ORDINANCE NUMBER 11-XX

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

This is a planned unit development ordinance (the "Mainstreet at Grand Park PUD Ordinance") 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 ("City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1111-PUD-05), filed with the Commission requesting an amendment to the Zoning Ordinance;

WHEREAS, the Commission forwarded Docket 1111-PUD-05 to the Westfield City Council with a _____ recommendation in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on _____, 2011;

WHEREAS, the Westfield City Council is subject to the provisions of the Ind. Code § 36-7-4-1507 and Ind. Code § 36-7-4-1512 concerning any action on this request;

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE ZONING ORDINANCE AND ZONING MAP BE AMENDED AS FOLLOWS:

SECTION 1. APPLICABILITY OF ORDINANCE.

1.1 This PUD District Ordinance (the "Ordinance") applies to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate").

1.2 The underlying zoning district shall be the GB – General Business District (the "GB District"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the GB District shall apply.

1.3 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

SECTION 2. PERMITTED USES.

2.1 Assisted Living Facilities, including 24-hour skilled nursing and ancillary uses contained therein and related thereto.

SECTION 3. DEVELOPMENT STANDARDS.

3.1 Minimum front yard building setback – thirty (30) feet

3.2 Building Materials – At least 60% of the front façade, 50% of the side façades and 25% of the rear façade (excluding windows, display windows, doors and roofs) shall be covered by brick, stone masonry, cultured stone or other masonry material (which for the purposes of this ordinance shall not include fiber cement siding). All remaining portions of the façades shall be covered by fiber cement siding.

3.3 Landscaping

A. A tree conservation easement (the "Easement") along the west and south property line of the Real Estate, at the location identified in Exhibit B, shall be provided. Within the Easement, no trees shall be removed unless such trees die, become damaged or diseased, or are required to be removed in order to comply with safety requirements of any governmental agency. The trees in the Easement shall fulfill the buffer yard planting requirements contained within the Zoning Ordinance as applied to the identified property lines.

B. The buffer yard planting requirements shall not apply to the east property line of the Real Estate.

SECTION 4. APPROVAL. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this_____ day of November, 2011.

[REST OF PAGE IS INTENTIONALLY LEFT BLANK]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMITON COUNTY, INDIANA THIS _____ DAY OF _____, 2011.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
John Dippel	John Dippel	John Dippel
_____	_____	_____
Steven Hoover	Steven Hoover	Steven Hoover
_____	_____	_____
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
_____	_____	_____
Kenneth Kingshill	Kenneth Kingshill	Kenneth Kingshill
_____	_____	_____
Robert J. Smith	Robert J. Smith	Robert J. Smith
_____	_____	_____
Thomas Smith	Thomas Smith	Thomas Smith
_____	_____	_____
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

_____
Cindy J. Gossard, Clerk-Treasurer

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: Andrew P. Murray

Prepared by: Andrew P. Murray, Planner I, City of Westfield, 2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

I hereby certify ORDINANCE 11-XX was delivered to the Mayor of Westfield on the _____ day of _____ , 2011, at _____ _____ m.

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-XX this_____ day of _____, 2011.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 11-XX this_____day of_____, 2011.

_____
J. Andrew Cook, Mayor

ATTEST:

