# ORDINANCE NUMBER 14-51

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE**

This is a Planned Unit Development District Ordinance (to be known as the "**SHEFFIELD PARK PUD DISTRICT**") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development 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 (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1412-PUD-17**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

**WHEREAS,** the Commission forwarded **Petition No**. **1412-PUD-17** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (7-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2015;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

## Section 1. Applicability of Ordinance.

1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Sheffield Park PUD District**" (the "District").

1.2 Development of the Real Estate shall be governed by: (i) the provisions of this Ordinance and its exhibits; and (ii) the provisions of the Unified Development

Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

1.3 Chapter ("*Chapter*") and Article ("*Article*") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

2.1 Underlying Zoning District: The Zoning District of the Unified Development Ordinance that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance.

2.2 Trail: Any pedestrian or nature trail internal to the District that is used by pedestrians, hikers, or pets. A trail may be paved or maintained in a natural state (e.g., gravel, rock, grass or mulch).

**Section 3. Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with *Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan*. The Real Estate shall be developed in substantial compliance with the Concept Plan.

**Section 4. Underlying Zoning District(s).** The Underlying Zoning District of this District shall be the **SF-4: Single Family High Density District**. Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Underlying Zoning District, as set forth above, shall apply.

**Section 5. Permitted Uses.** All uses permitted in the Underlying Zoning District, as set forth in *Chapter 4* and *Chapter 13* shall be permitted.

**Section 6. General Regulations.** The standards of *Chapter 4: Zoning Districts*, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

6.1 Minimum Building Setback Line for a Side Yard: 5 feet

6.2 Minimum Lot Width: 65 feet.

6.3 Maximum Building Height: Two and one-half (2 ½) stories.

6.4 Minimum Living Area:

1. Single Story: 1,500 square feet.
2. Two Story: 1,700 square feet.

**Section 7. Development Standards.** The standards of *Chapter 6: Development Standards* shall apply to the development of the District, except as otherwise modified below.

7.1 *Article 6.3 Architectural Standards*: Shall apply. In addition, the following shall also apply:

A. Character Exhibit. The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed in the District. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are permitted to be constructed and that contribute to the District's intent and vision. It is not the intent to limit the architectural styles shown in Exhibit C, but to encourage diversity in architectural styles of Dwellings within the District. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.

B. Building Materials: In addition to *Article 6.3(C)(3) Building Materials*, the following shall apply: Vinyl and aluminum siding shall be prohibited.

C. Garages: All Dwellings shall have a minimum of a two (2) car attached garage.

7.2 *Article 6.8 Landscaping Standards*: Shall apply, except as otherwise modified below.

A. *Article 6.8(N) Buffer Yard Requirements* shall only apply in the areas labelled "Buffer Yard" on the Concept Plan. Additionally, the existing vegetation, labeled as "Preserved Natural Buffer Yard" on the Concept Plan, shall be preserved pursuant to *Article 6.8(E)* and satisfy the required Buffer Yard planting materials in these areas. A tree preservation easement shall be established within the Preserved Natural Buffer Yard. Within this tree preservation easement, no trees with a diameter at breast height ("DBH") in excess of four inches (4") or more (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, or is to be removed in order to: (1) comply with safety requirements of any

governmental agency; or (2) to accommodate the installation of drainage, utilities, street connections or other infrastructure. If a Protected Tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the tree preservation area.

B. Lots marked with an asterisk (*) on the Concept Plan shall provide at least one of the following:

i. Three (3) shade trees and three (3) evergreen trees per lot within 30' of the Rear Lot Line. The trees shall be located either on the Real Estate or on the property directly south of the Real Estate. If the trees are located on the property directly south of the Real Estate, then a recorded landscape easement shall be established, and the trees shall be planted within the easement; or

ii. Rear Building Façade Enhancements, as prescribed in *Article 6.3(C)(b)(i)(b).*

**Section 8. Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see *Chapter 7: Subdivision Regulations*), unless otherwise approved by the Plan Commission or Department of Public Works in consideration of the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

**Section 9. Design Standards.** The standards of *Chapter 8: Design Standards* shall apply to the development of the District, except as otherwise modified below.

9.1 *Article 8.6* *Open Space and Amenity Standards* shall apply; however, the Minimum Open Space for the District shall be enhanced to require a minimum of twenty percent (20%). All Open Space shall be common area and deeded to and maintained by a homeowners' association.

**Section 10. Amenities.** Amenities shall be provided in accordance with this section.

10.1 At least two (2) of the following shall be included within the District:

A. Clubhouse (minimum of 650 square feet);

B. Swimming pool;

C. Playground;

D. Open Space or park (minimum of 5,000 square feet);

E. Trail;

F. Basketball court;

G. Volleyball court;

H. Picnic area.

10.2 In the event the construction of the District is phased, at least one (1) amenity shall be constructed in each of the first two (2) phases.

10.3 The Overall Development Plan shall identify the area(s) to be set aside for amenities. The specific details of the amenity areas (Detailed Development Plans) shall be reviewed by the Department for further compliance at the time of the Improvement Location Permit review.

**ALL OF WHICH IS ORDAINED/RESOLVED THIS ## DAY OF _____, 2015.**

**WESTFIELD CITY COUNCIL**

| **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 |
| _____ | _____ | _____ |
| Charles Lehman | Charles Lehman | Charles 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 Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 14-51** was delivered to the Mayor of Westfield

on the _____ day of _____, 2015, at _____ ____ m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 14-51**

this _____ day of _____, 2015.

_____
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 14-51**

this _____ day of _____, 2015.

_____
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: Jeffrey M. Lauer, Associate Planner, City of Westfield.

This document prepared by: Jim Langston, Langston Residential Development, LLC., 1132 S. Rangeline Road, Carmel, IN 46032 (317) 846-7017.

## SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Concept Plan

Exhibit C Character Exhibit

# **EXHIBIT A**
REAL ESTATE

ZONING DESCRIPTION

A part of the Southwest Quarter of Section 32, Township 19 North, Range 4 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said Quarter Section; thence South along the East line thereof a distance of 1,190 feet; thence West a distance of 1,940 feet to a point on the East property line of Grassy Knoll Subdivision; thence North along said East line of Grassy Knoll Subdivision a distance of 1,190 feet to a point on the North line of said Quarter Section; thence East along said North line a distance of 1,940 feet to the place of beginning, containing 53.0 acres more or less.

This legal description is for zoning purposes only and subject to change upon the completion of a boundary survey.

# **EXHIBIT B**

CONCEPT PLAN

# EXHIBIT C

CHARACTER EXHIBIT