ORDINANCE 14-XX

AN ORDNIANCE 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 "NorthWalk 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 1401-PUD-02 filed with the Commission, requesting an amendment to the zoning Ordinance; and,

WHEREAS, the commission took action to forward the said 1401-PUD-02 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 Council on _____; 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 The NorthWalk 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 The underlying zoning district shall be the SF-3 Residential District (the "SF-3 District").

1.3 Development of the Real Estate shall be governed by the provisions of the Zoning Ordinance unless specially 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that conflict with the provisions of this Ordinance are hereby reclined as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

1.4 The Real Estate shall be developed as generally depicted on Exhibits "B" & "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.

SECTION 2. PERMITTED USES.

2.1 The uses for the Real Estate shall be limited to the following: Seven (7) Duplex Dwellings, totaling fourteen (14) individual single family units.

2.2 The maximum number of individual, single family units permitted on the Real Estate shall be 14.

SECTION 3. DEVELOPMENT STANDARDS.

3.1 Duplex Lot Standards: See Exhibit "G"

3.2 Architectural Standards: See Exhibit "D"

3.3 On Site Landscaping and Buffer Yards:

A. Buffer Yard: 20 and 30 foot Buffer Yards along North, South and East property lines shall be required, as shown on Exhibit "C". A Buffer Yard along the West property line is not required. All Buffer Yards will serve as drainage easements. The first 10 feet of the Buffer Yard closest to the structure may be used as outdoor living space for property owners. No permanent structures shall be allowed within the Buffer Yards.

B. Buffer Yard planting requirements of the Zoning Ordinance shall apply to the North, South, and East Buffer Yards. Buffer Yard plantings shall be placed as conceptually shown in Exhibit “H”.

C. Buffer Yard plantings, individual lot landscaping, and road frontage trees shall be credited toward the On Site planting requirements of the Zoning Ordinance.

D. The minimum open space (Green Belt Space) shall be approximately 38%

3.4 Development Amenities:

A. Development Amenities shall be constructed on the Real Estate in substantial compliance with the Development Amenities, as shown in Exhibit "F"

B. Development Amenities shall include: community garden area, a gathering space with fire pit and a simple entry monument.

3.5 Vehicular connection with Westfield Green Estates Subdivision:

A. Right-of-way for the extension of the cul-de-sac street from NorthWalk to Westfield Green Estates Subdivision shall be dedicated at the time of platting (the “Extension ROW”). The Extension of ROW’s width shall be consistent with the North Walk PUD local street right-of-way.

B. At the time NorthWalk is developed, the NorthWalk developer shall install the following within the Extension ROW:

(i) A twenty-foot (20') wide all-weather surfaced area sufficient for use by emergency response vehicles as depicted on Exhibit "C";
(ii) A gate with a lock and master key lock box (e.g. a Knox Box) to prevent non-emergency vehicular traffic between the two subdivisions;

(iii) Maintenance of the master key lock box shall be the reasonability of the NorthWalk Home Owners Association.

SECTION 4. U.S. HIGHWAY 31 OVERLAY ZONE

Section 16.04.70 (US Highway 31 Overlay Zone) of the Zoning Ordinance shall be inapplicable to the use and the development of the Real Estate.

APPROVAL. Upon motion duly made and seconded, this Ordinance was fully passed by members of the council this ___ day of _____, 2014. 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.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
Jim Ake	Jim Ake	Jim Ake
_____	_____	_____
Steven Hoover	Steven Hoover	Steven Hoover
_____	_____	_____
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
_____	_____	_____
Chuck Lehman	Chuck Lehman	Chuck Lehman
_____	_____	_____
Robert J. Smith	Robert J. Smith	Robert J. Smith
_____	_____	_____
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
_____	_____	_____
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 the law: James J. Anderson

Prepared by: James J. Anderson, The Anderson Corporation, 301. South Union Street, Westfield, IN 46074

I hereby certify that Ordinance No. 14-xx was delivered to the Mayor of Westfield on the _____ day of _____, 2014 at_____ __m.

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 14-xx

This _____ day of _____, 2014.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 14-xx

This _____ day of _____, 2014.