_____
Cindy J. Gossard, Clerk Treasurer

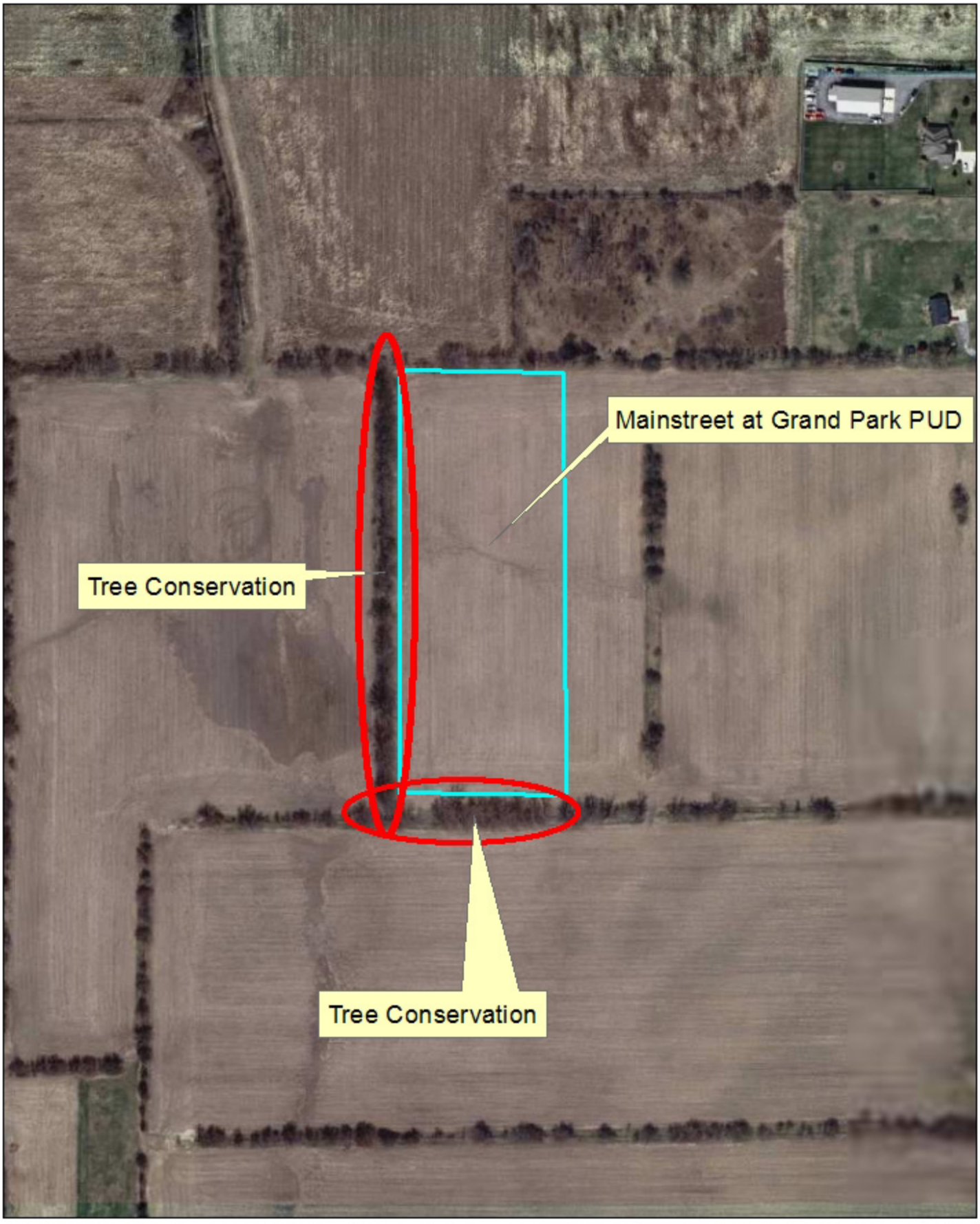
Exhibit A

LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 35 and part of the North Half of Section 36, all in Township 19 North, Range 3 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, described as follows:

