

ORDINANCE NUMBER 15-##

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

This is a Planned Unit Development District Ordinance (to be known as the "**WOODWIND 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 Township Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 15##-PUD-##**), 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. 15##-PUD-##** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation (#-#) 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:

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 "**Woodwind 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 **Ridgeline:** Horizontal ridges of a roof which form the peak of a pitched area. Covered and enclosed porches qualify as a Ridgeline.
- 2.2 **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.

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. **District Areas.** The District is hereby divided into four (4) sub-districts, as set forth below and illustrated on the Concept Plan. Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Underlying Zoning District, as set forth below, shall apply. Development of each sub-district shall be regulated as set forth in this Ordinance.

- 4.1 **District A:** The Underlying Zoning District for District A shall be the SF4: Single Family Residential District.
- 4.2 **District B:** The Underlying Zoning District for District B shall be the SF4: Single Family Residential District.
- 4.3 **District C:** The Underlying Zoning District for District C shall be the SF4: Single Family Residential District.
- 4.4 **District D:** The Underlying Zoning District for District D shall be the SF3: Single Family Residential District.

Section 5. **Permitted Uses.** All uses permitted in the Underlying Zoning District, as set forth in *Chapter 4: Zoning Districts* and *Chapter 13: Use Table*, 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 each sub-district, except as modified in the below matrix.

Area	Underlying Zoning District	Min. Lot Frontage		Min. Lot Area	Max. Bldg. Height	Minimum Building Setbacks			Min. Living Area	
		at Bldg Setback Line	at Right of Way			Front	Side	Rear	1-Story	2-Story
1	SF-3	65'	40'	8,450	35'	25'	5' min. 14' Aggregate Between Structures	25'	1,800	2,000
2	SF-3	65'	40'	8,000	35'	25'	5' min. 10' Aggregate Between Structures	20'	1,600	2,000
3	SF-3	80'	40'	10,400	35'	25'	5' min. 14' Aggregate Between Structures	25'	2,000	2,200
4	SF-3	95'	50'	12,000	35'	25'	5' min. 18' Aggregate Between Structures	25'	2,400	2,600

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

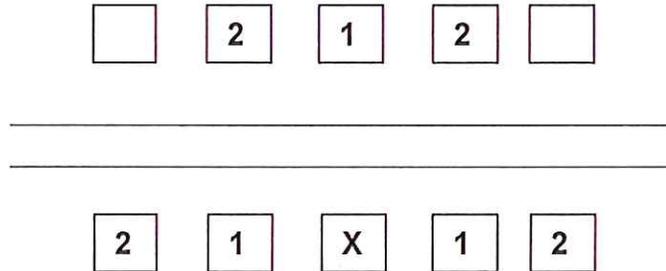
7.1 *Article 6.3 Architectural Standards:* Shall apply. In addition, the following shall apply:

- A. Foundations: Crawl spaces shall be prohibited.
- B. Minimum Roof Pitch:
 - i. Minimum Pitch of Dwelling's Primary Roof: 6:12
 - ii. Minimum Pitch of Gables on the Front Building Façade: 8:12
 - iii. Ancillary roofs such as porches, bays or walkways may be less than the minimum requirement, as determined by the Director.
- C. Minimum Roof Overhang: Twelve (12) inches on front and rear elevations (specifically excluding side elevation overhangs), as measured prior to the installation of any exterior siding or Masonry Material.