_____
J. Andrew Cook, Mayor

ATTEST:

_____
Cindy J. Gossard, Clerk-Treasurer

Exhibit A
(Legal Description)

A part of the West Half of the Northwest Quarter of Section 31, Township 19 North, Range 4 East, in Hamilton County, Indiana, more particularly described as follows:

Beginning 840.42 feet North 00°00'00" (assumed bearing) of the Southwest comer of the Northwest Quarter of Section 31, Township 19 North, Range 4 East and on the West line thereof; thence North 89°42'30" East 215.18 feet; thence South 43°31'47" East 31.46 Feet; thence South 00°42'30"seconds East18.28 feet; thence South 89°51'00" East and parallel to the North line of Broadview Section One, a subdivision in Hamilton County, Indiana, as recorded in Plat Book 2, page 245, in the Office of the Hamilton County Recorder, 192.93 feet; thence North 00°00'00" seconds East 289.90 feet; thence North 89°51'00" West 430 feet to a point on the West line of said Quarter Section; thence South 00°00'00" West on and along said West lines 250.53 feet to the place of beginning.

Exhibit B
(Concept Plan)

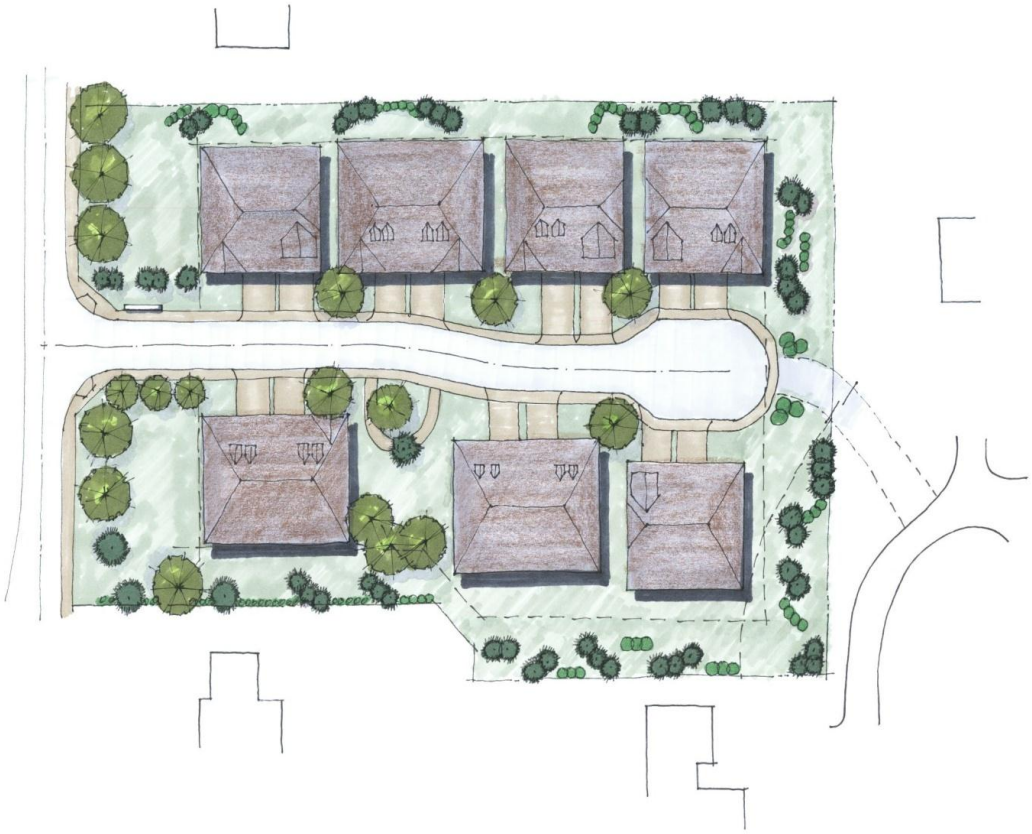


Exhibit C
(Concept Plan)

