



CITY OF WESTFIELD, IN

Advisory Planning Commission Meeting Agenda_05_03_2023

Wednesday, May 03, 2023 at 07:00 PM

BOARD OR COMMISSION: Advisory Plan Commission (APC)

MEETING DATE: Wednesday, May 03, 2023 at 07:00 PM

MEETING PLACE: Westfield City Hall- Assembly Room

THE FOLLOWING AGENDA IS SUBJECT TO CHANGE AT THE DISCRETION OF THE WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION

Public input can be submitted in 1 of 2 ways:

- Email to planners@westfield.in.gov
- Show up at Westfield City Hall for an opportunity to participate in this public hearing. Staff will be present to help direct traffic inside the room.

OPENING OF MEETING

Documents: [Online viewable @ https://www.youtube.com/user/CityofWestfieldIN](https://www.youtube.com/user/CityofWestfieldIN)

Note the Presence of a Quorum

Announce Any Changes to the Agenda

Approval of Minutes

- April 18, 2023 APC Minutes

Documents: [APC Minutes - April 18, 2023](#)

Review APC Rules & Procedures

CONSENT AGENDA

2304-DDP-07

Taco Bell

15005 Thatcher Lane

Civil and Environmental Consultants, Inc, on behalf of Bell American Group, requests Detailed Development Plan approval of a 176 SF building addition and related architectural improvements, located on 1.02 acres in the Village Park Plaza II PUD District.

(Planner: Lauren Gillingham - lgillingham@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Elevations](#) | [Exhibit 4: Landscape Plan](#)

2305-DDP-12

Student Impact

536 North Union Street

Student Impact requests Detailed Development Plan approval of a +/- 2,400 square foot building addition and related exterior improvements to their existing facility, located on 0.5 acres and zoned SF3: Single-family Medium Density District.

(Planner: Lauren Gillingham - lgillingham@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site/Landscape Plan](#) | [Exhibit 4: Elevations](#)

ITEMS OF BUSINESS

2108-PUD-21

Grand Millennium Center PUD Amendment II

North of David Brown Drive, East and West of Westfield Blvd

31/32 Investors by Edgerock Development, LLC requests an Amendment to the Permitted Uses and General Regulations of the Grand Millennium Center PUD District.

(Planner: Lauren Gillingham - lgillingham@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Redline Ord. 21-33 v5-3-2023 \(3rd APC Meeting\)](#) | [Exhibit 4: Clean Ord. 21-33 v5-3-2023 \(3rd APC Meeting\)](#) | [Exhibit 5: Ord. 16-51](#)

2209-ZOA-03

Unified Development Ordinance Amendment (Floodplain)

The City of Westfield requests approval of an ordinance to amend Articles 3.5 & 5.5 of the Westfield-Washington Township Unified Development Ordinance.

(Planner: Pam Howard - poward@westfield.in.gov)

Documents: [Exhibit 1: Department Report](#) | [Exhibit 2: Proposed Ord. 22-35](#) | [Exhibit 3: Proposed Article 3.5 Floodplain Administrator](#) | [Exhibit 4: Proposed Article 5.5 Floodplain Overlay District](#)

PUBLIC HEARING ITEMS

2305-PUD-04 [PUBLIC HEARING]

Maple Knoll PUD Amendment (Fire Station)

17001 Ditch Road

The City of Westfield on behalf of the Westfield Fire Department requests an amendment to the sign standards of the Maple Knoll PUD District.

(Planner: Caleb Ernest - cernest@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Ordinance 23-04](#)

2305-PUD-05 [PUBLIC HEARING]

Wheeler Landing PUD Amendment (Wheelhouse Phase II)

Southeast corner of Grand Park Boulevard and Virginia Rose Avenue

J.C. Hart Company, Inc. by Church Church Hittle + Antrim request an amendment to landscaping standards of the Wheeler Landing PUD District.

(Planner: Caleb Ernest - cernest@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Ordinance 23-03](#) | [Exhibit 4: Narrative Statement](#) | [Exhibit 5: Landscape Plan](#)

2305-PUD-06 [PUBLIC HEARING]

The Trails PUD Amendment IV

801 & 837 E. 175th Street

EdgeRock Development requests an amendment to The Trails PUD to amend the maximum dwelling-unit count on 11.72 acres +/- of the Real Estate.

(Planner: Ryan Collingwood - rcollingwood@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Ord. 23-05](#) | [Exhibit 4: Concept Plan](#) | [Exhibit 5: Neighborhood Meeting Summary](#)

ITEMS CONTINUED TO A FUTURE MEETING

2111-PUD-27 [CONTINUED]

TowneRun PUD

Northwest corner of Towne Road & West 146th Street

LOR Corporation by Church Church Hittle + Antrim requests a change in zoning for 26.94 acres +/- from AG-SF1: Agriculture / Single-family Rural District to the TowneRun Planned Unit Development (PUD) District.

(Planner: Kevin Todd - ktodd@westfield.in.gov)

2212-PUD-20 [CONTINUED]

Wheeler Landing PUD Amendment VI

Southwest corner of 186th Street and Kinsey

Leo Brown Development, LLC by Clark Quinn Moses Scott & Grahn, LLP requests an amendment to the Wheeler Landing PUD to add 2.34 acres +/- to Area III of the PUD.

(Planner: Caleb Ernest - cernest@westfield.in.gov)

REPORTS/COMMENTS

Plan Commission Members

Downtown Update

City Council Liaison

Board of Zoning Appeals Liaison

Plat Committee Liaison

Community Development Department

ADJOURNMENT



Westfield-Washington Township Advisory Plan Commission (APC) Workshop Meeting

Minutes of the April 18, 2023, APC Workshop Meeting
Presented for approval: May 3, 2023

Westfield-Washington Township Advisory Plan Commission
met at 7:00 p.m. on Tuesday, April 18, 2023, at Westfield City Services Center.

Active links for this meeting:

[April 18, 2023, APC Agenda & Exhibits](#)

[April 18, 2023, YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:02](#)

Roll Call

Commissioners Members Present In-Person: Kristen Burkman (arrived at 7:01 p.m.), Robert Horkay, Andre Maue, Victor McCarty, Cindy Spoljaric, and Dave Schmitz.

Commissioners Present Virtually: Mike Johns.

Commissioners Absent: Matt Deck and Ginny Kelleher.

City Staff Present In-Person: Kevin Todd, Director, Pam Howard, Assistant Director, Lauren Gillingham, Senior Planner, and Weston Rogers, Associate Planner.

City Staff Present Virtually: None.

Legal Counsel Virtually: Kayla Moody-Grant with Taft Stettinius & Hollister LLP.

APPROVAL OF MINUTES

Maue motioned to approve the April 3, 2023 Minutes.

McCarty seconded. Motion passed. Vote 7-0.

REVIEW RULES AND PROCEDURES

Howard reviewed APC Workshop rules and procedures.

CONSENT AGENDA ITEMS

No Consent Agenda Items

WORKSHOP ITEMS

2108-PUD-21[WORKSHOP]

[YouTube Time: 2:54](#)

Grand Millennium Center PUD Amendment II (formally Amendment I)

North of David Brown Drive, East and West of Westfield Blvd

31/32 Investors by Edgerock Development, LLC requests an Amendment to the Permitted Uses and General Regulations of the Grand Millennium Center PUD District.

(Planner: Lauren Gillingham - lgillingham@westfield.in.gov)

Staff presentation / Petitioner presentation / APC comments / Workshop discussion.

MISCELLANEOUS ITEMS

[YouTube Time: 1:27:49](#)

Plan Commission Discussion on Community Growth

The discussion for this item was postponed.

DELEGATED ITEMS

[YouTube Time: 1:29:56](#)

2210-DDP-37 [APPROVED]

Carey Ridge Elementary

16231 Carey Road

Detailed Development Plan approval for a 19,145 SF building addition on 32 acres +/- in the AG-SF1 Zoning District.

(Planner: Weston Rogers - wrogers@westfield.in.gov)

2302-DDP-03 [APPROVED]

iBeach

724 E. 181st Street

Detailed Development Plan approval of a 20,000 square foot athletic facility and outdoor volleyball courts on 3 acres +/- in the iBeach31 at Grand Park PUD District.

(Planner: Ryan Collingwood - rcollingwood@westfield.in.gov)

ITEMS CONTINUED TO A FUTURE MEETING

2111-PUD-27 [CONTINUED]

TowneRun PUD

Northwest corner of Towne Road and West 146th Street

LOR Corporation by Church Church Hittle + Antrim requests a change in zoning for 26.94 acres +/- from AG-SF1: Agriculture / Single-family Rural District to the TowneRun PUD District.

(Planner: Kevin Todd - ktodd@westfield.in.gov)

2209-ZOA-03 [CONTINUED]

Unified Development Ordinance Amendment (Floodplain)

The City of Westfield requests approval of an ordinance to amend Articles 3.5 & 5.5 of the Westfield-Washington Township Unified Development Ordinance.

(Planner: Pam Howard - phoward@westfield.in.gov)

REPORTS/COMMENTS:

[YouTube Time: 1:30:34](#)

- Plan Commission Comments
- Downtown Update
- City Council Liaison
- Board of Zoning Appeals Liaison
- Plat Committee Liaison
- Community Development Department

ADJOURNMENT

McCarty motioned to adjourn the meeting.

Schmitz seconded. Motion passed. Vote 7-0.

The meeting adjourned at 8:35 p.m.

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Agendas and minutes for all City meetings are updated and available at the City's website.

Website: www.westfield.in.gov | Community Development Department E-mail: community@westfield.in.gov

APC Minutes for April 18, 2023 Page 2 of 3

Signature Page for APC Minutes for April 18, 2023

Robert Horkay, President

Ginny Kelleher, Vice President

Kevin M. Todd, Secretary



WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION MEETING

May 3, 2023
2108-PUD-21
Exhibit 1

Docket Number: 2108-PUD-21 (Ordinance No. 21-33)

Petitioner: 31/32 Investors by Edgerock Development, LLC

Request: An Amendment to the Permitted Uses, General Regulations, and Development Standards of the Grand Millennium Center PUD District.

Current Zoning: Grand Millennium Center PUD District ([Ord. 16-51](#))

Current Land Use: Vacant

Acreage: 57.96 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Redlined Ordinance 21-33 (v.5-3-2023)
4. Proposed Ord. 21-33 (clean, v.5-3-2023)
5. Ord. 16-51 (Original Ordinance)

Staff Reviewer: Lauren Gillingham, AICP, Senior Planner (2023 reviewer)

Pam Howard, Senior Planner (2021 reviewer)

PETITION HISTORY

This petition was introduced at the July 12, 2021, City Council meeting. The petition received public hearings at the [August 2, 2021](#) and [April 3, 2023](#) Advisory Plan Commission (the "Plan Commission") meetings, and was discussed at the March 20, 2023 APC workshop meeting. **Text marked in red signify changes made since the April 17, 2023 Workshop meeting.**

The petitioner held a neighbor meeting on July 19, 2021.

PROJECT OVERVIEW

Location: This subject real estate is approximately 57.96 acres in size and is located north of David Brown Drive, east and west of Westfield Blvd (see **Exhibit 2**). The Property is currently zoned the Grand Millennium PUD District ([Ord. 16-51](#), the "Original Ordinance"), which was adopted at the March 13, 2017, City Council meeting. Adjacent zoning districts and land uses and include a mix of Industrial, General Business, Single-Family, and Multi-Family Districts.

Project Description: The petitioner is requesting an Amendment to the Permitted Uses, General Regulations, and Development Standards of the Grand Millennium Center PUD District.

ORDINANCE DETAILS

District Areas:

As proposed, the amendment will retain the districts of the Original Ordinance. Although there is some overlap between the underlying zoning and standards of each district, it is helpful to understand their distinctions, especially as they apply to residential. As a refresher:

Mixed-Use District: MF2 underlying zoning; permits apartments but requires commercial uses on the ground floor; allows parking garages and GB (General Business) uses.

Multi-Family District: MF2 underlying zoning; only permits standalone multi-family buildings; does not permit parking garages or commercial uses; townhome use is requested in amendment.

Commercial District: GB underlying zoning; does not permit apartments; permits convention center, parking garages, and GB (General Business) uses.

As requested, a Concept Plan has been added showing the general location of each District within the expansion areas referenced above. Potential uses are provided for illustrative purposes and are not a requirement for development plan approval. **The Concept Plan has been modified to add a Commercial & Mixed-Use “bubble” along US 31 and to show the expanded Multi-Family Buffer. Additional language has been added to further tie the PUD amendment to the Concept Plan and to replace the former District Areas Map with the new Concept Plan.**

Permitted Use: The PUD Amendment proposes adding Townhouse Dwellings as a Permitted Use in the Multi-Family District.

General Regulations: The proposed amendment modifies some standards of the Original Ordinance, as described below:

Maximum Density: The proposed amendment permits a maximum of 350 dwelling units north of the Anna Kendall Drain and a maximum of 500 dwelling units south of the Anna Kendall Drain, but not to exceed 750 total dwelling units.

Maximum Building Height: The Original Ordinance contained a Maximum Building Height for the Multi-Family District of three (3) stories or a 2:1 proximity slope from the East Property Line, whichever is greater. The proposed amendment removes the proximity slope provision but retains the three (3) story maximum for Townhouse Dwellings. The PUD Amendment increases the Maximum Building Height for Multi-Family Dwellings west of Westfield Blvd. (in either the Multi-Family or Mixed-Use District) to 4 stories, or 5 stories if parking is located on the ground floor.

This section was previously edited to correct language that mistakenly exempted townhome dwellings from Maximum Building Height standards, and to remove the reference to the MF2 underlying zoning district.

Development Standards: The proposed amendment modifies some standards of the Original Ordinance, as described below. The majority of modifications are from the underlying UDO standards. While the UDO standards work very well for low to medium density, suburban multi-family developments, some variation is necessary to suit the design and character of a downtown or city center residential/mixed-use development, as contemplated by the Original Ordinance character exhibits.

Architectural Standards:

Façade Offset: To reduce monotony and the development of boring, “boxy” buildings, the UDO requires facades to project or recess by a minimum of six feet. The PUD amendment reduces the depth to two feet to better create a pedestrian-oriented streetscape by keeping the building façade closer to the sidewalk.

Roof Design: As written, the UDO requires roofs in multi-family districts to have a 6:12 minimum pitch and 12” minimum eave overhang, which prohibits flat roofs. The amendment adds language to permit flat roofs and reduce the minimum eave overhang to 0” (as flat roofs do not typically have an overhang). Such roofs will be regulated by the flat roof standards found in the Business District standards (6.3(F)(b), requiring parapets, articulated cornices and roof line modulation.

Language was previously to reference the Mixed-Use Building character exhibit (which shows buildings with flat roofs) and clarify that the buildings would be held to the same design and modulation standards as flat roofs in commercial districts.

Townhome Use Character Exhibit: A character exhibit was added showing the desired quality and character for townhome uses. Additional language has been added to reference the new exhibit.

Landscape Standards: The amendment also amends certain landscape standards to promote pedestrian-oriented design and better suit the intended density.

Tree Preservation: Reflecting comments received at the workshop meeting, the PUD Amendment modifies Sec. 9.2(G) of the Original Ordinance to apply to all districts. This includes the specific requirement that 4” caliper trees be maintained north of the Anna Kendall Drain, and the more general requirement that a best effort be given to preserve existing trees elsewhere on the site.

Multi-Family Buffer: Expands the Multi-family Buffer to include the area between the Cherry Wood Estates and Southridge neighborhoods

Minimum Lot Landscaping: ~~Instead of waiving Minimum Lot Landscaping requirements for all multi-family uses, the amendment proposes calculating the requirement using the average number of dwelling units per residential floor. Staff believes this offers a better approximation of the green space displaced by building footprint and a more reasonable tree count. Townhome uses will follow the underlying MF2 District standards.~~

Following discussion at the April 17th Workshop meeting, Minimum Lot Landscaping standards shall apply to all Districts, but the APC may reduce Minimum Lot Landscaping standards for developments west of Westfield Blvd. Landscape reductions will be approved by the Plan Commission as part of the DDP approval process.

External Street Frontage Landscaping: Shall not apply if the Front Building Façade of the lot's Principal Building(s) orients toward an External Street or named trail. The UDO requires residential uses to be buffered from all External Streets (streets classified as a Collector, Arterial, or Expressway) by a minimum 3' undulating mound in a 30' planted buffer yard.

Language added stating that Street Tree standards will still apply.

Parking Standards:

Off-Street Parking: Finally, the amendment amends the multi-family parking ratio from 2 spaces per dwelling unit to 1.5 spaces per dwelling unit.

Design Standards: The proposed amendment also modifies some Design standards of the Original Ordinance and the UDO, as described below.

Amenity Standards: Language has been added requiring multi-family developments west of Westfield Blvd to provide the following amenities:

- Outdoor Public Space (including but not limited to plazas, courtyards, gardens, public squares, and similar usable spaces)
- Fitness Center
- Resort Style Pool
- Business Center/Conference Room
- Grilling Cabana
- Dog Park
- Connections to Pedestrian Walkways and Paths

CHANGES SINCE THE APC PUBLIC HEARING

Several changes have been made to the proposed Ordinance since the April 3, 2023 APC Workshop. A redlined ordinance is included showing changes from the version dated 4/17/2023.

COMPREHENSIVE PLAN

The Grand Millennium Center PUD falls within the Kendall Sub-District of the Grand Junction District, as identified in the [Grand Junction Implementation Plan](#). The Grand Junction

Implementation Plan encourages high-quality, taller buildings and attractive landscaping between buildings and US 31 within the Kendall Sub-District. It also encourages medial/office uses with ancillary retail. Single-family housing and independent retail are discouraged in the Kendall Sub-District. Indiana Code states that reasonable regard be paid to the Comprehensive Plan when considering zone map changes; however, the Comprehensive Plan is not law. The Comprehensive Plan is intended to serve as a guide in making land use decisions.

Thoroughfare Plan: The following corridors are impacted by the development of the Property: (i) Primary Arterial 1: US 31, (ii) Primary Arterial 2: Westfield Boulevard, (iii) Collector: 169th Street/David Brown Dr, (iv) Proposed Local: other proposed streets internal to the development, and (v) Alternative Transportation Plan: perimeter pathways along perimeter streets and sidewalks along internal streets.

PROCEDURAL

Public Hearing: A change of zoning request is required to be considered at a public hearing by the Plan Commission. The public hearings for this petition were held at the August 2, 2021 and April 3, 2023 Plan Commission meetings. Notice of the public hearings were provided in accordance with Indiana law and the Plan Commission's Rules of Procedure.

Statutory Considerations: Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes 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.

Council Introduction: The petition was introduced at the July 12, 2021, City Council meeting.

DEPARTMENT COMMENTS

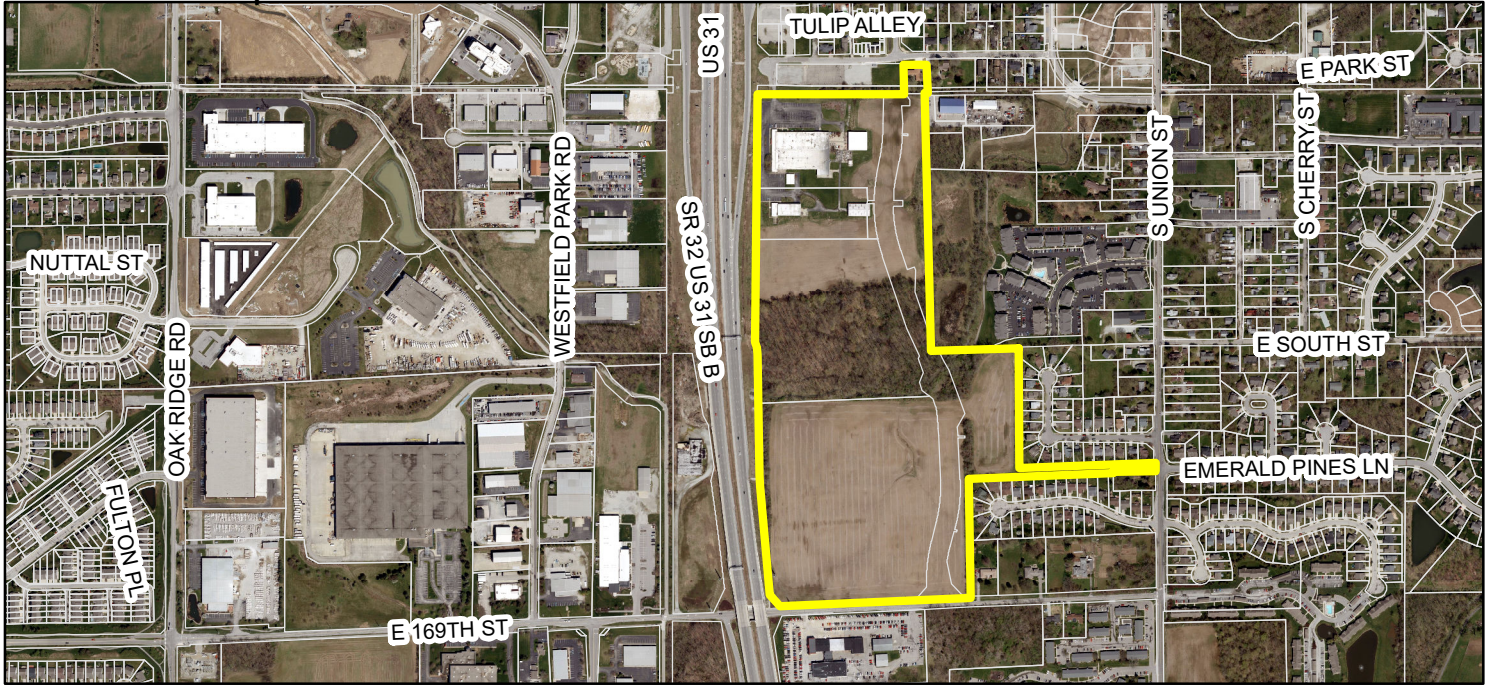
Action:

At the May 3rd, 2023 Plan Commission meeting:

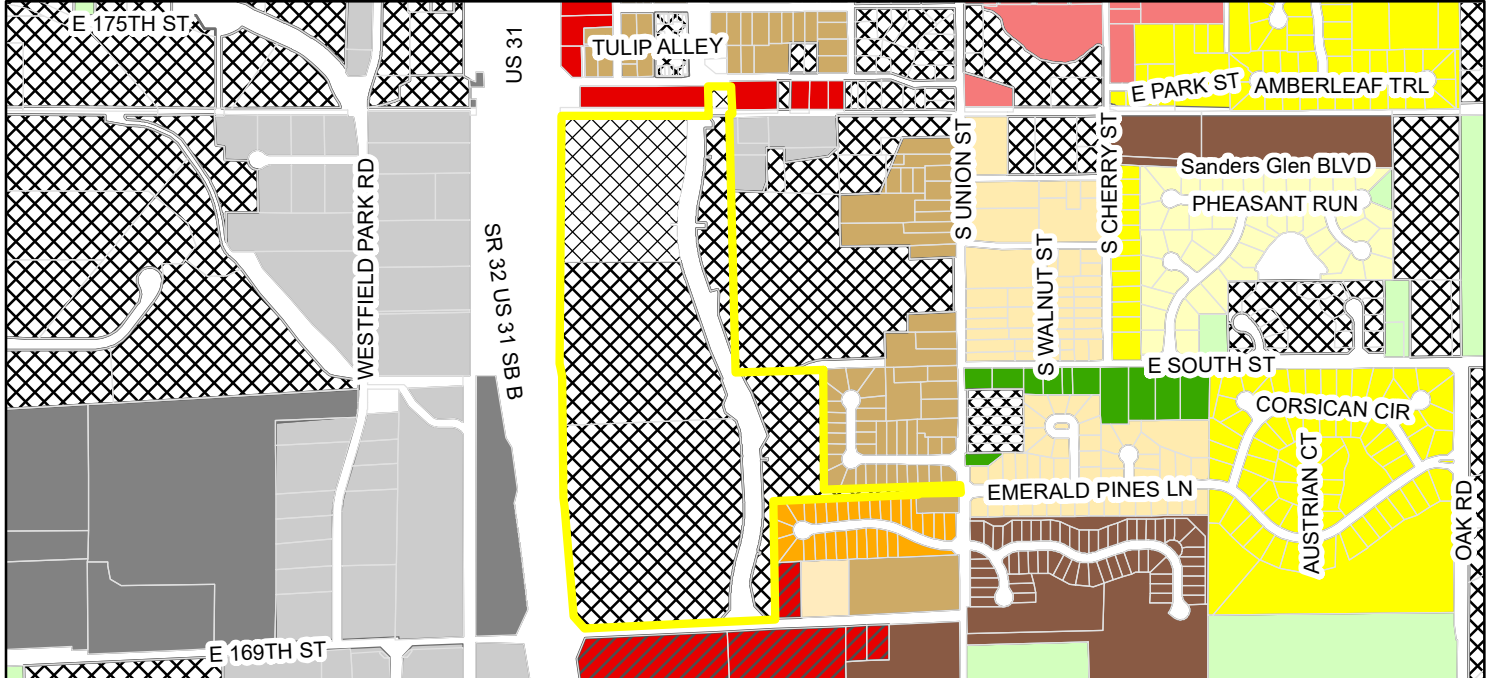
1. The Commission may forward a recommendation to the City Council

If any Plan Commission member has questions prior to the public hearing, please contact Lauren Gillingham at (317) 804-3175 or lgillingham@westfield.in.gov.

Aerial Location Map



Zoning Map



Zoning

- | | | |
|---|--|------|
| AG-SF1 (Agriculture - Single Family - 1) | MF-2 (Multiple Family - 2) | Site |
| AG-SF11 (Agriculture - Single Family - 1 In-town) | OI (Open Industrial) | |
| EI (Enclosed Industrial) | PUD (Planned Unit Development) | |
| GB (General Business) | SF-1 (Single Family - 1) | |
| GB-PD (General Business - Planned Development) | SF-2 (Single Family - 2) | |
| LB-H (Local Business - Historical) | SF-3 (Single Family - 3) | |
| MF-1 (Multiple Family - 1) | SF-4 (Single Family - 4) | |
| | SF-4 Pre-1994 (Single Family - 4 Pre-1994) | |

ORDINANCE 21-33

Grand Millennium Center PUD Amendment II

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

This is an ordinance (this “Ordinance”) to amend the Westfield-Washington Township UDO of the City of Westfield and Washington Township, Hamilton County, Indiana (the “UDO”), 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 Zoning Ordinance;

WHEREAS, the Common Council (the "Council") enacted Ordinance No. 16-51, The Grand Millennium Center Planned Unit Development District on March 13, 2017.

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Petition No. 2108-PUD-21), filed with the Commission requesting an amendment to the Unified Development Ordinance and the Grand Millennium Center PUD with regard to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded Petition No. 2108-PUD-21 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **recommendation (vote)** 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 , 2023; and,

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.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:

Section 1. **Applicability of Ordinance.**

- 1.1 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the Grand Millennium Center PUD, and (iii) 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 or the Grand Millennium Center PUD.

- 1.2 Chapter (“Chapter”) and Article (“Article”) cross-reference of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.3 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. District Areas: Section 3 of the Grand Millennium Center PUD shall apply with the following amendments:

~~4.42.1~~ The Concept Plan, attached hereto as **Exhibit B** (the “Concept Plan”), is hereby incorporated in accordance with Article 10.10(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan of the UDO. Development of each District Area shall be in accordance with Exhibit B. The attached Concept Plan shall replace Ord. 16-51 Exhibit B (District Area Map).

~~1.5 — The Mixed Use District shall be permitted to expand so long as it remains west of Westfield Blvd., and the Multi Family District shall be permitted to expand so long as it remains north of the Anna Kendall Drain, as generally shown in the Concept Plan.~~

~~4.42.2~~ Potential uses (shown on the Concept Plan in italicized text) are provided for illustrative purposes only. Compliance with the italicized uses shall not be a requirement of development approval.

Section 2. Section 3. Permitted Uses: The following additional use shall be permitted.

~~4.63.1~~ Multi-Family District:

A. Additional Uses: In addition to the uses permitted within the underlying MF2 District, the following uses shall be permitted in the Multi-Family District:

(i) Dwelling, Townhouse

a) Use shall only be permitted within the Multi-Family District located east of Westfield Blvd

Section 3. Section 4. General Regulations: The standards of Chapter 4: Zoning Districts of the UDO, as amended by the Grand Millennium Center PUD, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

~~4.74.1~~ MF2: Multi-Family Medium Density District: Section 7.1 of the Grand Millennium Center PUD shall be amended as follows:

A. Maximum Density:

(i) North of Anna Kendall Drain: up to 350 units

(ii) South of Anna Kendall Drain: up to 500 units

(iii) Total in all Districts: 750 units

- B. Maximum Building Height: Section 7.1(F) of the Grand Millennium Center PUD shall not apply, instead the following shall apply:
- (i) Townhouse Dwellings: Three (3) stories
 - (ii) Dwellings west of Westfield Blvd: Five (5) stories if parking is located on the ground floor, otherwise four (4) stories

~~Section 4.~~Section 5. **Development Standards:** The standards of Chapter 6: Development Standards of the UDO, as amended by the Grand Millennium Center PUD, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

~~4.85.1~~1.85.1 Architectural Standards: Article 6.3: Architectural Standards of the UDO and Section 9.1 of the Grand Millennium Center PUD shall apply except as otherwise modified below.

A. Multi-Family Uses (in all districts):

- (i) Article 6.3(E)(1)(a) shall be modified to allow a projection or recession in the entire vertical façade plane of the exterior walls of not less than two (2) feet.
- ~~(ii)~~ (ii) Article 6.3 (E)(4) shall be modified to allow for a flat roof on buildings west of Westfield Blvd. If the building design includes a flat roof, the minimum eave overhang shall be zero (0) inches. All requirements of UDO 6.3(F)(7)(b) Commercial; Flat Roofs shall apply, including modulation, parapet, and cornice standards, and design shall be in line with the benchmark established by Ord. 16-51 Exhibit F (Illustrative Character Exhibit: Mixed-Use Building).

~~(iii)(ii)~~

B. Townhome Uses:

- (i) In addition to the underlying architectural standards, townhomes shall be similar in quality and character with the Illustrative Character Exhibit: Townhomes, attached hereto as **Exhibit C**.

~~4.95.2~~1.95.2 Landscaping Standards: Article 6.8: Landscape Standards of the UDO and Section 9.2 of the Grand Millennium Center PUD shall apply except as otherwise modified below.

~~C.A.~~ Tree Preservation: Section 9.2(G) shall apply to all districts.

~~B.~~ Multi-Family Buffer: Buffering shall be required at the eastern and southern District Lines of the Multi-Family District, and between the Cherry Wood Estates and Southridge subdivisions, as depicted in **Exhibit B**. All requirements for a Buffer B under Article 6.8(N) shall apply to these buffer yards.

~~D.C.~~ Minimum Lot Landscaping: With the exception of townhomes, Article 6.8(K) shall not apply to multi-family uses in the Mixed Use and Multi Family Districts. Instead the Minimum Lot Landscaping requirement shall be calculated based on

~~the average number of dwelling units per floor. Article 6.8(K) shall apply to all Districts. Minimum Lot Landscaping standards may be reduced at Plan Commission discretion for developments located west of Westfield Blvd. All reductions shall be approved by the Plan Commission with the Detailed Development Plan.~~

~~E.D.~~ External Street Frontage Landscaping: Article 6.8(M)(1) shall not apply if the Front Building Façade of the Lot's Principal Building(s) orients towards an External Street or named trail. Street Tree standards shall apply instead.

~~4.105.3~~ Parking Standards: Article 6.14: Parking and Loading Standards of the UDO shall apply except as otherwise modified below.

A. Required Spaces: Article 6.14(G)(11) shall be modified to require 1.5 off-street parking spaces per Dwelling Unit.

Section 6. Design Standards: The standards of Chapter 8: Design Standards of the UDO, as amended by the Grand Millennium Center PUD, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

6.1 Development Amenities: The following amenities shall be required for all multi-family developments west of Westfield Blvd. Amenities may be located in separate buildings with a single apartment complex as long as they remain accessible to all residents.

A. Outdoor Public Space (including but not limited to plazas, courtyards, gardens, public squares, and similar usable spaces)

B. Fitness Center

C. Resort Style Pool

D. Business Center/Conference Room

E. Grilling Cabana

F. Dog Park

G. Connections to Pedestrian Walkways and Paths

~~F.~~

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**ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS ____ DAY OF _____, 2023.**

**WESTFIELD COMMON COUNCIL
HAMILTON COUNTY, INDIANA**

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that **ORDINANCE 21-33** was delivered to the Mayor of Westfield

on the _____ day of _____, 2023, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 21-33

this _____ day of _____, 2023.

J. Andrew Cook, Mayor

I hereby VETO Ordinance 21-33

this _____ day of _____, 2023.

