

ORDINANCE 22-66



AN ORDINANCE OF THE CITY OF WESTFIELD AMENDING AND REPLACING ITS PARK AND RECREATIONAL IMPACT FEE ORDINANCE

WHEREAS, the Common Council (the "Common Council") of the City of Westfield, Indiana (the "City") finds that it is reasonable and necessary to promote and accommodate orderly growth and development and to protect the public health, safety and general welfare of the citizens of the City by providing for an equitable program to fund the capital costs of new park and recreational infrastructure necessary to serve newly developing areas of the City; and

WHEREAS, the Common Council finds that it is reasonable and necessary to promote the orderly development of the City by establishing standards by which the City may require that new development shall pay a park and recreational impact fee, in accordance with Indiana Code § 36-7-4-1300 *et seq.*, representing the new development's proportionate share of the capital cost of new park and recreational infrastructure necessary to serve new development in the City; and

WHEREAS, the Common Council finds that new development should not be required to pay a fee for capital costs of new park and recreational infrastructure greater than the development's proportionate share of the capital costs of such infrastructure needed to serve such new development; and

WHEREAS, the Common Council adopted the City's existing Park and Recreational Impact Fee Ordinance on January 8, 2017, as Ordinance No. 17-49, consistent with and under Indiana Code § 36-7-4-1300 *et. seq.* (the "2017 Ordinance"); and

WHEREAS, the City's Parks and Recreation Impact Fee Ordinance, a part of the Westfield Code of Ordinances, Chapter 40, Impact Fees, Article III, Parks and Recreation Impact Fee (the "Parks and Recreation Impact Fee Ordinance"), provides for the assessment and collection of park and recreational impact fees by the City; and

WHEREAS, under Indiana Code § 36-7-4-1340, the City may adopt a replacement impact fee ordinance if certain requirements are met; and

WHEREAS, as part of what is required, the City has caused to be prepared and adopted an updated Zone Improvement Plan, under Indiana Code § 36-7-4-1300 *et. seq.*, in its Resolution 22-127, on December 12, 2022; and

WHEREAS, because of the size of the City, considering both its population and geographic area, as well as the distribution of public and private institutions, services, and other facilities throughout the City, any park and recreational infrastructure improvements benefit all citizens of the City equally; and

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WHEREAS, it has been the stated objective of the City that the analysis contained in the Zone Improvement Plan, which meets the requirements of Indiana law, supports and should result in the implementation of an amended impact fee; and

WHEREAS, the Westfield-Washington Township Advisory Plan Commission (the "Plan Commission") property noticed, advertised, and held a public hearing on this Ordinance on December 5, 2022; and

WHEREAS, having given due deliberation to the Zone Improvement Plan which provides the basis for this Ordinance, the Plan Commission has recommended adoption of this Ordinance to the Council; and

WHEREAS, the Secretary of the Plan Commission certified the action of the Plan Commission to the Common Council on December __, 2022; and

WHEREAS, the purpose of this Ordinance is declared as expressly not to deter growth, remedy existing infrastructure deficiencies or pay for maintenance or other "non-capital costs."

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Westfield, Hamilton County, Indiana, as follows:

Section I. **Conditional Repeal and Limitation on Imposition of Impact Fee:** This Ordinance shall expire and become void five years after its effective date, as required by Indiana Code § 36-7-4-1340, unless action is undertaken to replace it consistent with the provisions of Indiana law which contemplates a replacement impact fee ordinance. Pursuant to Indiana Code § 36-7-4-1340, this Ordinance is a replacement impact fee ordinance of the 2017 Ordinance.