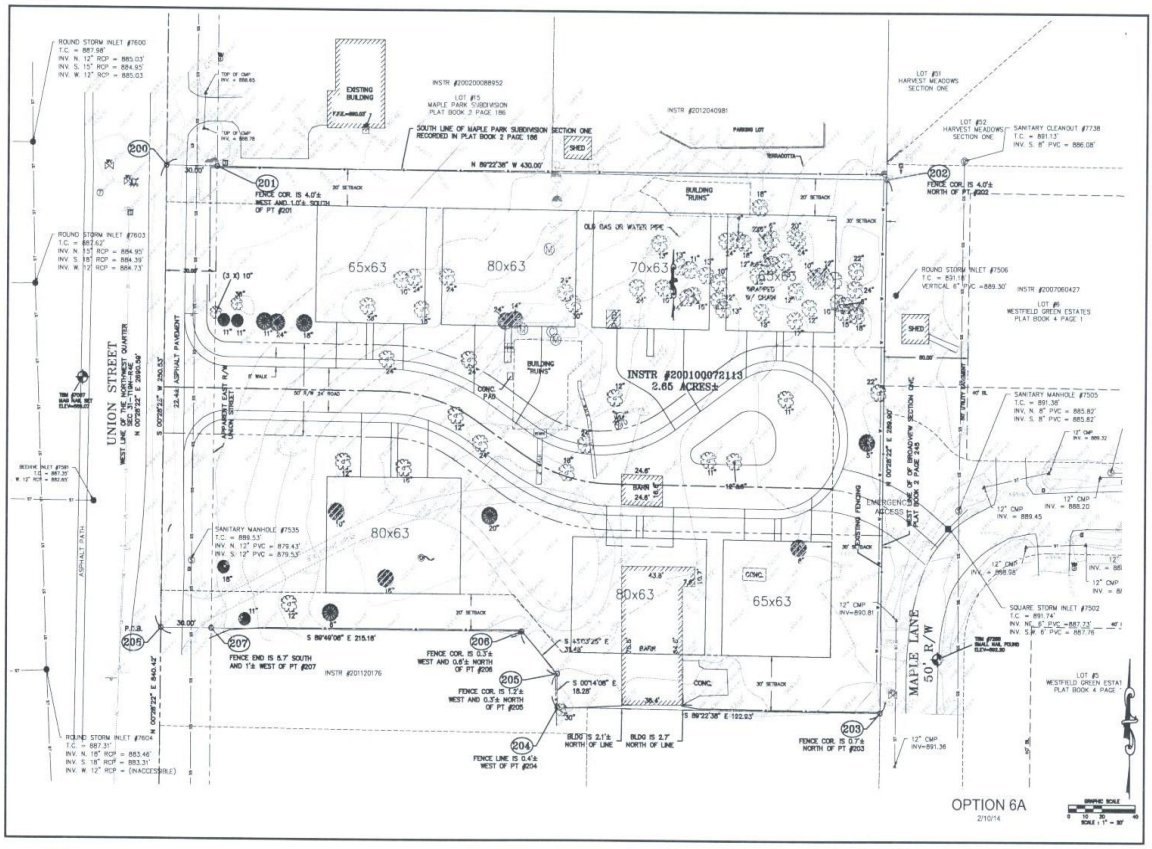


Exhibit D
(Architectural Standards)

Purpose and Intent:

NorthWalk is a small community, disconnected from adjacent existing neighborhoods by design. The completed neighborhood should reflect a unified architectural image with compatible elevations, materials and colors. Significant diversity will have a negative impact on the effort to create a small neighborhood within itself. All elevations/plans should be designed to be mixed and matched, in order to reduce architectural monotony within the development. These standards are intended to provide the basis for this cohesive design effort.

One and Two Story Homes:

One and two story homes are permitted.

Master Bedroom:

All homes within NorthWalk shall have a master bedroom on the main floor.

Minimum Roof Pitch:

Front to back: 5/12
Front gables: 8/12

Roof Overhangs:

Minimum framed front and rear overhang: 12 inches

Note: Where masonry meets any overhang, the overhang shall measure a minimum of eight (8) inches.

Roof Ridgeline:

A. All homes shall have a minimum of two (2) ridgelines.
B. Ridgelines shall only be considered if they are horizontal ridges which form the peak of a pitched area. Covered and enclosed porches shall count as a ridgeline.

Corner Breaks:

Each home shall have a minimum of three (3) corner breaks on the front façade and two (2) corner breaks on the rear façade. The exterior corners of a covered porch and a projection with a height of no less than six feet (6') shall count toward this requirement. The outermost corners of the home do not count toward this requirement.

Equipment Vents:

All vents shall attach to the rear or side of the home to reduce visibility from the street.