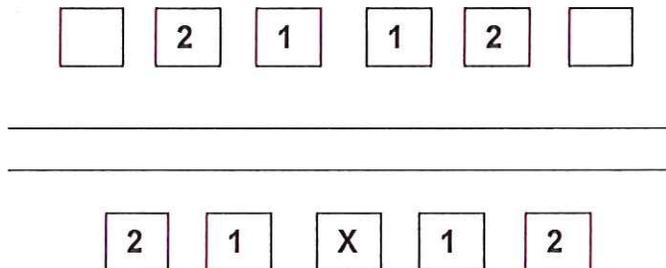
- D. Minimum Roof Ridgelines: Dwellings shall have a minimum of three (3) Ridgelines; however, only two (2) Ridgelines shall be required if the Dwelling has full first floor Masonry Materials around the entire Dwelling (exclusive of openings).
- E. Garages:
- i. Dwellings in District A and B shall have a minimum two-car attached garage.
 - ii. Dwellings in District C shall have a minimum three-car attached garage.
 - iii. Dwellings located in District D shall have a minimum three-car attached side load garage.
- F. Building Materials: In addition to *Article 6.3 (C)(3) Building Materials*, the following shall apply:
- i. The Front Building Façade of all Dwellings shall be a minimum of fifty percent (50%) Masonry Materials, exclusive of windows, doors and garage doors.
 - ii. Vinyl and aluminum siding shall be prohibited.
- G. Windows:
- i. All windows shall be vinyl, vinyl clad, aluminum clad or wood.
 - ii. All Dwellings in District A, District B and District C shall have a minimum of four (4) windows on both the front façade and the rear facade. Each side façade shall include a minimum of one (1) window.
 - iii. All Dwellings in District D shall have a minimum of six (6) windows on both the front façade and the rear facade. Each side façade shall include a minimum of one (1) window.
- H. Architectural Breaks. Each dwelling shall have a minimum of three (3) corner breaks on the front façade. For dwellings on perimeter lots which face a public road, dwellings shall also have a minimum of two (2) corner breaks on the rear facade. The exterior corners of a covered porch, the outermost corners of the home and a projection with a height of no less than six feet (6') shall count toward this requirement.

I. Facade Variety.

- i. When dwellings are located directly across the street from one another, the dwelling directly across the street and to either side (identified as 1 below) may not be of the same color package or same elevation as the subject dwelling (identified by X below). Dwellings on either side (identified as 2 below) may not be of the same color package as the subject dwelling.



- ii. When dwellings located across the street from one another are staggered, the two dwellings across the street and to either side (identified as 1 below) may not be of the same color package or same elevation as the subject dwelling (identified by X below). Dwellings on either side (identified as 2 below) may not be of the same color package as the subject dwelling.



7.2 Article 6.8 Landscaping Standards: Shall apply. In addition, the following shall also apply:

A. Minimum Lot Landscaping. In addition to Article 6.8 (K) Minimum Lot Landscaping, the following shall also apply:

- i. Each Lot shall utilize either sod (with or without irrigation) or hydroseed with irrigation in all Front Yards to the front corners of the Lot. All Side Yards and Rear Yards must be seed 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 (with or without irrigation) or hydroseed with irrigation in that portion of the Yard located between the public Street on each side of the Corner Lot and a line drawn parallel to each front corner elevation closest to the public Street extending from each end of said elevations to each perpendicular Lot Line. All other Side Yards and Rear Yards must 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 (with or without irrigation) or hydroseed with irrigation in that portion of the Yard located (i) between the front elevation of the home and each public Street and (ii) between the public Street on each side of the Corner Lot and a line drawn parallel to each public Street, extending to each perpendicular lot line from the two exterior corners of the home closest to each abutting public Street. All other Side Yard and Rear Yards must be seeded with straw at minimum and no irrigation is required.

7.3 Miscellaneous

- A. A not for profit Homeowners Association shall be incorporated and related Covenants, Restrictions and By-Laws shall be created prior to platting any section.
- B. All new home, landscaping and exterior color plans must be approved by the Covenants, Restrictions and By-Law's New Construction Committee (the "NCC") prior to beginning construction.
- C. All driveways shall be concrete unless otherwise approved by the NCC; asphalt is not permitted.
- D. Public sidewalks are required on all lots.
- E. Uniform mailboxes shall be required.
- F. Dusk to dawn lights shall be required on all garages; two lights per home.
- G. All fireplaces located on the exterior elevation of a home must be constructed of Masonry Material. Interior fireplaces protruding through the roof not on an exterior elevation of a home, are not required to be Masonry Material but must be decorative in nature using Masonry Material, stucco or EIFS materials.

- H. Dumpsters and/or trash bins are required on all lots once framing begins and shall be removed prior to receiving a Certificate of Occupancy.

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 to 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.

Section 10. **Amenities.** Amenities shall be provided in accordance with this section and in substantial compliance with the Concept Plan (**Exhibit B**). The following Amenities shall be constructed:

- A. A swimming pool.
- B. A clubhouse.
- C. Common greenspace.
- D. A lake pavilion/meeting facility.

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 15-##** was delivered to the Mayor of Westfield

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

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-##**

this _____ day of _____, 2015.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-##**

this _____ day of _____, 2015.

J. Andrew Cook, Mayor

This document prepared by Jarod Brown, Attorney at Law, Densborn Blachly LLP, 500 East 96th Street, Suite 100, Indianapolis, Indiana 46240.

