68.00
29
1.00 NC

2010037159 ORDINANCE $68.00
08/12/2010 11:45:28A 29 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 10-14

AN ORDINANCE OF THE CITY OF WESTFIELD ESTABLISHING THE MAPLES AT SPRINGMILL PLANNED UNIT DEVELOPMENT ORDINANCE

WHEREAS, the City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance (the "Zoning Ordinance"); and

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1007-PUD-07), the Maples at Springmill Planned Unit Development (the "Maples at Springmill PUD"), filed with the Commission, requesting a change in zoning,

WHEREAS, the Commission did take action to forward the said Docket 1007-PUD-07 to the City Council with a favorable recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505; and,

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on July ___, 2010; and,

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

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

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and uses in the property identified in Exhibit A-1 and Exhibit A-2 (The "Real Estate"), (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values through out the City of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the City Council in adopting, to:

A. Encourage flexibility in the development of land in order to promote its most appropriate use;

B. Improve the design, character and quality of new development;

C. Encourage a harmonious and appropriate mixture of uses;

D. Facilitate the adequate and economic provisions of streets, utilities, and municipal services;

E. Preserve the natural environmental and scenic features of the Real Estate;

F. Encourage and provide a mechanism for arranging improvement on-site so as to preserve desirable features; and

G. Mitigate the problems which may be presented by specific site conditions.

SECTION 2. SIZE OF DISTRICT. The legal description and location, which is attached hereto and labeled as Exhibit A-1 and Exhibit A-2 respectively, identifies the Real Estate included in the Maples at Springmill PUD.

SECTION 3. DEVELOPMENT STANDARDS. It is the intention of this Ordinance 10-14 that the SF-A (Single Family Attached) District standards of the Zoning Ordinance, as modified by the revisions specified in the Exhibit B which follows, shall govern the use and development of the Real Estate.

SECTION 4. EFFECT. This Ordinance 10-14 shall be in full force and effect in accordance with the laws of the State of Indiana. Unless specifically stated in the terms of this Ordinance 10-14, all terms of the Zoning Ordinance shall apply. Nothing in this Ordinance 10-14 shall be interpreted to alter, change, exclude, delete or modify any rules or regulations beyond those contained in the Zoning Ordinance. To the extent that this Ordinance 10-14 conflicts with the terms of the Zoning Ordinance, the terms of this Ordinance 10-14 shall prevail.

-- remainder of page intentionally blank --

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 9 DAY OF Aug, 2010.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
John Dippel	John Dippel	John Dippel
Steve Hoover	Steve Hoover	Steve Hoover
Robert Horkay	Robert Horkay	Robert Horkay
Kenneth Kingshill	Kenneth Kingshill	Kenneth Kingshill
Bob Smith	Bob Smith	Bob Smith
Tom Smith	Tom Smith	Tom Smith
Rob Stokes	Rob Stokes	Rob Stokes

ATTEST:

Cindy 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: Jon C. Dobosiewicz

Prepared by: Jim Shinaver and Jon C. Dobosiewicz, Nelson and Frankenberger, PC
3150 East 98th Street, Suite 170, Indianapolis, IN 46280, (317) 844-0106.

Signed

I hereby certify that ORDINANCE 10-14 was delivered to the Mayor of Westfield

On the 10 day of Aug, 2010, at 5:00 pm.

Cindy Gossard

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 10-14

This 10 day of August, 2010.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 10-14

this _____ day of _____, 2010.