Foundations:

A. Slabs and basements shall be permitted.
B. Crawl spaces shall be prohibited.

Windows:

A. For purposes of this section, a window shall mean and refer to an opening (at least three (3) square feet in area) in a wall or door that is covered with glass.
B. Window frames shall be vinyl, vinyl clad, and aluminum clad or wood.
C. A home's front façade shall include a minimum of three (3) windows, the rear façade shall include a minimum of two (2) windows and each side façade shall include a minimum of two (2) windows, unless otherwise required by this Ordinance.
D. Facades that face Union Street and Maple Lane shall include a minimum of four (4) windows.

Garages:

All homes shall have a minimum two-car attached garage.

Masonry Requirements:

A. Acceptable masonry materials include the following: brick, limestone, natural stone, cultured stone, stucco and EIFS.
B. Except as provided in sub-section C below, all homes shall have masonry on at least thirty percent (30%) of the front façade (exclusive of windows, doors and garage doors).
C. Homes with a historical architectural style that lends itself to the use of less masonry may have less than thirty percent (30%) masonry on the front façade.
D. At least thirty percent (30%) of a building façade that faces Union Street shall be masonry.
E. At least thirty percent (30%) of a building façade that faces Maple Lane shall be masonry.

Siding and Roof Shingle Requirements:

A. No vinyl or aluminum siding shall be permitted. Acceptable siding materials shall be wood, LP siding, Hardiplank or similar composition siding materials.
B. Roof shingles shall be standard three table shingles and all duplexes shall have similar color and texture.

Individual Home Landscaping:

A. Plants: minimum quantity
   (i) Ten (10) shrubs with minimum 2 gallon.
   (ii) 1 Yard tree with a minimum of 2" caliper.

B. Lawns:
   (i) Each home shall utilize either sod or hydroseed in all front yards to the front corners of the home. All side yards and rear yards must be seeded with straw at a minimum and no irrigation is required.
   (ii) Corner lot homes which have two elevations substantially parallel to a public street shall have lawns comprised of sod or hydroseed in that portion of the yard located between the public street and each side of the corner lot. All other side yards and rear yards shall be seeded with straw at a minimum and no irrigation is required.
   (iii) Corner lot homes which are set at an angle to the public streets, lacking an elevation substantially parallel to either abutting public street, shall have lawns comprised of sod or hydroseed. All other side yard and rear yards shall be seeded with straw at minimum and no irrigation shall be required.

Miscellaneous:

A. All driveways shall be concrete.
B. Five (5) foot wide public sidewalks are required on all lots.
C. Developer will provide at least one (1) central location for all mailboxes and will supply the uniform mailboxes.
D. Dusk to dawn lights shall be required on all garages.
E. All fireplaces located on the exterior elevation of a home must be constructed of masonry. Interior fireplaces protruding through the roof not on an exterior elevation of a home, are not required to be masonry, but must be decorative in nature using masonry, stucco or EIFS materials.

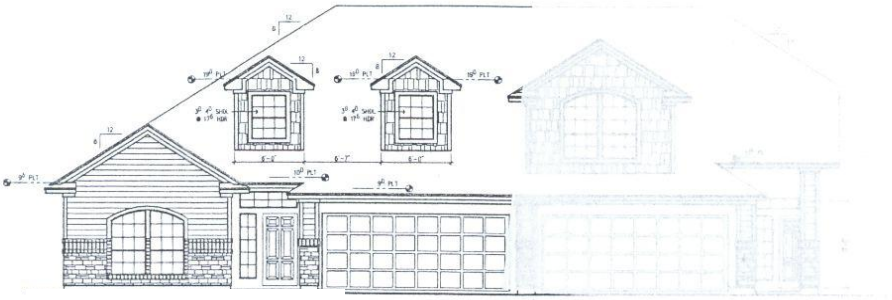
Façade Variety:

A. Dwellings on the Real Estate shall be constructed in substantial compliance with Exhibit "E". The Director shall have the authority and may approve modifications from Exhibit "E" as long as the dwellings otherwise comply with all other applicable standards of this Ordinance.

B. Buildings on adjacent lots (either sharing a common property line or across a street) shall not have the same color of masonry.

C. Buildings on adjacent lots (either sharing a common property line or across a street) shall not have the same color of siding.