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. Jarod Brown

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Concept Plan

EXHIBIT A
REAL ESTATE
LEGAL DESCRIPTION

The land referred to in this Commitment, situated in the County of Hamilton, State of Indiana, is described as follows:

Part of the West Half of the Northwest Quarter of the Southwest Quarter of Section 9, Township 18 North, Range 3 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of Section 9; thence North 00 degrees 00 minutes 00 seconds East (an assumed bearing) along the West line of said Southwest Quarter a distance of 2632.22 feet to the Northwest corner of said Southwest Quarter, also being the Southwest corner of the West Half of the Northwest Quarter of said Section 9; thence North 00 degrees 05 minutes 27 seconds West along the West line of said West Half a distance of 1549.77 feet; thence North 89 degrees 41 minutes 48 seconds East 700.59 feet; thence North 00 degrees 10 minutes 40 seconds East 1084.10 feet to the North line of said West Half; thence North 89 degrees 34 minutes 29 seconds East along the North line of said West Half a distance of 651.69 feet to the Northeast corner of said West Half; thence South 00 degrees 07 minutes 29 seconds East along the East line of said West Half a distance of 2631.54 feet to the Southeast corner of said West Half, also being on the North line of the Southwest Quarter of said Section 9; thence North 89 degrees 32 minutes 31 seconds East along said North line 101.06 feet; thence South 00 degrees 27 minutes 29 seconds East 495.00 feet; thence North 89 degrees 32 minutes 31 seconds East 685.00 feet; thence North 00 degrees 27 minutes 29 seconds West 495.00 feet to the North line of said Southwest Quarter; thence North 89 degrees 32 minutes 31 seconds East along said North line 572.87 feet to the Northeast corner of said Southwest Quarter; thence South 00 degrees 02 minutes 26 seconds East along the East line of said Southwest Quarter 2627.24 feet to the Southeast corner of said Southwest Quarter; thence South 89 degrees 26 minutes 14 seconds West along the South line of said Southwest Quarter a distance of 2719.77 feet to the point of beginning.

EXCEPTING THEREFROM:

A part of the Southwest Quarter of Section 9, Township 18 North, Range 3 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, and being described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence North 89 degrees 32 minutes 31 seconds East (an assumed bearing) along the North line of said Southwest Quarter a distance of 2145.00 feet to the point of beginning; thence continue North 89 degrees 32 minutes 31 seconds East along said North line 320.47 feet; thence South 00 degrees 02 minutes 24 seconds East parallel with the East line of said Southwest Quarter a distance of 324.21 feet; thence South 61 degrees 18 minutes 36 seconds West 361.06 feet to the Southeasterly corner of a tract of land conveyed to Sarah Jane Brigham, recorded as Instrument Number 9609647425 in the Office of the Recorder of Hamilton County; thence North 00 degrees 27 minutes 29 seconds West along the Easterly line of said Brigham tract 495.00 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

Part of the West Half of the Northwest Quarter of Section 9, Township 18 North, Range 3 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, and described as follows:

Commencing at the Northwest corner of said West Half; thence North 89 degrees 34 minutes 29 seconds East (an assumed bearing) along the North line of said West Half a distance of 705.68 feet to the point of beginning; thence continue North 89 degrees 34 minutes 29 seconds East along said North line 651.69 feet to the Northeast corner of said West Half; thence South 00 degrees 07 minutes 29 seconds East along the East line of said West Half a distance of 500.00 feet; thence South 89 degrees 34 minutes 29 seconds West parallel with the North line of said West Half a distance of 654.33 feet to the Easterly line of a Classified Forest as described in Miscellaneous Record Book 157 page 42 as recorded in the Office of the Hamilton County Recorder; thence North 00 degrees 10 minutes 40 seconds East along the East line of said Forest, a distance of 500.00 feet to the point of beginning.

Property Address: 2302 West 161st Street, Westfield, Indiana
Tax Id. Nos.: 08-09-09-00-003.001 / 2909-09-000-003.001-015

EXHIBIT B
CONCEPT PLAN

Woodwind

Residential Development
Westfield Indiana
Master Plan Concept

SITE DATA

Total Land area - 210.4 Acres

 Area 1 - 57 Acres
126 - 65' x 140' lots

 Area 2
42 - 65' x 140' lots

 Area 3
95 - 85' x 140' lots

 Area 4
52 - 95' x 140' lots

Areas 2, 3, 4 - 153.4 Acres