J. Andrew Cook, Mayor

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law"

C. Gossard

Signed

Exhibit A-1
(Legal Description)

Being Blocks 20, 21, 22, 23, 24, 25, 26, and 27, all being in the Final Plat of Maples of Springmill, Section Two, as recorded in Plat Cabinet 4, Slide 460, in the Office of the Recorder of Hamilton County, Indiana, being more particularly described as follows:
Beginning at the Northeast corner of Block 26, also being the Northeast corner of Maples of Springmill, Section Two; thence along the North line of Block 26, South 89 degrees 13 minutes 01 seconds West, for a distance of 66.00 feet; thence continuing along said North line, North 00 degrees 17 minutes 06 seconds East, for a distance of 3.62 feet; thence along the North line of Blocks 26, 25, 24, 23, 22, 21, and 20, South 89 degrees 13 minutes 01 seconds West, for a distance of 1052.95 feet to the Northwest corner of Block 20; thence along the west line of Block 20, South 00 degrees 12 minutes 08 seconds West, for a distance of 215.00 feet; thence continuing along said West line, South 35 degrees 35 minutes 32 seconds East, for a distance of 35.53 feet to the Southwest corner of Block 20; thence along the South line of Block 20, also being a curve to the right having a radius of 50.00 feet, and an arc length of 31.29 feet, and being subtended by a chord bearing North 72 degrees 20 minutes 09 seconds East, for a distance of 30.78 feet; thence along the South lines of Blocks 20, 21, 22, 23, and 24, South 89 degrees 44 minutes 09 seconds East, for a distance of 623.32 feet to the Southeast corner of Block 24, also being a common corner with Blocks 25, 27, and 28; thence along the West line of Block 27, South 00 degrees 15 minutes 51 seconds West, for a distance of 200.93 feet to the Southwest corner of Block 27; thence along the South line of Block 27, also being a curve to the left having a radius of 175.00 feet, an arc length of 97.49 feet, and being subtended by a chord bearing North 70 degrees 06 minutes 32 seconds East, for a distance of 96.23 feet; thence continuing along said South line, North 54 degrees 08 minutes 58 seconds East, for a distance of 123.81 feet; thence along the South line of Blocks 27 and 26, also being a curve to the right having a radius of 225.00 feet, an arc length of 141.82 feet, and being subtended by a chord bearing North 72 degrees 12 minutes 24 seconds East, for a distance of 139.49 feet; thence along the South line of Block 26, South 89 degrees 44 minutes 09 seconds East, for a distance of 56.28 feet; thence along the East line of Block 26 and said Section two the following three calls, 1) North 00 degrees 10 minutes 57 seconds East, for a distance of 144.72 feet; 2) North 89 degrees 13 minutes 01 seconds East, for a distance of 66.00 feet; 3) North 00 degrees 17 minutes 06 seconds East, for a distance of 156.75 feet to the Point of Beginning. Containing 7.09 acres, more or less.

Exhibit A-2

(The real estate described in Exhibit A-1 may be graphically illustrated as follows)