Exhibit E.1



Front Elevation

Side Elevation

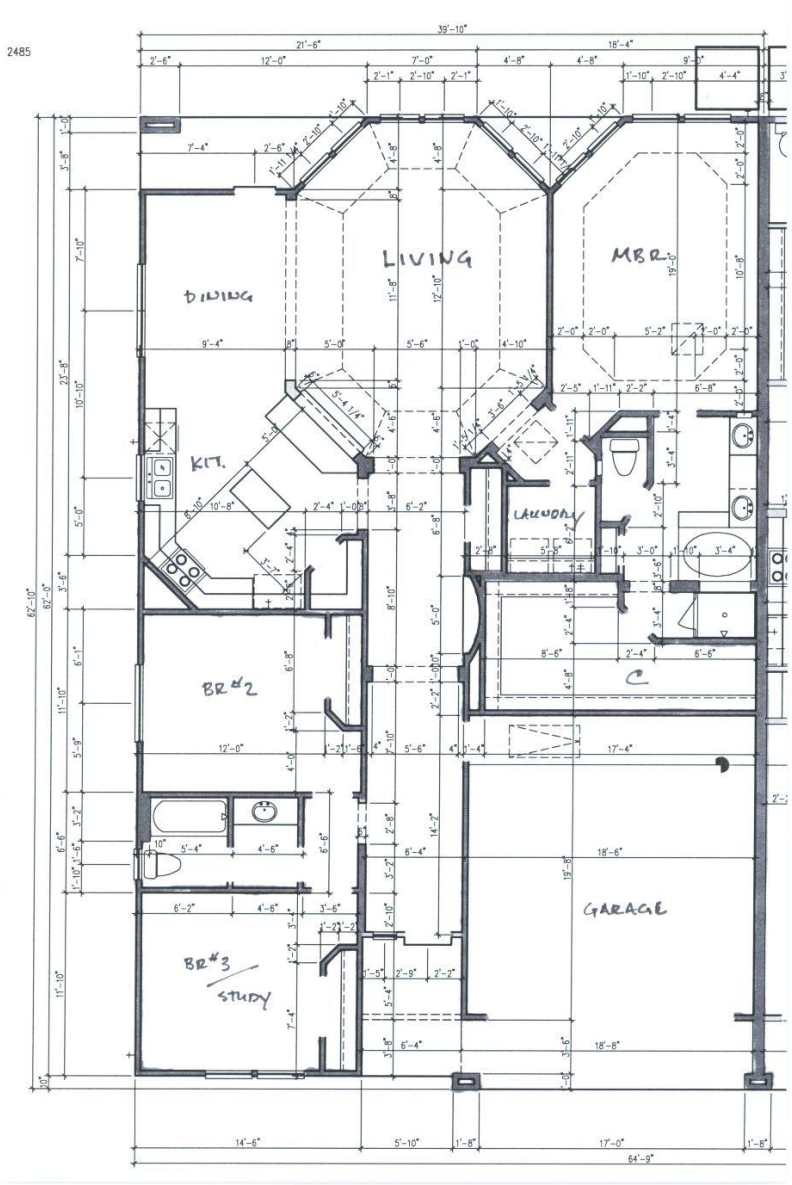
Rear Elevation

Plan 1

1805 sf.