J. Andrew Cook, Mayor

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: Lauren Gillingham

Prepared by: Lauren Gillingham, AICP, Senior Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074

EXHIBIT A
LAND DESCRIPTION

BEST POSSIBLE IMAGE

Part of the North Half of the Southeast Quarter of Section 1,
Township 18 North, Range 3 East, Milton County, Indiana,
more particularly described as follows:

Beginning 660.00 feet North 00 degrees 03 minutes 00 seconds
East (assumed bearing) of the Southeast corner of the North
Half of the Southeast Quarter of Section 1, Township 18 North,
Range 3 East and on the East line thereof; thence South 87 degrees
42 minutes 00 seconds West parallel with the South line of said
North Half 990.00 feet; thence South 00 degrees 04 minutes 30
seconds West 660.00 feet to a found stone on the South line of
said North Half which is 990.30 feet South 87 degrees 42 minutes
West of the Southeast corner thereof; thence South 87 degrees
42 minutes 00 seconds West on and along aforesaid South line
981.10 feet; thence North 02 degrees 18 minutes West 15.00 feet
to the Easterly right of way line of U. S. Highway #31; thence
North 39 degrees 41 minutes West on and along said Easterly
right of way line 105.60 feet; thence North 01 degrees 41 minutes
30 seconds West on and along said right of way line 1011.90 feet
to a found iron pipe at the Southwest corner of a tract deeded to
Curtis Automotive Devices, Inc., by Warranty Deed dated March 4,
1958 and recorded in Deed Record 156, pages 106 and 107; thence
North 88 degrees 54 minutes 30 seconds East 887.50 feet to a found
iron stake called for in said Deed to Curtis Automotive Devices, Inc.;
thence North 00 degrees 28 minutes West on and along the East line
of said Curtis Automotive Devices, Inc., 237.64 feet to the North
line of said North Half; thence North 88 degrees 14 minutes 30
seconds East on and along aforesaid North line 453.38 feet to a point
which is 730.62 feet South 88 degrees 14 minutes 30 seconds West of
the Northeast corner of said North Half; thence South 00 degrees 03
minutes 00 seconds West parallel with the East line of said North
Half 634.62 feet (625.16 feet measured); thence North 87 degrees 42
minutes 00 seconds East parallel with the South line of said North
Half 730.62 feet (730.87 feet measured) to the East line of said North
Half; thence South 00 degrees 03 minutes 00 seconds West on and
along aforesaid East line 41.25 feet to the place of beginning, con-
taining 32.466 acres, more or less.

Land Description

Tract 1 (Inst.#9709706927)

A part of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana; thence North 90 degrees 00 minutes 00 seconds East (Assumed Bearing) along the North line of said Northeast Quarter 478.75 feet; thence South 00 degrees 32 minutes 53 seconds West 940.11 feet to the POINT OF BEGINNING of the following described real estate, said point being marked with a 5/8 inch diameter rebar with a yellow cap stamped "MEIHE ENGR LS 0012" ("capped rebar") near the intersection of two fence lines which represent the intersection of the East right-of-way for U.S. Highway No. 31 and the South right-of-way for the former Central Indiana Railway; thence continue South 00 degrees 32 minutes 53 seconds West 465.00 feet to a "capped rebar"; thence South 89 degrees 42 minutes 49 seconds East 586.00 feet parallel with the South right-of-way of said Railway to a point on a Manhole; thence South 00 degrees 32 minutes 53 seconds West 266.75 feet parallel with the East right-of-way of U.S. Highway No. 31 to a "capped rebar"; thence South 89 degrees 42 minutes 49 seconds East 99.80 feet parallel with the South right-of-way of said Railway; thence North 00 degrees 17 minutes 44 seconds East 731.74 feet to a "capped rebar" in a 8 feet high Chain Link Fence on the South right-of-way of said Railway; thence North 89 degrees 42 minutes 49 seconds West 682.58 feet along the aforesaid Railway right-of-way and fence line to the POINT OF BEGINNING. Containing 7.905 acres more or less.

Tract 2 (D.B. 324, Pg. 754)

A part of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana; thence North 90 degrees 00 minutes 00 seconds East (Assumed Bearing) along the North line of said Northeast Quarter 478.75 feet; thence South 00 degrees 32 minutes 53 seconds West 940.11 feet to a point marked with a 5/8 inch diameter rebar with a yellow cap stamped "MEIHE ENGR LS 0012" ("capped rebar") near the intersection of two fence lines which represent the intersection of the East right-of-way for U.S. Highway No. 31 and the South right-of-way for the former Central Indiana Railway; thence continue South 00 degrees 32 minutes 53 seconds West 465.00 feet to a "capped rebar" at the POINT OF BEGINNING of the following described real estate; thence South 89 degrees 42 minutes 49 seconds East 586.00 feet parallel with the South right-of-way of said Railway to a point on a Manhole; thence South 00 degrees 32 minutes 53 seconds West 266.75 feet parallel with the East right-of-way of U.S. Highway No. 31 to a "capped rebar"; thence North 89 degrees 42 minutes 49 seconds West 586.00 feet parallel with the South right-of-way of said Railway to a "capped rebar" near an 8 feet high Chain Link Fence on the East right-of-way of U.S. Highway No. 31; thence North 00 degrees 32 minutes 53 seconds East 266.75 feet along the aforesaid East right-of-way to the POINT OF BEGINNING. Containing 5.589 acres more or less.

Tract 3 (Inst.#2004-39854)

A part of the Northeast Quarter and a part of the Southeast Quarter of Section One (1), Township Eighteen (18) North, Range Three (3) East, described as follows: Begin at an iron stake and corner post in the Quarter section line 1184.00 feet West of the Southeast corner of the Northeast Quarter of Section One (1), Township Eighteen (18) North, Range Three (3) East; thence South 251.00 feet to an iron stake, thence South 89 degrees 40 minutes West 887.50 feet, to the intersection with the East right-of-way of U.S. Highway No. 31, by-pass, thence follow the said East right-of-way line North 00 degrees 33 minutes West 331.00 feet to a corner post; thence North 09 degrees 58 minutes 00 seconds East 144.7 feet to a corner post, thence North 01 degrees 53 minutes East 1126.6 feet to the intersection with the South right-of-way line of the Central Indiana Railroad; thence Easterly on and along said right-of-way line 889.1 feet to a large corner post, thence South 1338.6 feet to the PLACE OF BEGINNING. Containing 32.85 acres, more or less in Washington Township.

EXCEPT A part of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana; thence North 90 degrees 00 minutes 00 seconds East (Assumed Bearing) along the North line of said Northeast Quarter 478.75 feet; thence South 00 degrees 32 minutes 53 seconds West 940.11 feet to the POINT OF BEGINNING of the following described real estate, said point being marked with a 5/8 inch diameter rebar with a yellow cap stamped "MEIHE ENGR LS 0012" ("capped rebar") near the intersection of the two fence lines which represent the intersection of the East right-of-way for U.S. Highway No. 31 and the South right-of-way for the former Central Indiana Railway; thence South 00 degrees 32 minutes 53 seconds West 731.74 feet; thence South 89 degrees 42 minutes 49 seconds East 685.80 feet parallel with the South right-of-way of said Railway to a "capped rebar"; thence North 00 degrees 17 minutes 44 seconds East 731.74 feet to a "capped rebar" in an 8 feet high Chain Link Fence on the South right-of-way of said Railway; thence North 89 degrees 42 minutes 49 seconds West 682.58 feet along the aforesaid Railway right-of-way and fence line to the POINT OF BEGINNING. Containing 11.494 acres more or less.

Tract 4 (Inst.#9809871667)

The East Half of Lot Number Thirty (30) in Abel Doan's Addition, an Addition to the Town of Westfield in Hamilton County, Indiana, as per plat thereof, recorded in Deed Record 49, page 516, in the Office of the Recorder of Hamilton County, Indiana.

Also including interest in the following described parcel, to-wit: That portion of real estate which is between the East line of Lot 30 and the East line of Abel Doan's Addition to Westfield, in Hamilton County, Indiana, as per plat thereof and recorded in Deed Record 49, page 516 in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Commence on the Northeast corner of said Lot 30, thence South along East side of said Lot 30 to South edge of Lot 30 thence along the extended South boundary of said Lot 30 to the East line of Abel Doan's Addition to Westfield; thence North along East line of Abel Doan's Addition to Park Street; thence West to the place of beginning.

EXHIBIT B
CONCEPT PLAN

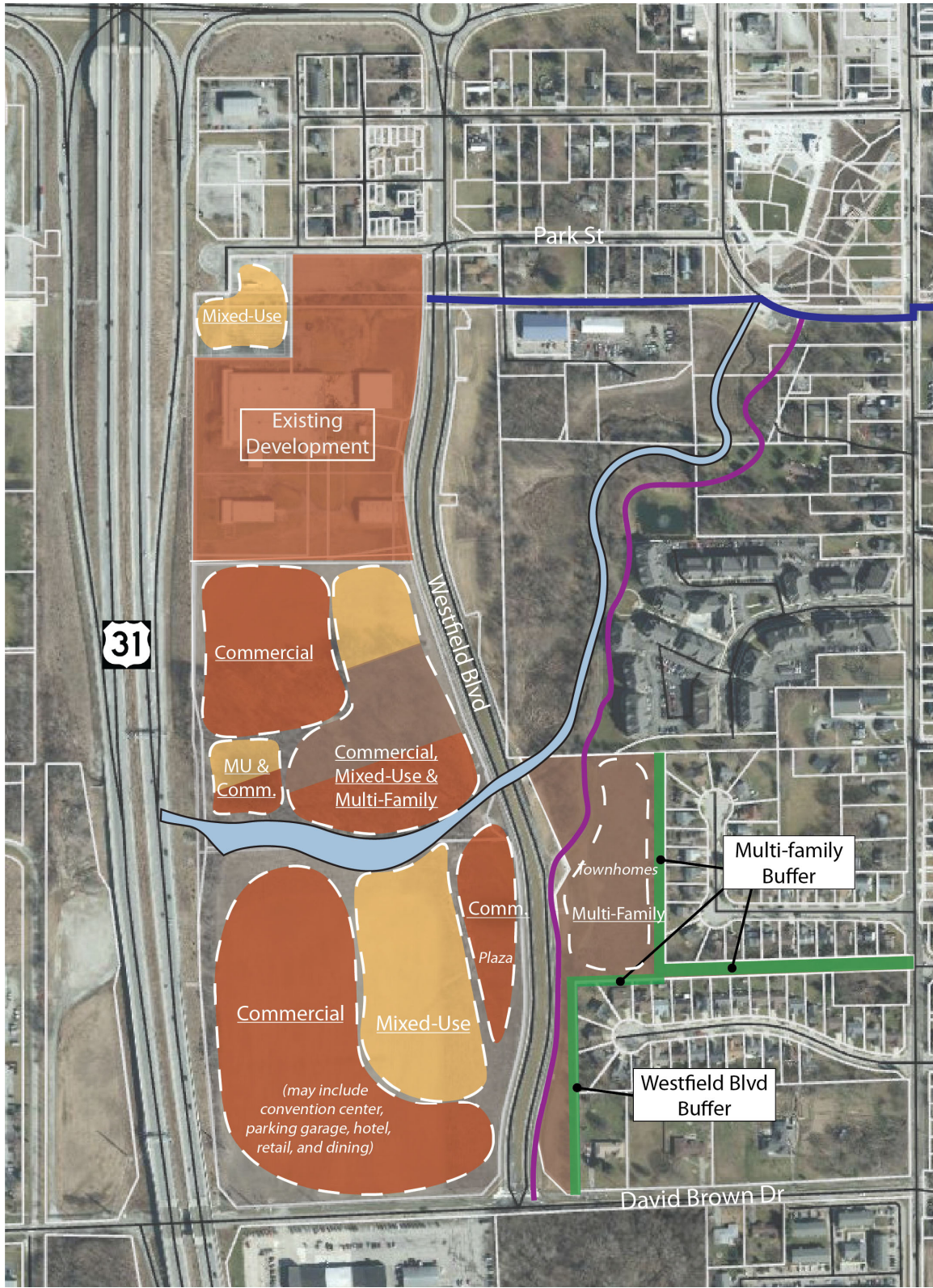


EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBIT: TOWNHOMES



ORDINANCE 21-33

Grand Millennium Center PUD Amendment II

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

This is an ordinance (this “Ordinance”) to amend the Westfield-Washington Township UDO of the City of Westfield and Washington Township, Hamilton County, Indiana (the “UDO”), 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 Zoning Ordinance;

WHEREAS, the Common Council (the "Council") enacted Ordinance No. 16-51, The Grand Millennium Center Planned Unit Development District on March 13, 2017.

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Petition No. 2108-PUD-21), filed with the Commission requesting an amendment to the Unified Development Ordinance and the Grand Millennium Center PUD with regard to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded Petition No. 2108-PUD-21 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **recommendation (vote)** 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 , 2023; and,

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.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:

Section 1. **Applicability of Ordinance.**

- 1.1 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the Grand Millennium Center PUD, and (iii) 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 or the Grand Millennium Center PUD.

- 1.2 Chapter (“Chapter”) and Article (“Article”) cross-reference of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.3 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. **District Areas:** Section 3 of the Grand Millennium Center PUD shall apply with the following amendments:

- 2.1 The Concept Plan, attached hereto as **Exhibit B** (the “Concept Plan”), is hereby incorporated in accordance with Article 10.10(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan of the UDO. Development of each District Area shall be in accordance with **Exhibit B**. The attached Concept Plan shall replace Ord. 16-51 Exhibit B (District Area Map).
- 2.2 Potential uses (shown on the Concept Plan in italicized text) are provided for illustrative purposes only. Compliance with the italicized uses shall not be a requirement of development approval.

Section 3. **Permitted Uses:** The following additional use shall be permitted.

3.1 **Multi-Family District:**

- A. **Additional Uses:** In addition to the uses permitted within the underlying MF2 District, the following uses shall be permitted in the Multi-Family District:
 - (i) Dwelling, Townhouse
 - a) Use shall only be permitted within the Multi-Family District located east of Westfield Blvd

Section 4. **General Regulations:** The standards of Chapter 4: Zoning Districts of the UDO, as amended by the Grand Millennium Center PUD, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

- 4.1 **MF2: Multi-Family Medium Density District:** Section 7.1 of the Grand Millennium Center PUD shall be amended as follows:
 - A. **Maximum Density:**
 - (i) North of Anna Kendall Drain: up to 350 units
 - (ii) South of Anna Kendall Drain: up to 500 units
 - (iii) Total in all Districts: 750 units
 - B. **Maximum Building Height:** Section 7.1(F) of the Grand Millennium Center PUD shall not apply, instead the following shall apply:
 - (i) Townhouse Dwellings: Three (3) stories

- (ii) Dwellings west of Westfield Blvd: Five (5) stories if parking is located on the ground floor, otherwise four (4) stories

Section 5. **Development Standards:** The standards of Chapter 6: Development Standards of the UDO, as amended by the Grand Millennium Center PUD, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

5.1 **Architectural Standards:** Article 6.3: Architectural Standards of the UDO and Section 9.1 of the Grand Millennium Center PUD shall apply except as otherwise modified below.

A. **Multi-Family Uses (in all districts):**

- (i) Article 6.3(E)(1)(a) shall be modified to allow a projection or recession in the entire vertical façade plane of the exterior walls of not less than two (2) feet.
- (ii) Article 6.3 (E)(4) shall be modified to allow for a flat roof on buildings west of Westfield Blvd. If the building design includes a flat roof, the minimum eave overhang shall be zero (0) inches. All requirements of UDO 6.3(F)(7)(b) Commercial; Flat Roofs shall apply, including modulation, parapet and cornice standards, and design shall be in line with the benchmark established by Ord. 16-51 Exhibit F (Illustrative Character Exhibit: Mixed-Use Building).

B. **Townhome Uses:**

- (i) In addition to the underlying architectural standards, townhomes shall be similar in quality and character with the Illustrative Character Exhibit: Townhomes, attached hereto as **Exhibit C**.

5.2 **Landscaping Standards:** Article 6.8: Landscape Standards of the UDO and Section 9.2 of the Grand Millennium Center PUD shall apply except as otherwise modified below.

A. **Tree Preservation:** Section 9.2(G) shall apply to all districts.

B. **Multi-Family Buffer:** Buffering shall be required at the eastern and southern District Lines of the Multi-Family District, and between the Cherry Wood Estates and Southridge subdivisions, as depicted in **Exhibit B**. All requirements for a Buffer B under Article 6.8(N) shall apply to these buffer yards.

C. **Minimum Lot Landscaping:** Article 6.8(K) shall apply to all Districts. Minimum Lot Landscaping standards may be reduced at Plan Commission discretion for developments located west of Westfield Blvd. All reductions shall be approved by the Plan Commission with the Detailed Development Plan.

D. **External Street Frontage Landscaping:** Article 6.8(M)(1) shall not apply if the Front Building Façade of the Lot's Principal Building(s) orients towards an External Street or named trail. Street Tree standards shall apply instead.

5.3 Parking Standards: Article 6.14: Parking and Loading Standards of the UDO shall apply except as otherwise modified below.

A. Required Spaces: Article 6.14(G)(11) shall be modified to require 1.5 off-street parking spaces per Dwelling Unit.

Section 6. **Design Standards**: The standards of Chapter 8: Design Standards of the UDO, as amended by the Grand Millennium Center PUD, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

6.1 Development Amenities: The following amenities shall be required for all multi-family developments west of Westfield Blvd. Amenities may be located in separate buildings with a single apartment complex as long as they remain accessible to all residents.

- A. Outdoor Public Space (including but not limited to plazas, courtyards, gardens, public squares, and similar usable spaces)
- B. Fitness Center
- C. Resort Style Pool
- D. Business Center/Conference Room
- E. Grilling Cabana
- F. Dog Park
- G. Connections to Pedestrian Walkways and Paths

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

**ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS ____ DAY OF _____, 2023.**

**WESTFIELD COMMON COUNCIL
HAMILTON COUNTY, INDIANA**

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that **ORDINANCE 21-33** was delivered to the Mayor of Westfield
on the _____ day of _____, 2023, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 21-33
this _____ day of _____, 2023.

I hereby VETO Ordinance 21-33
this _____ day of _____, 2023.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

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: Lauren Gillingham

Prepared by: Lauren Gillingham, AICP, Senior Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074

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LAND DESCRIPTION

BEST POSSIBLE IMAGE

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Township 18 North, Range 3 East, Milton County, Indiana,
more particularly described as follows:

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Range 3 East and on the East line thereof; thence South 87 degrees
42 minutes 00 seconds West parallel with the South line of said
North Half 990.00 feet; thence South 00 degrees 04 minutes 30
seconds West 660.00 feet to a found stone on the South line of
said North Half which is 990.30 feet South 87 degrees 42 minutes
West of the Southeast corner thereof; thence South 87 degrees
42 minutes 00 seconds West on and along aforesaid South line
981.10 feet; thence North 02 degrees 18 minutes West 15.00 feet
to the Easterly right of way line of U. S. Highway #31; thence
North 39 degrees 41 minutes West on and along said Easterly
right of way line 105.60 feet; thence North 01 degrees 41 minutes
30 seconds West on and along said right of way line 1011.90 feet
to a found iron pipe at the Southwest corner of a tract deeded to
Curtis Automotive Devices, Inc., by Warranty Deed dated March 4,
1958 and recorded in Deed Record 156, pages 106 and 107; thence
North 88 degrees 54 minutes 30 seconds East 887.50 feet to a found
iron stake called for in said Deed to Curtis Automotive Devices, Inc.;
thence North 00 degrees 28 minutes West on and along the East line
of said Curtis Automotive Devices, Inc., 237.64 feet to the North
line of said North Half; thence North 88 degrees 14 minutes 30
seconds East on and along aforesaid North line 453.38 feet to a point
which is 730.62 feet South 88 degrees 14 minutes 30 seconds West of
the Northeast corner of said North Half; thence South 00 degrees 03
minutes 00 seconds West parallel with the East line of said North
Half 634.62 feet (625.16 feet measured); thence North 87 degrees 42
minutes 00 seconds East parallel with the South line of said North
Half 730.62 feet (730.87 feet measured) to the East line of said North
Half; thence South 00 degrees 03 minutes 00 seconds West on and
along aforesaid East line 41.25 feet to the place of beginning, con-
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Land Description

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Tract 2 (D.B. 324, Pg. 754)

A part of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana; thence North 90 degrees 00 minutes 00 seconds East (Assumed Bearing) along the North line of said Northeast Quarter 478.75 feet; thence South 00 degrees 32 minutes 53 seconds West 940.11 feet to a point marked with a 5/8 inch diameter rebar with a yellow cap stamped "WEIHE ENGR LS 0012" ("capped rebar") near the intersection of two fence lines which represent the intersection of the East right-of-way for U.S. Highway No. 31 and the South right-of-way for the former Central Indiana Railway; thence continue South 00 degrees 32 minutes 53 seconds West 455.00 feet to a "capped rebar" at the POINT OF BEGINNING of the following described real estate; thence South 89 degrees 42 minutes 49 seconds East 586.00 feet parallel with the South right-of-way of said Railway to a point on a Manhole; thence South 00 degrees 32 minutes 53 seconds West 266.75 feet parallel with the East right-of-way of U.S. Highway No. 31 to a "capped rebar"; thence North 89 degrees 42 minutes 49 seconds West 586.00 feet parallel with the South right-of-way of said Railway to a "capped rebar" near an 8 feet high Chain Link Fence on the East right-of-way of U.S. Highway No. 31; thence North 00 degrees 32 minutes 53 seconds East 266.75 feet along the aforesaid East right-of-way to the POINT OF BEGINNING. Containing 5.589 acres more or less.

Tract 3 (Inst.#2004-39554)

A part of the Northeast Quarter and a part of the Southeast Quarter of Section One (1), Township Eighteen (18) North, Range Three (3) East, described as follows:

Begin at an iron stake and corner post in the Quarter section line 1184.00 feet West of the Southeast corner of the Northeast Quarter of Section One (1), Township Eighteen (18) North, Range Three (3) East; thence South 251.00 feet to an iron stake; thence South 89 degrees 40 minutes West 887.50 feet, to the intersection with the East right-of-way of U.S. Highway No. 31, by-pass, thence follow the said East right-of-way line North 00 degrees 33 minutes West 331.00 feet to a corner post; thence North 09 degrees 58 minutes 00 seconds West 144.7 feet to a corner post; thence North 01 degrees 53 minutes East 1126.6 feet to the intersection with the South right-of-way line of the Central Indiana Railroad; thence Easterly on and along said right-of-way line 889.1 feet to a large corner post; thence South 1338.6 feet to the PLACE OF BEGINNING. Containing 32.85 acres, more or less in Washington Township.

EXCEPT A part of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana; thence North 90 degrees 00 minutes 00 seconds East (Assumed Bearing) along the North line of said Northeast Quarter 478.75 feet; thence South 00 degrees 32 minutes 53 seconds West 940.11 feet to the POINT OF BEGINNING of the following described real estate, said point being marked with a 5/8 inch diameter rebar with a yellow cap stamped "WEIHE ENGR LS 0012" ("capped rebar") near the intersection of the two fence lines which represent the intersection of the East right-of-way for U.S. Highway No. 31 and the South right-of-way for the former Central Indiana Railway; thence South 00 degrees 32 minutes 53 seconds West 731.74 feet; thence South 89 degrees 42 minutes 49 seconds East 685.80 feet parallel with the South right-of-way of said Railway to a "capped rebar"; thence North 00 degrees 17 minutes 44 seconds East 731.74 feet to a "capped rebar" in an 8 feet high Chain Link Fence on the South right-of-way of said Railway; thence North 89 degrees 42 minutes 49 seconds West 682.58 feet along the aforesaid Railway right-of-way and fence line to the POINT OF BEGINNING. Containing 11.494 acres more or less.

Tract 4 (Inst.#809871667):

The East Half of Lot Number Thirty (30) in Abel Doan's Addition, an Addition to the Town of Westfield in Hamilton County, Indiana, as per plat thereof, recorded in Deed Record 49, page 516, in the Office of the Recorder of Hamilton County, Indiana.

Also including interest in the following described parcel, to-wit: That portion of real estate which is between the East line of Lot 30 and the East line of Abel Doan's Addition to Westfield, in Hamilton County, Indiana, as per plat thereof and recorded in Deed Record 49, page 516 in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Commence on the Northeast corner of said Lot 30; thence South along East side of said Lot 30 to South edge of Lot 30 thence along the extended South boundary of said Lot 30 to the East line of Abel Doan's Addition to Westfield; thence North along East line of Abel Doan's Addition to Park Street; thence West to the place of beginning.

EXHIBIT B
CONCEPT PLAN



EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBIT: TOWNHOMES



4910
20

ORDINANCE NUMBER 16-51

THE GRAND MILLENNIUM CENTER PUD DISTRICT

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENTS TO
THE UNIFIED DEVELOPMENT ORDINANCE AND ZONING MAP**

This is a Planned Unit Development District Ordinance (to be known as the "**THE GRAND MILLENNIUM CENTER 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. 1701-PUD-02**), 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. 1701-PUD-02** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (7-0) 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 March 7, 2017;

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 the "**The Grand Millennium Center PUD District**" (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 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 District Line: The perimeter of a District Area, as depicted in **Exhibit B**.
- 2.2 Illustrative Character Exhibit: Corporate Office Building: The architectural building elevations for a corporate office building, attached hereto as **Exhibit E**.
- 2.3 Illustrative Character Exhibit: Hotel and Convention Center: The architectural building elevations for a hotel and convention center, attached hereto as **Exhibit D**.
- 2.4 Illustrative Character Exhibit: Mixed-Use Building: The architectural building elevations for a mixed-use building, attached hereto as **Exhibit F**.
- 2.5 Illustrative Character Exhibit: Multi-Story Parking Garage: The architectural building elevations for a Multi-Story Parking Garage, attached hereto as **Exhibit G**.
- 2.6 Multi-Story Parking Garage: A building designed for vehicle parking where there are multiple floors or levels on which parking takes place.

Section 3. District Areas. The Real Estate is hereby divided into three (3) districts as illustrated on the District Area Exhibit, attached hereto as **Exhibit B**, as follows:

- A. Multi-Family District;
- B. Commercial District; and,
- C. Mixed-Use District

Each district may be referred to as a "District Area" within this PUD Ordinance. Development of each District Area shall be regulated as set forth in this Ordinance. The Real Estate shall be developed in accordance with the District Area Exhibit. An example layout of how the Real Estate may develop

is attached hereto as **Exhibit C**.

Section 4. **Underlying Zoning District(s).** The Underlying Zoning District of Multi-Family District and the Mixed-Use District shall be the MF2: Multi-Family Medium Density District (the “Underlying Zoning District”). The Underlying Zoning District for the Commercial District shall be the GB: General Business District (the “Underlying Zoning District”).

Section 5. **Illustrative Character Exhibit.** Buildings constructed on the Real Estate shall be substantially similar in quality and character with the Illustrative Character Exhibit: Hotel and Convention Center; Illustrative Character Exhibit: Corporate Office Building; Illustrative Character Exhibit: Mixed-Use Building; and Illustrative Character Exhibit: Multi-Story Parking Garage attached hereto as **Exhibit D**, **Exhibit E**, **Exhibit F**, and **Exhibit G**, respectively (collectively, “Character Exhibits”). These Character Exhibits are hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed on 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.

Section 6. **Permitted Uses.** All uses permitted in the Underlying Zoning District shall apply to the Real Estate, except as otherwise modified below.

6.1 Special Exceptions and Prohibited Uses of the Underlying Zoning District shall be prohibited in all Districts.

6.2 **Commercial District:**

A. **Additional Uses:** In addition to the uses permitted within the underlying GB District, the following uses shall be permitted in the Commercial District:

- i. Convention Center
- ii. Multi-Story Parking Garage

B. **Prohibited Uses:** The following uses shall be prohibited in the Commercial District:

- i. Garden and Lawn Center
- ii. Mortuary
- iii. Nursery (plants)
- iv. Restaurant, Fast Food

6.3 **Mixed-Use District:**

A. **Additional Uses:** In addition to the uses permitted within in the underlying MF-2 District, the following uses shall be permitted in the Mixed-Use District:

- i. Multi-Story Parking Garage
- ii. All GB uses permitted in the UDO, unless otherwise modified

herein.

- B. Prohibited Uses: The following uses shall not be permitted in the Mixed-Use District:
 - i. Mortuary
 - ii. Nursery (plants)
- C. First-Floor Uses: Non-residential uses shall be required on the first floor of all multi-story buildings within the Mixed-Use District.

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 MF2: Multi-Family Medium Density District (Article 4.11)

- A. Location: Article 4.11(C) shall not apply.
- B. Maximum Density: Article 4.11(D) shall be modified to allow the following:
 - i. Multi-Family District: 500 units in the Multi-Family District; and,
 - ii. Mixed-Use District: 250 units in the Mixed-Use District.
- C. Maximum Dwelling Units per Structure: Article 4.11(E) shall be modified to allow the following:
 - i. Multi-Family District: 500 units per structure in the Multi-Family District; and,
 - ii. Mixed-Use District: 250 units per structure in the Mixed-Use District.
- D. Minimum Setback Lines: Article 4.11(H) shall be modified to allow the following:
 - i. Multi-Family District
 - a. Setback from West District Line: 20 feet
 - b. Setback from East and South District Lines: 40 feet
 - c. All other Setbacks: 10 feet
 - ii. Mixed-Use District
 - a. All minimum setbacks shall be zero (0) feet.
- E. Project Perimeter Setback: Article 4.11 (J) shall not apply.
- F. Maximum Building Height: 3 stories or a height equivalent to a 2:1 Proximity Slope from the Multi-Family District's east District Line (e.g., a Building with a setback of 80 feet may have a maximum building height of 40 feet), whichever is greater.
- G. Minimum Distance Between Buildings: 15 feet

7.2 GB: General Business District (Article 4.16)

A. Minimum Building Setback Lines:

- i. Front Yard: 10 feet
- ii. Side Yard: 10 feet
- iii. Rear Yard: 10 feet

B. Maximum Building Height: 8 stories

Section 8. **US Highway 31 Overlay District.** The regulations of Article 5.2 Overlay Districts; U.S. Highway 31 Overlay District (the “U.S. 31 Overlay”) shall apply to the development of the Real Estate, except as otherwise modified below.

8.1 Permitted Uses: Article 5.2(C) shall apply, except as otherwise modified below.

- A. In addition to the uses permitted within the U.S. 31 Overlay, “Hotels” “Convention Center”, and “Multi-Story Parking Garage” shall be permitted uses within the U.S. 31 Overlay.

8.2 Minimum Lot Size: Article 5.2(D) shall be modified to default to the applicable Underlying Zoning District standard.

8.3 Maximum Building Height: Article 5.2(E)(1) shall be modified to default to the applicable Underlying Zoning District standard, as modified under Section 7 of this Ordinance.

8.4 Minimum Front Yard, Side Yard, and Rear Yard: Article 5.2(E)(3), (4) and (5) shall be modified to default to the applicable Underlying Zoning District standard, as modified under Section 7 of this Ordinance.

8.5 Minimum Aggregate of Side Yard: Article 5.2(E)(6) shall be modified as follows:

- A. Multi-Family District: 20 feet
- B. Mixed-Use District: 0 feet
- C. Commercial District: 20 feet

8.6 Minimum Lot Width: Article 5.2(E)(7) shall not apply.

8.7 Maximum Lot Coverage: Article 5.2(E)(9) shall not apply.

8.8 Landscaping Requirements: Article 5.2(G) shall not apply.

8.9 Architectural Requirements: Article 5.2(J) shall apply, except brick or stone is not required to be one of the three (3) materials used, unless otherwise required by this Ordinance.

8.10 Frontage Roads: Article 5.2(K) shall be modified to permit frontage roads to be placed a minimum of three hundred (300) feet from the Right-of-Way of U.S. Highway 31 and shall otherwise conform to all INDOT Standards.

Section 9. **Development Standards.** The standards of Chapter 6: Development Standards shall apply to the development of the Real Estate, except as otherwise modified below.

9.1 Architectural Standards: Article 6.3 shall apply to the development of the Real

Estate, except as otherwise modified below.

A. Multi-Family District

- i. Article 6.3(E)(2) shall be modified to allow architectural precast concrete panels as a permitted material. For the purposes of this PUD Ordinance, architectural precast concrete panels shall be considered a Masonry Material. For the purposes of this PUD Ordinance, the external face of all architectural precast concrete Panels used on the Real Estate shall be required aesthetic application (i.e., brick veneer, stone veneer, or other texture or design).
- ii. Article 6.3(E)(2)(b) shall be modified to require a minimum sixty percent (60%) of each Building Façade in the Multi-Family District, excluding windows and doors, shall be Masonry Materials.