Beginning at a stone marking the Northwest corner of said Section 36; thence North 89 degrees 02 minutes 21 seconds East (assumed bearing), along the North line of the Northwest Quarter of said Section 36, 2647.78 feet to a railroad spike at the intersection of said North line with the centerline of the abandoned CSX Railroad Corridor, said intersection lying South 89 degrees 02 minutes 21 seconds West 11.38 feet from an iron pin marking the Northeast corner of said Northwest Quarter Section; thence South 01 degree 43 minutes 54 seconds East, along said centerline, 2224.51 feet to a capped rebar at the point of curvature of a curve to the right having a radius of 22,918.31 feet; thence South, along said centerline and curve, an arc distance of 433.34 feet (subtended by a chord bearing of South 01 degree 11 minutes 24 seconds East and a chord distance of 433.33 feet) to a mag nail on the South line of the Northeast Quarter of said Section 36; thence South 89 degrees 11 minutes 59 seconds West 81.49 feet to a railroad spike marking the Southeast corner of the Northwest Quarter of said Section 36; thence South 89 degrees 22 minutes 05 seconds West, along the South line of the Northwest Quarter of said Section 36, 1758.56 feet to a mag nail at the Southeast corner of a 1.49 acre parcel described in deed recorded as Instrument No. 95-8904 in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 06 minutes 18 seconds East 239.61 feet to a capped rebar at the Northeast corner of said 1.49 acre parcel; thence North 88 degrees 37 minutes 41 seconds West, along the North line of said 1.49 acre parcel, 54.71 feet to a capped rebar; thence North 84 degrees 55 minutes 14 seconds West, along the North line of said 1.49 acre parcel, 24.90 feet to a capped rebar; thence South 89 degrees 21 minutes 24 seconds West, along the North line of said 1.49 acre parcel, 380.82 feet to a capped rebar on the East line of a 3.00 acre parcel described in deed recorded as Instrument No. 96-19032 in the said recorder's office; thence North 00 degrees 37 minutes 29 seconds West 192.15 feet to a rebar at the Northeast corner of said 3.00 acre parcel; thence South 89 degrees 24 minutes 10 seconds West 300.05 feet to a rebar at the Northwest corner of said 3.00 acre parcel; thence South 00 degrees 36 minutes 07 seconds East, along the West line of said 3.00 acre parcel, 436.24 feet to a mag nail on the South line of the Northwest Quarter of said Section 36; thence South 89 degrees 22 minutes 05 seconds West 132.84 feet to an iron pipe at the Southwest corner of the Northwest Quarter of said Section 36; thence North 00 degrees 08 minutes 31 seconds East 1321.34 feet to a capped rebar at the Southeast corner of the Northeast Quarter of said Northeast Quarter of Section 35; thence South 89 degrees 31 minutes 59 seconds West 1326.06 feet to a capped rebar at the Southwest corner of the Northeast Quarter of said Northeast Quarter of Section 35; thence South 00 degrees 11 minutes 53 seconds West, along the East line of the Southwest Quarter of said Northeast Quarter of Section 35, 792.72 feet to a capped rebar on the North line of a 3.08 acre parcel described in deed recorded as Instrument No. 2003-112350 in said recorder's office; thence South 89 degrees 31 minutes 33 seconds West, along the North line of said 3.08 acre parcel, 384.48 feet to a capped rebar on the East line of a 3.00 acre parcel described in deed recorded as Instrument No. 95-8905 in said recorder's office; thence North 00 degrees 28 minutes 18 seconds East, along the Southerly extension of an existing fence line, and along an existing fence line, 552.68 feet to a capped rebar at the Northeast corner of said 3.00 acre parcel; thence North 88 degrees 55 minutes 50 seconds West, along an existing fence, 225.65 feet to a capped rebar at the Northwest corner of said 3.00 acre parcel; thence South 02 degrees 05 minutes 45 seconds West 475.02 feet to a mag nail on the centerline of Kinsey Road and the Southwest corner of said 3.00 acre parcel; thence North 45 degrees 50 minutes 25 seconds West, along said centerline, 527.49 feet to a mag nail; thence North 46 degrees 08 minutes 51 seconds West, along said centerline, 445.74 feet to a railroad spike on the West line of said Northeast Quarter; thence North 00 degrees 13 minutes 37 seconds East 1352.16 feet to a rebar marking the Northwest corner of said Northeast Quarter of Section 35; thence North 89 degrees 37 minutes 22 seconds East 2649.48 feet to the point of beginning and containing 252.932 acres, more or less.

Subject to all legal easements, rights of way and restrictions of record.

Exhibit B

Tree Conservation Easement Exhibit