

## **ORDINANCE No. 12-**

### **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 “Keeneland 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 Section 36-7-4 *et seq.*, as amended.

**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; and

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket No. ~~12—1209-PUD—~~10), filed with the Commission, requesting an amendment to the Zoning Ordinance; and,

**WHEREAS**, the Commission did take action to forward the said Docket No. ~~12—1209-PUD—~~10 to the Westfield City Council (the “Council”) with a \_\_\_\_\_ 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 Council on \_\_\_\_\_, 2012; and,

**WHEREAS**, the 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 COUNCIL THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

#### **SECTION 1. APPLICABILITY OF ORDINANCE.**

~~1.1~~ **1.1**—This Keeneland Park PUD Ordinance (the “Ordinance”) applies to the subject real estate more particularly described in Exhibit “A” which is attached hereto and incorporated herein by reference (the “Real Estate”).

~~1.2~~ **1.2**—The underlying zoning district shall be the SF4 – Residential District (the “SF4 District”). ~~Except as modified, revised, supplemented or expressly made inapplicable~~

~~1.3~~ Development of the Real Estate shall be governed by this Ordinance, the standards provisions of the Zoning Ordinance unless specifically modified by the terms of this Ordinance. 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provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.~~applicable to the SF4 District shall apply.~~

~~1.31.4~~ The Real Estate shall be divided into two areas as depicted on Exhibit “B” (Area Map). The size and configuration of Area A and Area B may increase or decrease by up to ~~15%~~3 acres.

~~1.41.5~~ The Real Estate shall be developed as generally depicted on Exhibit “C” (Concept Plan). Final site development shall be governed by the terms of this Ordinance and the Development Plan Review, Subdivision Primary Plat and Secondary Plat requirements of the Zoning Ordinance.

~~1.51.6~~ The development of the Real Estate shall be constructed in phases as generally depicted on Exhibit “D” (Phasing Schedule). Final site phasing shall be governed by the terms of this Ordinance and the Development Plan Review, Subdivision Primary Plat and Secondary Plat requirements and review procedure of the Zoning Ordinance.

~~1.6~~ ~~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 The uses for the Real Estate shall be limited to the following: Single Family Dwellings.

~~2.2~~ The maximum number of Dwellings permitted on the Real Estate shall be 182.

## **SECTION 3. DEVELOPMENT STANDARDS.**

3.1 Lot Standards: See Exhibit “E”~~”~~.

3.2 Architectural Standards: See Exhibit “F”.

3.3 Individual Lot Landscaping:

A. Area A: A minimum of three (3) trees, and four (4) shrubs shall be planted on each lot.

B. Area B: A minimum of three (3) trees, and six (6) shrubs shall be planted on each lot.

- C. Lots abutting Maple Knoll PUD: A minimum of two (2) evergreen trees, and ten (10) evergreen shrubs shall be planted in the rear yard of each lot abutting the real estate zoned per the Maple Knoll PUD. A conceptual depiction of these plantings is illustrated on Exhibit “K”.

3.4 Accessory Buildings, Pools and Fences:

- A. Accessory Buildings shall not be permitted.
- B. Only in-ground pools shall be permitted.
- C. Chain link fence material shall not be permitted.

3.5 On Site Landscaping and Open Space:

- A. Buffer Yard plantings abutting real estate zoned per the Maple Knoll PUD shall be replaced by landscaping in the rear yards of lots abutting Maple Knoll per Section 3.3 of this Ordinance.
- B. Street Trees shall be planted along all streets at a rate of one (1) tree every thirty (30) feet on average.
- C. Common area, individual lot landscaping, and street trees shall be credited toward the On Site planting requirements of the Zoning Ordinance.
- D. The minimum open space (Green Belt Space) shall be fifteen (15) percent.
- E. Buffer Yard plantings along 169<sup>th</sup> Street and Springmill road shall include a berm and landscaping plantings as illustrated in Exhibit “J” which ornamental and shade trees plantings shall be installed in addition to the applicable Zoning Ordinance planting requirements.