B. Mixed-Use District

- i. Article 6.3(E)(2) shall be modified to allow architectural precast concrete panels and architectural metal panels as permitted materials. For the purposes of this PUD Ordinance, architectural precast concrete panels shall be considered a Masonry Material. For the purposes of this PUD Ordinance, the external face of all architectural precast concrete panels used on the Real Estate shall be required aesthetic application (i.e., brick veneer, stone veneer, or other texture or design).

C. Commercial District

- i. Article 6.3 (F)(2) shall be modified to allow architectural precast concrete panels, architectural metal panels, and glass (i.e. windows and faux windows) as primary building materials. For the purposes of this PUD Ordinance, the external face of all architectural precast concrete panels used on the Real Estate shall be required aesthetic application (i.e., brick veneer, stone veneer, or other texture or design).
- ii. Article 6.3(F)(2)(a)(ii) shall be modified to require an External Façade with less than one-hundred percent (100%) Masonry Materials to incorporate two (2) or more materials, excluding, windows, doors, and roofing material, provided, however, a minimum twenty-five percent (25%) of the building façade shall be Masonry Materials. For the purposes of this PUD Ordinance, architectural precast concrete panels shall be considered a Masonry Material. For the purposes of this PUD Ordinance, the external face of all architectural precast concrete panels used on the Real Estate shall be required aesthetic application (i.e., brick veneer, stone veneer, or other texture or design).

If the building facade is primarily comprised of glass (i.e. windows and faux windows) and architectural metal paneling,

then there is no minimum Masonry Materials requirement.

D. Multi-Story Parking Garage Standards

- i. Multi-Story Parking Garages shall be architecturally compatible and consistent with nearby and adjacent buildings, including roof lines, building elevation design, articulation, modulation and building materials.
- ii. The street-level of a Multi-Story Parking Garage shall not contain visible parking areas (aside from access points), security grills, or other parking security methods.
- iii. Security grilles shall be architecturally consistent with and integrated with the overall design of the building. Chain link fencing is not permitted for parking structure fencing.
- iv. Multi-Story Parking Garages shall be substantially similar in quality and character with the Illustrative Character Exhibit: Multi-Story Parking Garage, attached hereto as **Exhibit G**.

9.2 **Article 6.8 Landscaping Standards:** The Landscaping Requirements under Article 6.8 shall apply; except as otherwise modified below.

- A. There shall be no buffering required between Districts within the Real Estate.
- B. There shall be no buffering required around the perimeter of the Mixed-Use District.
- C. **Multi-Family Buffer:** Buffering shall be required at the eastern and southern District Lines of the Multi-Family District, as depicted on **Exhibit H**. All requirements for a Buffer B under Article 6.8(N) shall apply to these buffer yards.
- D. **Westfield Boulevard Buffer:** Buffering shall be required along the eastern side of Westfield Boulevard adjacent to the segment of Westfield Boulevard between David Brown Drive and the southern District Line of the Multi-Family District, as depicted on **Exhibit H**. All requirements for Buffer B under Article 6.8(N) shall apply to this buffer yard to the extent such improvements do not conflict with the final design and construction of Westfield Boulevard, as determined by the Director of the Public Works Department.
- E. **Parking Area Landscaping:** Article 6.8(O) shall not apply to Multi-Story Parking Garages.
- F. The developer shall give a best effort to preserve existing trees within the Multi-Family District.
- G. The developer shall preserve existing trees within the Commercial District as follows:
 - i. On the north side of the Anna Kendall Drain, all existing trees 4" caliper or greater within 100 feet of the centerline of the drain,

shall be preserved.

- ii. A best effort shall be given to preserve existing trees elsewhere within the Commercial District.

9.3 Outdoor Public Space: Plazas, courtyards, gardens, public squares, and similar outdoor usable public spaces is encouraged for all primary structures within the Grand Millennium Center PUD District.

9.4 Public Art: At least one (1) piece of public art is encouraged within the Grand Millennium Center PUD District.

9.5 Outdoor Storage and Display: Not permitted.

9.6 Walls and Fencing: All walls and fencing should be architecturally-compatible with the associated building(s). Chain-link fencing and other non-decorative fencing is not permitted in the Grand Millennium Center PUD District.

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.

11.2 A minimum number of amenities shall not be required in the Multi-Family Area.

11.3 Trail Access: The Multi-Family Area shall include direct access to the proposed Cool Creek Trail and Greenway.

11.4 Pedestrian Network: Pedestrian connectivity into and within the Real Estate shall be required throughout and between all uses on the Real Estate. Common design themes, crosswalk material changes and/or treatment, street furniture, and similar items/features which enhance the pedestrian's experience are encouraged and shall be applied to the entire Real Estate.

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ALL OF WHICH IS ORDAINED/RESOLVED THIS 13th DAY OF MARCH, 2017.

WESTFIELD CITY COUNCIL

Voting For

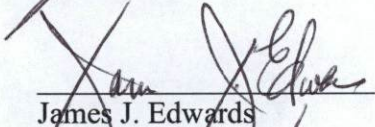
Voting Against

Abstain


Jim Ake

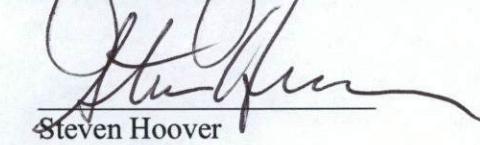
Jim Ake

Jim Ake


James J. Edwards

James J. Edwards

James J. Edwards


Steven Hoover

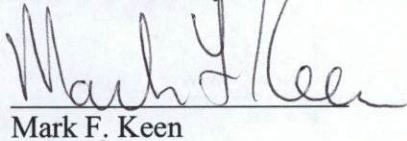
Steven Hoover

Steven Hoover

Robert L. Horkay

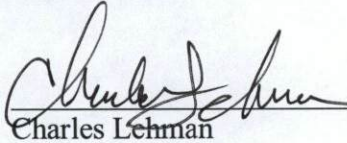
Robert L. Horkay

Robert L. Horkay


Mark F. Keen

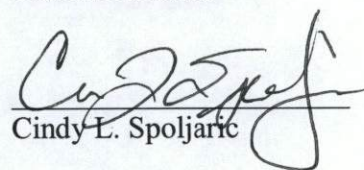
Mark F. Keen

Mark F. Keen


Charles Lehman

Charles Lehman

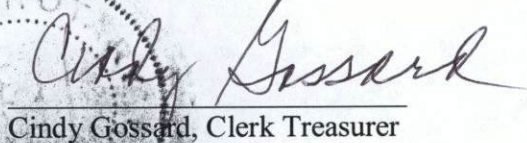
Charles Lehman


Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

ATTEST:


Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 16-51** was delivered to the Mayor of Westfield

on the 14 day of Mar, 2017, at 10:00A m.

Cindy Gossard
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-51**

this 14 day of March, 2017.

J. Andrew Cook
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-51**

this _____ day of _____, 2017.

J. Andrew Cook, Mayor

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: Adam Horkay

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

SCHEDULE OF EXHIBITS

Exhibit A	Legal Description
Exhibit B	District Map
Exhibit C	Example Layout
Exhibit D	Illustrative Character Exhibit – Hotel and Convention Center
Exhibit E	Illustrative Character Exhibit – Corporate Office Building
Exhibit F	Illustrative Character Exhibit: Mixed-Use Building
Exhibit G	Illustrative Character Exhibit: Multi-Story Parking Garage
Exhibit H	Buffer Yard Exhibit

EXHIBIT A
LEGAL DESCRIPTION

BEST POSSIBLE IMAGE

Part of the North Half of the Southeast Quarter of Section 1,
Township 18 North, Range 3 East, Hamilton County, Indiana,
more particularly described as follows:

Beginning 660.00 feet North 00 degrees 03 minutes 00 seconds
East (assumed bearing) of the Southeast corner of the North
Half of the Southeast Quarter of Section 1, Township 18 North,
Range 3 East and on the East line thereof; thence South 87 degrees
42 minutes 00 seconds West parallel with the South line of said
North Half 990.00 feet; thence South 00 degrees 04 minutes 30
seconds West 660.00 feet to a found stone on the South line of
said North Half which is 990.30 feet South 87 degrees 42 minutes
West of the Southeast corner thereof; thence South 87 degrees
42 minutes 00 seconds West on and along aforesaid South line
981.10 feet; thence North 02 degrees 18 minutes West 15.00 feet
to the Easterly right of way line of U. S. Highway #31; thence
North 39 degrees 41 minutes West on and along said Easterly
right of way line 105.60 feet; thence North 01 degrees 41 minutes
30 seconds West on and along said right of way line 1011.90 feet
to a found iron pipe at the Southwest corner of a tract deeded to
Curtis Automotive Devices, Inc., by Warranty Deed dated March 4,
1958 and recorded in Deed Record 156, pages 106 and 107; thence
North 88 degrees 54 minutes 30 seconds East 887.50 feet to a found
iron stake called for in said Deed to Curtis Automotive Devices, Inc.;
thence North 00 degrees 28 minutes West on and along the East line
of said Curtis Automotive Devices, Inc., 237.64 feet to the North
line of said North Half; thence North 88 degrees 14 minutes 30
seconds East on and along aforesaid North line 453.38 feet to a point
which is 730.62 feet South 88 degrees 14 minutes 30 seconds West of
the Northeast corner of said North Half; thence South 00 degrees 03
minutes 00 seconds West parallel with the East line of said North
Half 634.62 feet (625.16 feet measured); thence North 87 degrees 42
minutes 00 seconds East parallel with the South line of said North
Half 730.62 feet (730.87 feet measured) to the East line of said North
Half; thence South 00 degrees 03 minutes 00 seconds West on and
along aforesaid East line 41.25 feet to the place of beginning, con-
taining 32.466 acres, more or less.

INCLUDING:

Land Description

Tract 1 (Inst.#9709706827)

A part of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana; thence North 90 degrees 00 minutes 00 seconds East (Assumed Bearing) along the North line of said Northeast Quarter 478.75 feet; thence South 00 degrees 32 minutes 53 seconds West 940.11 feet to the POINT OF BEGINNING of the following described real estate, said point being marked with a 5/8 inch diameter rebar with a yellow cap stamped "WEIHE ENGR LS 0012" ("capped rebar") near the intersection of two fence lines which represent the intersection of the East right-of-way for U.S. Highway No. 31 and the South right-of-way for the former Central Indiana Railway; thence continue South 00 degrees 32 minutes 53 seconds West 455.00 feet to a "capped rebar"; thence South 89 degrees 42 minutes 49 seconds East 586.00 feet parallel with the South right-of-way of said Railway to a point on a Manhole; thence South 00 degrees 32 minutes 53 seconds West 266.75 feet parallel with the East right-of-way of U.S. Highway No. 31 to a "capped rebar"; thence South 89 degrees 42 minutes 49 seconds East 99.80 feet parallel with the South right-of-way of said Railway; thence North 00 degrees 17 minutes 44 seconds East 731.74 feet to a "capped rebar" in a 8 feet high Chain Link Fence on the South right-of-way of said Railway; thence North 89 degrees 42 minutes 49 seconds West 682.58 feet along the aforesaid Railway right-of-way and fence line to the POINT OF BEGINNING. Containing 7.905 acres more or less.

Tract 2 (D.B. 324, Pg. 754)

A part of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana; thence North 90 degrees 00 minutes 00 seconds East (Assumed Bearing) along the North line of said Northeast Quarter 478.75 feet; thence South 00 degrees 32 minutes 53 seconds West 940.11 feet to a point marked with a 5/8 inch diameter rebar with a yellow cap stamped "WEIHE ENGR LS 0012" ("capped rebar") near the intersection of two fence lines which represent the intersection of the East right-of-way for U.S. Highway No. 31 and the South right-of-way for the former Central Indiana Railway; thence continue South 00 degrees 32 minutes 53 seconds West 455.00 feet to a "capped rebar" at the POINT OF BEGINNING of the following described real estate; thence South 89 degrees 42 minutes 49 seconds East 586.00 feet parallel with the South right-of-way of said Railway to a point on a Manhole; thence South 00 degrees 32 minutes 53 seconds West 266.75 feet parallel with the East right-of-way of U.S. Highway No. 31 to a "capped rebar"; thence North 89 degrees 42 minutes 49 seconds West 586.00 feet parallel with the South right-of-way of said Railway to a "capped rebar" near an 8 feet high Chain Link Fence on the East right-of-way of U.S. Highway No. 31; thence North 00 degrees 32 minutes 53 seconds East 266.75 feet along the aforesaid East right-of-way to the POINT OF BEGINNING. Containing 3.589 acres more or less.

Tract 3 (Inst.#2004-39854)

A part of the Northeast Quarter and a part of the Southeast Quarter of Section One (1), Township Eighteen (18) North, Range Three (3) East, described as follows: Begin at an iron stake and corner post in the Quarter section line 1184.00 feet West of the Southeast corner of the Northeast Quarter of Section One (1), Township Eighteen (18) North, Range Three (3) East; thence South 251.00 feet to an iron stake, thence South 89 degrees 40 minutes West 897.50 feet, to the intersection with the East right-of-way of U.S. Highway No. 31, by-pass, thence follow the said East right-of-way line North 00 degrees 33 minutes West 331.00 feet to a corner post; thence North 09 degrees 59 minutes 00 seconds West 144.7 feet to a corner post, thence North 01 degrees 53 minutes East 1126.6 feet to the intersection with the South right-of-way line of the Central Indiana Railroad; thence Easterly on and along said right-of-way line 889.1 feet to a large corner post, thence South 1338.6 feet to the PLACE OF BEGINNING. Containing 32.85 acres, more or less in Washington Township.

EXCEPT: A part of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township of Hamilton County, Indiana; thence North 90 degrees 00 minutes 00 seconds East (Assumed Bearing) along the North line of said Northeast Quarter 478.75 feet; thence South 00 degrees 32 minutes 53 seconds West 940.11 feet to the POINT OF BEGINNING of the following described real estate, said point being marked with a 5/8 inch diameter rebar with a yellow cap stamped "WEIHE ENGR LS 0012" ("capped rebar") near the intersection of the two fence lines which represent the intersection of the East right-of-way for U.S. Highway No. 31 and the South right-of-way for the former Central Indiana Railway; thence South 00 degrees 32 minutes 53 seconds West 731.74 feet; thence South 89 degrees 42 minutes 49 seconds East 685.80 feet parallel with the South right-of-way of said Railway to a "capped rebar"; thence North 00 degrees 17 minutes 44 seconds East 731.74 feet to a "capped rebar" in an 8 feet high Chain Link Fence on the South right-of-way of said Railway; thence North 89 degrees 42 minutes 49 seconds West 682.58 feet along the aforesaid Railway right-of-way and fence line to the POINT OF BEGINNING. Containing 11.494 acres more or less.

Tract 4 (Inst.#9809871667):

The East Half of Lot Number Thirty (30) in Abel Doan's Addition, an Addition to the Town of Westfield in Hamilton County, Indiana, as per plat thereof, recorded in Deed Record 49, page 516, in the Office of the Recorder of Hamilton County, Indiana.

Also including interest in the following described parcel, to-wit: That portion of real estate which is between the East line of Lot 30 and the East line of Abel Doan's Addition to Westfield, in Hamilton County, Indiana, as per plat thereof and recorded in Deed Record 49, page 516 in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Commence on the Northeast corner of said Lot 30, thence South along East side of said Lot 30 to South edge of Lot 30 thence along the extended South boundary of said Lot 30 to the East line of Abel Doan's Addition to Westfield; thence North along East line of Abel Doan's Addition to Park Street; thence West to the place of beginning.

EXHIBIT B
DISTRICT MAP



EXHIBIT C
EXAMPLE LAYOUT



EXHIBIT D
ILLUSTRATIVE CHARACTER EXHIBIT:
HOTEL AND CONVENTION CENTER

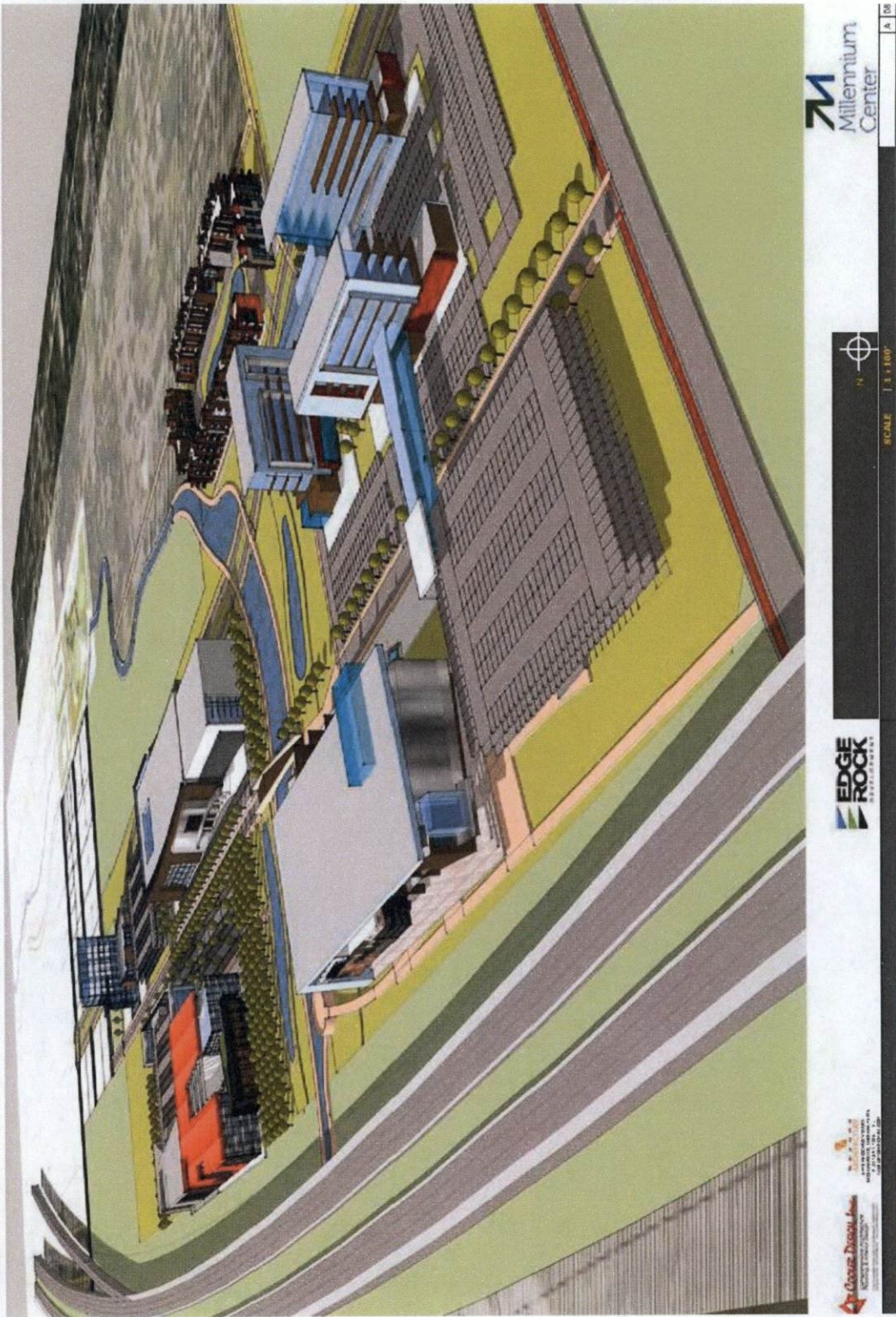


EXHIBIT E
ILLUSTRATIVE CHARACTER EXHIBIT:
CORPORATE OFFICE BUILDING

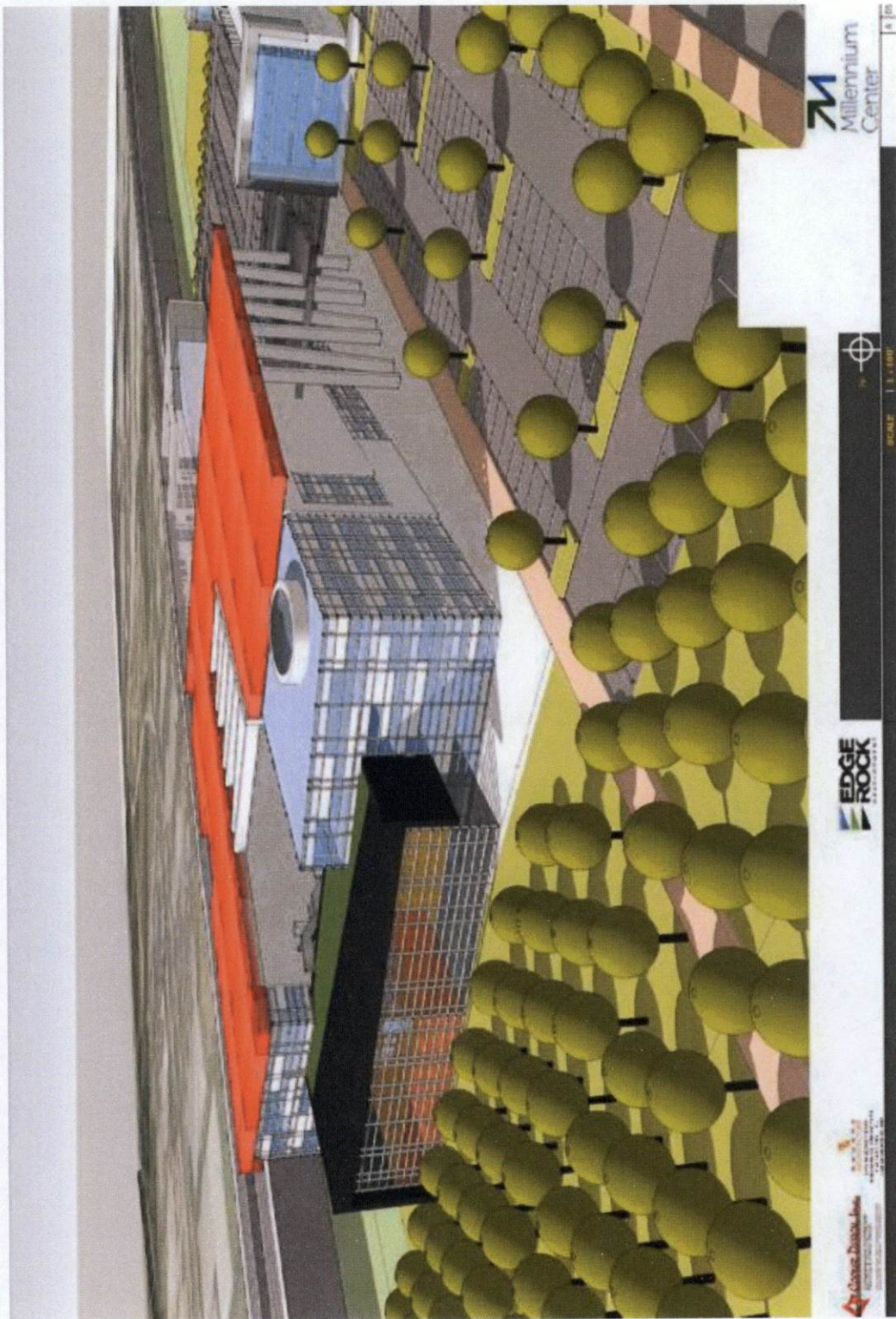


EXHIBIT F
ILLUSTRATIVE CHARACTER EXHIBIT:
MIXED-USE BUILDING



EXHIBIT G
ILLUSTRATIVE CHARACTER EXHIBIT:
MULTI-STORY PARKING GARAGE

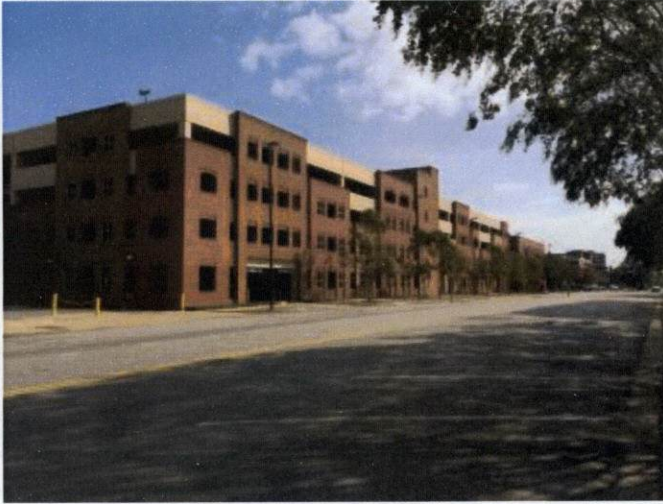


EXHIBIT H
BUFFER YARD EXHIBIT





Petition Number: 2304-DDP-07

Project Name: Taco Bell (Thatcher Ln)

Subject Site Address: 15005 Thatcher Ln

Petitioner: Bell American Group/Flynn Restaurant Group

Representative: Civil & Environmental Consultants

Request: Detailed Development Plan review of a 176 square foot building addition and related architectural improvements on 1.02 acres in the Village Park Plaza II PUD District.

Current Zoning: Village Park Plaza II PUD District

Current Land Use: Fast food restaurant (White Castle)

Approximate Acreage: 1.02 acres

Property History: Village Park Plaza II PUD ([Ord. 19-48](#)) – approved by Council 10/29/19
ODP & SPP - Approved by APC 10/21/2019
SFP – Recorded 12/23/2019 (*Inst. 2019065429*)

Staff Reviewer: Lauren Gillingham, AICP, Senior Planner

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Building Elevations
5. Landscape Plan

BACKGROUND

The request is for Detailed Development Plan review of a 176 square foot building addition and related architectural improvements on 1.02 acres in the Village Park Plaza II PUD District (with GB underlying zone). The Village Park Plaza II PUD District is interesting in that it is a redevelopment PUD, aimed at gradually bringing Village Park Plaza closer to current UDO standards while simplifying the development process. To accommodate the existing structures, the PUD offers a greater degree of flexibility in terms of setbacks, architectural and landscaping standards, and signage.

DEVELOPMENT PLAN REQUIREMENTS (Article 10.7(H) of the UDO):

The plans are complete

DEVELOPMENT PLAN REVIEW CRITERIA (Article 10.7(E) of the UDO):

The plans comply with all review criteria

DISTRICT STANDARDS

The plans comply with UDO Article 4.16 (GB District) and the Village Park Plaza II PUD District (Ord. 19-48)

1) Minimum Building Setback:

- | | |
|-----------------------------|---------|
| a) External Streets: | 20 Feet |
| b) Internal Streets/Drives: | 0 Feet |
| c) All Other | 0 Feet |
-

DEVELOPMENT STANDARDS (Chapter 6 of UDO & Village Park Plaza II PUD District (Ord. 19-48))

The plans comply with all applicable Development Standards

The proposed plans do not majorly change the existing parking lot, meaning that the Perimeter Parking Lot Landscaping and the size and location of parking islands (Interior Parking Lot Landscaping) fall under the Legal Nonconforming Structure standards, as outlined below.

2) Architectural Standards (*UDO Article 6.3 & Ord. 19-48, Section 9.2*)

The proposed improvements to existing building and the small addition meet the architectural standards by being similar in quality and character to the old facade of the building. The metal panels present on the White Castle building will largely remain, but will be repainted purple and gray to match Taco Bell's current design aesthetic. EIFS/stucco will be added to straighten the roof line and remove the "castle wall" style undulations, and Hardie Panels will be added to enclose the coolers.

3) Landscaping Standards (*UDO Article 6.8 & Ord. 19-48, Section 9.3*)

a) Minimum Lot Landscaping Requirements

On-site

Business Use (1 acre)	Required	Provided	Difference
Shade Trees (10/acre)	10	48*	+38
Orn. or Evergreen Trees (10/acre)	10	12*	+2
Shrubs (25/acre)	25	40	+15

*includes credits for preserved trees (1 per 2" in caliper)

b) Parking Area Landscaping (*UDO Article 6.8(O)*):

i) Interior Parking Area Landscaping:

Number and location of parking islands falls under provisions for legal nonconforming structures, but all landscape island plantings are provided

ii) Perimeter Parking Area Landscaping:

Not required per legal nonconforming standards – site predates the requirement and was not designed with enough room to add the required plantings

DESIGN STANDARDS (Chapter 8 of UDO)

The plans comply with all applicable Design Standards

1. Pedestrian Network Standards (*UDO Article 8.7*)

A sidewalk will be added along Thatcher Ln, creating a connection to E 151st St through the sidewalk adjacent to Circle K and Walmart's overflow parking lot.

DEPARTMENT COMMENTS

The plans as presented comply with the applicable zoning ordinances

Requested Action: approve 2304-DDP-07 with the following conditions:

- a. That all necessary approvals be obtained from the Westfield Public Works Department prior to any work beginning on the Property.

Please contact Lauren Gillingham, AICP at Lgillingham@westfield.in.gov or (463) 231-6649 with questions prior to the meeting



Aerial Location Map



Zoning Map



Legend

 Subject Parcel

0 0.03 0.05 0.1 Miles





IRV ARCHITECTS, INC. 2023

ALL DRAWINGS, SPECIFICATIONS, PLANS AND CONCEPTS ARE INSTRUMENTS OF SERVICE AND THEREFORE ARE PROPERTY OF MRV ARCHITECTS, INC. THEY MAY NOT BE REUSED, COPIED OR REPRODUCED WITHOUT PERMISSION AND EXPRESS WRITTEN CONSENT FROM MRV ARCHITECTS, INC.



NOTE TO GC:
ENTRANCES SHALL BE
IDENTIFIED WITH A SIGN OR
STICKER OF THE STANDARD
ACCESSIBILITY LOGO

- 1 NEW LIGHTING SUPPLIED AND INSTALLED BY SIGN VENDOR.
- 2 NEW EXTERIOR LIGHT FIXTURE. SEE AT.71.
- 3 NEW EXTERIOR ARTWORK. REFER TO ARTWORK SCHEDULE FOR ADDITIONAL INFORMATION.
- 4 NEW SIGNAGE TO BE PROVIDED BY VENDOR. PATCH AND PAINT WALL, AS NEEDED.
- 5 NEW DOOR. SEE SHEET A1.1.
- 6 NEW E.I.F.S. WALL ON EXISTING PARAPET WALL.
- 7 NEW WINDOW CLING GRAPHIC TO BE LAID ON OUTSIDE OF WINDOW.
- 8 NEW HARDIE BOARD EXCHANGE TOWER. PREP FOR PAINT SW7076.
- 9 TRIM BAND TO BE PAINTED ON EXISTING METAL PANELS.
- 10 NEW PAINT ON EXISTING DOOR AND WINDOW FRAMES.
- 11 NEW CO2 FILL BOX.
- 12 NEW WINDOW CLING GRAPHIC TO BE LAID ON INSIDE OF WINDOW.

MISCELLANEOUS:

- A. SEE SHEET A1.1 "WINDOW TYPES" FOR WINDOW ELEVATIONS.
- B. SEE SCOPE OF WORK FOR RESPONSIBILITIES.
- C. "HIGH IMPACT" MESH SHALL BE USED AT ALL RAISED TRIM BANDS @ ENTRIES, WINDOWS & EXPRESSION PANELS U.O.N. SEE SPECIFICATIONS.
- D. THE PAINT COLORS SHOWN ARE COLOR REFERENCES FOR THE E.I.F.S. SUPPLIER.
- E. E.I.F.S. TEXTURE SHALL BE 'FINE'.

SEALERS (REFER TO SPECS):

- A. SEALANT AT ALL WALL AND ROOF PENETRATIONS.
- B. SEALANT AT ALL WINDOW AND DOOR FRAMES AT HEAD AND JAMB. DO NOT SEAL SILL @ WINDOWS.

CRITICAL FINISH OPENINGS:
A. BUILDING FINISH OPENINGS THAT ARE DESIGNATED AS "CRITICAL" SHALL BE MAINTAINED TO PROVIDE FOR THE STANDARD INSTALLATION OF STANDARD SIGNAGE / BUILDING ELEMENTS. VERIFY DIMENSIONS WITH SIGN VENDOR.

