; (ii) a solid evergreen screen with a combination of trees and shrubs; or (iii) a combination of the aforementioned. (See also Article 6.3 Architectural Standards for roof-mounted equipment.)”

B. Article 6.8(J)(2) Street Trees; Location shall be amended as follows: “2. Location: Street Trees shall be located within the Right-of-way in a minimum eight-foot (8’) wide planting strip between curb and sidewalk (see also Article 7.3 Principles and Standards of Design). Where impracticable, if the Director determines conditions inhibit the planting of the Street Tree within the Right-of-way may permit either: (i) a lesser width for the planting strip; or (ii) then the planting of Street Trees shall be planted on the adjacent Lot or Common Area within ten (10) feet of the Right-of-way; however, in no case shall the Street Tree shall not be credited towards that Lot or Common Area’s Minimum Lot Landscaping Requirements.”

C. Article 6.8(J)(3) Street Trees; Spacing shall be amended as follows: “3. Spacing: Street Trees shall be required an average of every fifty (50) feet; however, the Street Trees may be spaced at a maximum spacing of sixty (60) feet but at a minimum spacing of twenty-five (25) feet. Where impracticable, the Director may approve an increase in the maximum spacing. In addition to the placement standards of this Article, Street Trees shall also be planted a minimum of ten (10) feet away from Driveways, Alleys, fire hydrants, mailboxes and other similar improvements.”

D. Article 6.8(L)(4) Foundation Plantings shall be amended as follows: “Plantings shall be located within fifteen (15) feet of the Building Facade, fence or other barrier being softened, and shall occur within planting beds at least eight (8) feet in width.”

E. Article 6.8(M)(1) External Street Frontage Landscaping Requirements; Residential Uses shall be amended as follows: “1. Residential Uses: landscaping area with a minimum depth of thirty (30) feet shall be required abutting an External Street along any residential development, except as exempted by Article 6.3(C)(1)(a)(i). The landscaping area shall include a minimum of four (4) evergreen trees, three (3) shade trees, three (3)
ornamental trees and twenty-five (25) shrubs per one hundred (100) lineal feet. In addition, a minimum three-foot (3’) tall undulating mound shall be required along the entire External Street frontage. Meandering mounds are encouraged.”

Section 4. Article 6.19 Vision Clearance Standards shall be amended as follows:

A. Article 6.19(A)(1) shall be amended as follows: “1. Forty (40) feet from intersections of Collectors, Private or Local Streets.”

B. Article 6.19(A)(4) shall be added as follows: “4. Twenty-five (25) feet from intersections of Private Streets.”

Section 5. Article 8.6(C) Design Standards; Open Space and Amenity Standards; Access shall be amended as follows: “Access: The Minimum Lot Frontage standards of Article 4 Zoning Districts shall not apply to Open Space. Instead, a public way, crosswalk or easement not less than fifteen (15) feet in width shall be provided for access to required Open Space.

Section 6. Article 8.8 Storm Water Standards shall be amended as follows:

A. All proposed development shall provide for the collection and management of all storm and surface water drainage in accordance with the City’s Construction Standards (see Article 7.3 Principles and Standards of Design).

B. Maintenance of Detention Basins:
   1. Vegetation should not be overgrown as to impede the flow of water or alter the volume of the basin’s design scope.
   2. Inlets and outfalls must be maintained clear of debris and vegetation as not to impede the flow of storm water.
   3. Detention basins shall be maintained free of debris (man-made and natural) and noxious growth of aquatic vegetation.
   4. Access to the basin must be available for cleaning and maintaining.

Section 7. Article 8.9(G)(6)(a) Street and Right-of-Way Standards; Improvement Standards; Access Points shall be deleted: “a. Only one (1) street, driveway or point of vehicle access shall be permitted from a development onto an Arterial or Collector.”

Section 8. Article 8.13 Utility Standards shall be amended as follows:

A. Article 8.13(A) Utility Standards; Applicability shall be amended as follows: “A. Applicability: This Article applies to all development including, but not limited to Major Subdivisions, Improvement Location Permits and Development Plans and Public Utility Installations.