3.6 Development Amenities:

- A. Development Amenities shall be constructed on the Real Estate ~~as generally illustrated on~~ in substantial compliance with the Concept Plan (Exhibit “C”).
- B. The following Development Amenities shall be constructed:
  - i. A small park (minimum of 10,000 square feet in area)
  - ii. A playground per the specifications included in Exhibit L.
  - ~~iii. A gazebo~~
  - iii. Integrated A gazebo and a pergola per the specifications included in Exhibit L.
  - iv. An 8’ wide asphalt trail system (including connection between the trail within the Maple Knoll subdivision common area) and 169<sup>th</sup> Street, along the pipeline easement, as generally depicted on the Concept Plan. Construction of the trail on Maple Knoll property shall be subject to approval by the owner.
- C. All Development Amenities will be completed no later than the completion of forty (40) percent of the dwellings on the Real Estate.

3.7 Street Standards: The Maximum Block Length shall be 1,300 feet which shall rescind and replace the Block Length standard found in WC 16.04.230 (3) Blocks.

**SECTION 4. APPROVAL.**

4.1 Upon motion duly made and seconded, this Ordinance was fully passed by members of the Council this \_\_ day of \_\_\_\_\_, 2012. Further, this Ordinance shall be in full force and effect, in accordance with Indiana law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

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I hereby certify that ORDINANCE No. 12-\_\_\_\_\_ was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_\_ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 12-\_\_\_\_\_ I hereby VETO ORDINANCE No. 12-\_\_\_\_\_  
This \_\_\_\_\_ day of \_\_\_\_\_, 2012. this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

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: Jon C. Dobosiewicz

Signed

Prepared by: Jon C. Dobosiewicz and James E. Shinaver, Nelson & Frankenberger  
3105 East 98<sup>th</sup> Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106.

**Exhibit E**  
**(Lot Standards)**

Area A - Lot Standards:

- A. Minimum Lot Area: 7,800 square feet
- B. Minimum Lot Frontage on Road: 40 feet
- C. Minimum Lot Width at Building Line: 65 feet
- D. Minimum Setback Lines:
  - i. Front Yard: 25 feet
  - ii. Side Yard: 8 feet (20' for side yard along street side of corner lots)
  - iii. Rear Yard: 25 feet
- E. Maximum building height: 25 feet
- F. Minimum ground level square footage: 900 square feet
- ~~F.G.~~ Minimum total square footage: 1,400 square feet (exclusive of porches, terraces, and garages and basements)

Area B - Lot Standards:

- A. Minimum Lot Area: 8,400 square feet
- B. Minimum Lot Frontage on Road: 40 feet
- C. Minimum Lot Width at Building Line: 70 feet
- D. Minimum Setback Lines:
  - i. Front Yard: 25 feet
  - ii. Side Yard: 8 feet (20' for side yard along street side of corner lots)
  - iii. Rear Yard: 25 feet
- E. Maximum building height: 25 feet
- F. Minimum ground level square footage: 900 square feet
- ~~F.G.~~ Minimum total square footage: 2,000 square feet (exclusive of porches, terraces, and garages and basements)

**Exhibit F**  
**(Architectural Standards)**

A. Distinct Architectural Themes:

1. The design of each dwelling constructed within Keeneland Park will adhere to one of the six following distinctly valuable architectural themes in order to reduce elevation monotony and improve the streetscape of the neighborhood.
  - a. Craftsman
  - b. English Revival
  - c. French Country
  - d. Italianate
  - e. Shingle
  - f. Victorian
2. The architectural elements and a sample color elevation of each architectural theme are illustrated in Exhibit "G" (Architectural Themes) of this Ordinance.
3. The standards of this Exhibit "F" replace and superseded the standards of WC 16.04.165(e) and (f).

B. Dwelling Plan Elevations:

1. The front elevation of a dwelling~~Dwellings constructed on the Real Estate shall be the elevation containing the front door~~constructed in substantial compliance with the dwelling plan elevations in Exhibit "H" (Dwelling Plan Elevations).
  - a. Each dwelling complies with one of the architectural themes as described above and must comply with all other applicable provisions of this Exhibit "F".
  - ~~b.~~The Director of Economic and Community Development or his designee shall have the authority and may approve modifications to the dwelling plans in Exhibit H so long as they conform to all other applicable Architectural Standards of this Ordinance.
2. Rear and side elevations of all dwellings oriented toward 169<sup>th</sup> Street or Springmill Road shall comply with the Enhanced Rear Elevation standards in Exhibit "I" of this ordinance. This standard shall apply to lots within one-hundred (100) feet of the right of way of 169<sup>th</sup> Street or Springmill Road.