KEYNOTES

GENERAL NOTES

A

CONTRACT DATE: 10-28-22
BUILDING TYPE: CONVERSION
PLAN VERSION: ENDEAVOR
BRAND DESIGNER:
SITE NUMBER: 316289
STORE NUMBER:

TACO BELL

5005 THATCHER LANE
CARMEL, IN 46032

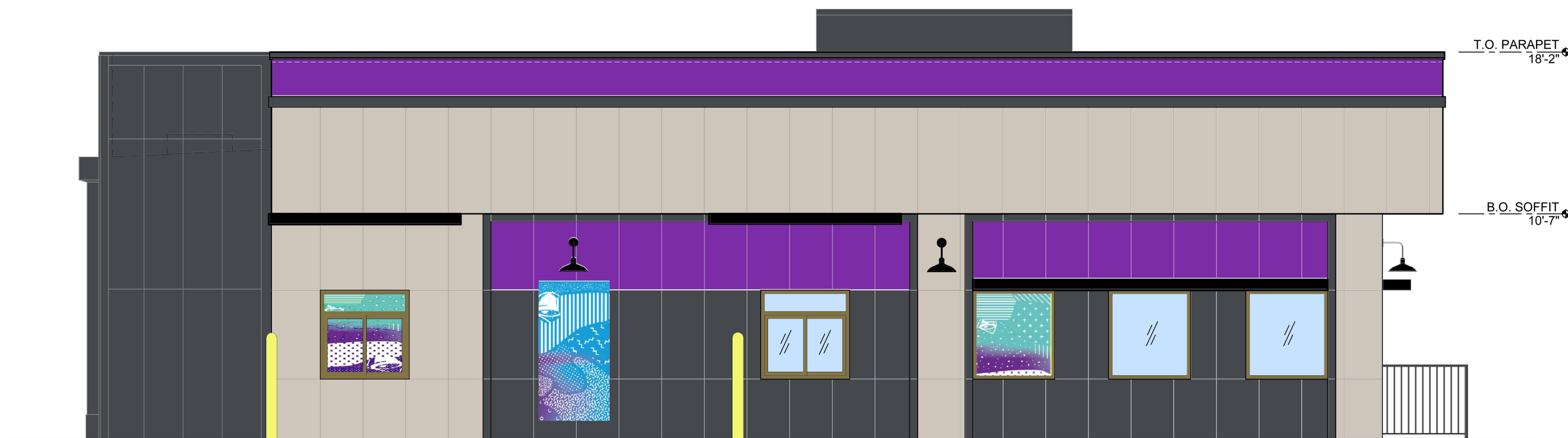


EXTERIOR ELEVATIONS

A4.1

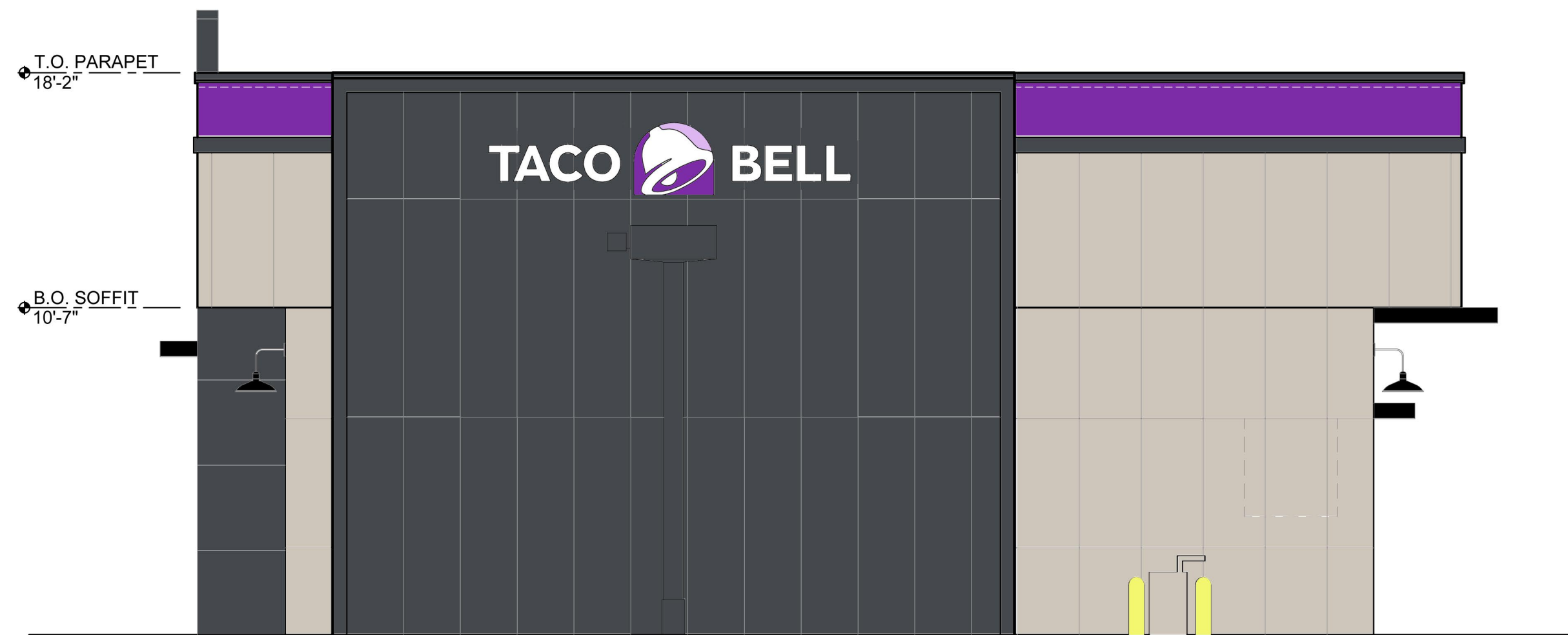


SOUTH ELEVATION 1/4"=1'-0" **1**

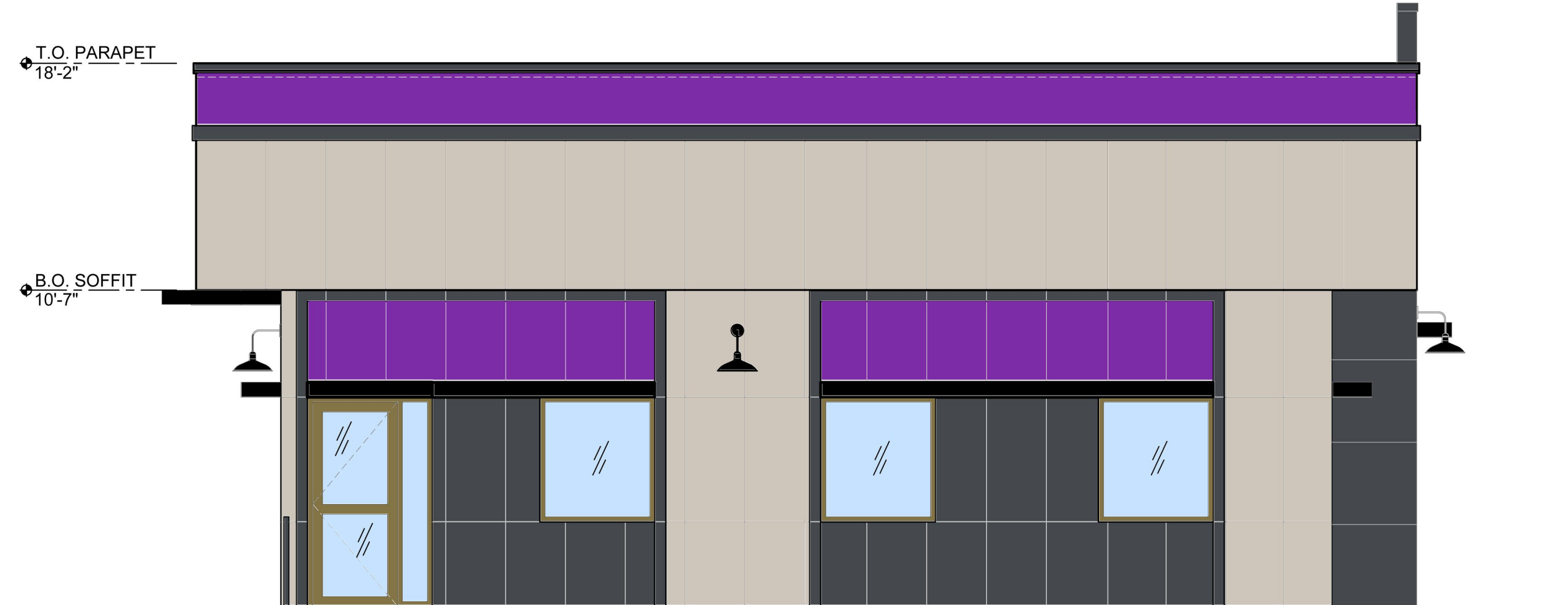


NORTH ELEVATION 1/4"=1'-0" **2**

KEYNOTES **B**

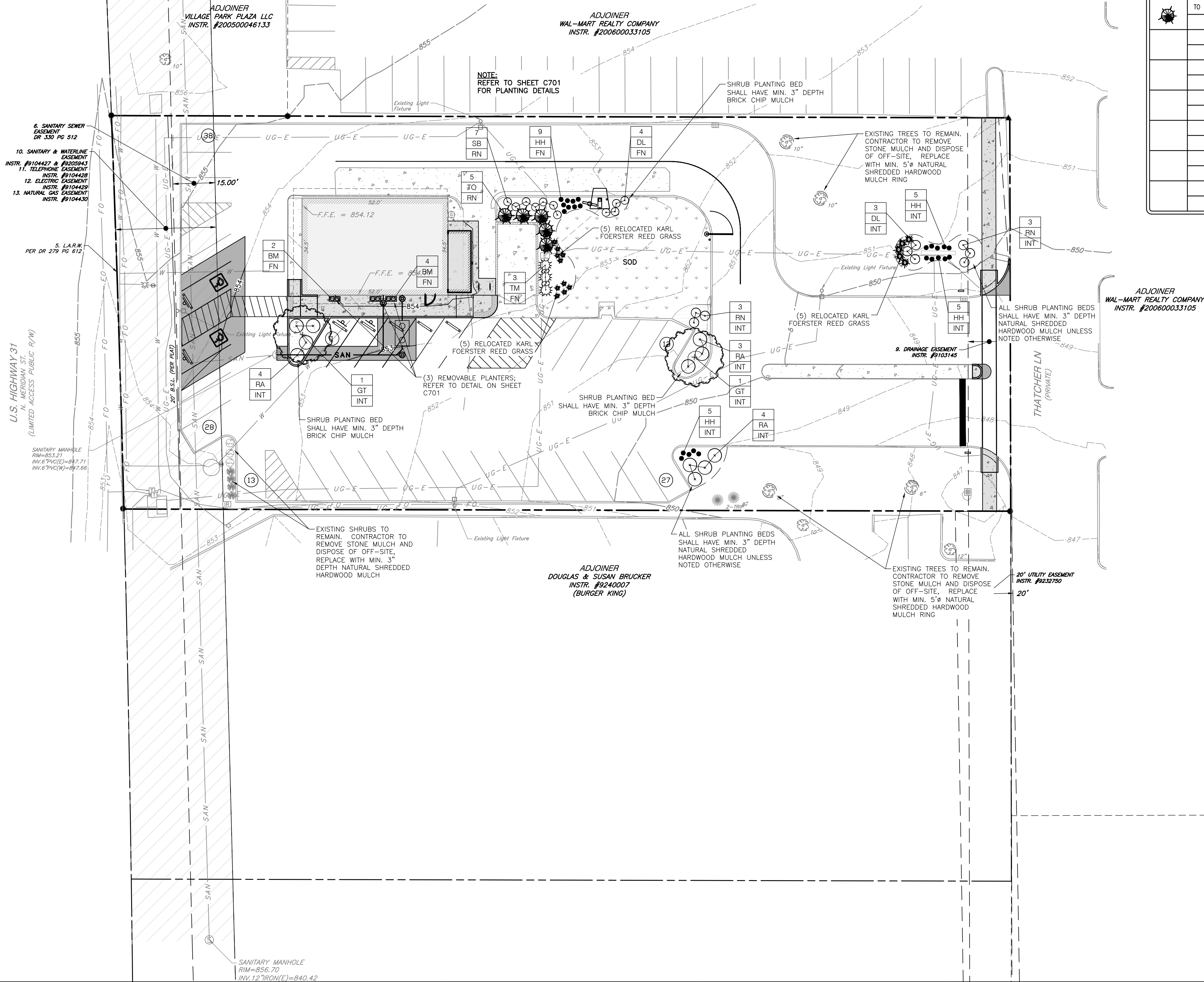


EAST ELEVATION 1/4"=1'-0" **4**



WEST ELEVATION 1/4"=1'-0" **3**

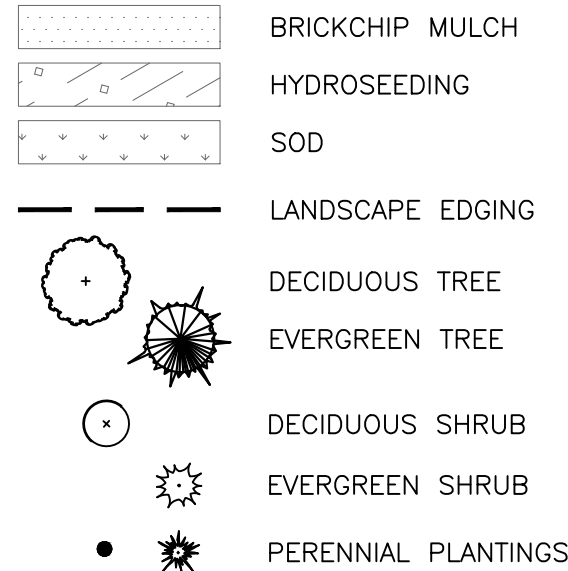
A:\300-0001\300-4841-CADD\DWG\DWG\300-4841-C700.dwg (C:\Users\mmedmore\OneDrive\Documents\300-4841-C700.dwg) [LS/11/10/2023 - mmedmore] - LF: 4/18/2023 3:05 PM



OVERALL PLANTING SCHEDULE							
LEGEND	KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE COND	REMARKS	HEIGHT AT MATURITY SPREAD AT MATURITY
	BM	6	Buxus 'Green Velvet'	Green Velvet Boxwood	12" Ht B & B	Evergreen Shrub	2'-3' 2'-3'
	DL	7	Dervilia x 'Kodak Orange'	Kodak Orange Bush Honeyuckle	18"-24" No. 7 Cont.	Deciduous Shrub	2'-3' 4'-5'
	GT	2	Gleditsia triacanthos 'Inermis'	Shademaster Locust	2-1/2" Cal. B & B	Deciduous Tree	30'-50' 30'-50'
	HH	24	Hemerocallis ssp. 'Everdazzilly Punch'	Punch Yellow Daylily	12" No. 2 Cont. Space 18" O.C.	Perennial	12" - 18" 12" - 18"
	RA	11	Rhus aromatica 'Gro Low'	Gro Low Sumac	18" No. 7 Cont.	Deciduous Shrub	3'-4' 4'-5'
	RN	6	Rosa ssp 'Rayrod'	Blushing Knock Out Rose	24" No. 7 Cont.	Deciduous Shrub	2'-3' 2'-3'
	SB	7	Syringa pubescens subsp. patula 'Miss Kim'	Miss Kim Lilac	36" No. 5 Cont.	Deciduous Shrub	4'-6' 4'-6'
	TM	3	Taxus X media 'densiformis'	Dense Yew	36" No. 5 Cont.	Evergreen Shrub	4'-5' 3'-4'
	TO	5	Thuja occidentalis 'Emerald Green'	Emerald Green Arborvitae	6" B & B	Evergreen	10' - 15' 6' - 10'

SYMBOL	DESCRIPTION	1
		PLANT QUANTITY
FN	FOUNDATION PLANTINGS	AG PLANT TYPE
INT	INTERIOR PLANTINGS	FN REQ. LOCATION

LANDSCAPE LEGEND - PROPOSED



GENERAL LANDSCAPE NOTES:

- ALL CONSTRUCTION METHODS AND MATERIALS MUST CONFORM TO CURRENT STANDARDS AND SPECIFICATIONS OF THE FEDERAL, STATE, COUNTY, CITY, OR LOCAL REQUIREMENTS, WHICHEVER HAS JURISDICTION.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FIELD DIMENSIONS AND ELEVATIONS DURING THE ENTIRE CONSTRUCTION SCHEDULE. IF ANY DISCREPANCIES ARE FOUND IN THESE PLANS FROM ACTUAL FIELD DIMENSIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY.
- CONTRACTOR SHALL MAINTAIN ONE SET OF AS-BUILT/RECORD DRAWINGS ON THE JOB SITE DURING CONSTRUCTION FOR DISTRIBUTION TO THE OWNER AND/OR OWNER'S REPRESENTATIVE UPON COMPLETION.
- NO CHANGES TO THE SITE LANDSCAPE LAYOUT ARE ALLOWED WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER.
- CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUALITY AND QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING AS SHOWN ON DRAWINGS.
- ALL MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE CURRENT "AMERICAN ASSOCIATION OF NURSERY STOCK, ANSI Z60.1-2004", PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMAN.
- NO PLANT SHALL BE PUT INTO THE GROUND BEFORE ROUGH GRADING HAS BEEN FINISHED AND APPROVED.
- ALL PLANTS SHALL BE PLANTED SO THAT THE ROOT CROWN IS PLANTED AT GRADE LEVEL.
- ALL PLANTS SHALL BE BALLED AND WRAPPED OR CONTAINER GROWN AS SPECIFIED. NO CONTAINER GROWN STOCK WILL BE ACCEPTED IF IT IS ROOT BOUND. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT THE TIME OF PLANTING. TWINE OR ROPE SHALL BE REMOVED FROM AROUND CROWN OF TRUNK TO PREVENT GIRDLING OF TREE OR SHRUB.
- WITH CONTAINER GROWN STOCK, THE CONTAINER SHALL BE REMOVED AND THE CONTAINER BALL SHALL BE CUT THROUGH THE SURFACE IN TWO VERTICAL LOCATIONS.
- THE DAY PRIOR TO PLANTING, THE LOCATIONS OF ALL TREES AND SHRUBS SHALL BE STAKED FOR APPROVAL BY OWNER(S).
- THE LANDSCAPE CONTRACTOR SHALL REFER TO CONTRACT SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL THROUGH ONE (1) CALENDAR YEAR FROM THE TIME OF SUBSTANTIAL COMPLETION OF PROJECT.
- IF THERE IS A DISCREPANCY BETWEEN THE PLANS AND THE PLANT SCHEDULE, THE PLANS SHALL TAKE PRECEDENCE.
- CONTRACTOR SHALL REPAIR ANY DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO OWNER.
- STAKES AND OR GUY WIRES SHALL BE REMOVED AFTER ONE (1) YEAR OF INSTALLATION.
- ALL EXISTING LANDSCAPE SHALL BE MAINTAINED DURING CONSTRUCTION. ANY MATERIAL DEEMED DEAD OR UNSATISFACTORY BY LANDSCAPE ARCHITECT, WILL BE REPLACED EQUIVALENT IN SIZE AND SHAPE AT NO COST TO OWNER.
- IF PLANT SPECIES SPECIFIED ARE FOUND TO BE UNAVAILABLE OR NOT IN STOCK AT TIME OF PLANTING, THE CONTRACTOR MAY SUBSTITUTE SPECIES UPON WRITTEN APPROVAL BY LANDSCAPE ARCHITECT.
- ALL PLANTING AREAS WILL BE MECHANICALLY IRRIGATED. COORDINATE LOCATION OF CONDUIT SLEEVES.

REFERENCE

EXISTING INFORMATION BASED ON ALTA/NSPS LAND TITLE SURVEY PROVIDED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC., 530 E. OHIO STREET SUITE G, INDIANAPOLIS, IN 46204, 317-655-7777, JOB NUMBER: 326-484, DATED 11/04/2022.

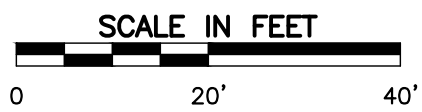
UTILITY NOTE:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. INDIANA 811 ONE-CALL UTILITY LOCATE SERVICE WAS CONTACTED AND LOCATE REQUEST TICKET #2210214979 WAS ISSUED FOR THE SUBJECT SITE.

PRIOR TO ANY EXCAVATION FOR UNDERGROUND UTILITIES, CONTRACTOR SHALL EXPOSE AND VERIFY LOCATIONS (HORIZONTAL AND VERTICAL) OF ALL EXISTING UTILITIES INCLUDING BUT NOT LIMITED TO GAS, WATER, STORM SEWER, SANITARY SEWER, FORCE MAIN, ELECTRIC AND TELECOM. ANY CONFLICTS THAT OCCUR DURING CONSTRUCTION SHOULD BE REPORTED IMMEDIATELY TO THE ENGINEER, OWNER AND THE APPROPRIATE AUTHORITIES.

FLOOD NOTE:

THE PARCEL AND STRUCTURE DESCRIBED AND SHOWN HEREIN LIES WITHIN ZONE "X" AS SAID PARCEL PLOTS ON COMMUNITY PANEL NUMBER 18057C01206 (DATED NOVEMBER 19, 2014) OF THE FLOOD INSURANCE RATE MAPS FOR HAMILTON COUNTY, INDIANA. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.



Know what's below.
Call before you dig.



PRELIMINARY
NOT FOR CONSTRUCTION

LANDSCAPE PLAN

DRAWING NO.:

C700

DATE: APRIL 16, 2023
DRAWN BY: HYC
DWG SCALE: 1" = 20'
PROJECT NO: 326-484
CHECKED BY:
APPROVED BY: MAT

FLYNN RESTAURANT GROUP, LP
TACO BELL
15005 THATCHER LANE
CARMEL, IN 46032

Civil & Environmental Consultants, Inc.
11 Municipal Drive - Suite 300 - Fishers, IN 46038
Ph: 317.570.8800
www.cecinc.com

SUBMITTAL & REVISION RECORD

NO	DATE	DESCRIPTION



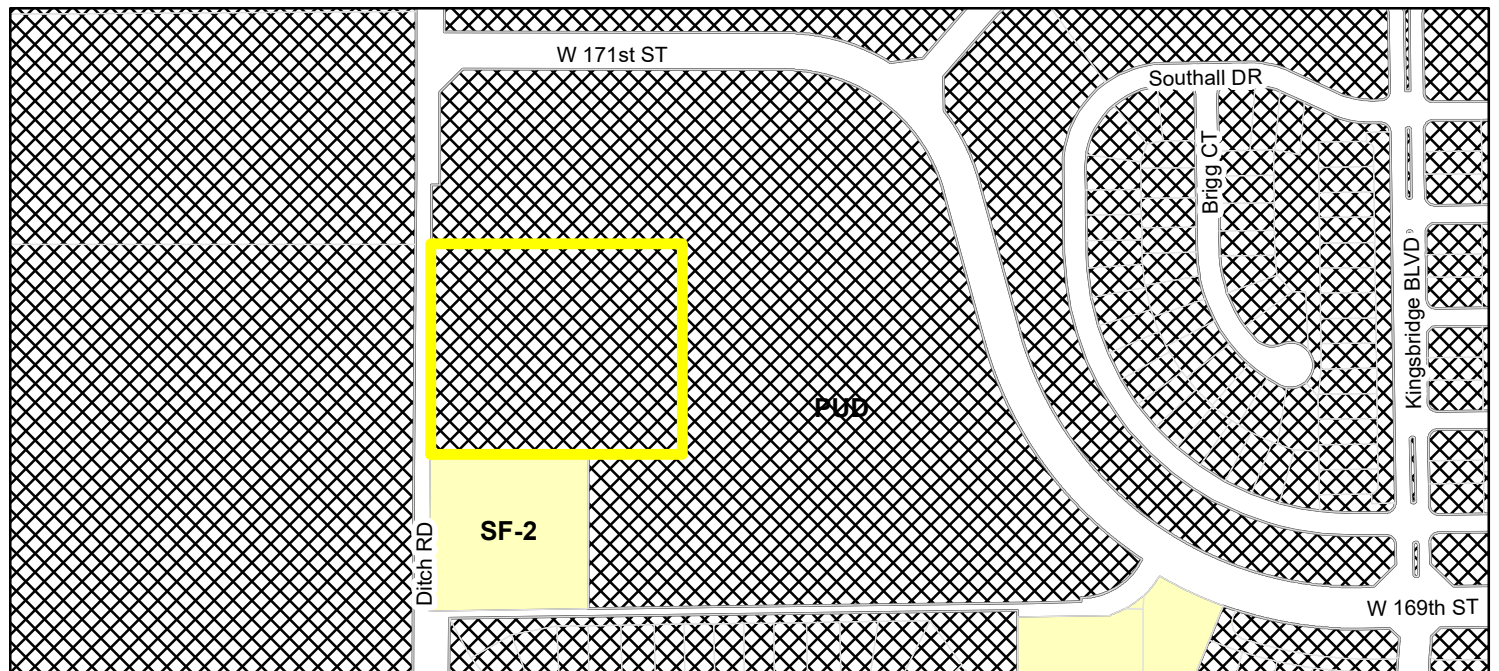
Property Location Map
17001 Ditch Road
Planned Unit Development Amendment
2305-DDP-04



Aerial Location Map



Zoning Map



Parcel **Zoning**
Zoning - All PUD (Planned Unit Development)
 SF-2 (Single Family - 2)

ORDINANCE NUMBER 23-04

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE MAPLE KNOLL PLANNED UNIT DEVELOPMENT DISTRICT AND THE UNIFIED DEVELOPMENT ORIANCE

This is an 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 (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. 04-02, Maple Knoll Planned Unit Development District on February 9, 2004;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered **Petition No. 2305-PUD-04** (the “Petition”), requesting an amendment to the Unified Development Ordinance with regard to the subject real estate more particularly described in **Exhibit A**, attached hereto (the “Real Estate”); and

WHEREAS, the Commission forwarded the **Petition No. 2305-PUD-04** to the Common Council of the City of Westfield, Hamilton County, Indiana (the “Common Council”) with a _____ recommendation (XX-XX) in accordance with Indiana Code § 36-7-4-608, as required by the Indiana Code § 36-7-4-1505; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2023; and

WHEREAS, the Common Council is subject to the provisions of the 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 Maple Knoll PUD Ordinance and Unified Development Ordinance are hereby amended as follows:

Section 1. **Applicability of Ordinance**

- 1.1 This Ordinance shall amend the Maple Knoll PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Maple Knoll PUD Ordinance; and (iii) 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, or expressly made in applicable by this Ordinance or the Maple Knoll PUD Ordinance, as amended.
- 1.2 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.
- 1.3 All provisions and representations of (i) the Unified Development Ordinance or (ii) the Maple Knoll PUD 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. **Sign Standards**

- 2.1 Sign Standards. The standards set forth in Section 14 of the Maple Knoll PUD (Ord. 04-02) shall not apply to the Real Estate, rather, the standards of Article 6.17 (Sign Standards) of the City’s Unified Development Ordinance shall apply to the Real Estate, as applicable, unless as otherwise modified below:
 - A. Article 6.17(H), Individual Nonresidential Signs, of the City’s Unified Development Ordinance shall apply to the Real Estate.

ALL OF WHICH IS HEREBY ORDAINED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS ____ DAY OF _____, 2023.

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

Voting For

Voting Against

Abstain

James Edwards

James Edwards

James Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy Spoljaric

Cindy Spoljaric

Cindy Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that ORDINANCE 23-04 was delivered to the Mayor of Westfield on the _____ day of _____, 2023, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 23-04** I hereby VETO **ORDINANCE 23-04**

this _____ day of _____,
2023.

this _____ day of _____,
2023.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

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: Caleb Ernest

Prepared by: Caleb Ernest

EXHIBITS

EXHIBIT A Real Estate – Legal Description

EXHIBIT A

Owner Name: Town of Westfield (Osbourne Park)
Warranty Deed (Inst. No.: 2006-058740)

A part of the North Half of the Southwest Quarter 0 feet; thence North 00 degrees 05 minutes 52 seconds East parallel with the aforesaid West line 202.00 feet; thence North 45 degrees 05 minutes 52 seconds East 70.71 feet; thence South 89 degrees 54 minutes 08 seconds East 702.95 feet to a point on a curve concave southwesterly, the radius point of said curve being South 00 degrees 04 minutes 08 seconds West 360.00 feet from said point; thence southeasterly along said curve 469.71 feet to the point of tangency of said curve, said point being North 74 degrees 49 minutes 32 seconds East 360.00 feet from the radius point of said curve; thence South 15 degrees 10 minutes 29 seconds East 334.93 feet to the point of curvature of a curve concave northeasterly, the radius point of said curve being North 74 degrees 49 minutes 31 seconds East 840.00 feet from said point; thence southeasterly along said curve 603.59 feet to the point of tangency of said curve, said point being South 33 degrees 39 minutes 19 seconds West 840.00 feet from the radius point of said curve; thence South 31 degrees 56 minutes 59 seconds West 15.75 feet to the point of curvature of a curve concave northwesterly, the radius point of said curve being North 58 degrees 03 minutes 01 seconds West 150.00 feet from said point; thence southwesterly along said curve 149.95 feet to the point of tangency of said curve, said point being South 00 degrees 46 minutes 31 seconds East 150.00 feet from the radius point of said curve; thence South 00 degrees 46 minutes 31 seconds East 25.00 feet to the South line of said Half Quarter Section; thence South 89 degrees 13 minutes 29 seconds West along said South line 1,076.70 feet to the Southeast corner of the real estate described in Instrument No. 2001-44431 in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 05 minutes 52 seconds East along the East line of said real estate 365.03 feet to the Northeast corner of said real estate; thence South 89 degrees 13 minutes 29 seconds West along the North line of said real estate 365.06 feet to the place of beginning, containing 30.933 acres, more or less.

Subject to all legal highways, rights-of-ways, easements, and restrictions of record of Section 3, Township 18 North, Range 3 East, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southwest corner of said Half Quarter Section; thence North 00 degrees 05 minutes 52 seconds East along the West line of said Half Quarter Section 365.03 feet to the POINT OF BEGINNING of this description; thence continuing North 00 degrees 05 minutes 52 seconds East along said West line 581.14 feet; thence South 89 degrees 54 minutes 04 seconds East 40.0



WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

May 3, 2023
2305-PUD-04
Exhibit 1

Petition Number: 2305-PUD-04 (Ordinance No. 23-04)
Petitioner: City of Westfield on behalf of the Westfield Fire Department
Request: An amendment to the sign standards of the Maple Knoll PUD District on 4.721 acres +/-.
Current Zoning: Maple Knoll PUD District
Current Land Use: Fire Station
Acreage: 4.721 acres +/-
Exhibits:

1. Staff Report
2. Location Map
3. Proposed Ord. 23-04

Staff Reviewer: Caleb Ernest, Senior Planner

PETITION HISTORY

This petition was introduced at the [April 10, 2023](#), City Council meeting. The discussion for this petition can be viewed [here](#). The petition is scheduled for a public hearing at the May 3, 2023, Advisory Plan Commission (the “Plan Commission”) meeting.

PROJECT OVERVIEW

Location: This subject real estate is approximately 4.721 acres in size and is located at 17001 Ditch Road (the “Real Estate”, see **Exhibit 2**). The Property is currently zoned the Maple Knoll PUD District. The adjacent property to the west is zoned the Ackerson Farms PUD. The adjacent properties to the north and east are zoned the Maple Knoll PUD District. The adjacent property to the south is zoned the SF2: Single-family Low Density District.

Project Description: The petitioner is requesting an amendment to the sign standards of the Maple Knoll PUD District. The proposal includes removing the sign standards of the Maple Knoll PUD and replacing them by defaulting to the sign standards of the City’s Unified Development Ordinance (the “UDO”).

ORDINANCE DETAILS

Development Standards:

- **Sign Standards:**
 - Section 14 of the Maple Knoll PUD (Ord. 04-02) shall not apply to the Real Estate, rather, the standards of Article 6.17 (Sign Standards) of the UDO shall apply.

- Article 6.17(H), Individual Nonresidential Signs, of the UDO shall apply to the Real Estate.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (the “[Comprehensive Plan](#)”) identifies the majority of this Property as being within the “Existing Suburban” land use classification. Indiana Code states that reasonable regard be paid to the Comprehensive Plan when considering zoning map changes; however, the Comprehensive Plan is not law. The Comprehensive Plan is intended to serve as a guide in making land use decisions.

The land uses contemplated for “Existing Suburban” are: Detached dwellings, Attached dwellings, Institutional uses and Recreational uses.

PROCEDURAL

Public Hearing: A change of zoning request is required to be considered at a public hearing by the Plan Commission. The public hearing for this petition is scheduled for the May 3, 2023, Plan Commission meeting. Notice of the public hearing was provided in accordance with Indiana law and the Plan Commission’s Rules of Procedure.

Statutory Considerations: Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes 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.

Council Introduction: The petition was introduced at the [April 10, 2023](#), City Council meeting.

DEPARTMENT COMMENTS

1. **Action:** Hold a public hearing at the May 3, 2023, Plan Commission meeting. If the APC is satisfied with the proposal, the Petition may be voted upon to:
 - a. Not require a workshop meeting; and
 - b. Send a recommendation to the City Council
2. If any Plan Commission member has questions prior to the public hearing, then please contact Caleb Ernest at (317) 519-8630 or cernest@westfield.in.gov.