One story

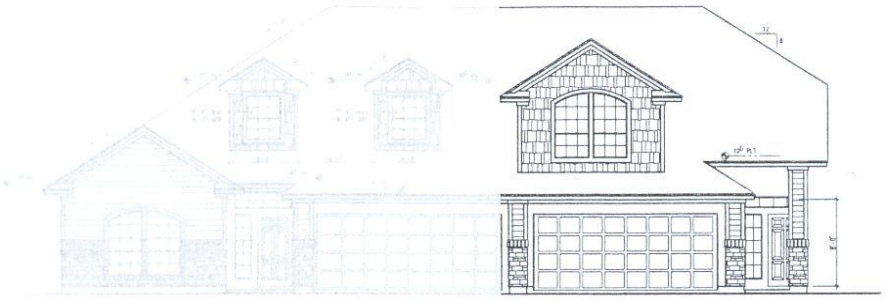
Floor Plan 1



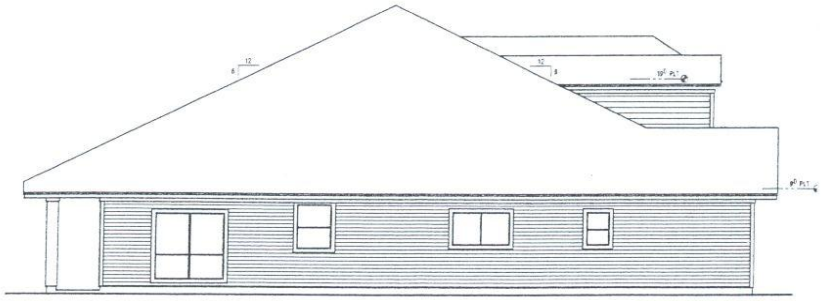
1805 square feet - home

365 square feet - garage

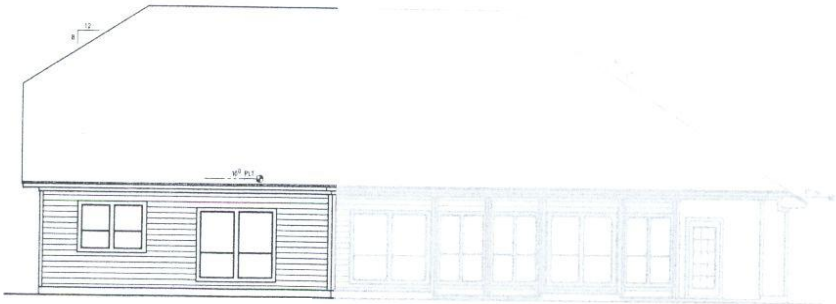
Exhibit E.2



Front Elevation



Side Elevation