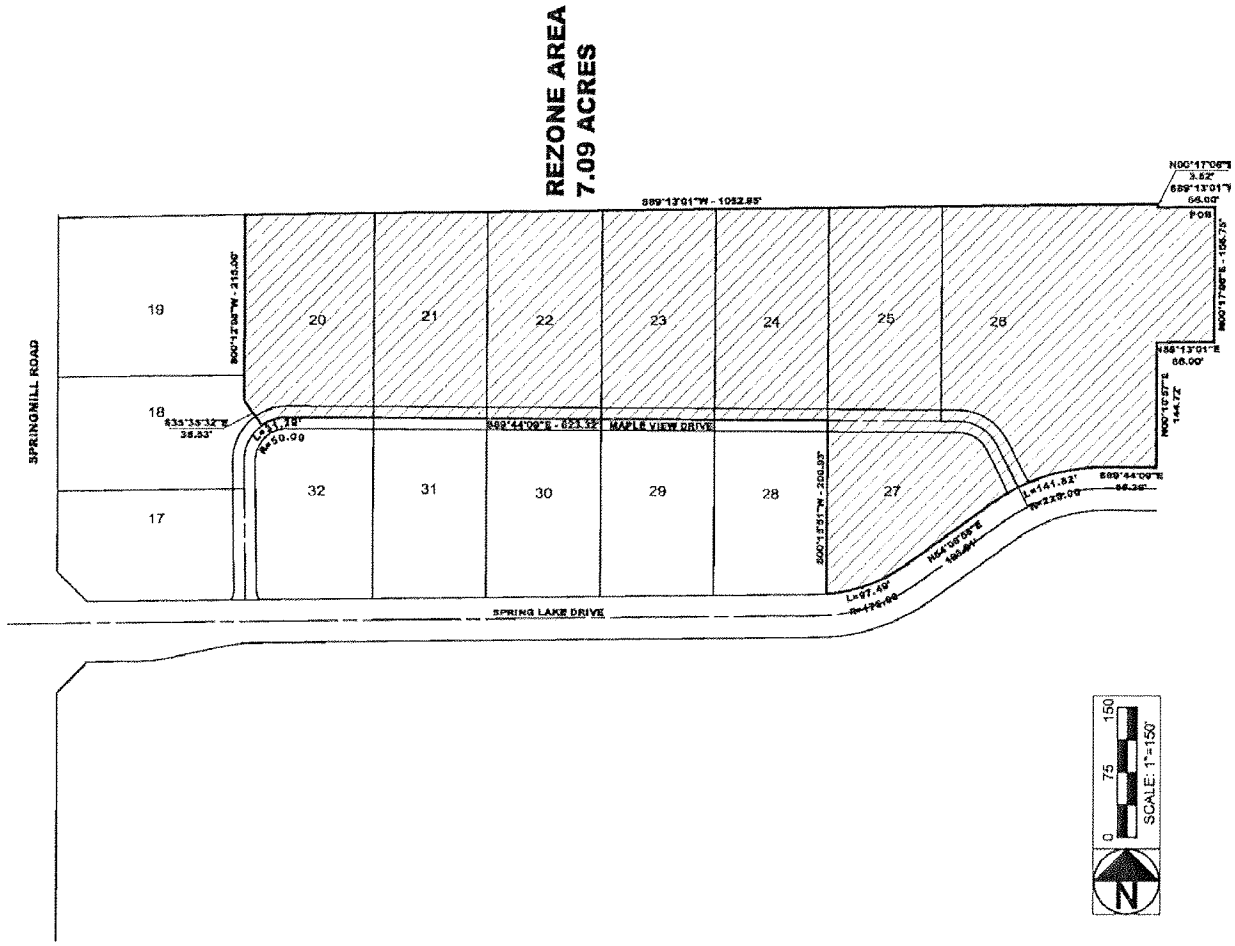

EXHIBIT B

With respect to dwellings constructed on the Real Estate depicted on Exhibits "A-1" and "A-2", which are attached hereto, all of the development standards of the SF-A (Single Family Attached) district of the Westfield-Washington Township Zoning Ordinance shall apply, subject *only* to the following changes:

1 – Single family detached dwellings shall be a permitted use;

2 – The minimum distance between detached dwellings shall be eight feet (8'); and,

3 – A minimum thirty (30) degree offset from the road shall not be required for the garage door openings of thirty-five percent (35%) of the total number of dwellings on the Real Estate.

4 – The homes to be constructed on the Real Estate will be compatible and complimentary in building materials and exterior finishes as the building materials and exterior finishes used on the homes that have been constructed in Phase 1 of the Maples at Springmill as outlined below:

A. The homes to be constructed on the Real Estate shall have the same type of stone facing on the exterior as used in the homes in Phase 1.
B. The roofing material to be used on the homes constructed on the Real Estate shall be identical to the roofing material used for the homes in Phase 1.
C. The homes to be constructed on the Real Estate shall consist of hardi-plank, or similar cementious siding material for the exterior walls as used on the homes in Phase 1.
D. Smart Trim will be used for all exterior trimming needs of the homes to be constructed on the Real Estate as was used for the homes in Phase 1.
E. Paint color combinations will be the same for the homes to be constructed on the Real Estate as were used on the homes in Phase 1
F. An outdoor up lighting package will be provide for each home to be constructed on the Real Estate, similar to the outdoor up lighting package used for the homes in Phase 1
G. A landscaping package similar in quality and quantity will be used for each home to be constructed on the Real Estate as was used on the homes in Phase 1.