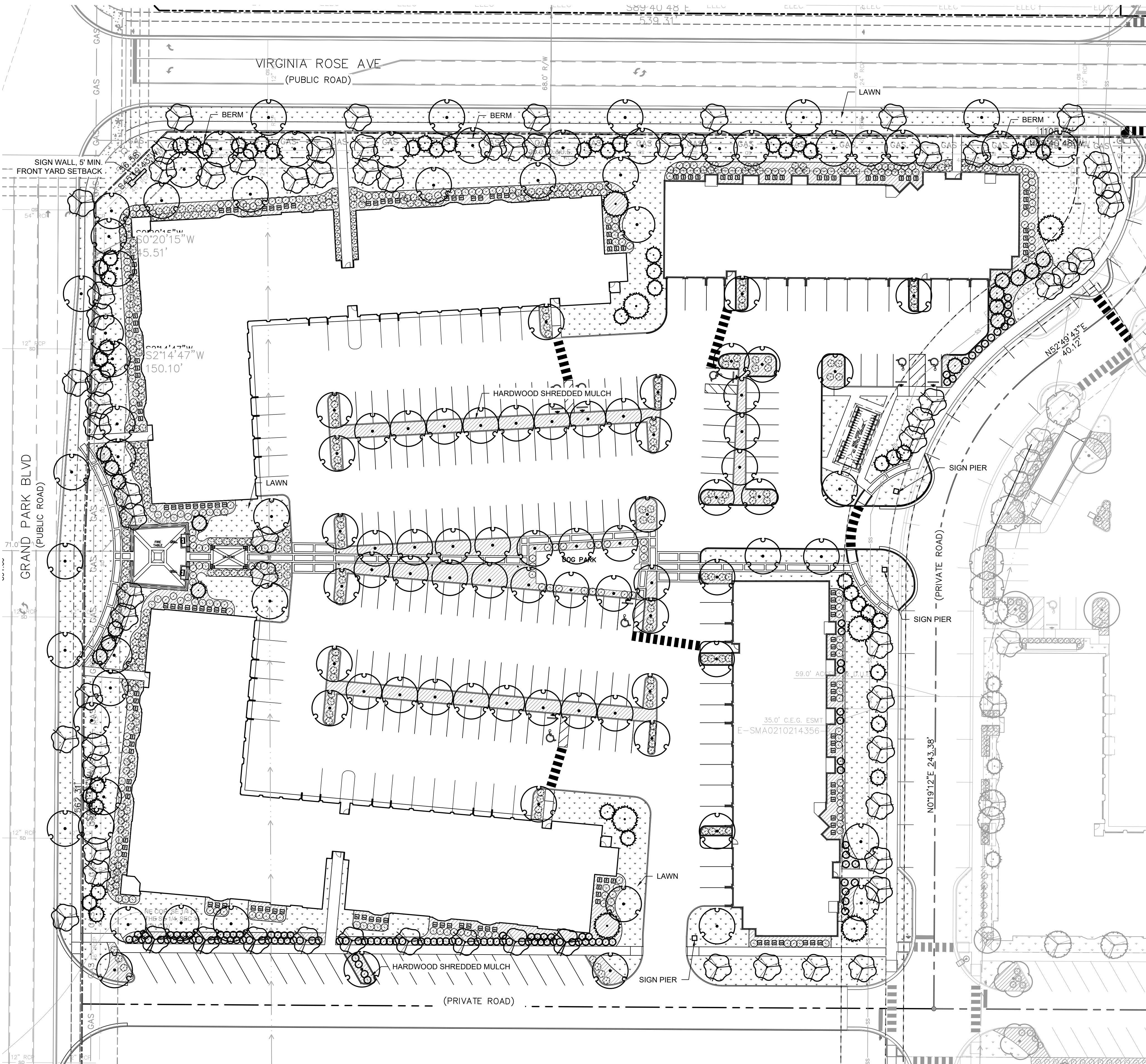
Narrative Statement

Wheelhouse Apartments Phase 2 – PUD amendment

In 2021, an amendment to the Wheeler Landing PUD was approved to facilitate improvement of a 214-unit apartment project to be developed by J.C. Hart Company. Now dubbed Wheelhouse Apartments on the Monon, buildings are under construction. The site is on 7.65 acres at the southwest corner of Wheeler Road and Virginia Rose Avenue.

J.C. Hart is now proposing a second phase for Wheelhouse. It will feature 148 units on 5.5 acres to the west, the southeast corner of Grand Park Boulevard and Virginia Rose. Phase 2 will continue with the same architectural theme and will also feature a dog park and pedestrian amenities such as a gazebo, fire table and outdoor grills.

A text amendment to the Wheeler Landing PUD is being sought. Phase 1 was granted a 50% reduction in landscape plantings and an allowance of plantings in the right-of-way to count towards the External Street Frontage Landscape requirement. The developer is requesting these two modifications for the Phase 2 real estate to provide for a consistent appearance. This second phase is proposing a 25% reduction in tree quantity and 50% reduction in shrub count. These reductions are reflected in the attached Landscape Plan.

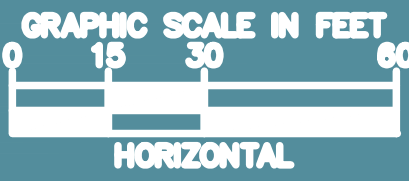


ORDINANCE CHART		
ZONING: WHEELER LANDING PD		
REQUIREMENT	REQUIRED	PROVIDED
6.8(G)(4)(d)&(e) MINIMUM DISTANCE • TREES SHALL BE PLANTED A MINIMUM DISTANCE OF 4 FEET FROM THE EDGE OF A STREET CURB OR PEDESTRIAN PATHWAY OR SIDEWALK • TREES SHALL BE PLANTED A MINIMUM DISTANCE OF 10 FEET FROM ANY STORM SEWER OR SUBSURFACE DRAIN	• TREES 4 FEET FROM CURB OR SIDEWALK • TREES 10 FROM STORM SEWER AND SUBSURFACE DRAINS	• FINAL PLANS WILL BE COMPLIANT • FINAL PLANS WILL BE COMPLIANT
6.8(H)(1) MECHANICAL SCREENING • ALL GROUND MOUNTED MECHANICAL EQUIPEMNT MUST BE SCREENED FROM VIEW	• ALL GROUND MOUNTED MECHANICAL EQUIPEMNT MUST BE SCREENED FROM VIEW	• 67 SHRUBS
6.8(J) STREET TREES • 1 SHADE TREE PER 50 LF OF EXTERNAL STREET FRONTAGE	• VIRGINIA ROSE AVE: 557 LF / 50 = 11 STREET TREES • GRAND PARK BLVD: 455 LF / 50 = 9 STREET TREES	• VIRGINIA ROSE AVE: 11 STREET TREES • GRAND PARK BLVD: 9 STREET TREES
6.8(K) MINIMUM LOT REQUIREMENTS - MF RESIDENTIAL USE • 1 SHADE TREE + 1 EVERGREEN TREE + 4 SHRUBS PER UNIT	148 UNITS • 148 X 1 = 148 SHADE TREES • 148 X 1 = 148 EVERGREEN TREES • 148 X 4 = 592 SHRUBS	• 114 SHADE TREES (77% OF REQUIRED, ADDTL 34 TREES NEEDED) • 74 EVERGREEN TREES (50% OF REQUIRED, ADDTL 74 TREES NEEDED) • 611 SHRUBS (103% OF REQUIRED)
6.8(L) FOUNDATION PLANTINGS • 1 SHRUB OR ORNAMENTAL TREE PER 12 LF OF FRONT BUILDING FAÇADE • INTERMITTENT PLANTING EVERY 40 LF AGAINST EXPANSES OF BUILDING FAÇADE OVER 80 LF	• BUILDING 1: 425 LF / 12 = 35 SHRUBS OR ORNAMENTAL TREES • BUILDING 2: 425 LF / 12 = 35 SHRUBS OR ORNAMENTAL TREES • BUILDING 3: 200 LF / 12 = 17 SHRUBS OR ORNAMENTAL TREES • BUILDING 4: 200 LF / 12 = 17 SHRUBS OR ORNAMENTAL TREES	• BUILDING 1: 35 SHRUBS • BUILDING 2: 35 SHRUBS • BUILDING 3: 17 SHRUBS • BUILDING 4: 17 SHRUBS
6.8(M) EXTERNAL STREET FRONTAGE • 4 EVERGREEN TREES + 3 SHADE TREES + 3 ORNAMENTAL TREES + 25 SHRUBS PER 100 LF • 3' TALL UNDULATING MOUND	• VIRGINIA ROSE AVE: 557 LF / 100 = 5.57 5.57 X 4 = 22 EVERGREEN TREES 5.57 X 3 = 17 SHADE TREES 5.57 X 3 = 17 ORNAMENTAL TREES 5.57 X 25 = 139 SHRUBS 3' TALL UNDULATING MOUND • GRAND PARK BLVD: 455 LF / 100 = 4.55 4.55 X 4 = 18 EVERGREEN TREES 4.55 X 3 = 14 SHADE TREES 4.55 X 3 = 14 ORNAMENTAL TREES 4.55 X 25 = 114 SHRUBS 3' TALL UNDULATING MOUND	• VIRGINIA ROSE AVE: 22 EVERGREEN TREES 17 SHADE TREES 17 ORNAMENTAL TREES 139 SHRUBS 3' TALL UNDULATING MOUND • GRAND PARK BLVD: 18 EVERGREEN TREES 14 SHADE TREES 14 ORNAMENTAL TREES 114 SHRUBS REQUEST TO WAIVE MOUND ON GRAND PARK BLVD
6.8(O)(1) PARKING LOT INTERIOR • 10% OF INTERIOR PARKING SF MUST BE LANDSCAPE AREA • 1 TREE AND 4 SHRUBS PER PARKING ISLAND	• 36,168 SF INTERIOR PARKING X 10% = 3,616 SF • 26 PARKING ISLANDS = 26 TREES + 104 SHRUBS	• 9,025 SF = 25% • 26 PARKING ISLANDS = 26 TREES + 104 SHRUBS
6.8(O)(2) PARKING LOT PERIMETER • 1 TREE PER 30 LF • 1 SHRUB PER 3 LF	- SOUTHERN PARKING ROW: 260 LF • 260 LF / 30 = 9 TREES • 260 LF / 3 = 87 SHRUBS	- SOUTHERN PARKING ROW • 9 TREES • 87 SHRUBS

CONCEPT PLANT SCHEDULE

	SHADE TREE ACER SACCHARUM / SUGAR MAPLE GINKGO BILOBA 'AUTUMN GOLD' / AUTUMN GOLD MAIDENHAIR TREE GLEDTISIA TRIACANTHOS INERMIS 'IMPCOLE' / IMPERIAL® HONEY LOCUST QUERCUS MUEHLENBERGII / CHINKAPIN OAK	114
	WIDE EVERGREEN TREE PICEA ABIES / NORWAY SPRUCE	7
	ORNAMENTAL TREE AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' / AUTUMN BRILLIANCE APPLE SERVICEBERRY CERCIS CANADENSIS 'FOREST PANSY' / FOREST PANSY EASTERN REDBUD MALUS X 'PRAIRIFIRE' / PRAIRIFIRE CRABAPPLE	67
	NARROW EVERGREEN TREE THUJA OCCIDENTALIS 'DARK GREEN' / DARK AMERICAN ARBORVITAE	67
	DECIDUOUS SHRUB ITEA VIRGINICA 'HENRY'S GARNET' / HENRY'S GARNET SWEETSPIRE POTENTILLA FRUTICOSA 'GOLDFINGER' / GOLDFINGER BUSH CINQUEFOIL VIBURNUM X BURKWOODII / BURKWOOD VIBURNUM	343
	EVERGREEN SHRUB BUXUS X 'GREEN VELVET' / GREEN VELVET BOXWOOD JUNIPERUS CHINENSIS 'SEA GREEN' / SEA GREEN JUNIPER TAXUS X MEDIA 'DENSIFORMIS' / DENSE ANGLO-JAPANESE YEW	268

SEEDING LEGEND	
	PERMANENT SEEDING AMERITURF FRONTRUNNER BLEND TALL FESCUE; APPLY AT A RATE OF 350 LBS/ACRE (8LBS/1000 SQFT)
MULCHING LEGEND	
	MULCH HARDWOOD SHREDDED MULCH, NATURAL BROWN COLOR

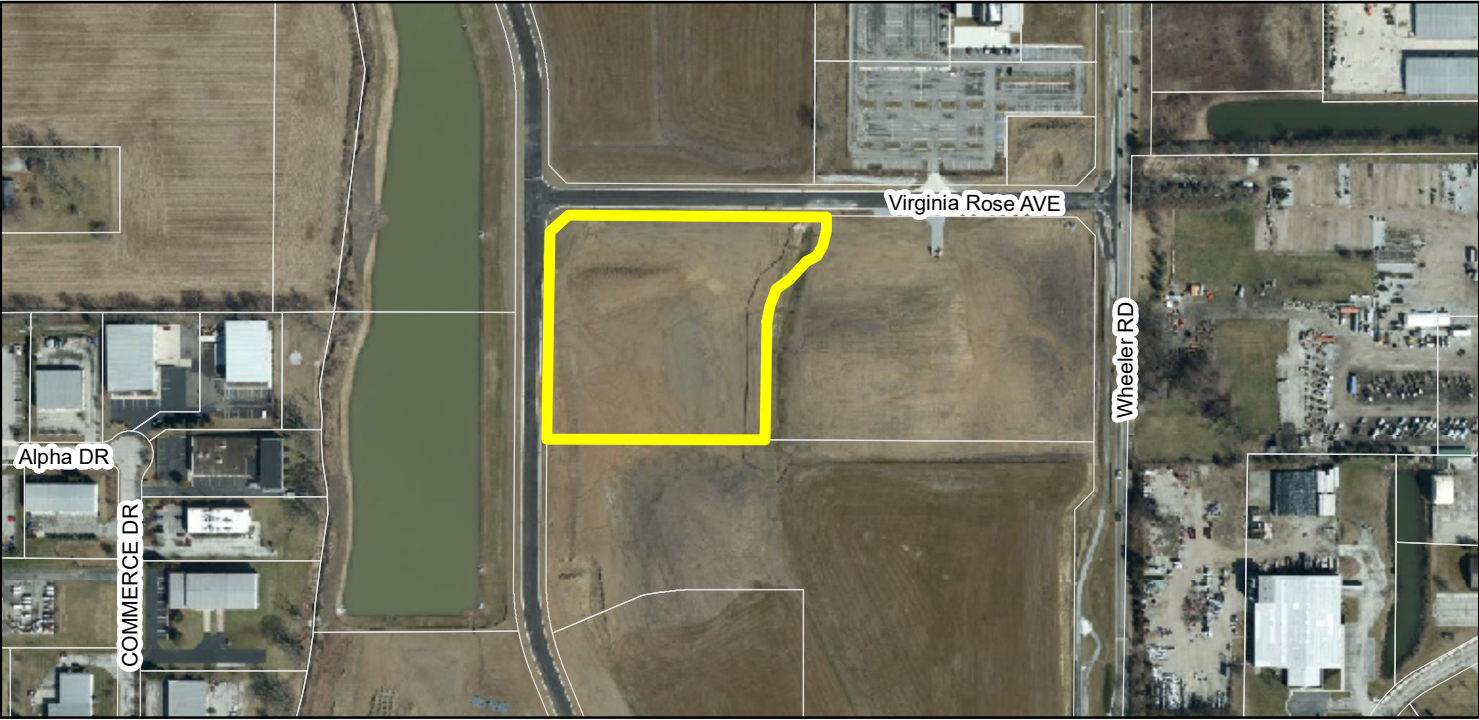




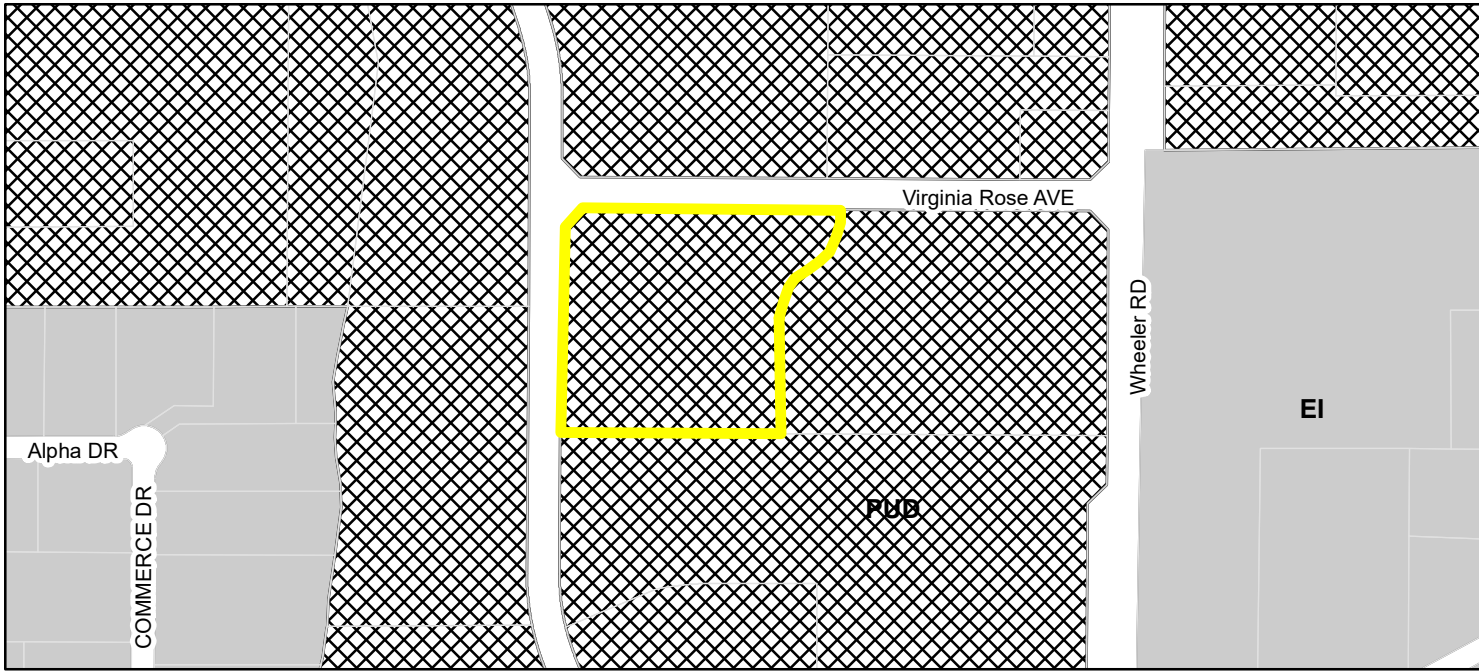
Property Location Map
Southeast corner of Grand Park Blvd. and Virginia Rose Ave.
Planned Unit Development Amendment
2305-DDP-05



Aerial Location Map



Zoning Map



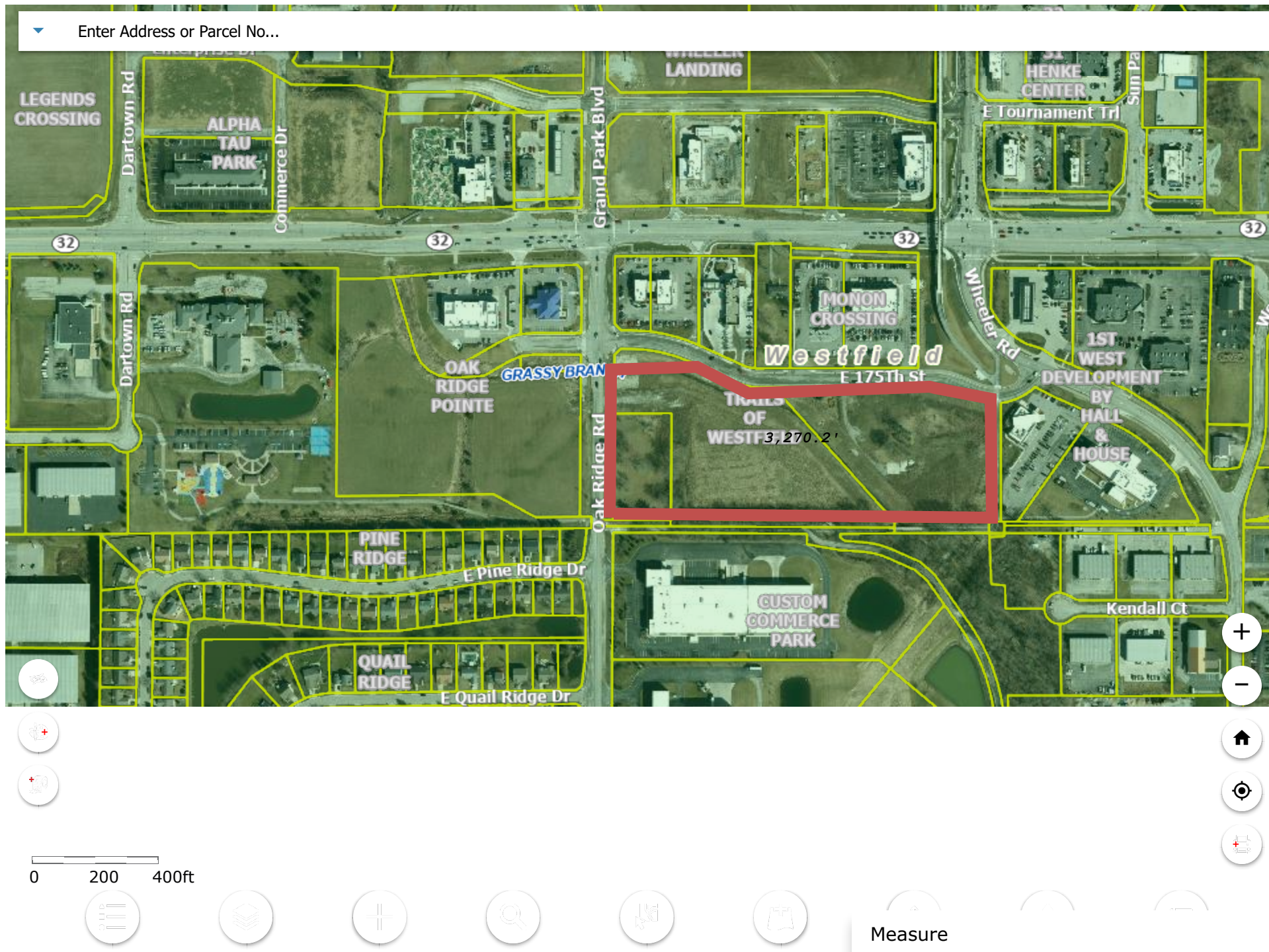
Parcel

Zoning

Zoning - All

EI (Enclosed Industrial)

PUD (Planned Unit Development)





Petition Number: 2305-DDP-12

Subject Site Address: 536 N Union St. (the "Property")

Petitioner: Student Impact of Westfield, represented by Danyeale Easterhaus

Request: Detailed Development Plan review for a +/- 2,400 SF building addition and associated site improvements

Current Zoning: SF3: Single-family Medium Density District

Current Land Use: Civic Club (0609-VU-005)

Approximate Acreage: +/- 0.5 acres

Exhibits:

1. Staff Report
2. Location Map
3. Site/Landscaping Plan
4. Elevations

Staff Reviewer: Lauren Gillingham, AICP, Senior Planner

PROCEDURAL

Approval of a Development Plan must be granted if the submitted plan demonstrates compliance with the terms of the underlying zoning district, subdivision control ordinance and/or applicable PUD District Ordinance, any variances associated with the site, and any commitments associated with the site.

PROJECT DESCRIPTION

The project is for the construction of a 2,400 square-foot building addition in the SF3: Single-family Medium Density District for Student Impact of Westfield, an after-school program for students in fifth through twelfth grade. Although the addition is to a formerly residential building and located in a residential zone, a Detailed Development Plan review is required due to the non-residential use. Although the structure as it exists today was built in 1998, it was built as an addition to an older structure, possibly dating back to the 1950s. As a result, the structure and parcel are both considered to predate the 1977 Westfield-Washington Zoning Ordinance and some aspects of the site are deemed legally nonconforming to the current UDO.

Per Chapter 9: Nonconforming Regulations, legally nonconforming lots and structures located in the Downtown Area may be built upon as long as the improvements do not increase the lot's legal nonconformity and otherwise meet the standards of the UDO.



In 2006, the subject property was granted a Use Variance to permit the “Civic Club” use in a residential district with the following conditions:

1. This variance is valid only for the duration of the civic club operation that is consistently in operation without a break in business for more than one hundred and twenty (120) days of operation once commenced
2. No further variances of use will be requested
3. Any outside activities will conclude by 10:00 p.m.
4. No additional square footage will be developed on the property for the civic club until the current comprehensive plan is amended or replaced*
5. No full-time residents, no tenants, and only occasional overnight usage for club sponsored functions not to exceed four times per year, no more than three consecutive days per occurrence
6. Maximum occupancy shall be determined by the Fire Marshall inspection and the petitioner will comply
7. Petitioner will make the facility ADA Accessible.

*Condition satisfied with adoption of 2006 Comp. Plan and subsequent addendums

ZONING DISTRICT STANDARDS (ARTICLE 4.06 – SF3: SINGLE-FAMILY MEDIUM DENSITY DISTRICT)

The plans comply to all applicable SF3 District standards unless otherwise noted below

- | | |
|---|--------------------------------------|
| 1) Minimum Lot Area: | 12,000 square feet |
| 2) Permitted Uses: | |
| a) “Civic Club” use permitted by variance (0609-VU-005) | |
| 3) Minimum Lot Frontage: | 50 feet |
| 4) Minimum Building Setback Lines: | |
| a) Front Yard: | 20 feet (legal nonconforming) |
| b) Side Yard: | 10 feet |
| c) Rear Yard: | 30 feet |
| 5) Minimum Lot Width: | 80 feet (legal nonconforming) |
| 6) Maximum Building Height | 25 feet |
| 7) Minimum Living Area (Ground Floor) | |
| a) Two-story: | 800 square feet |
-



DEVELOPMENT PLAN REVIEW (ARTICLE 10.7(E)):

The plans meet all Findings of Fact

Development Plans shall comply with and be reviewed by the Plan Commission upon finding that the Development Plan is compliant with the following requirements:

- 1) Compliance with all applicable development and design standards of the Zoning District in which the real estate is located.
- 2) Compliance with all applicable provisions of any Overlay District in which the real estate is located.
- 3) Management of traffic will be in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community such that:
 - a) The design and location of proposed street and highway access points shall minimize safety hazards and congestion.
 - b) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
 - c) The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.
- 4) The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.

DEVELOPMENT STANDARDS (Chapter 6):

The plans comply with all applicable development standards

- 1) Architectural Standards (Article 6.2)
 - a) Addition matches existing exterior building materials, roof line treatments, roofing materials, and is otherwise consistent and compatible with the surrounding residential character

2) Landscaping Standards (Article 6.8)

a) Minimum Lot Landscaping

Institutional Use (.05 acres)	Required	Provided	Difference
Shade Trees (1/acre)	1	1	0
Ornamental or Evergreen Trees (3/acre)	2	2	0
Shrubs (10/acre)	5	14 (8 existing)	+9

b) Foundation Plantings

- i) Site is exempt because no façades are longer than 40'

c) Interior Parking Area Landscaping

- i) Site is exempt because there are fewer than 10 parking spaces

d) Perimeter Parking Area Landscaping

- i) Site is exempt because there are fewer than 10 parking spaces

3) Lighting Standards (Article 6.9)

- a) Proposed façade uplighting fixtures are less than 1600 lumens

4) Parking and Loading Standards (Article 6.14)

- a) Staff does not believe that additional parking is required because the proposed improvements will allow more of the existing driveway to be used. Currently, the parking area doubles as a basketball court, presumably reducing the amount of parking available in warmer months when the court is in use. By adding a dedicated basketball court at the rear of the property, more of the existing asphalt can be used for parking, increasing parking availability year-round. In addition, on-site parking will largely be used by staff members as students walk as a group from the surrounding schools and parents are instructed to park on the street and wait for their students during pick-up times.

DESIGN STANDARDS (Chapter 8 of UDO):

The plans comply with all applicable standards

DEPARTMENT COMMENTS

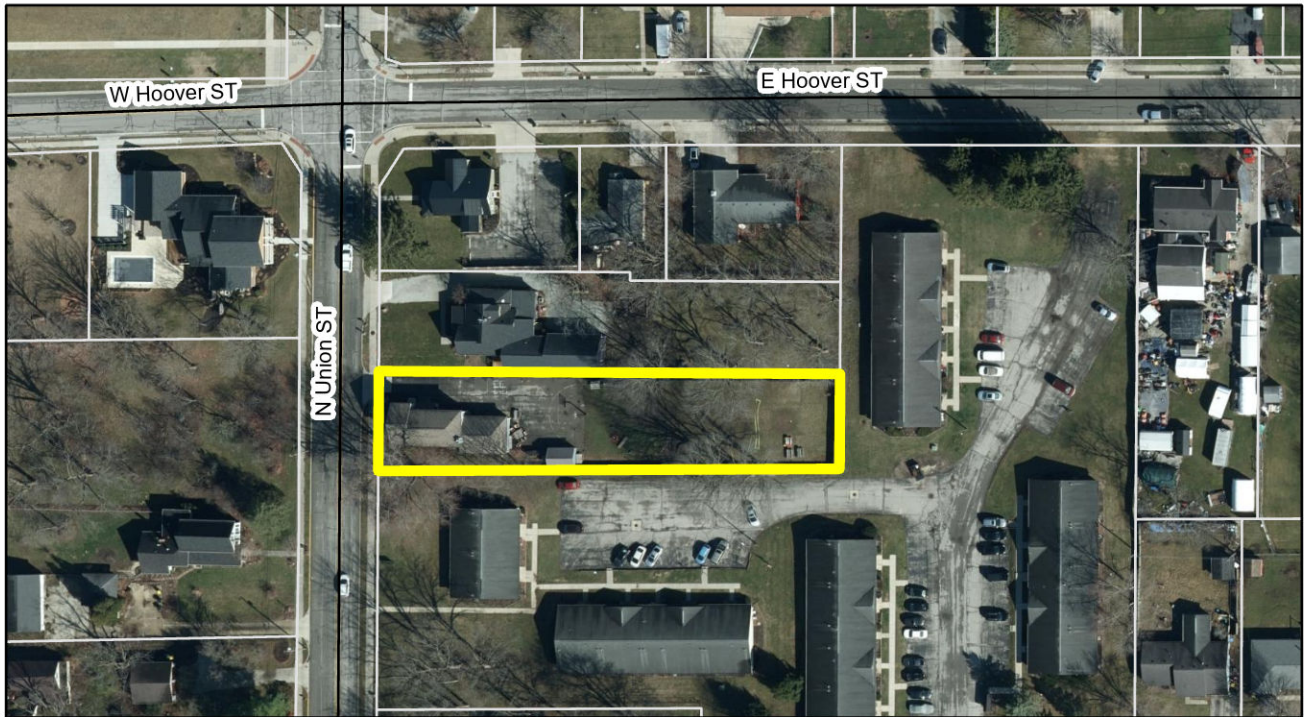
The plans as presented comply with the applicable zoning ordinances unless otherwise stated above.

Requested Action: approve Detailed Development Plan 2305-DDP-12 with the following conditions:

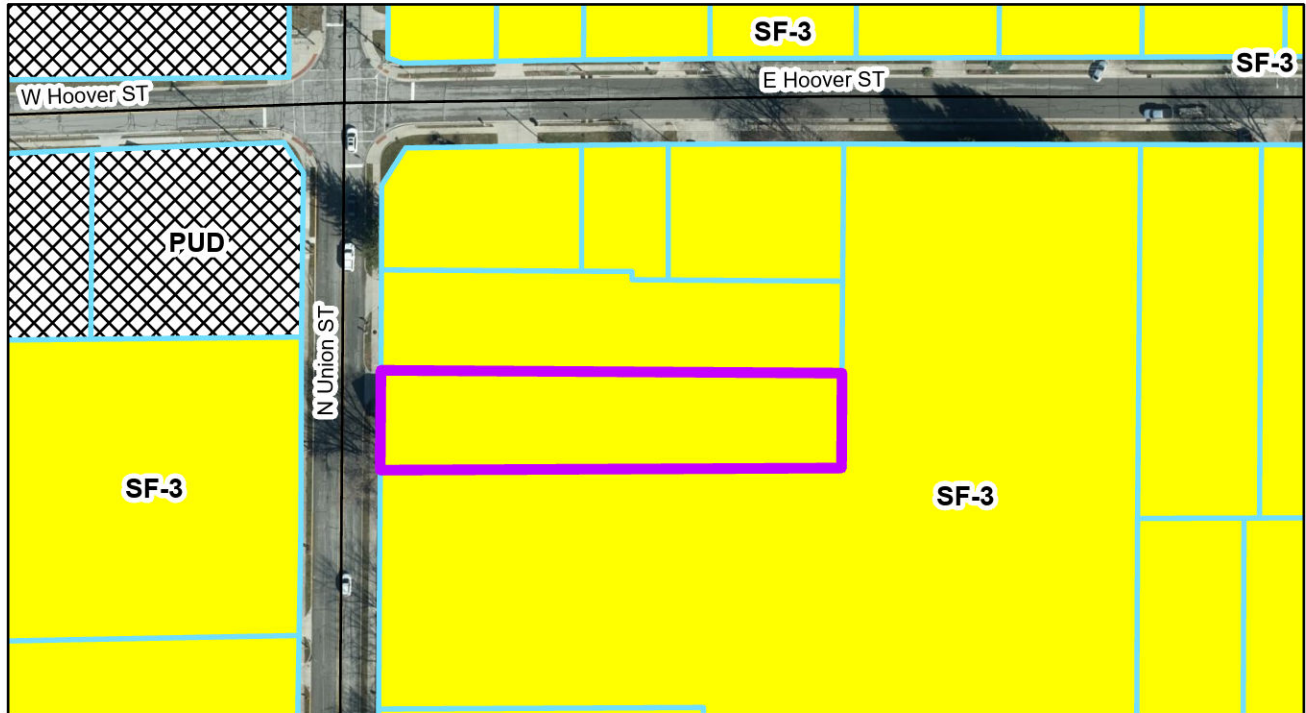
1. That all necessary approvals be obtained from the Westfield Fire Department prior to issuing a building permit.