C. Elevation Exterior Materials:

- ~~2.~~1. A minimum of fifty percent (50%) of the ~~front elevation~~Front Elevation of each dwelling (excluding openings such as doors and windows, roofs, and any area within a dormer projecting from a roof) shall ~~have~~consist of masonry (brick or stone), etc.) as the exterior building material.
- ~~3.~~2. The surface area of all remaining elevations shall have masonry or materials ~~such as~~consisting of fiber cement ~~or similar materials~~ (vinyl siding is not permitted).
4. ~~A dwelling shall have a minimum of two (2) corner breaks on the front elevation.~~

~~C~~.D. Windows:

- ~~1.~~ A dwelling shall have a minimum of two (2) windows on the Front Elevation.
- ~~1.2.~~ A dwelling shall have a minimum of one (1) window on each side elevation.
- ~~2.3.~~ A dwelling shall have a minimum of three (3) windows on the rear elevation.
- ~~3.4.~~ A double window (a single window unit a minimum of four (4) feet in width with two windows side by side) shall count as two windows.
5. The number of windows per elevation is illustrated in Exhibit H (Dwelling Plan Elevations) for each dwelling plan. Where the number of windows is greater than the standards noted in this Section the minimum number of windows required shall be as illustrated on the Dwelling Plan Elevations shown in Exhibit H.

~~D~~.E. Porches: A stoop or porch is required at the front door on all dwellings. The minimum size shall be no less than four (4) feet in width and depth.

~~E~~.F. Garage Doors: ~~Garage Doors shall be carriage style per the architectural Style of the plan.~~

1. Garage Doors on each dwelling shall be per the architectural theme of the subject dwelling plan as illustrated on Exhibit G and Exhibit H.
2. All dwelling plans shall have a minimum two-stall garage and provide options for either a side-load garage entry or third stall.

~~F~~.G. Roofs:

1. The minimum roof pitch of the main roof of the dwelling shall be 6/12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch.
2. Roof vents shall be located to the rear of the dwelling when possible. All vents shall be positioned to be minimally visible from the street and shall be painted to match the roofing material, black, or for those made of metal, left natural.

~~H~~. G.—Additional Requirements: Each home on the same street and abutting the existing home as outlined of the Concept Plan shall have a minimum square footage of 2,900 square feet.

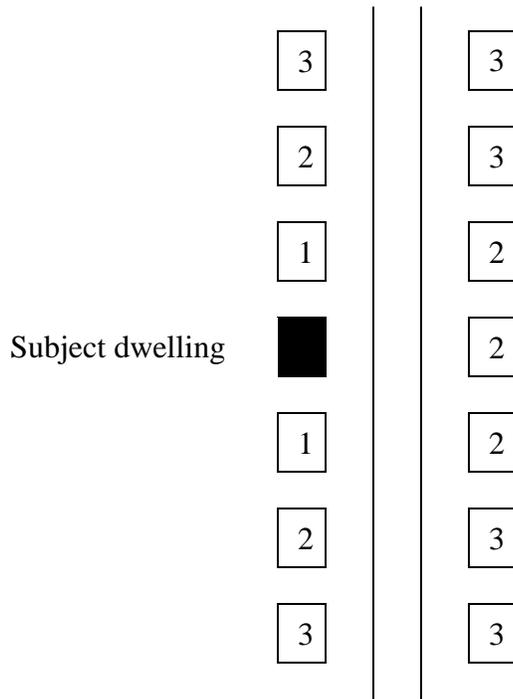
~~I~~. Definitions:

“Color Package” shall mean and refer to a combination of the color of the following elements: the main body of the dwelling, the trim, and an optional accent color. To be different from another Color Package, a Color Package must include at least two of the three elements being of a different color.

“Front Elevation” shall mean and refer to the elevation of the dwelling identified as Front Elevation on the elevations plans illustrated in Exhibit “H” of this Ordinance.

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J. Single Family Dwelling Variety Requirement:



- 1 Dwelling cannot be of the same elevation of the same plan as the Subject dwelling and must be a different color package.
- 2 Dwelling cannot be of the same plan and elevation as the Subject dwelling.
- 3 Dwelling may be identical to the subject dwelling.

K. Architectural Theme Variety Requirement: A maximum of fifty (50) percent of the dwellings constructed on the Real Estate can be of any one Architectural theme as identified in Exhibit "G".