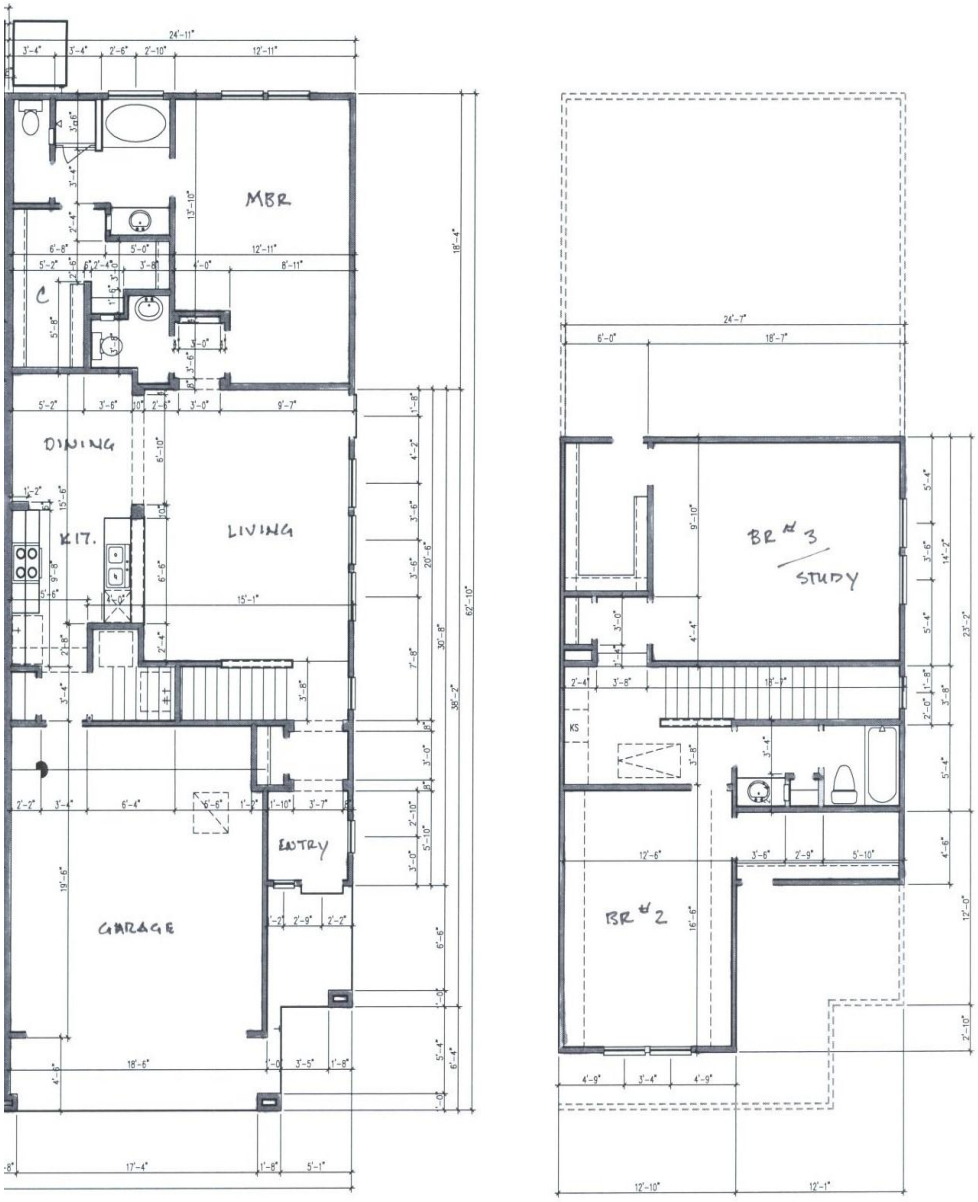
Rear Elevation

Plan 2

1895 sf.

One and one half story

Floor Plan 2



1895 square feet - home

565 square feet - garage

Exhibit E.3

Front Elevation

Side Elevation

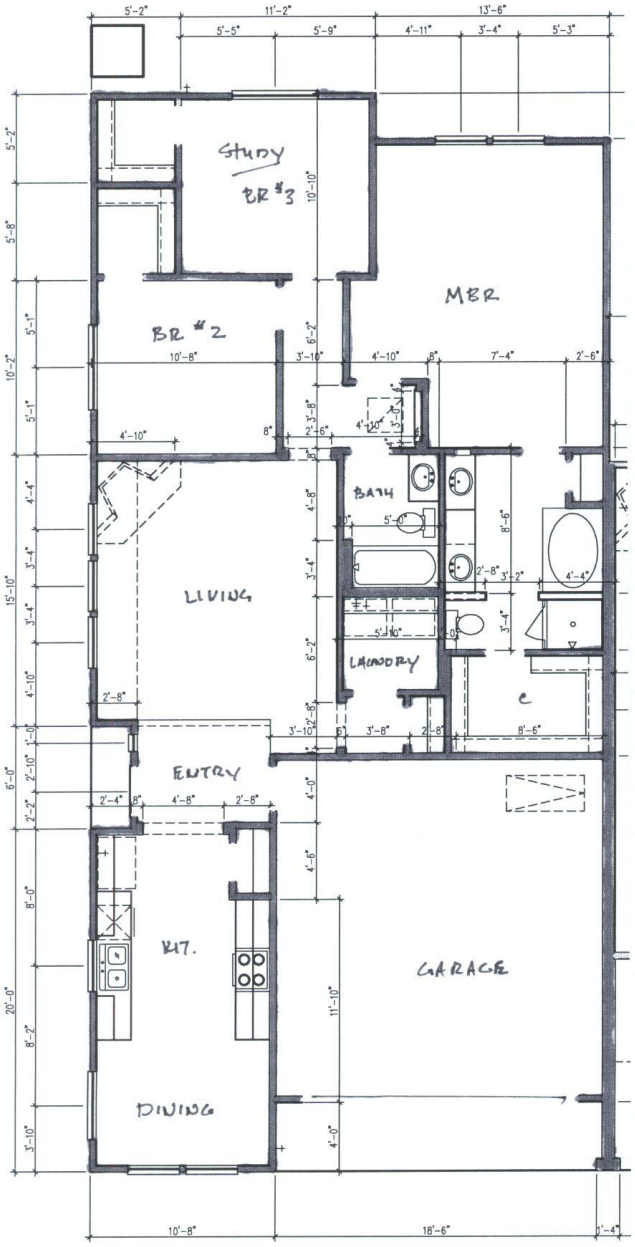
Rear Elevation

Plan 3

1375 sf.