Aerial Location Map



Zoning Map



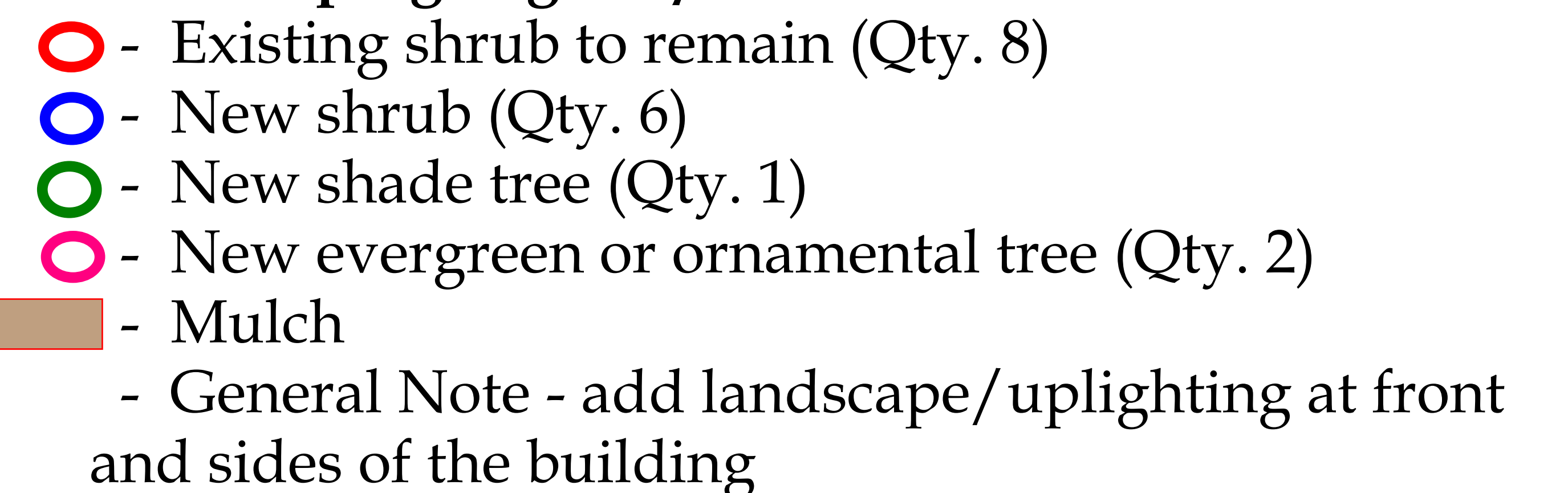
Legend

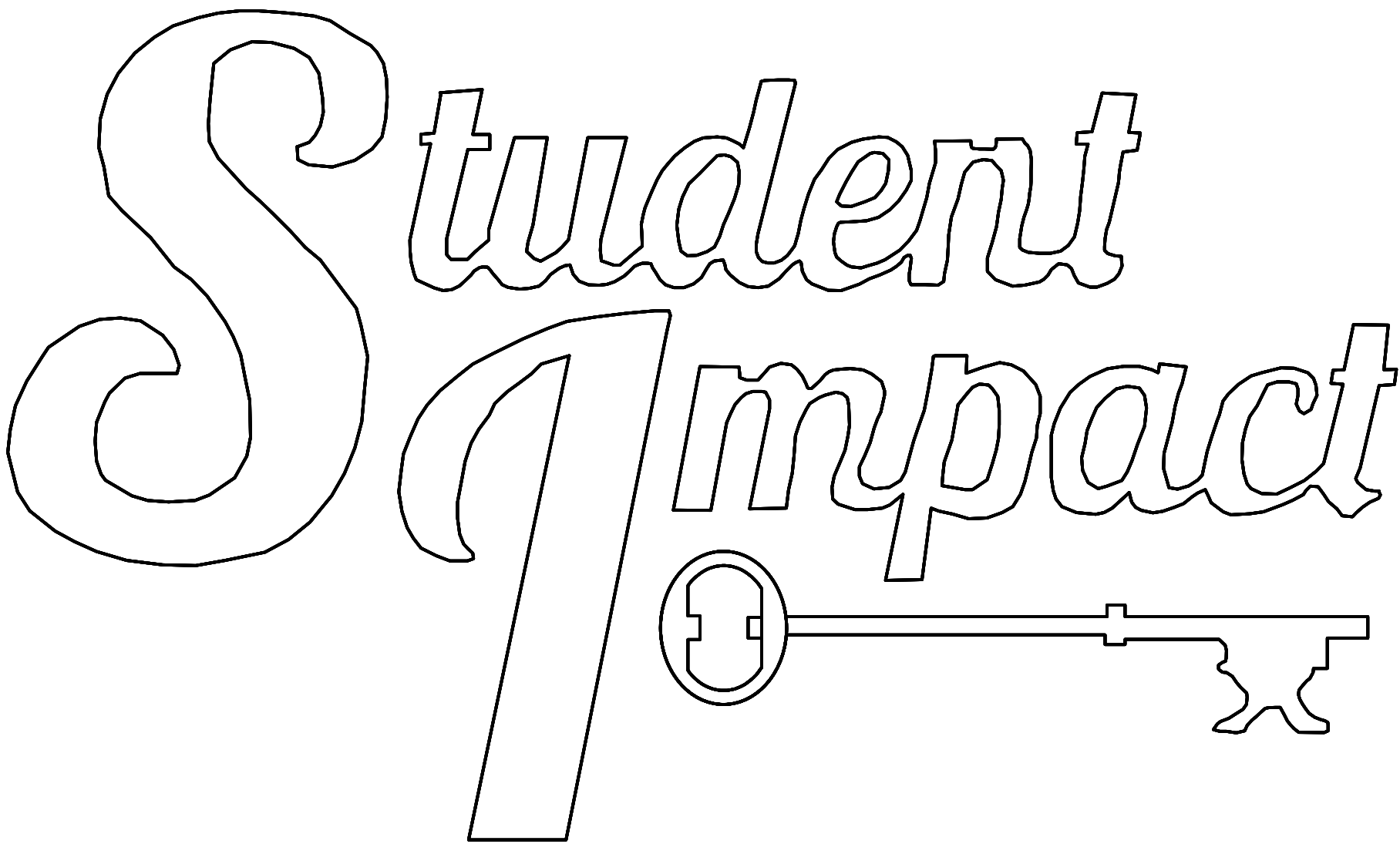
 Subject Parcel

0 0.01 0.03 0.06 Miles



Student Impact
536 N. Union St.
Westfield, IN 46074





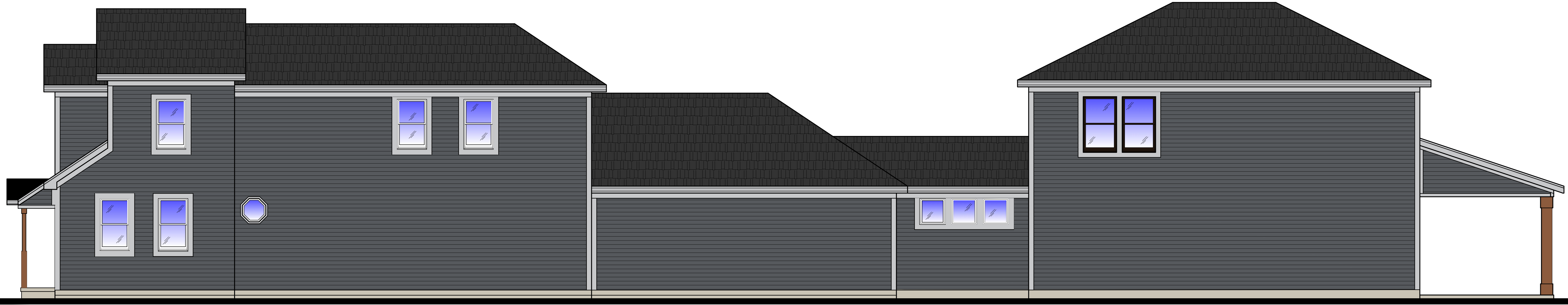
PROPOSED EAST ELEVATION

EXTERIOR FINISH SCHEDULE					
LOCATION / I.D.	MANUFACTURER	TYPE	FINISH	COLOR	NOTES
METAL ROOF	PAC-CLAD PETERSON OR EQUAL	STANDING SEAM	PRE-FINISHED	BLACK	
SHINGLED ROOF	TIMBERLINE HDZ	ARCHITECTURAL	FIBERGLASS ASPHALT	CHARCOAL	
SOFFITS, EAVES & FASCIAS	PAC-CLAD PETERSON OR EQUAL	FORMED ALUMINUM	PRE-FINISHED	WHITE	EXISTING SOFFITS, EAVES, & FASCIA TO BE PAINTED TO MATCH NEW.
GUTTERS, RAIN COLLECTORS & DOWNSPOUTS	PAC-CLAD PETERSON OR EQUAL	FORMED ALUMINUM	PRE-FINISHED	WHITE	
SIDINGS	JAMES HARDIE OR EQUAL	LAP SIDING	SELECT CEDARMILL	NIGHT GRAY	EXISTING SIDING TO BE PAINTED TO MATCH NEW.
EXTERIOR TRIM	JAMES HARDIE OR EQUAL		SELECT CEDARMILL	WHITE	EXISTING TRIM TO BE PAINTED TO MATCH NEW.

NOTES:
1. INSTALLER TO SUBMIT FINISH SAMPLES FOR APPROVAL BY OWNER PRIOR TO INSTALLATION.



PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION



COMPASS

COMMERCIAL
CONSTRUCTION
GROUP

iCAD

WESTFIELD, IN 46074

JOSHUA PARLOS
Tel: 219.808.9786
josh@icaddesign.com
DESIGN INC.
INTELLIGENT ARCHITECTURE



WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

May 3, 2023
2209-ZOA-03
Exhibit 1

Docket Number: 2209-ZOA-03 (Ordinance No. 22-19)

Petitioner: City of Westfield

Request: Approval of an Ordinance to Amend Articles 3.5 & 5.5 of the Westfield-Washington Township Unified Development Ordinance.

Exhibits:

1. Department Report
2. Proposed Ordinance 22-35 (without exhibits)
3. Proposed Article 3.5 Floodplain Administrator
4. Proposed Article 5.5 Floodplain Overlay District

Staff Reviewer: Pamela Howard, Assistant Director

PETITION HISTORY

This ordinance was introduced at the August 8, 2022, City Council meeting. The public hearing for this ordinance was held at the September 9, 2022, Advisory Plan Commission (the "Plan Commission") meeting.

OVERVIEW

The Westfield-Washington Township Unified Development Ordinance (the "UDO") was originally adopted in September 2014. Since then, six amendment ordinances have been adopted (November 2014, May 2015, May 2017, April 2018, August 2019, September 2019, and June 2022).

Floodplain management is handled by 3 levels of government: federal (FEMA), state (the Floodplain Management section of DNR's Division of Water), and local (in our case, the UDO). DNR has recently had a new model floodplain ordinance approved by FEMA, and they are asking that all communities update their local ordinance to comply.

This update affects two articles of the UDO: Article 3.5 Floodplain Administrator and Article 5.5 Floodplain Overlay District (FOD). A redline has not been provided as both articles are being replaced in their entirety, this involved a reorganization of Article 5.5 to match the new model ordinance. Following the organization of the model ordinance should make future updates to this Article.

Some of the more substantial changes include:

- More specifically outlining the Duties and Responsibilities of the Floodplain Administrator in Article 3.5.
- Allowing someone outside of the department to be designated as the Floodplain Administrator.

- Incorporating all of the model’s definitions into the Definitions section of the FOD (Article 5.5(E). This results in some terms being defined in both the FOD and Article 12.1 Definitions. As these definitions differ, we have incorporated the below statement:
 - o *“Additionally, some words defined below are also defined in Article 12.1 Definitions, in these instances, the definitions provided in this section shall be applicable in Article 3.5 Floodplain Administrator and Article 5.5 Floodplain Overlay District (FOD) only.”*
- Requiring DNR’s Best Available Floodplain Layer to be used when determining the Base Flood Elevation for “A zones” and “AE Zones” not delineated on the Flood Insurance Rate Maps. This was already advised by DNR, but was not a requirement in the ordinance.
- Adding the requirements and process for permitting Development in the Floodplain (Article 5.5(G)(1)). Many of these standards mirror those in Article 10.8 Improvement Location Permit, but additional requirements are added that relate specifically to Development in the Floodplain.
- Outlining the map maintenance activities that the City is responsible for ensuring are completed (Article 5.5(G)(2). We were already held accountable for these items, they were just not specifically outlined in the ordinance.

CHANGES SINCE THE PUBLIC HEARING

The only substantive changes made to the ordinance are located in Article 3.5 (A & B). The purpose of these changes is to allow someone outside of the Department to be named the Floodplain Administrator. This could include another city employee or an outside consultant.

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.

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 was held at the September 6, 2022, Plan Commission meeting.

DEPARTMENT COMMENTS

1. **Action:** Forward a recommendation to the City Council.
2. If any Plan Commission member has questions prior to the meeting, then please contact Pam Howard at (317) 531-3751 or poward@westfield.in.gov.

ORDINANCE 22-35

AN ORDINANCE TO AMEND PROVISIONS IN 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 as identified through the adoption of a Joinder Agreement; and,

WHEREAS, from time to time it is 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, on _____, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. 2209-ZOA-03 to the Council with a _____ recommendation in accordance with Indiana Code § 36-7-4-607; 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 3.5 Floodplain Administrator** shall be replaced by Exhibit A.

Section 2. **Article 5.5 Floodplain Overlay District (FOD)** shall be replaced by Exhibit B.

Section 3. 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.

[The remainder of this page intentionally left blank.]

ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____, 2023.
WESTFIELD CITY COUNCIL

Voting For**Voting Against****Abstain**

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 22-35 was delivered to the Mayor of Westfield

on the _____ day of _____, 2023, at _____ m.

Cindy Gossard, Clerk-Treasurer

Unified Development Ordinance Amendment

I hereby APPROVE ORDINANCE 22-35

I hereby VETO ORDINANCE 22-35

this _____ day of _____, 2023.

this _____ day of _____, 2023.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by:

Pam Howard, Assistant Director

City of Westfield, 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.



3.5 Floodplain Administrator

- A. **Floodplain Administrator:** The Director and/or their designee, is hereby designated and known as the "Floodplain Administrator".
- B. **Authority:** The Floodplain Administrator and/or designee is hereby authorized and directed to enforce the provisions of this Ordinance. The administrator is further authorized to render interpretations of this Ordinance, which are consistent with its spirit and purpose.
- C. **Duties and Responsibilities:** The Floodplain Administrator's duties shall include, but are not limited to:
1. Enforce the provisions of this Ordinance;
 2. Evaluate application for permits to develop in Special Flood Hazard Areas (SFHAs) to assure that the permit requirements of this Ordinance have been satisfied;
 3. Interpret Floodplain boundaries and provide Flood hazard and Flood protection elevation information;
 4. Issue permits to develop in SFHAs when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance;
 5. Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the Floodplain Development permit;
 6. Conduct Substantial Damage determinations to determine whether existing Structures, damaged from any source and in SFHAs identified by FEMA, must meet the development standards of these regulations;
 7. For applications to improve Structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, Substantial Improvements, repairs of Substantial Damage, and any other improvement of or work on such Buildings and Structures, the Floodplain Administrator shall:
 - a. Verify and document the market value of the pre-damaged or pre-improved structure;
 - b. Compare the cost to perform the improvement; or the cost to repair a damaged Building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved Structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the National Flood Insurance Program (NFIP) and to avoid any conflict with future flood insurance claims of policyholders within the community;

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- c. Determine and document whether the proposed work constitutes Substantial Improvement or repair of Substantial Damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "Substantial Improvement" for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair Flood-related damage as specified in the definition of Substantial Damage; and
 - d. Notify the applicant if it is determined that the work constitutes Substantial Improvement or repair of Substantial Damage and that compliance with the applicable general and specific standards in [Article 5.5\(H\)](#) of this Ordinance are required.
8. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a Watercourse and submit copies of such notifications to FEMA.
9. Ensure that construction authorization has been granted by the Indiana DNR for all development projects subject to [Article 5.5\(H\)](#), [Section 5.5\(H\)\(1\)\(a\)](#), [Section 5.5\(H\)\(1\)\(c\)](#) and [Section 5.5\(H\)\(1\)\(d\)](#) of this Ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or Floodplain analysis/regulatory assessment).
10. Verify the upstream drainage area of any proposed development site near any Watercourse not identified on a FEMA map to determine if [Article 3.5\(C\)\(9\)](#) is applicable.
11. Assure that maintenance is provided within the altered or relocated portion of said Watercourse so that the Flood-carrying capacity is not diminished.
12. Verify and record the actual elevation of the Lowest Floor (including basement) of all new or substantially improved Structures, in accordance with [Article 5.5\(G\)\(1\)\(a\)\(vi\)](#).
13. Verify and record the actual elevation to which any new or substantially improved Structures have been floodproofed in accordance with [Article 5.5\(G\)\(1\)\(a\)\(vii\)](#).
14. Make on-site inspections of projects in accordance with [Article 5.5\(G\)](#).
15. Coordinate with insurance adjusters prior to permitting any proposed work to bring any Flood-damaged Structure covered by a standard Flood insurance policy into compliance (either a substantially damaged Structure or a Repetitive Loss Structure) to ensure eligibility for ICC funds.
16. Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any Structures (residential or nonresidential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
17. Provide information, testimony, or other evidence as needed during

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Variance hearings.

18. Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with [Article 5.5\(G\)\(2\)\(b\)](#).
19. Maintain for public inspection and furnish upon request local permit documents, damaged Structure inventories, Substantial Damage determinations, Regulatory flood data, SFHA maps, Letter of Map Change (LOMC), copies of DNR permits, letters of authorization, and Floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and Floodproofing data for all Buildings constructed subject to this Ordinance in accordance with [Article 5.5\(G\)\(2\)\(d\)](#).
20. Coordinate map maintenance activities and associated FEMA follow-up in accordance with [Article 5.5\(G\)\(3\)](#).
21. Utilize and enforce all LOMCs or Physical Map Revisions (PMRs) issued by FEMA for the currently effective SFHA maps of the community.
22. Request any additional information which may be necessary to determination the disposition of a proposed development or Structure with respect to the requirements of this Ordinance.

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WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

May 3, 2023
2305-PUD-06
Exhibit 1

Petition Number: 2305-PUD-06 (Ord. 23-05)
Petitioner: EdgeRock Development
Request: An amendment proposal to the Trails PUD to amend the maximum dwelling-unit count on 11.72 acres +/- in the Trails PUD District.
Location: Generally, south of 175th Street, east of Oak Ridge Road, and north of the Midland Trace Trail ("the Property")
Current Zoning: The Trails PUD District ([Ord. 16-26](#))
Current Land Use: Vacant
Acreage: 11.72 acres +/-
Exhibits:

1. Staff Report
2. Location Map
3. Proposed Ord. 23-05
4. Concept Plan
5. Neighborhood Meeting Summary

Staff Reviewer: Ryan Collingwood, Associate Planner

PETITION HISTORY

This petition was introduced at the [April 10, 2022](#), City Council meeting. The discussion for this petition can be viewed [here](#). The petitioner has a neighborhood meeting scheduled for April 27, 2023, and a summary of the meeting is provided as **Exhibit 5**. The petition will receive a public hearing at the May 3, 2023, Advisory Plan Commission ("Plan Commission") meeting.

PROJECT OVERVIEW

Location: The Property is approximately 11.72 acres in size and is located south of 175th Street, east of Oak Ridge Road, and north of the Midland Trace Trail (**Exhibit 2**). The Property is currently zoned The Trails PUD District. Adjacent properties in all directions are also zoned PUD Districts: Monon Crossing PUD District to the north, Oak Ridge Pointe PUD District to the west, the Custom Commerce Park PUD District to the south, and the Hall & House PUD District to the east.

Zoning History: Approved November 2015, The Trails PUD (Ord. 15-27) was established to be a planned, mixed-use development containing a mix of commercial and residential uses. In 2016, an amendment was enacted to add additional acreage to the District, located on the southeast corner of SR 32 & Oak Ridge Road. The aforementioned amendment (Ord. 16-26) was also established to repeal and replace the original Trails PUD (Ord. 15-27). There have been two amendments to

The Trails PUD since adopting Ord. 16-26, in which regard landscaping, signage, and off-street parking standards.

Project Description: The petitioner is requesting an amendment to The Trails PUD to modify the permitted number of dwelling unit counts on 11.72 acres +/- of the Property.

The Trails PUD (Ord. 16-26) established a Maximum Number of Dwelling Units of 300 units.

This amendment proposal is requesting to increase the Maximum Number of Dwelling Units to 375 units.

AMENDMENT REQUEST

The Petitioner requests this amendment to The Trails PUD to modify the allowable number of dwelling units to be developed on the Property. The Trails PUD (Ord. 16-26) initially established the permitted number of dwelling units that could be on site, amending the UDO-allowable value of 150 dwelling units. Ord. 16-26 restated that 300 total dwelling units may be permitted on site. This amendment proposal is requesting to increase the permitted number of dwelling units an additional 75 units, bringing the value to 375 total dwelling units.

Subsequently, an additional Concept Plan has been included with the request, which is not meant to replace any other existing Concept Plan associated with the development.

COMPREHENSIVE PLAN

Indiana Code states that reasonable regard be paid to the Comprehensive Plan when considering zoning map changes, however, the Comprehensive Plan is not law. It is simply intended to serve as a guide in making land use decisions.

The 2007 Westfield-Washington Township Comprehensive Plan identifies the Property as being within the Highway/Employment Corridor of State Highway 32. The Comprehensive Plan states that smaller-scale local office and service uses are appropriate along State Highway 32, and that retail uses which are subordinate to and supportive of the corridor's office and service uses are appropriate. The 2011 Family Sports Capital Addendum II to the Comprehensive Plan anticipates supporting uses such as restaurants, offices, retail uses, higher density residential, and other supporting commercial uses will be located nearby the Grand Park Sports Campus. State Highway 32 (west of U.S. Highway 31) has been redeveloping into a hospitality corridor, with a focus on providing supporting hospitality-type uses for the visitors to Grand Park.

PROCEDURAL

Public Hearing: An amendment to a Planned Unit Development District is required to be considered at a public hearing by the Plan Commission. The public hearing for this petition is

scheduled for the May 3, 2023, Plan Commission meeting. Notice of the public hearing was provided in accordance with Indiana law and the Plan Commission's Rules of Procedure.

Statutory Considerations: Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes 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.

Council Introduction: The petition was introduced at the [April 10, 2022](#), City Council meeting. Video footage of the introduction can be viewed [here](#).

DEPARTMENT COMMENTS

1. **Action:** Hold a public hearing at the May 3, 2023, Plan Commission meeting.
2. If any Plan Commission member has questions prior to the public hearing, then please contact Ryan Collingwood at (317) 741-8857 or rcollingwood@westfield.in.gov.

ORDINANCE 23-05

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

This is a Planned Unit Development District Ordinance (to be known as The Trails PUD District) to amend the Westfield-Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning 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 Zoning Ordinance;

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted Ordinance 15-27 (the "Original PUD Ordinance"), on November 9, 2015 as amended and replaced by Ordinance 16-26 (the "Trails PUD Ordinance"), enacted by the Council on November 14, 2016;

WHEREAS, the Commission forwarded Petition 2305-PUD-06 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ **recommendation (vote)** in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 367-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2023; and,

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.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 This Ordinance shall amend the Trails PUD Ordinance, as applicable to the Real Estate. This Ordinance shall be known as the "Fourth Amendment" to the Trails PUD Ordinance
- 1.2 All other provisions of the Trails PUD Ordinance shall remain in effect with the adoption of this Ordinance.

1.3 Chapter (“Chapter”) and Article (“Article”) cross-reference 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 or the Trails PUD Ordinance, as amended, 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. **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 Ordinance Requirements; Concept Plan. The Real Estate shall be development in substantial compliance with the Concept Plan. The Concept Plan, as shown in Exhibit B, shall not replace any other existing Concept Plan; instead, it shall, be added as an additional possible Concept Plan.

Section 3. **General Regulations.** The standards of Chapter 4: Zoning Districts of the UDO, as amended by the Trails PUD Ordinance, as applicable to the Underlying Zoning District, shall apply to the development of the Real Estate, except as otherwise modified below.

3.1 MF2: Multi-Family Medium Density District: Section 7.1 of the Trails PUD Ordinance shall be amended as follows:

A. Maximum Number of Dwelling Units: Section 7.1(C) of the Trails PUD Ordinance shall be replaced with the following:

a. Three Hundred Seventy-Five (375) units

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF
WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF
_____, 2023.

WESTFIELD COMMON COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify **ORDINANCE 23-05** as delivered to the Mayor of Westfield on the _____ day of _____, 2023, at _____ m.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 23-05
this _____ day of _____, 2023.

I hereby VETO ORDINANCE 23-05
this _____ day of _____, 2023.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

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: EdgeRock Development, LLC

Prepared by: EdgeRock Development, LLC.
555 E. Main Street, Westfield IN 46074

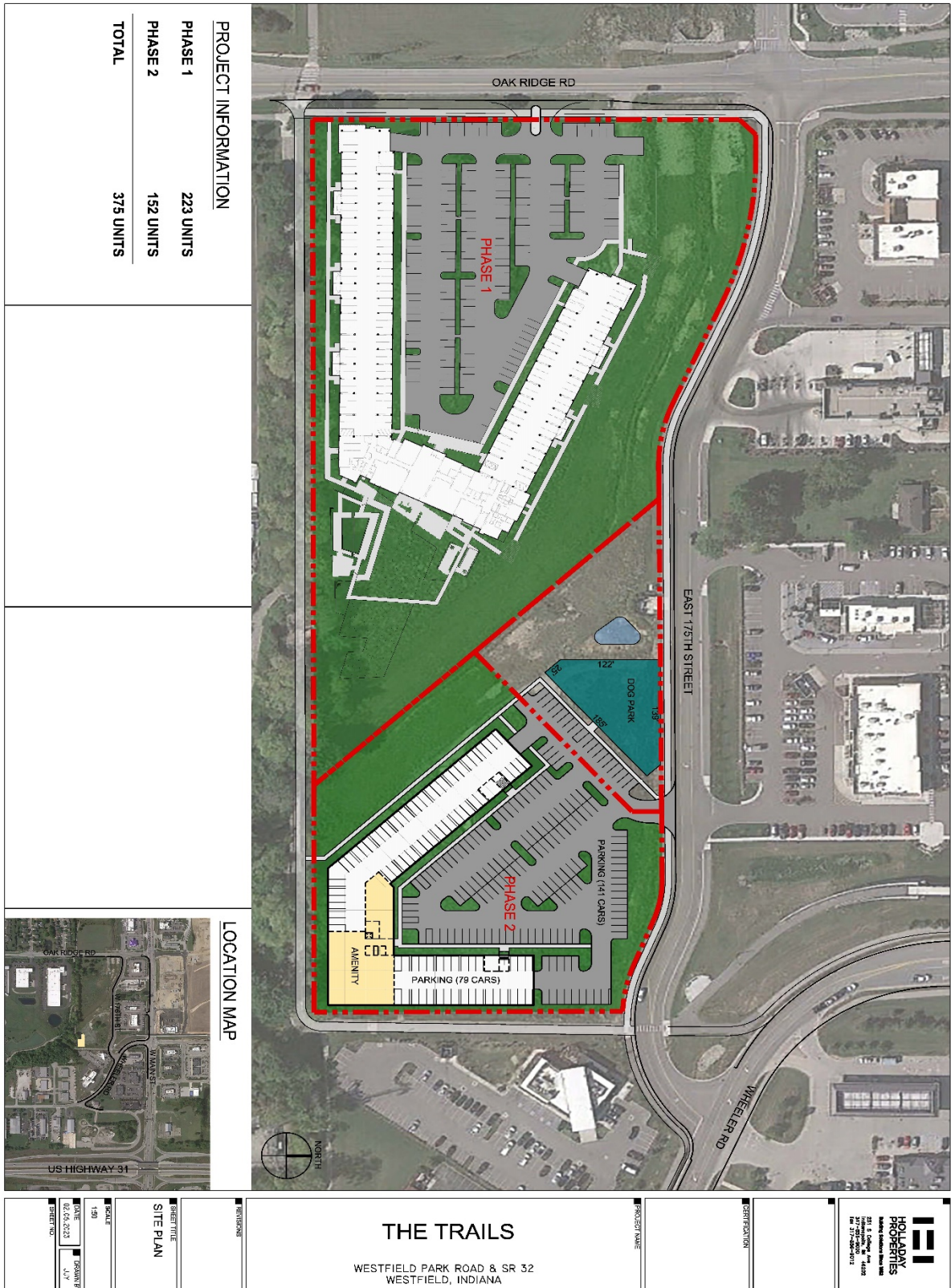
EXHIBIT A
REAL ESTATE

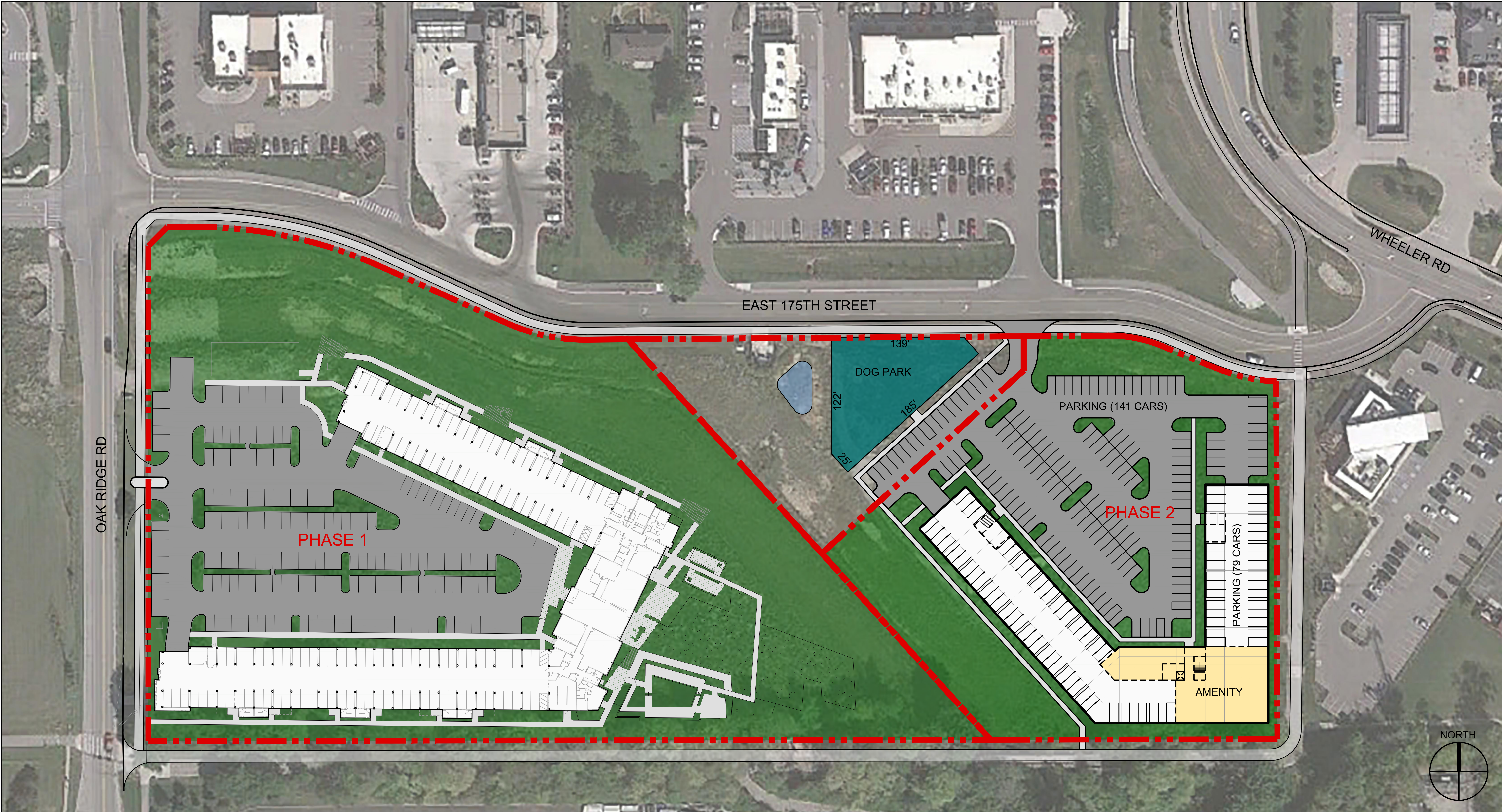
Apart of the Northwest Quarter of Section 1, Township 18 North, Range 3 East Washington Township, Hamilton County, Indiana, and more particularly described as follows:

