ORDINANCE NUMBER 15-10

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE GRAND PARK VILLAGE PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is an Ordinance (this "Ordinance") 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 Council enacted Ordinance No. 12-46, the Grand Park Village Planned Unit Development District (the "Grand Park Village PUD Ordinance"), on December 10, 2012, recorded as Instrument No. 2012080062 in the Office of the Recorder of Hamilton County, Indiana;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1505-PUD-08)**, requesting an amendment to the Grand Park Village PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No**. **1505-PUD-08** 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 Grand Park Village PUD Ordinance and the Unified Development Ordinance and are hereby amended as follows:

Section 1. Applicability of Ordinance.

1.1 This Ordinance shall amend the Grand Park Village PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by: (i) the Grand Park Village PUD Ordinance, as amended by 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 the Grand Park Village PUD Ordinance, as amended.

1.2 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.

1.3 All other provisions of the Grand Park Village PUD Ordinance shall remain in effect with the adoption of this 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 the Grand Park Village PUD Ordinance, as amended.

Section 2. Development and Architectural Standards. The standards of *Article 6: Development and Architectural Standards* of the Grand Park Village PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below:

2.1 Article 6(A) Design Theme, (B) Roof, and (C) Windows: Shall be modified as follows: "Buildings constructed on the Real Estate shall be developed either: (i) in accordance with the Design Theme, Roof and Windows standards of Article 6(A), 6(B) and 6(C), respectively, of the Grand Park Village PUD Ordinance; or (ii) substantially similar in quality, character and appearance as the Illustrative Exhibit, attached hereto as **Exhibit B**."

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS __ DAY OF _____, 2015.

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
Charles Lehman	Charles Lehman	Charles Lehman
_____	_____	_____
Jim Ake	Jim Ake	Jim Ake
_____	_____	_____
Steven Hoover	Steven Hoover	Steven Hoover
_____	_____	_____
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
_____	_____	_____
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 15-10** was delivered to the Mayor of Westfield

on the_____day of _____, 2015, at _____.m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-10**

this _____ day of _____, 2015.

_____
Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-10**

this _____ day of _____, 2015.

_____J.
J. Andrew Cook, Mayor

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.

Prepared by: Stuart Friedman, Sterling Development Consultants
34375 Lakeview Drive, Solon, Ohio 44139. (216) 298-3529

EXHIBIT A

REAL ESTATE

PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON THE WEST LINE THEREOF SOUTH 00 DEGREES 18 MINUTES 50 SECONDS WEST (BASIS OF BEARINGS IS GRID BASED ON THE STATE PLANE COORDINATE SYSTEM (NAD83(2011)) - INDIANA EAST ZONE 1301) 59.99 FEET TO THE SOUTH LINE OF THE LAND DESCRIBED IN INSTRUMENT NUMBER 2012029138 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA; THENCE ON SAID SOUTH LINE NORTH 89 DEGREES 10 MINUTES 56 SECONDS EAST 703.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ON SAID SOUTH LINE NORTH 89 DEGREES 10 MINUTES 56 SECONDS EAST 357.09 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 33.00 FEET; THENCE ON SAID CURVE 52.55 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 24 MINUTES 51 SECONDS WEST 365.39 FEET; THENCE SOUTH 69 DEGREES 11 MINUTES 58 SECONDS WEST 175.19 FEET TO A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 46.67 FEET; THENCE ON SAID CURVE 63.03 FEET BEING SUBTENDED BY A CHORD BEARING NORTH 60 DEGREES 33 MINUTES 29 SECONDS WEST 58.34 FEET TO A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 317.80 FEET; THENCE ON SAID CURVE 81.05 FEET BEING SUBTENDED BY A CHORD BEARING SOUTH 85 DEGREES 27 MINUTES 19 SECONDS WEST 80.83 FEET TO A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 86.80 FEET; THENCE ON SAID CURVE 35.75 FEET BEING SUBTENDED BY A CHORD BEARING SOUTH 80 DEGREES 11 MINUTES 17 SECONDS WEST 35.50 FEET; THENCE SOUTH 68 DEGREES 15 MINUTES 15 SECONDS WEST 40.22 FEET; THENCE NORTH 01 DEGREE 02 MINUTES 05 SECONDS EAST 202.54 FEET PASSING THROUGH A REBAR AT 22.54 FEET TO A REBAR; THENCE SOUTH 89 DEGREES 10 MINUTES 54 SECONDS WEST 25.45 FEET TO A REBAR; THENCE NORTH 00 DEGREES 49 MINUTES 06 SECONDS WEST 50.00 FEET TO A REBAR AT THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 28.00 FEET; THENCE ON SAID CURVE 43.98 FEET BEING SUBTENDED BY A CHORD BEARING NORTH 45 DEGREES 49 MINUTES 06 SECONDS WEST 39.60 FEET TO A REBAR; THENCE NORTH 00 DEGREES 49 MINUTES 06 SECONDS WEST 141.22 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 33.00 FEET; THENCE ON SAID CURVE 51.84 FEET TO THE POINT OF BEGINNING CONTAINING 3.91 ACRES, MORE OR LESS.

EXHIBIT B

ILLUSTRATIVE EXHIBIT

[REMAINDER OF PAGE INTENTIONALY LEFT BLANK;
SEE FOLLOWING PAGES.]

NORTH ELEVATION

SCALE: 3/32" = 1'-0"

SOUTH ELEVATION

SCALE: 3/32" = 1'-0"

EAST ELEVATION

SCALE: 3/32" = 1'-0"

WEST ELEVATION

SCALE: 3/32" = 1'-0"