One story

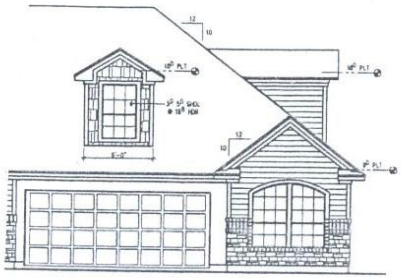
Floor Plan 3



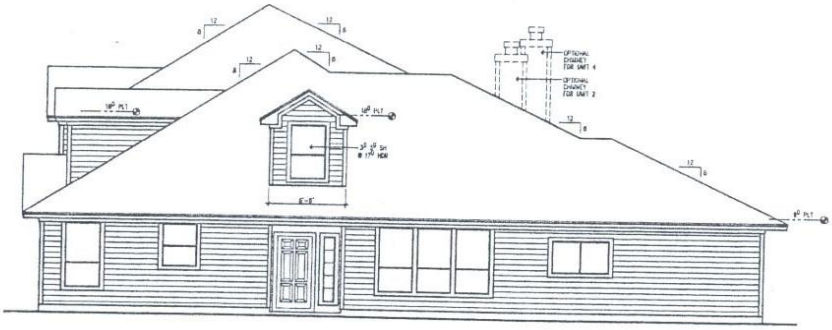
1375 square feet - home

360 square feet - garage

Exhibit E.4



Front Elevation



Side Elevation

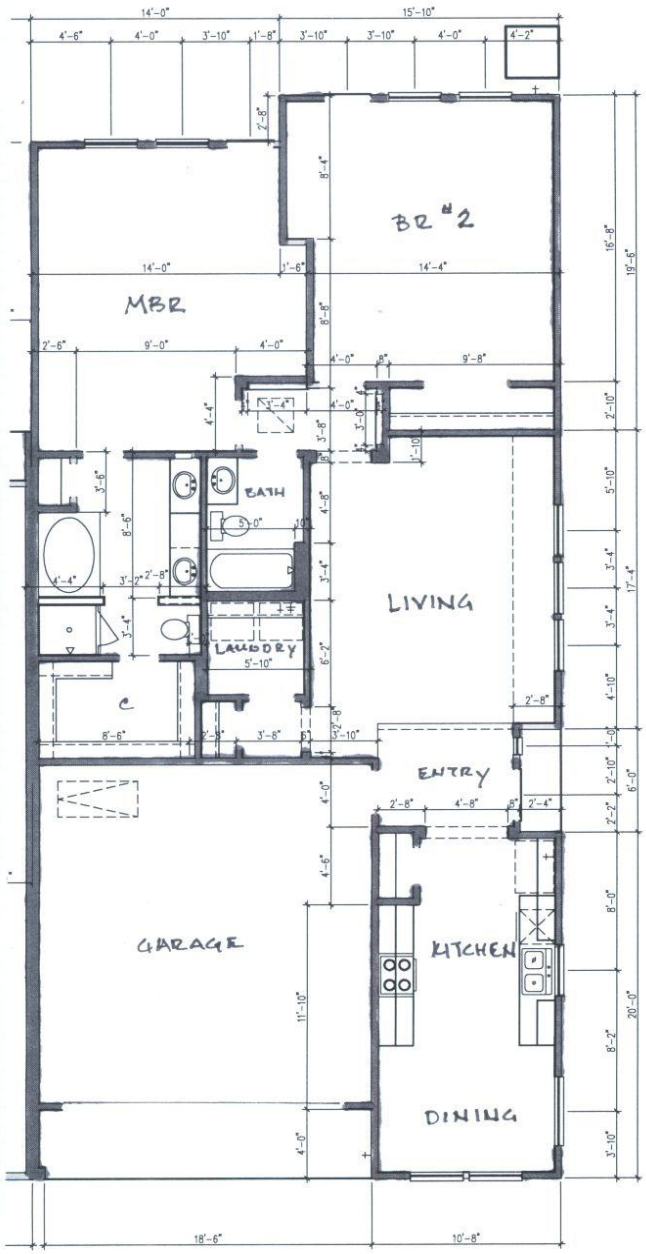
Rear Elevation

Plan 4

1375 sf.

One story

Floor Plan 4



1375 square feet - home

380 square feet - garage

Exhibit F
(Development Amenities)

Exhibit G

(Duplex Lot Standards)

A. Minimum Lot Area –
   a. Duplex lots (2 individual units) – not less than 3,900 square feet
   b. Individual unit lots – not less than 1,700 square feet

B. Minimum Lot Frontage on Roads – Not less than 65 feet per duplex lot (2 units)

C. Minimum Setback Lines –
   a. Union Street – 70 feet
   b. Front Yard – 18 feet, as measured from the closest plane of the unit (including the garage) to edge of sidewalk.
   c. Side Yard – 5 feet
   d. Rear Yard – no setback required
   e. Minimum lot width at building line – 50 feet
   f. Minimum ground level square footage, exclusive of garages, porches, and terraces.
      i. One story – 1,325 square feet
      ii. Two story – 1,000 square feet

Exhibit H

(Landscape Concept for Buffer Yards)