Commencing at the northwest corner of said Northwest Quarter of Section 1, Township 18 North, Range 3 East; thence South 00 degrees 23 minutes 47 seconds West 415.29 feet along the west line of said Northwest Quarter to the Point of Beginning, said point being the northwest corner of the tract of land described in Instrument Number 2012031431 in the Office of the Recorder of Hamilton County; thence South 89 degrees 36 minutes 13 seconds East 32.52 feet along the north line of said tract of land described in Instrument Number 2012031431 to the southeast corner of Oak Ridge Road right-of-way as described in Instrument Number 2007040158 in said Office of the Recorder; thence North 00 degrees 23 minutes 47 seconds East 269.11 feet along said Oak Ridge Road right-of-way line to a point on said Oak Ridge Road right-of-way as described in Instrument Number 2007061283 in said Office of the Recorder; thence continuing North 00 degrees 23 minutes 47 seconds East 102.49 feet along said Oak Ridge Road right-of-way to a southeastern right-of-way line for said Oak Ridge Road and State Road 32 intersection as described in said Instrument Number 2007061283; thence North 51 degrees 29 minutes 42 seconds East 30.63 feet along said southeastern right-of-way line to the south right-of-way line of said State Road 32; thence North 89 degrees 50 minutes 23 seconds East 432.49 feet along said south right-of-way line to the west line of the tract of land described in Deed Book 197, page 324 in said Office of the Recorder, with the following three (3) courses being along the boundary of said tract of land; (1) thence South 00 degrees 23 minutes 47 seconds West 385.00 feet; (2) thence North 89 degrees 50 minutes 23 seconds East 110.00 feet; (3) thence North 00 degrees 23 minutes 47 seconds East 379.09 feet to the south right-of-way line of said State Road 32, said right-of-way line being described in Instrument Number 200702958 in said Office of the Recorder; thence South 88 degrees 30 minutes 14 seconds East 117.58 feet along said south right-of-way line to the southwestern right-of-way line of said State Road 32 and Spruce Street intersection as described in said Instrument Number 200702958, with the following six (6) courses being along the right-of-way of said Spruce Street as described in Instrument Numbers 200702958, 2007024274, 2007040771, and 2007040161 in said Office of the Recorder; (1) thence South 46 degrees 53 minutes 22 seconds East 29.89 feet; (2) thence South 5 degrees 24 minutes 56 seconds East 195.88 feet; (3) thence South 89 degrees 37 minutes 45 seconds East 30.00 feet; (4) thence North 00 degrees 23 minutes 47 seconds East 45.14 feet; (5) North 89 degrees 50 minutes 23 seconds East 9.70 feet; (6) thence North 00 degrees 22 minutes 42 seconds East 163.26 feet to the south right-of-way line of said State Road 32, with the following two (2) courses being along said south right-of-way line as described in said Instrument Number 2007040161 and Instrument Number 2007043638 in said Office of the Recorder; [1] thence South 88 degrees 30 minutes 14 seconds East 293.04 feet; (2) thence South 56 degrees 44 minutes 15 seconds East 18.99 feet to the east line of the tract of land described in Instrument Number 9809854749 in said Office of the Recorder; thence South 00 degrees 23 minutes 47 seconds West 144.33 feet along said east line to the northeast corner of the tract of land described in Instrument Number 9234839 in said Office of the Recorder; thence continuing South 00 degrees 23 minutes 47 seconds West 205.00 feet along the east line of said tract of land described in Instrument Number 9234839 to the north line of the tract of land described in Instrument Number 9105488 in said Office of the Recorder, with the following two (2) courses being along the boundary of said tract of land; (1) thence North 89 degrees 50 minutes 23 seconds East 125.80 feet; (2) thence South 00 degrees 50 minutes 48 seconds West 481.50 feet to the southeast corner of said tract of land and the north line of

the tract of land described in Instrument Number 2014036364 in said Office of the Recorder; thence North 89 degrees 41 minutes 21 seconds West 1,002.77 feet along said north line to the east line of said tract of land described in Instrument Number 2012031431, with the following two (2) courses being along the boundary of said tract of land; (1) thence South 00 degrees 28 minutes 50 seconds West 3.67 feet; (2) thence North 89 degrees 53 minutes 55 seconds West 226.00 feet (said line also being the former north right-of-way line of the Central Indiana Railroad) to the west line of said Northwest Quarter; thence North 00 degrees 23 minutes 47 seconds East 470.55 feet along said west line to the Point of Beginning, containing 21.558 acres, more or less, subject to rights of way and easements of record.

CONCEPT PLAN







**HOLLADAY
PROPERTIES**
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231 S College Ave
Indianapolis, IN 46202
317-856-9000
fax 317-856-9012

CERTIFICATION

PROJECT NAME

THE TRAILS

WESTFIELD PARK ROAD & SR 32
WESTFIELD, INDIANA

REVISIONS

SHEET TITLE
SITE PLAN

SCALE
1:50

DATE
02.06.2023

DRAWN BY
JJY

SHEET NO.

PROJECT INFORMATION

PHASE 1	223 UNITS
PHASE 2	152 UNITS
TOTAL	375 UNITS

LOCATION MAP



The Trails PUD, Amendment IV
Neighborhood Meeting Summary

Project: EdgeRock Development
The Trails PUD Amendment IV Zoning Request
Docket Number 2305-PUD-06

Date: April 27, 2023 at 7:00 pm

Location: Grand Park Events Center, Lower Cafeteria, 19000 Grand Park Blvd, Westfield,
IN 46074

Presenters: Birch Dalton & Mike Pepiot, EdgeRock Development

Attendees: Chris Wilkes, Holiday Properties
Staff – Ryan Collingwood
See attachment below For Sign In Sheet

The Neighborhood Meeting began at 7:00 pm. Birch Dalton, Mike Pepiot, Chris Wilkes, and Ryan Collingwood initially arrived to field any questions or concerns for the proposed amendment.

There were no attendees present at the meeting.

The meeting ended at approximately 7:20 pm.

	NAME	ADDRESS	EMAIL ADDRESS	PHONE NUMBER
1	R. R. R.	555 E MAIN ST WISLA	b daltonmag-us.com	317-979-0538
2	MIKE PERIOT	210 KERRY CT. CARMEL, IN	MIKE@EDGELAK.PARKS	317-260-3487
3	Ryan Collingwood	640 E. Michigan St, Indianapolis, IN	rcollingwood@westfield.in.gov	317-741-8857
4	CHRIS WILKES	231 S. COLLEGE AVE, INDIANAPOLIS, IN 46204	cwilkes@holladay-properties.com	317-710-6190
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WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

May 5, 2023
2305-PUD-05
Exhibit 1

Petition Number: 2305-PUD-05 (Ordinance No. 23-03)
Petitioner: J.C. Hart Company, Inc. by Church Church Hittle + Antrim
Request: An amendment to the landscaping standards on 5.5 acres +/- in the Wheeler Landing PUD District.
Current Zoning: Wheeler Landing PUD District
Current Land Use: Vacant
Acreage: 5.5 acres +/-
Exhibits:

1. Staff Report
2. Location Map
3. Proposed Ord. 23-03
4. Narrative Statement
5. Landscape Plan

Staff Reviewer: Caleb Ernest, Senior Planner

PETITION HISTORY

This petition was introduced at the [April 10, 2023](#), City Council meeting. The discussion for this petition can be viewed [here](#). The petition is scheduled for a public hearing at the May 3, 2023, Advisory Plan Commission (the “Plan Commission”) meeting.

PROJECT OVERVIEW

Location: This subject real estate is approximately 5.5 acres in size and is located at the southeast corner of Grand Park Blvd. and Virginia Rose Ave. (the “Real Estate”, see **Exhibit 2**). The Property is currently zoned the Wheeler Landing PUD District. All adjacent properties are also zoned the Wheeler Landing PUD District.

Project Description: The petitioner is requesting an amendment to the landscaping standards of the Wheeler Landing PUD District. The proposal is to modify the landscaping standards and replace them with the proposed landscape plan (**Exhibit 5**).

ORDINANCE DETAILS

Landscape Plan:

- Exhibit C (**Exhibit 5**) is hereby incorporated in accordance with Article 10.9.F.2 of the Unified Development Ordinance. The Real Estate shall be developed in substantial compliance with the Landscape Plan.

Development Standards:

- **Landscaping:**
 - Article 6.8 Landscape Standards: shall apply, except as otherwise modified below:
 - Article 6.8.K Minimum Lot Landscaping Requirements shall be reduced to 77% of the required shade trees and 50% of the required ornamental or evergreen trees.
 - Article 6.8.M.1 External Street Frontage Landscaping Requirements shall apply. However, plantings along the perimeter streets shall be counted towards meeting this requirement, and the required berm along Grand Park Boulevard is waived.
 - Article 6.8.O.1.b.ii shall apply except that the minimum area of a parking island may be reduced below 120 square feet.

In the UDO, the Lot Landscaping Requirements for Multi-family Residential land uses is one (1) Shade Tree, one (1) Ornamental or Evergreen Tree and four (4) shrubs per Dwelling Unit. As of right now, the proposal contemplates 148 Dwelling Units. The UDO Lot Landscaping for the Real Estate would require 148 Shade Trees, 148 Evergreen or Ornamental Trees and 592 shrubs. The proposed landscape plan (**Exhibit 5**) shows 114 Shade Trees, 74 Evergreen Trees and 611 shrubs.

In the UDO, the External Street Frontage Landscaping Requirements would require a three-foot (3') tall undulating mound along Grand Park Boulevard.

In the UDO, the minimum area of a parking island is one hundred and twenty (120) square feet.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (the “[Comprehensive Plan](#)”) identifies the majority of this Property as being within the “Business Park” land use classification. Indiana Code states that reasonable regard be paid to the Comprehensive Plan when considering zoning map changes; however, the Comprehensive Plan is not law. The Comprehensive Plan is intended to serve as a guide in making land use decisions.

The land uses contemplated for “Business Park” are: Manufacturing, subordinate office, retail, and services, research and development and warehousing.

PROCEDURAL

Public Hearing: A change of zoning request is required to be considered at a public hearing by the Plan Commission. The public hearing for this petition is scheduled for the May 3, 2023, Plan Commission meeting. Notice of the public hearing was provided in accordance with Indiana law and the Plan Commission’s Rules of Procedure.

Statutory Considerations: Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes 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.

Council Introduction: The petition was introduced at the [April 10, 2023](#), City Council meeting.

DEPARTMENT COMMENTS

1. **Action:** Hold a public hearing at the May 3, 2023, Plan Commission meeting. If the APC is satisfied with the proposal, and at the Petitioner's request, the Petition may be voted upon to:
 - a. Not require a workshop meeting; and
 - b. Send a recommendation to the City Council
2. If any Plan Commission member has questions prior to the public hearing, then please contact Caleb Ernest at (317) 519-8630 or cernest@westfield.in.gov.



5.5 Floodplain Overlay District (FOD)

A. **Applicability:**

1. This Article shall apply to all Special Flood Hazard Areas (SFHAs) and known Flood Prone Areas, as defined herein, within the Jurisdiction of the Plan Commission (the "FOD").
2. No Building shall hereafter be located, extended, converted or structurally altered within this Overlay without full compliance with the terms of this Article and other applicable regulations.
3. No land or stream within this Overlay shall hereafter be altered without full compliance with the terms of this Article and other applicable regulations.
4. The Indiana Legislature has in [IC 36-1-4-11](#) granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Westfield does hereby adopt the following Floodplain Management Regulations.

- B. **Findings of Fact:** The Flood Hazard Areas of the Jurisdiction of the Plan Commission are subject to periodic inundation which results in loss of life and Property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for Flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, Structures that are inadequately elevated, floodproofed, or otherwise protected from Flood damage also contribute to the Flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

- C. **Statement of Purpose:** It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to Flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly Flood control projects;
3. Minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in Floodplain;
6. Help maintain a stable tax base by providing for the sound use and Development of Flood Prone Areas in such a manner as to minimize Flood blight area;
7. Ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions;

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8. Minimize the impact of a Development on adjacent Properties within and near Flood Prone Areas;
 9. Ensure that the Flood storage and conveyance functions of the Floodplain are maintained;
 10. Minimize the impact of a Development on the natural, beneficial values of the Floodplain;
 11. Prevent Floodplain uses that are either hazardous or environmentally incompatible; and
 12. Meet Community participation requirements of the National Flood Insurance Program.
- D. **Methods of Reducing Flood Loss:** In order to accomplish its purposes, these regulations include methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety, and Property due to water hazards, or which result in damaging increases in Flood heights or velocities;
 2. Requiring that uses vulnerable to Floods, including facilities, which serve such uses, be protected against Flood damage at the time of initial construction;
 3. Controlling the alteration of natural Floodplains, stream channels, and natural protective barriers, which help accommodate or channel Flood waters;
 4. Controlling, filling, grading, dredging, excavating, and other Development which may increase Flood damage; and
 5. Preventing or regulating the construction of Flood barriers, which will unnaturally divert Flood, waters or which may increase Flood hazards in other areas.
- E. **Definitions:** Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them meaning they have in common usage and to give these regulations the most reasonable application. Additionally, some words defined below are also defined in [Article 12.1 Definitions](#), in these instances, the definitions provided in this section shall be applicable in [Article 3.5 Floodplain Administrator](#) and [Article 5.5 Floodplain Overlay District \(FOD\)](#) only.
1. **Accessory Structure:** means a Structure with a floor area of 400 square feet or less that is on the same parcel of Property as a principal Structure and the use of which is incidental to the use of the principal Structure; an Accessory Structure specifically excludes Structures used for human habitation.
 - a. Accessory Structures are considered Walled and Roofed where the Structure includes at least two outside rigid walls and a fully secured roof.
 - b. Examples of Accessory Structures include but are not limited to two-

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- car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- c. The following may have uses that are incidental or accessory to the principal Structure on a parcel but are generally not considered to be Accessory Structures by the National Flood Insurance Program (NFIP):
 - i. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;
 - ii. Structures used by the public, such as a place of employment or entertainment; and
 - iii. Development that does not meet the NFIP definition of a Structure for Floodplain Management purposes. Examples include, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).
 2. **Addition:** (to an existing Structure) means any Walled and Roofed expansion to the perimeter of a Structure in which the Addition is connected by a common load-bearing wall other than a firewall. Any Walled and Roofed Addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is New Construction.
 3. **Alteration of a Watercourse:** means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the Base Flood.
 4. **Appeal:** means a request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance, a request for a Variance, or a challenge of a board decision.
 5. **Area of Special Flood Hazard:** is the land within a Community subject to a one-percent (1%) or greater chance of being flooded in any given year.
 6. **Base Flood:** means the Flood having a one percent chance of being equaled or exceeded in any given year. The Base Flood may also be referred to as the one percent (1%) annual chance Flood or one hundred (100) year Flood.
 7. **Base Flood Elevation (BFE):** means the water surface elevation of the Base Flood in relation to a specified datum, usually the North American Vertical Datum of 1988.
 8. **Basement:** means that portion of a Structure having its floor sub-grade (below ground level) on all sides.
 9. **Best Available Flood Layer (BAFL):** means Floodplain studies and any corresponding Floodplain maps prepared and/or approved by the

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Indiana Department of Natural Resources which provide BFE information, Floodplain limits, and/or Floodway delineations for Flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the Flood hazard is not identified on available Floodplain mapping.

10. Building: see "Structure."
11. Community: means a political entity that has the authority to adopt and enforce Floodplain ordinances for the areas within its jurisdiction.
12. Critical Facility: means a facility for which even a slight chance of Flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.
13. Development: means, for Floodplain Management purposes, any man-made change to improved or unimproved real estate including but not limited to:
 - a. Construction, reconstruction, or placement of a Structure or any Addition to a Structure;
 - b. Installing a Manufactured Home on a site, preparing a site for a Manufactured Home or installing a Recreational Vehicle on a site for more than 180 days;
 - c. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
 - d. Construction of Flood control Structures such as levees, dikes, dams, channel improvements, etc.;
 - e. Mining, dredging, filling, grading, excavation, or drilling operations;
 - f. Construction and/or reconstruction of boat lifts, docks, piers and seawalls;
 - g. Construction and/or reconstruction of bridges or culverts;
 - h. Storage of materials; or
 - i. Any other activity that might change the direction, height, or velocity of Flood or surface waters.
 - j. "Development" does not include activities such as the maintenance of existing Structures and facilities such as painting; re-roofing; resurfacing roads; or, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent Structures.
14. Effective Date of Initial Floodplain Management Regulations: August 15, 1975.
14. Elevation Certificate: means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

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15. Enclosed Area: (enclosure) is an area of a Structure enclosed by walls on all sides.
16. Enclosure Below the Lowest Floor: see "Lowest Floor" and "Enclosed Area."
17. Existing Manufactured Home Park or Subdivision: means a Manufactured Home Park or Subdivision for which the construction of facilities for servicing the Lots on which the Manufactured Homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the Effective Date of the Initial Floodplain Management Regulations.
18. Expansion to an Existing Manufactured Home Park or Subdivision: means the preparation of additional sites by the construction of facilities for servicing the Lots on which the Manufactured Homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
19. FEMA: means the Federal Emergency Management Agency.
20. Fill: for Floodplain Management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the Natural Grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.
21. Flood or Flooding: means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation or runoff of surface waters from any source;
 - c. Mudslides (i.e., mudflows) which are proximately caused by Flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current;
 - d. Flood or Flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a Flood as defined above.
22. Flood Hazard Area: means areas subject to the one-percent (1%) annual chance Flood (see "Special Flood Hazard Area").
23. Flood Insurance Rate Map (FIRM): means an official map of a Community, on which FEMA has delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to the Community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
24. Flood Insurance Study (FIS): means the official hydraulic and hydrologic

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report provided by FEMA. The report contains Flood profiles, as well as the FIRM and the water surface elevation of the Base Flood.

25. Flood Prone Area: means any land acknowledged by a Community as being susceptible to inundation by water from any source (see "Floodplain").
26. Flood Protection Grade (FPG): is the BFE plus two (2) feet at any given location in the SFHA (see "Freeboard").
27. Floodplain or Flood Prone Area: means any land area susceptible to being inundated by water from any source (see "Flood").
28. Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing Flood damage and preserving and enhancing, where possible, natural resources in the Floodplain, including but not limited to emergency preparedness plans, Flood control works, Floodplain Management Regulations, and open space plans.
29. Floodplain Management Regulations: means zoning ordinances, subdivision regulations, Building codes, health regulations, special purpose ordinances (such as a Floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control Development in Flood Prone Areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of Flood damage prevention and reduction.
30. Floodproofing (Dry Floodproofing): is a method of protecting a Structure that ensures that the Structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic Flood forces, including the effects of buoyancy, and anticipated debris impact forces.
31. Floodproofing Certificate: is a form used to certify compliance for non-residential Structures as an alternative to elevating Structures to or above the FPG.
32. Floodway: is the channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than a designated height.
33. Freeboard: means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of Floodplain Management. It is used to compensate for the many unknown factors that could contribute to Flood heights greater than those calculated for the Base Flood.
34. Fringe or Flood Fringe: is the portion of the Floodplain lying outside the Floodway.
35. Functionally Dependent Use: means a use which cannot perform its

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intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

36. Hardship: (as related to Variances of this Ordinance) means the exceptional Hardship that would result from a failure to grant the requested Variance. The Westfield-Washington Township Board of Zoning Appeals requires that the Variance is exceptional, unusual, and peculiar to the Property involved. Mere economic or financial Hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional Hardship. All of those problems can be resolved through other means without granting a Variance, even if the alternative is more expensive, or requires the Property Owner to build elsewhere or put the parcel to a different use than originally intended.
37. Highest Adjacent Grade: means the highest natural elevation of the ground surface, prior to the Start of Construction, next to the proposed walls of a Structure.
38. Historic Structure: means any Structure that is:
- Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.
39. Hydrologic and Hydraulic Engineering Analysis: means analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the Base Flood, other frequency Floods, Flood elevations, Floodway information and boundaries, and Flood profiles.
40. International Code Council-Evaluation Service (ICC-ES) Report: means a

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document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

41. Letter of Final Determination (LFD): means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new Flood map and Flood study to the Community. The LFD initiates the six-month adoption period. The Community must adopt or amend its Floodplain Management Regulations during this six-month period unless the Community has previously incorporated an automatic adoption clause.
42. Letter of Map Change (LOMC): is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:
 - a. Conditional Letter of Map Revision (CLOMR): means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of Fill outside the existing Regulatory Floodway.
 - b. Conditional Letter of Map Revision Based on Fill (CLOMR-F): means a letter from FEMA stating that a proposed Structure that will be elevated by Fill would not be inundated by the Base Flood.
 - c. Letter of Map Amendment (LOMA): means an amendment by letter to the currently effective FEMA map that establishes that a Building or area of land is not located in a SFHA through the submittal of Property specific elevation data. A LOMA is only issued by FEMA.
 - d. Letter of Map Amendment Out as Shown (LOMA-OAS): means an official determination by FEMA that states the Property or Building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory Flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
 - e. Letter of Map Revision (LOMR): means an official revision to the currently effective FEMA map. It is issued by FEMA and changes Flood zones, delineations, and elevations.
 - f. Letter of Map Revision Based on Fill (LOMR-F): means FEMA's modification of the SFHA shown on the FIRM based on the placement of Fill outside the existing Regulatory Floodway.
43. Lowest Adjacent Grade: means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or Basement entryway immediately next to the structure.
44. Lowest Floor: means, for Floodplain Management purposes, the lowest elevation described among the following:
 - a. The Lowest Floor of a Building;
 - b. The Basement floor;

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- c. The garage floor if the garage is connected to the Building;
 - d. The first floor of a Structure elevated on pilings or pillars;
 - e. The floor level of any enclosure, other than a Basement, below an elevated Structure where the walls of the enclosure provide any resistance to the flow of Floodwaters. Designs for meeting the Flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
 - i. The walls are designed to automatically equalize the hydrostatic Flood forces on the walls by allowing for the entry and exit of floodwaters;
 - ii. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of Enclosed Area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings;
 - f. The first floor of a Building elevated on pilings or columns in a coastal high hazard area (as that term is defined in [44 CFR 59.1](#)), as long as it meets the requirements of [44 CFR 60.3](#).
45. Manufactured Home: means a Structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."
46. Manufactured Home Park or Subdivision: means a parcel (or contiguous parcels) of land divided into two (2) or more Manufactured Home Lots for rent or sale.
47. Mitigation: means sustained actions taken to reduce or eliminate long-term risk to people and Property from hazards and their effects. The purpose of Mitigation is twofold: to protect people and Structures, and to minimize the cost of disaster response and recovery.
48. National Flood Insurance Program (NFIP): the federal program that makes flood insurance available to owners of Property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.
49. Natural Grade: for Floodplain Management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the Flood hazard on a FEMA map is also considered Natural Grade.
50. New Construction: for Floodplain Management purposes means any Structure for which the "Start of Construction" commenced on or after the Effective Date of Initial Floodplain Management Regulations and

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includes any subsequent improvements to such Structures.

51. New Manufactured Home Park or Subdivision: means a Manufactured Home Park or Subdivision for which the construction of facilities for servicing the Lots on which the Manufactured Homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the Effective Date of Initial Floodplain Management Regulations.
52. North American Vertical Datum of 1988 (NAVD 88): as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the Floodplain.
53. Obstruction: includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, Building, wire, fence, rock, gravel, refuse, Fill, Structure, vegetation, or other material in, along, across or projecting into any Watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
54. One-percent (1%) Annual Chance Flood: is the Flood that has a one-percent (1%) chance of being equaled or exceeded in any given year. See "Regulatory Flood".
55. Physical Map Revision (PMR): is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) Flood elevations, Floodplain boundary delineations, Regulatory Floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional Flood Hazard Areas, or correction to Base Flood Elevations (BFE) or SFHAs.
56. Prefabricated Building: is a Building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete Building.
57. Principally Above Ground: means that at least 51 percent of the actual cash value of the Structure, less land value, is above ground.
58. Recreational Vehicle: means a vehicle which is:
 - a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projections;
 - c. Designed to be self-propelled or permanently towable by a light duty truck;
 - d. Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.
59. Regulatory Flood: means the Flood having a one-percent (1%) chance

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of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and FEMA. The Regulatory Flood elevation at any location is as defined in [Article 5.5\(F\)\(2\)](#) of this Ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent (1%) Annual Chance Flood", and "100-Year Flood".

60. Repetitive Loss: means Flood-related damages sustained by a Structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such Flood event, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the Structure before the damage occurred.
61. Riverine: means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
62. Special Flood Hazard Area (SFHA): synonymous with "Areas of Special Flood Hazard" and Floodplain, means those lands within the Jurisdiction of the Plan Commission subject to a one-percent (1%) or greater chance of Flooding in any given year. SFHAs are designated by FEMA on FIRMs, Flood Insurance Studies (FIS), as Zones A, AE, AH, AO, A1-30, A99, or VE. The SFHA includes areas that are Flood prone and designated from other federal, state or local sources of data including but not limited to Best Available Flood Layer (BAFL) maps provided by or approved by the Indiana DNR, historical Flood information reflecting high water marks, previous Flood inundation areas, and Flood prone soils associated with a Watercourse.
63. Solid Waste Disposal Facility: means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.
64. Start of Construction: includes Substantial Improvement, and means the date the Building Permit was issued, provided the actual Start of Construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a Basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the Property of Accessory Buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure. For a Substantial Improvement, the actual Start of Construction means the first alteration

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of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.

65. **Structure:** means a Walled and Roofed Building, including a gas or liquid storage tank, which is Principally Above Ground. The term includes a Manufactured Home, as well as a Prefabricated Building. It also includes Recreational Vehicles installed on a site for more than 180 consecutive days.
66. **Substantial Damage:** means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred.
67. **Substantial Improvement:** means any reconstruction, rehabilitation, Addition, or other improvement of a Structure, the cost of which equals or exceeds 50 percent of the market value of the Structure before the "Start of Construction" of the improvement. This term includes Structures that have incurred "Repetitive Loss" or "Substantial Damage" regardless of the actual repair work performed. The term does not include improvements of Structures to correct existing Violations of state or local health, sanitary, or safety code requirements.
68. **Variance:** is a grant of relief from the requirements of this Ordinance consistent with the Variance conditions herein.
69. **Violation:** means the failure of a Structure or other Development to be fully compliant with this Ordinance.
70. **Walled and Roofed:** means a Building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.
71. **Watercourse:** means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial Flood damage may occur.

F. **General Provisions:**

1. **Lands to Which This Article Applies:** This Ordinance shall apply to all Areas of Special Flood Hazard within the Jurisdiction of the Plan Commission as identified in [Article 5.5\(F\)\(2\)](#), including any additional Areas of Special Flood Hazard annexed by the City of Westfield, Indiana.
2. **Basis for Establishing the Special Flood Hazard:**
 - a. The Regulatory Flood elevation, Floodway, and Fringe limits for the studied SFHAs within the Jurisdiction of the Plan Commission, delineated as an "AE Zone" on the Hamilton County, Indiana and Incorporated Areas Flood Insurance Rate Map (FIRM) dated October 18, 2019 shall be determined from the One-percent (1%) Annual Chance Flood profiles in the Flood Insurance Study (FIS) of Hamilton County, Indiana and Incorporated Areas and the corresponding FIRMs dated October 18, 2019 as well as any subsequent updates,

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- amendments, or revisions, prepared by the Federal Emergency Management Agency (FEMA) with the most recent date. Should the Floodway limits not be delineated on the FIRM for a studied SFHA designated as an "AE Zone", the limits of the Floodway will be according to the Best Available Floodplain Layer (BAFL) as provided by the Indiana Department of Natural Resources (DNR).
- b. The Regulatory Flood elevation, Floodway, and Fringe limits for each of the SFHAs within the Jurisdiction of the Plan Commission, delineation as an "A Zone" on the Hamilton County, Indiana and Incorporated Areas FIRM, dated October 18, 2019, as well as any subsequent updates, amendments, or revisions, prepared by the FEMA with the most recent date, shall be according to the BAFL provided by the Indiana DNR, provided the upstream drainage area from the subject site is greater than one (1) square mile. Whenever a party disagrees with the BAFL data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana DNR for review and subsequently approved.
 - c. In the absence of a published FEMA map, or absence of identification on a FEMA map, the Regulatory Flood elevation, Floodway, and Fringe limits of any Watercourse in the Community's known Flood Prone Areas shall be according to the BAFL as provided by the Indiana DNR, provided the upstream drainage area from the subject site is greater than one (1) square mile.
 - d. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (Development) purposes, replacing all previously effective less restrictive Flood hazard data provided by FEMA.
3. Establishment of Floodplain Development Permit: A Floodplain Development permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any Development activities in the Areas of Special Flood Hazard and in accordance with [Article 10.8 Improvement Location Permit](#).
 4. Compliance:
 - a. No Structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this Ordinance and other applicable regulations.
 - b. Where an existing or proposed Structure or other Development is affected by multiple Flood zones, by multiple BFEs, or both, the Development activity must comply with the provisions of this Ordinance applicable to the most restrictive Flood zone and the most conservative (highest) BFE affecting any part of the existing or proposed Structure; or for other Developments, affecting any part of the area of the Development.

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- c. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this Ordinance and other applicable regulations.
- 5. Abrogation and Greater Restrictions: This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- 6. Discrepancy between Mapped Floodplain and Actual Ground Elevations:
 - a. In cases where there is a discrepancy between the mapped Floodplain (SFHA) with BFEs provided (Riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
 - b. If the elevation of the site in question is below the BFE, that site shall be included in the SFHA and regulated accordingly.
 - c. If the Natural Grade elevation of the site in question is at or above the BFE and a LOMA or LOMR-FW is obtained, the Floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.
- 7. Interpretation: In the interpretation and application of this Ordinance all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
- 8. Warning and Disclaimer of Liability: The degree of Flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger Floods can and will occur on rare occasions. Therefore, this Ordinance does not create any liability on the part of the City of Westfield, the Indiana DNR, or the State of Indiana, for any Flood damage that results from reliance on this Ordinance, or any administrative decision made lawfully thereunder.
- 9. Penalties for Violation: Failure to obtain a Floodplain Development permit in the SFHA or failure to comply with the requirements of a Floodplain Development permit or conditions of a Variance shall be deemed to be a Violation of this Ordinance. All Violations shall be considered a common nuisance and be treated as such in accordance with the provisions of [Article 11 Enforcement and Permits](#) for the City of Westfield. All Violations shall be punishable by a fine in accordance with the Fee Schedule (see [Article 3.1 General Administration](#)).
 - a. A separate offense shall be deemed to occur for each day the Violation continues to exist.
 - b. The Floodplain Administrator shall inform the owner that any such Violation is considered a willful act to increase Flood damages and

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therefore may cause coverage by a standard Flood insurance policy to be suspended.

- c. Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any Violations. All costs connected therewith shall accrue to the person or persons responsible.