B. Article 8.13(C) Utility Standards; Location and Character shall be amended as follows: “C. Location and Character: All newly installed, replaced or relocated utilities including, but not limited to, water, sewer, storm sewer, electric lines, phone lines, cable lines, gas lines and pipelines
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(collectively, the “Utilities”), shall be installed underground (i) in designated utility easements or outside the Rights-of-way identified in the Westfield Thoroughfare Plan, or (ii) within the Rights-of-way identified in the Westfield Thoroughfare Plan after obtaining prior written approval from the Westfield Board of Public Works and Safety. If Utilities are to be installed within a Right-of-way identified in the Westfield Thoroughfare Plan, such Utilities shall be installed in a location and in a manner that is acceptable to the Westfield Board of Public Works and Safety in its sole discretion.

Section 9. Chapter 9 Nonconforming Regulations shall be amended as follows:

A. Article 9.4(D) Nonconforming Lots of Record shall be amended as follows: “D. A Legal Nonconforming Lot shall lose its status as is no longer deemed a 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. A Legal Nonconforming Lot shall retain its Legal Nonconforming status if combined with another Legal Nonconforming Lot resulting in increased conformity of the Lot. 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.”

B. Article 9.5(A) Nonconforming Uses, Land, or Structures and Land in Combination shall be amended as follows: “A. A Legal Nonconforming use of Structures, land, or Structures and land in combination (collectively, “Legal Nonconforming Use”) shall be deemed a Legal Nonconforming Use if it: (i) was established prior to the date of passage of the Westfield Washington Township Zoning Ordinance of December 20, 1977; (ii) does not conform to the regulations set forth in this Ordinance, or its subsequent amendments; (iii) no longer is a permitted use in the applicable Zoning District in which it is located.”

Section 10. Article 10.8(D) Processes & Permits; Improvement Location Permit; Infrastructure; Release of Foundation shall be amended as follows: “1. Release of Foundation: No permit to release construction of a building foundation shall be issued until: (i) streets, curbs, gutters, sanitary sewers, storm sewers and the like infrastructure have been constructed and inspected in accordance with the City’s Construction Standards; or (ii) financial sureties for all public improvements City infrastructure are secured in accordance with this Ordinance and the City’s Construction Standards.”

Section 11. Article 12.1 Definitions shall be amended as follows:

A. Add new definition to read as follows:

(1) Mechanical Equipment: Equipment, devices, and accessories, the use of which relates to water supply, powering, heating, ventilating, air
conditioning, and similar purposes. This does not include gutters/downspouts, stormwater grates, or stormwater basins.

B. Modify the following definition as follows:

(1) Nonresidential Center: A building or combination of buildings containing three (3) or more tenants, stores, service establishments, offices or other permitted uses which are planned, platted, organized, or managed to function as a unified whole and shares one or more of the following: (1) vehicular access; (2) Parking Areas; (3) signage; (4) landscaping; or (5) design theme; and/or is platted as part of a Subdivision or coordinated shopping center, which may include Outlots for lease or for sale.

Section 12. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts undertaken to in creation of this Ordinance are hereby ratified.

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ALL OF WHICH IS ORDAINED THIS ____________ DAY OF ____________, 2019.

WESTFIELD CITY COUNCIL

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ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 19-13 was delivered to the Mayor of Westfield

on the ______ day of ________________, 2019, at _______ ___ m.

Cindy Gossard, Clerk-Treasurer
I hereby APPROVE ORDINANCE 19-13
this _____ day of __________, 2019.

________________________
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 19-13
this _____ day of __________, 2019.

________________________
J. Andrew Cook, Mayor

This document prepared by
Pamela L. Howard, Senior Planner, City of Westfield, Economic and Community Development
Department
2728 East 171st Street, Westfield, Indiana 46074 | (317) 804-3170

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: Pamela L. Howard.