Section II. **Section 40-53 Establishment of Park and Recreational Impact Fee:** is hereby replaced and amended as follows:

A. Based upon the analyses contained in the Zone Improvement Plan adopted in Resolution No.127½ which is incorporated here by reference and made a part of the Comprehensive Plan in accordance with Indiana Code § 36-7-4-1318 and Indiana Code § 36-7-4-500 *et. seq.*, the City finds, determines, establishes and adopts that the cost per dwelling unit within the impact zone is in the amount set out in the below impact fee schedule:

July 8, 2023, to July 7, 2024:	\$3,417.00
July 8, 2024, to July 7, 2025:	\$3,485.34
July 8, 2025, to July 7, 2026:	\$3,555.05
July 8, 2026, to July 7, 2027:	\$3,626.15
July 8, 2027, to July 7, 2028:	\$3,698.67

- B. The City hereby incorporates all of the data collected, the calculations made, and the conclusions reached when developing the Zone Improvement Plan, and directs City employees to make such data and other information available for review during regular business hours and by posting the same on the City's website.
- C. In the event any parcel of real estate considered in the creation of the Zone Improvement Plan undergoes a change in use, redevelopment, or a modification that requires a structural building permit and creates a need for new infrastructure, an impact fee shall only be assessed for the increase in the burden on infrastructure.

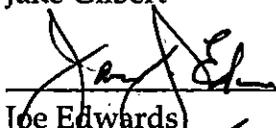
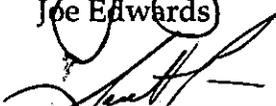
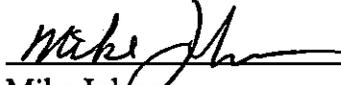
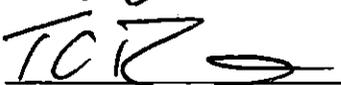
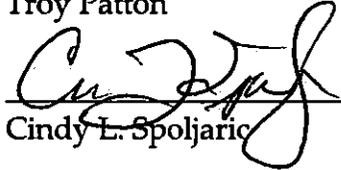
Section III. **Parks and Recreation Impact Fee Ordinance:** Provisions of Westfield Code of Ordinances, Chapter 40, Impact Fees (the "Parks and Recreation Impact Fee Ordinance") not specifically amended by this Ordinance shall continue in full force and effect. The provisions of the Parks and Recreation Impact Fee Ordinance specifically replaced by reference in this Ordinance shall control and supersede those specific provisions of the Parks and Recreation Impact Fee Ordinance. All capitalized terms not otherwise defined in this Ordinance shall have the meaning ascribed to them in the Parks and Recreation Impact Fee Ordinance.

Section IV. **Effective Date:** The effective date of this ordinance shall be July 8, 2023, which in accordance with Indiana Code § 36-7-4-1340, is more than six months after the adoption of this replacement ordinance.

[Remainder of this page is intentionally left blank.]

PASSED THIS 27 DAY OF DECEMBER 2022 BY THE WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD CITY COUNCIL

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
 Scott Willis	_____ Scott Willis	_____ Scott Willis
<u>absent</u> Jake Gilbert	_____ Jake Gilbert	_____ Jake Gilbert
 Joe Edwards	_____ Joe Edwards	_____ Joe Edwards
 Scott Frei	_____ Scott Frei	_____ Scott Frei
 Mike Johns	_____ Mike Johns	_____ Mike Johns
 Troy Patton	_____ Troy Patton	_____ Troy Patton
 Cindy L. Spoljaric	_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric

ATTEST:

Cindy Gossard, Clerk-Treasurer

I hereby certify that ORDINANCE 22-66 was delivered to the Mayor of Westfield

on the 10th day of Jan, 202~~2~~³, at 10:00 m.

Cindy Gossard
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE
ORDINANCE 22-66 _____

this 10th day of January
202~~2~~³

J. Andrew Cook
J. Andrew Cook, Mayor

I hereby VETO
ORDINANCE 22-66 _____

this _____ day of _____
2022.

J. Andrew Cook, Mayor

This document is prepared by Manuel Herceg, Taft Stettinius & Hollister LLP. I have taken care to redact each social security number in this document. /s/ Manuel Herceg.