G. Administration:

1. Floodplain Development Permit and Certification Requirements: An application for a Floodplain Development permit shall be made to the Floodplain Administrator, in accordance with [Article 10.8 Improvement Location Permit](#), for all Development activities located wholly within, partially within, or in contact with an identified SFHA. Such application shall be made by the owner of the Property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed Structures, earthen Fill, storage of materials or equipment, drainage, facilities, and the location of the foregoing. Specifically, the following information is required:

a. Application Stage:

- i. A description of the proposed Development;
- ii. Location of the proposed Development sufficient to accurately locate Property and Structure(s) in relation to existing roads and streams;
- iii. A legal description of the Property site;
- iv. A site Development plan showing existing and proposed Development locations and existing and proposed land grades;
- v. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed Structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater;
- vi. For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing Building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) Structure;
- vii. Plans showing elevation of the top of the planned Lowest Floor (including Basement) of all proposed Structures in Zones A and AE. Elevation should be in NAVD 88;
- viii. Plans showing elevation (in NAVD 88) to which any nonresidential Structure will be floodproofed;
- ix. Plans showing materials to be used below the Flood Protection Grade (FPG) for any proposed Structure are Flood resistant;

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- x. Plans showing location and specifications for flood openings for any proposed Structure with enclosed areas below the FPG;
 - xi. Plans showing how any proposed Structure will be anchored to resist flotation or collapse;
 - xii. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88;
 - xiii. Description of the extent to which any Watercourse will be altered or relocated as a result of proposed Development. A Hydrologic and Hydraulic Engineering Analysis is required, and any Watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision (CLOMR) must be obtained prior to construction. (See [Article 3.5\(C\)\(8\)](#) and [Article 5.5\(G\)\(3\)](#) for additional information.)
 - xiv. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed Development or Structure with respect to the requirements of this Ordinance.
- b. Construction Stage: Upon establishment of the Lowest Floor of an elevated Structure or Structure constructed on Fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an Elevation Certificate for the Building under construction. The Floodplain Administrator shall review the Elevation Certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- c. Finished Construction:
- i. Upon completion of construction of any Structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation and other application elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
 - ii. Upon completion of construction of an elevated Structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
 - iii. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

2. Administrative Procedures:

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- a. Inspections of Work in Progress: As the work pursuant to a permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the Article and terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credential, to enter on any premises within the Jurisdiction of the Plan Commission at any reasonable hour for the purposes of inspection or other enforcement action.
- b. Stop Work Orders:
 - i. Upon notice from the Floodplain Administrator, work on any Building, Structure or premises that is being done contrary to the provisions of this Ordinance shall immediately cease.
 - ii. Such notice shall be in writing and shall be given to the owner of the Property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- c. Revocation of Permits:
 - i. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the Article, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - ii. The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the Structure for which the permit was issued is in Violation of, or not in conformity with, the provisions of this Ordinance.
- d. Floodplain Management Records:
 - i. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this Ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, FIRMs; Letters of Map Change (LOMC); records of issuance of permits and denial of permits; determinations of whether proposed work constitutes Substantial Improvement or repair of Substantial Damage; required design certifications and documentation of elevations required by this Ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of Watercourses; assurances that the Flood carrying capacity of altered Watercourses will be maintained; documentation related to Appeals and Variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Ordinance.
 - ii. These records shall be available for public inspection at the

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Westfield City Services Center located at 2728 East 171st Street, Westfield, IN 46074.

- e. Periodic Inspection: Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the Jurisdiction of the Plan Commission at any reasonable hour for the purposes of inspection or other enforcement action.
3. Map Maintenance Activities: To meet National Flood Insurance Program (NFIP) minimum requirements to have Flood data reviewed and approved by FEMA, and to ensure that the Westfield-Washington Township's Flood maps, studies and other data identified in [Article 5.5\(F\)\(2\)](#) accurately represent Flooding conditions so appropriate Floodplain Management criteria are based on current data, the following map maintenance activities are identified:
 - a. Requirement to Submit New Technical Data:
 - i. For all Development proposals that impact Floodway delineations or BFEs, the Community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These Development proposals include:
 - (a) Floodway encroachments that increase or decrease BFEs or alter Floodway boundaries;
 - (b) Fill sites to be used for the placement of proposed Structures where the applicant desires to remove the site from the SFHA;
 - (c) Alteration of Watercourses that result in a relocation or elimination of the SFHA, including the placement of culverts; and Subdivision or large-scale Development proposals requiring the establishment of BFEs.
 - ii. It is the responsibility of the applicant to have required technical data for a CLOMR or Letter of Map Revision (LOMR) and submitted to FEMA. The Indiana DNR will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana DNR at the address provided on the FEMA form (MT-2) or submitted through the online LOMC website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - iii. The Floodplain Administrator shall require a CLOMR prior to the issuance of a Floodplain Development permit for proposed Floodway encroachments that increase the BFE.
 - iv. Floodplain Development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a LOMR from FEMA for any Development proposal subject to this section.
 - b. Right to Submit New Technical Data: The Floodplain Administrator

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may request changes to any of the information shown on an effective map that does not impact Floodplain or Floodway delineations or BFEs, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Westfield and may be submitted to FEMA at any time.

- c. **Annexation / Detachment:** Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Westfield or the Jurisdiction of the Plan Commission have been modified by annexation or the Community has assumed authority over an area, or no longer has authority to adopt and enforce Floodplain Management Regulations for a particular area. In order that the Hamilton County, Indiana and Incorporated Areas Flood Insurance Rate Map (FIRM) accurately represent the City of Westfield boundaries and the Jurisdiction of the Plan Commission, include within such notification a copy of a map of the City of Westfield and the Jurisdiction of the Plan Commission suitable for reproduction, clearly showing the new corporate limits or the new area for which the Plan Commission has assumed or relinquished Floodplain Management regulatory authority.

4. **Variance Procedures:**

- a. The Board of Zoning Appeals (the "Board") as established by the Common Council of the City of Westfield shall hear and decide Appeals and requests for Variances from requirements of this Ordinance.
- b. The Board shall hear and decide Appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this Ordinance. Any person aggrieved by the decision of the Board may Appeal such decision to the Hamilton County Superior or Circuit Courts.
- c. In considering such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - i. The danger to life and Property due to Flooding or erosion damage;
 - ii. The danger that materials may be swept onto other lands to the injury of others;
 - iii. The susceptibility of the proposed facility and its contents to Flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the Community;
 - v. The necessity to the facility of a waterfront location, where applicable;
 - vi. The compatibility of the proposed use with existing and

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- anticipated Development;
- vii. The availability of alternative locations for the proposed use which are not subject to Flooding or erosion damage;
 - viii. The safety of access to the Property in times of Flood for ordinary and emergency vehicles;
 - xi. The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site; and
 - x. The costs of providing governmental services during and after Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- d. A written report addressing each of the above factors shall be submitted with the application for a Variance.
 - e. Variances from the provisions of this Ordinance shall only be granted when the Board can make positive findings of fact based on evidence submitted at the hearing for the following:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the Variance would result in exceptional Hardship as defined in [Article 5.5\(E\)](#),
 - iii. A determination that the granting of a Variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or Ordinances.
 - f. No Variance for a residential use within a Floodway subject to [Article 5.5\(H\)\(1\)\(a\)](#), [Article 5.5\(H\)\(1\)\(c\)](#) or [Article 5.5\(H\)\(1\)\(d\)](#) of this Ordinance may be granted.
 - g. Any Variance granted in a Floodway subject to [Article 5.5\(H\)\(1\)\(a\)](#), [Article 5.5\(H\)\(1\)\(c\)](#) or [Article 5.5\(H\)\(1\)\(d\)](#) will require a permit from the Indiana DNR. Variances shall not be issued within any designated regulatory Floodway if any increase in Flood levels during the Base Flood discharge would result.
 - h. Variances to the Provisions for Flood Hazard Reduction of [Article 5.5\(H\)](#) may be granted only when a new Structure is to be located on a Lot of one-half (0.5) acre or less in size, contiguous to and surrounded by Lots with existing Structures constructed below the FPG.
 - i. Variances may be issued for the repair or rehabilitation of "Historic Structures" upon a determination that the proposed repair or rehabilitation will not preclude the Structure's continued designation as a "Historic Structure" and the Variance is the minimum to preserve the historic character and design of the Structure.
 - j. Variances may be issued for New Construction, Substantial Improvements, and other Development necessary for the conduct of a Functionally Dependent Use.
 - k. Variances shall only be issued upon a determination that the Variance

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is the minimum necessary, considering the Flood hazard, to afford relief.

- l. Upon consideration of the factors listed above and the purposes of this Ordinance, the Board may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this Ordinance.
- m. Any applicant to whom a Variance is granted shall be given written notice specifying the difference between the FPG and the elevation to which the Lowest Floor is to be built and stating that the cost of the Flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor elevation.
- n. The Floodplain Administrator shall maintain the records of Appeal actions and report any Variances to FEMA or the Indiana DNR upon request.

H. **Provisions for Flood Hazard Reduction:**

1. **Floodplain Status Standards:**

- a. Floodways (Riverine): Located within SFHAs, established in [Article 5.5\(F\)\(2\)](#), are areas designated as Floodways. The Floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act ([IC 14-28-1](#)) a permit for construction in a Floodway from the Indiana DNR is required prior to the issuance of a local Building Permit for any excavation, deposit, construction, or Obstruction activity located in the Floodway. This includes land preparation activities such as filling, grading, clearing and paving undertaken before the actual Start of Construction of the Structure. General licenses and exemptions to the requirements of the Flood Control Act ([IC 14-28-1](#) and [312 IAC 10](#)) may apply to qualified Additions/improvements to existing lawful residential Structures, rural bridges, logjam removals, wetland restoration, utility line crossigs, outfall projects, creek rock removal, and prospecting.
 - i. If the site is in a Regulatory Floodway as established in [Article 5.5\(F\)\(2\)](#), the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana DNR and apply for approval for construction in a Floodway, provided the activity does not qualify for a general license or exemption ([IC 14-28-1](#) or [312 IAC 10](#)).
 - ii. No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana DNR for construction in the Floodway, or evidence provided by an applicant that the Development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development permit shall meet the provisions contained in this article.
 - iii. The Floodplain Development permit cannot be less restrictive

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than an approval issued for construction in a Floodway issued by the Indiana DNR, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a Community's more restrictive regulations (if any) shall take precedence.

- iv. In Floodway areas identified on the FIRM, Development shall cause no increase in Flood levels during the occurrence of the Base Flood discharge without first obtaining a CLOMR and meeting requirements of [Article 5.5\(G\)\(3\)\(a\)](#). A CLOMR cannot be issued for Development that would cause an increase in Flood levels affecting a Structure and such Development should not be permitted.
- v. In Floodway areas identified by the Indiana DNR through detailed or approximate studies but not yet identified on the effective FIRM as Floodway areas, the total cumulative effect of the proposed Development, when combined with all other existing and anticipated Development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the Floodway. This adverse effect is defined as an increase in the elevation of the Regulatory Flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the Regulatory Flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
- vi. For all projects involving channel modifications or Fill (including levees) the City shall submit the data and request that FEMA revise the Regulatory Flood data per mapping standard regulations found at [44 CFR § 65.12](#).
- b. Fringe (Riverine): If the site is in the Fringe (either identified on the FIRM or identified by the Indiana DNR through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development permit provided the provisions contained in this article have been met.
- c. SFHAs without Established Base Flood Elevation and/or Floodways/ Fringes (Riverine):
 - i. Drainage area upstream of the site is greater than one (1) square mile:
 - (a) If the site is in an identified Floodplain where the limits of the Floodway and Fringe have not yet been determined, and the drainage area upstream of the site is greater than one (1) square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana DNR for review and comment.
 - (b) No action shall be taken by the Floodplain Administrator until written approval from the Indiana DNR (approval for construction in a Floodway, letter of authorization, or

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evidence of general license qualification) or a Floodplain analysis/regulatory assessment citing the One-percent (1%) Annual Chance Flood elevation and the recommended FPG has been received from the Indiana DNR.

- (c) Once the Floodplain Administrator has received the Property written approval, evidence of general license qualification, of Floodplain analysis/regulatory assessment approving the proposed Development from the Indiana DNR, a Floodplain Development permit may be issued, provided the conditions of the Floodplain Development permit are not less restrictive than the conditions received from the Indiana DNR and the provisions contained in this section have been met.
- ii. Drainage area upstream of the site is less than one (1) square mile:
 - (a) If the site is in an identified Floodplain where the limits of the Floodway and Fringe have not yet been determined and the drainage area upstream of the site is less than one (1) square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the Floodplain and One-percent (1%) Annual Chance Flood elevation for the site.
 - (b) Upon receipt, the Floodplain Administrator may issue the local Floodplain Development permit, provided the provisions contained in this article have been met.
- d. SFHAs not Identified on a Map:
 - i. If a proposed Development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana DNR for review and comment.
 - ii. No action shall be taken by the Floodplain Administrator until written approval from the Indiana DNR (approval for construction in a Floodway, letter of authorization, or evidence of general license qualification) or a Floodplain analysis/regulatory assessment citing the One-percent (1%) Annual Chance Flood elevation and the recommended FPG has been received from the Indiana DNR.
 - iii. Once the Floodplain Administrator has received the Property written approval, evidence of general license qualification, or Floodplain analysis/regulatory assessment approving the proposed Development from the Indiana DNR, a Floodplain Development permit may be issued, provided the conditions of the Floodplain Development permit are not less restrictive than the conditions received from the Indiana DNR and the provisions

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contained in this article have been met.

2. General Standards: In all Areas of Special Flood Hazard, the following provisions are required:
 - a. All New Construction, reconstruction or repairs made to a Repetitive Loss Structure, and Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the Structure;
 - b. New Construction and Substantial Improvements shall be constructed with materials and utility equipment resistant to Flood damage below the FPG;
 - c. New Construction and Substantial Improvements must incorporate methods and practices that minimize Flood damage;
 - d. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential Structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for nonresidential Structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;
 - e. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of Floodwaters into the system;
 - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of Floodwaters into the system;
 - g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during Flooding;
 - h. Any alteration, repair, reconstruction, or improvements to a Structure that is in compliance with the provisions of this Ordinance shall meet the requirements of "New Construction" as contained in this Ordinance;
 - i. BFE data shall be provided for Subdivision proposals and other proposed Development (including Manufactured Home Parks and Subdivisions), which is greater than fifty (50) Lots or five (5) acres;
 - j. Where an existing or proposed Structure or other Development is affected by multiple Flood zones, by multiple BFEs, or both, the Development activity must comply with the provisions of this Ordinance applicable to the most restrictive Flood zone and the highest BFE affecting any part of the existing or proposed Structure; or for other Developments, affecting any part of the area of the Development;
 - k. Fill projects that do not involve a Structure must be protected against erosion and scour during Flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three foot (3') horizontal to one foot (1') vertical;
 - l. Non-conversion agreements shall be required for all new or

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substantially improved elevated Structures with an enclosure beneath the elevated floor, Accessory Structures, and open-sided shelters.

- m. Construction of new Solid Waste Disposal Facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Areas of Special Flood Hazard; and
- n. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized Fill or Structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of one (1) to one (1)) due to the Fill or Structure.
 - i. The excavation shall take place in the same Floodplain on the same Property on which the authorized Fill or Structure is located, provided sufficient space exists. If sufficient space does not exist on the same Property, the excavation shall take place in the same Floodplain no further than 1000' from the site of the authorized Fill or Structure, provided authorization/permission has been granted by the owners of any Property where the excavation is proposed.
 - ii. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the Floodplain provided that the excavated volume will be below the regulatory Flood elevation, will be in the same Property in which the authorized Fill or Structure is located, will be accessible to the Regulatory Floodwater, will not be subject to ponding when not inundated by Floodwater, and that it shall not be refilled.
 - iii. The excavation shall provide for true storage of Floodwater but shall not be subject to ponding when not inundated by Floodwater.
 - iv. The excavation shall be sufficiently stabilized and compacted to remain firm and resist erosion.
 - v. A restrictive covenant which states the approved compensatory cut area (excavation) shall not be altered without approval from the Floodplain Administrator shall be executed and recorded in the Hamilton County Recorder's Office that runs with the Property.
 - vi. The Fill or Structure shall not obstruct a drainage way leading to the Floodplain.
 - vii. The grading around the excavation shall be such that the excavated area is accessible to the Regulatory Floodwater.
 - viii. The Fill or Structure shall be of a material deemed stable enough to remain firm and in place during periods of Flooding and shall include provisions to protect adjacent Property Owners against any increased runoff or drainage resulting from its placement. When a Structure is placed on Fill it shall follow additional

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requirements of [Article 5.5\(H\)\(3\)\(b\)\(iv\)](#) and [Article 5.5\(H\)\(3\)\(c\)\(iv\)](#).

- ix. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual Start of Construction or any site work; once site work is complete, but before the actual Start of Construction, the applicant shall provide to the Floodplain Administrator a certificate survey of the excavation and Fill sites demonstrating the Fill and excavation comply with this article.
3. **Specific Standards:** In all Areas of Special Flood Hazard where BFE data or Flood depths have been provided, as set forth in [Article 5.5\(F\)\(2\)](#), the following provisions are required:
 - a. **Building Protection Requirement:** In addition to the general standards described in [Article 5.5\(H\)\(2\)](#), Structures to be located in the SFHA shall be protected from Flood damage below the FPG. This Building protection requirement applies to the following situations:
 - i. Construction or placement of a residential Structure;
 - ii. Construction or placement of a nonresidential Structure;
 - iii. Addition or improvement made to an existing Structure where the cost of the Addition or improvement equals or exceeds fifty percent (50%) of the value of the existing Structure (excluding the value of the land). An Addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;
 - iv. Reconstruction or repairs made to a damaged Structure where the costs of restoring the Structure to its before damaged condition equals or exceeds fifty percent (50%) of the market value of the Structure (excluding the value of the land) before damage occurred (the costs of any proposed Additions or improvements beyond restoring the damaged Structure to its before damaged condition must be included in the cost);
 - v. Installing a travel trailer or Recreational Vehicle on a site for more than 180 days;
 - vi. Installing a Manufactured Home on a new site or a New Manufactured Home on an existing site.
 - vii. Reconstruction or repairs made to a Repetitive Loss Structure; and
 - viii. Addition or improvement made to any existing Structure with a previous repair, Addition or improvement constructed since the Effective Date of Initial Floodplain Management Regulations.
 - b. **Residential Construction (excluding Manufactured Homes):**
 - i. New Construction of Substantial Improvement of any residential Structures shall meet provisions described in [Article 5.5\(H\)\(1\)](#), and applicable general standards described in [Article 5.5\(H\)\(2\)](#).
 - ii. In Zone A and Zone AE, New Construction or Substantial Improvement of any residential Structure shall have the Lowest Floor; including Basement, at or above the FPG. Should solid

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foundation perimeter walls be used to elevate a Structure, openings sufficient to facilitate the unimpeded movements of Floodwaters shall be provided in accordance with the standards of [Article 5.5\(H\)\(3\)\(b\)\(iii\)](#). Should Fill be used to elevate a Structure, the standards of [Article 5.5\(H\)\(3\)\(b\)\(iv\)](#) must be met.

iii. Fully Enclosed Areas formed by foundation and other exterior walls below the FPG shall meet the following requirement:

(a) Designed to preclude finished living space and designed to allow for the automatic entry and exit of Floodwaters to equalize hydrostatic Flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report). Non-engineered openings must have a total net area of not less than one square inch for every one square foot of Enclosed Area. Both engineered and non-engineered Flood openings must meet the following installation criteria:

- (1) Provide a minimum of two openings on different sides of an enclosure. If there are multiple Enclosed Areas, each is required to meet the requirements for enclosures, including the requirement for Flood openings in exterior walls;
- (2) The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
- (3) If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE;
- (4) If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG;
- (5) Doors and windows do not qualify as openings;
- (6) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of Floodwaters in both directions;
- (7) Openings are to be not less than three (3) inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

(b) The floor of such Enclosed Area must be at or above grade on at least one (1) side.

iv. A residential Structure may be constructed on a Fill in accordance with the following:

(a) Fill shall be placed in layers no greater than one (1) foot

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- deep before compacting to ninety-five percent (95%) of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
- (b) Fill shall extend ten (10) feet beyond the foundation of the Structure before sloping below the BFE;
 - (c) Fill shall be protected against erosion and scour during Flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three foot (3') horizontal to one foot (1') vertical;
 - (d) Fill shall not adversely affect the flow of surface drainage from or onto neighboring Properties;
 - (e) Fill shall be composed of clean granular or earthen material.
- v. A residential Structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural Fill, concrete, or gravel that supports the floor slab. No Flood openings are required for this type of construction.
- c. Nonresidential Construction:
- i. New Construction or Substantial Improvement of any non-residential Structures (excludes Accessory Structures) shall meet provisions described in [Article 5.5\(H\)\(1\)](#) and applicable general standards described in [Article 5.5\(H\)\(2\)](#).
 - ii. In Zone A and Zone AE, New Construction, or Substantial Improvement of any commercial, industrial, or nonresidential Structure (excludes Accessory Structure) shall either have the Lowest Floor, including Basement and, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a Structure, openings sufficient to facilitate the unimpeded movements of Floodwaters shall be provided in accordance with the standards of [Article 5.5\(H\)\(3\)\(c\)\(iii\)](#). Should Fill be used to elevate a Structure, the standards of [Article 5.5\(H\)\(3\)\(c\)\(iv\)](#) must be met.
 - iii. Fully Enclosed Areas formed by foundation and other exterior walls below the FPG shall meet the following requirement:
 - (a) Designed to preclude finished living space and designed to allow for the automatic entry and exit of Floodwaters to equalize hydrostatic Flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered Flood openings:

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- (1) Provide a minimum of two openings on different sides of an enclosure. If more than one Enclosed Area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of Enclosed Area);
- (2) The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
- (3) If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
- (4) If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG;
- (5) Doors and windows do not qualify as openings;
- (6) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of Floodwaters in both directions;
- (7) Openings are to be not less than three (3) inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- (b) The floor of such Enclosed Area must be at or above grade on at least one side.
- (c) The interior portion of such Enclosed Area shall not be partitioned or finished into separate rooms.
- iv. A nonresidential Structure may be constructed on a permanent land Fill in accordance with the following:
 - (a) Shall be placed in layers no greater than one (1) foot deep before compacting to ninety-five percent (95%) of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
 - (b) Shall extend ten (10) feet beyond the foundation of the Structure before sloping below the BFE;
 - (c) Shall be protected against erosion and scour during Flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three foot (3') horizontal to one foot (1') vertical;
 - (d) Shall not adversely affect the flow of surface drainage from or onto neighboring Properties;
 - (e) Shall be composed of clean granular or earthen material.
- v. A nonresidential Structure may be floodproofed in accordance with the following:
 - (a) A Registered Professional Engineer or Architect shall certify that the Structure has been designed so that below the FPG,

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the Structure and attendant utility facilities are watertight and capable of resisting the effects of the Regulatory Flood. The Structure design shall take into account Flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.

- (b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- vi. A nonresidential Structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural Fill, concrete, or gravel that supports the floor slab. No Flood openings are required for this type of construction.
- d. Manufactured Homes and Recreational Vehicles: Manufactured Homes and Recreational Vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
 - i. These requirements apply to all Manufactured Homes to be placed on a site in the SFHA;
 - (a) The Manufactured Home shall be elevated on a permanent foundation such that the Lowest Floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - (b) Fully Enclosed Areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of Floodwaters to automatically equalize hydrostatic Flood forces on exterior walls as required for elevated Structures in [Article 5.5\(H\)\(3\)\(b\)\(iii\)](#).
 - (c) Flexible skirting and rigid skirting not attached to the frame or foundation of a Manufactured Home are not required to have openings.
 - ii. Recreational Vehicles placed on a site in the SFHA shall either:
 - (a) Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached Additions); or
 - (b) Meet the requirements for "Manufactured Homes" as stated earlier in this section.
- e. Accessory Structures: Within SFHAs, New Construction or placement of an Accessory Structure must meet the following standards:
 - i. Shall have a floor area of 400 square feet or less;
 - ii. Use shall be limited to parking of vehicles and limited storage;

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- iii. Shall not be used for human habitation;
 - iv. Shall be constructed of Flood resistant materials;
 - v. Shall be constructed and placed on the Lot to offer the minimum resistance to the flow of Floodwaters;
 - vi. Shall be firmly anchored to prevent flotation;
 - vii. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;
 - viii. Shall be designed to allow for the entry and exit of Floodwaters to automatically equalize hydrostatic Flood forces on exterior walls as required for elevated Structures in [Article 5.5\(H\)\(3\)\(c\) \(iii\)](#) and,
 - ix. Shall not have subsequent Additions or improvements that would preclude the Structure from its continued designation as an Accessory Structure.
 - f. Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development: Within SFHA's New Construction or placement of free-standing pavilions, gazebos, decks, carports, and similar Development must meet the following standards:
 - i. Shall have open sides (having not more than one rigid wall);
 - ii. Shall be anchored to prevent flotation or lateral movement;
 - iii. Shall be constructed of Flood resistant materials below the FPG;
 - iv. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG;
 - v. Shall not have subsequent Additions or improvements that would preclude the Development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided Development.
 - g. Above Ground Gas or Liquid Storage Tanks: Within SFHAs designated as Zones A or AE, on the Community's FIRM, all newly placed aboveground gas or liquid storage tanks shall meet the requirements for a nonresidential Structure as required in [Article 5.5\(H\)\(3\)\(c\)](#).
4. Standards for Subdivision and Other New Developments:
- a. All Subdivision proposals and all other proposed new Development shall be consistent with the need to minimize Flood damage.
 - b. All Subdivision proposals and all other proposed new Development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize Flood damage.
 - c. All Subdivision proposals and all other proposed new Development shall have adequate drainage provided to reduce exposure to Flood hazards.
 - d. In all Areas of Special Flood Hazard where BFE data are not available, the applicant shall provide a Hydrologic and Hydraulic Engineering Analysis that generates BFEs for all Subdivision proposals and all other proposed new Development (including Manufactured Home Parks and Subdivisions), greater than fifty (50) Lots or five (5) acres.

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- e. All Subdivision proposals shall minimize Development in the SFHA and/or limit density of Development permitted in the SFHA.
 - f. All Subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
 - g. Streets, Blocks, Lots, Parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels.
5. Standards for Critical Facilities: Construction of new Critical Facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new Critical Facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical Facilities constructed within the SFHA shall have the Lowest Floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into Floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

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ORDINANCE NUMBER 23-03

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

This is an Ordinance (the “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 of the City of Westfield, Hamilton County, Indiana (the “Common Council”) enacted Ordinance No. 18-04 (the “Wheeler Landing PUD Ordinance”) on September 24, 2018; and,

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Petition No. 2305-PUD-05), requesting an amendment to the Wheeler Landing PUD Ordinance with regard to the subject real estate more particularly described in Exhibit A attached hereto (the “Real Estate”); and,

WHEREAS, the Commission forwarded Petition No. 2305-PUD-05 to the Common Council with a favorable recommendation (#-#) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code 36-7-4-1505; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2023; and,
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;

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

Section 1. Applicability of Ordinance.

- 1.1 This Ordinance shall amend the Wheeler Landing PUD Ordinance, as applicable to the Real Estate.
- 1.2 All other provisions of the Wheeler Landing PUD Ordinance shall remain in effect with the adoption of 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 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. Concept Plan. The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9.F.2 of the Unified Development Ordinance. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 3. Landscape Plan. The Landscape Plan, attached hereto as **Exhibit C**, is hereby incorporated in accordance with Article 10.9.F.2 of the Unified Development Ordinance. The Real Estate shall be developed in substantial compliance with the Landscape Plan.

Section 4. Development Standards.

Section 8.3 under Development Standards of the Wheeler Landing PUS Ordinance shall be amended, for the Real Estate, to read as follows:

- 4.1 Article 6.8 Landscape Standards: Shall apply, except as otherwise modified below:
 - A. Article 6.8.K Minimum Lot Landscaping Requirements shall be reduced to 77% of the required shade trees and 50% of the required ornamental or evergreen trees.
 - B. Article 6.8.M.1 External Street Frontage Landscaping Requirements shall apply. However, plantings along the perimeter streets shall be counted towards meeting this requirement, and the required berm along Grand Park Boulevard is waived.
 - C. Article 6.8.O.1.b.ii shall apply except that the minimum area of a parking island may be reduced from 120 square feet to 55 square feet.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2023.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

James Edwards

James Edwards

James Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 23-03 was delivered to the Mayor of Westfield on the _____ day of _____, 2023, at _____ m.

Cindy Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 23-03
this ____ day of _____, 2023.

I hereby VETO ORDINANCE 23-03
this ____ day of _____ 2023.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

*This document prepared by:
Eric Douthit, Attorney-At Law, 2 North 9th Street, Noblesville, IN 46060*

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: Eric Douthit.

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Landscape Plan

EXHIBIT A **REAL ESTATE**

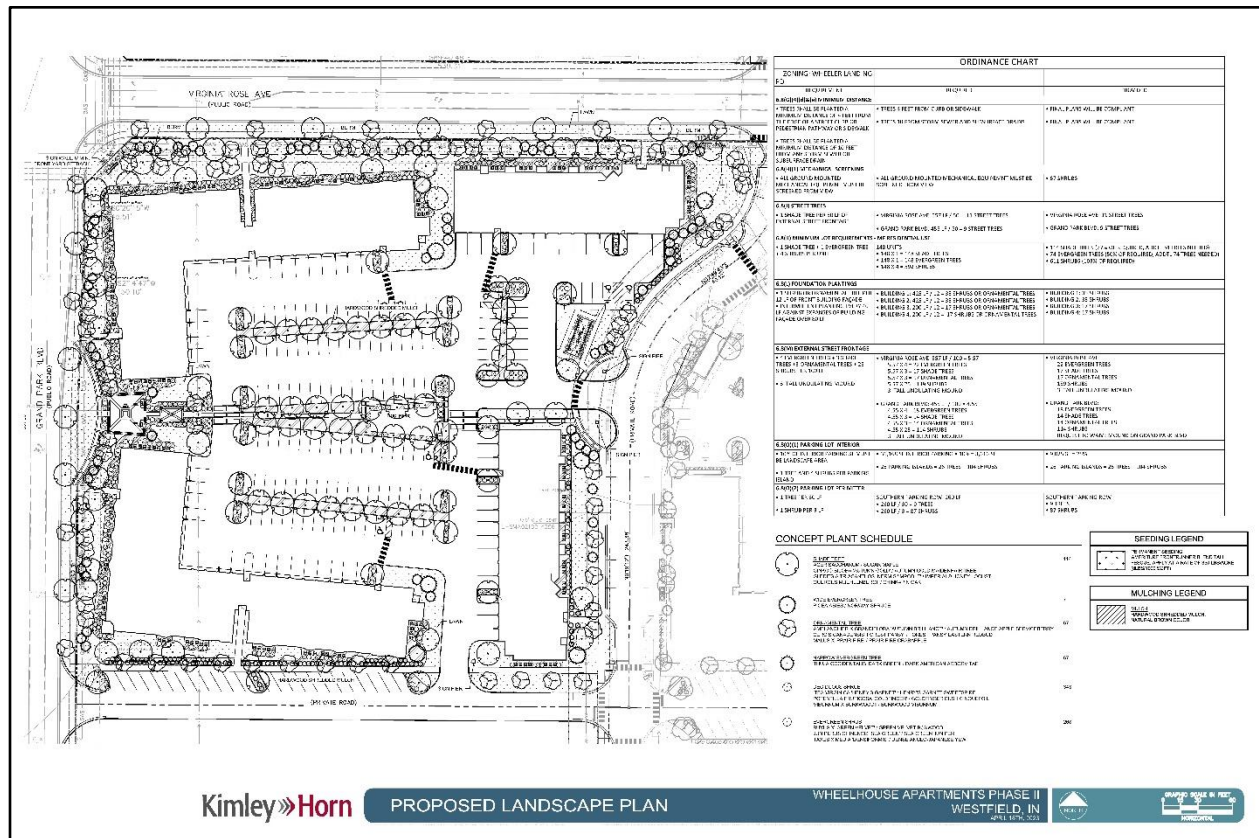
Part of Block B per the Wheeler Landing, Section Two, Secondary plat which is recorded as Instrument Number 2021018249 in the Office of the Recorder of Hamilton County, Indiana, being more particularly described as follows:

BEGINNING at a point at the Northwest corner of said plat, said point is on the South right of way line of Virginia Rose Avenue, thence along the North line of said Block B, South 89 degrees 40 minutes 48 seconds East (basis of bearing is said plat) a distance of 535.31 feet; thence South 00 degrees 19 minutes 38 seconds West a distance of 23.42 feet; thence along a curve to the right for 91.63 feet with a radius of 100.00 feet whose chord bears South 26 degrees 34 minutes 40 seconds West a distance of 88.46 feet; thence South 52 degrees 49 minutes 43 seconds West a distance of 40.12 feet; thence along a curve to the left for 137.47 feet with a radius of 150.00 feet whose chord bears South 26 degrees 34 minutes 27 seconds West for a distance of 132.71 feet; thence South 00 degrees 19 minutes 12 seconds West a distance of 243.38 feet; thence North 89 degrees 40 minutes 45 seconds West a distance of 477.79 feet to the East right of way line of Grand Park Boulevard; thence the following four courses along said right of way: (1.) thence North 00 degrees 20 minutes 16 seconds East a distance of 254.06 feet; (2.) thence North 02 degrees 14 minutes 47 seconds East a distance of 150.10 feet; (3.) thence North 00 degrees 20 minutes 15 seconds East a distance of 45.51 feet; (4.) thence North 45 degrees 19 minutes 43 seconds East a distance of 56.58 feet to the POINT OF BEGINNING of this description, containing 5.71 acres, more or less.

EXHIBIT B CONCEPT PLAN



EXHIBIT C LANDSCAPE PLAN



A larger and clearer landscape plan can be obtained upon request from the City of Westfield's Community Development Department.