ORDINANCE 15-11

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 "LANTERN 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. 1505-PUD-07**), 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. 1505-PUD-07** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable 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:

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 "**Lantern 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 of the date of approval, 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. Lot ("Lot") number references of this Ordinance shall hereafter refer to the lot numbers as specified for reference purposes only on the Concept Plan.

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 Different Color Package: For the purposes of **Exhibit D**, shall be a home which has both: a different primary siding color; and has a different color of at least one (1) of the following exterior elements: Masonry Material, the trim, any accent siding (e.g., board and batten, shake).

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.

2.3 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.** The Underlying Zoning District of this District shall be the SF4: 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.**

5.1 All uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13 shall be permitted.

5.2 District Areas: The Real Estate shall be divided into two (2) areas, identified on the Concept Plan as "Parcel A" and "Parcel B". The development of the two areas may be phased. Parcel B consists of approximately sixteen (16) acres of floodplain and shall be developed for green space uses. Parcel B shall not be deemed as common area nor shall be deeded to and maintained by a homeowners' association and shall not be part of the common area maintained by the homeowners' association. Parcel B may remain in private ownership or be deeded to a private or public agency for development and maintenance. Parcel A consists of approximately twenty-five (25) acres to be developed for single-family residential uses.

5.3 Maximum Density: The maximum number of Dwelling Units in the District shall be sixty (60) so long as the overall aesthetics of the District do not substantially change as set forth herein.

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 Lines:

A. Side Yard: 5 feet

B. Front Yard: 20 feet

C. Rear Yard: 20 feet

6.2 Minimum Lot Width: 60 feet

6.3 Minimum Lot Size: 7,200 square feet

6.4 Maximum Building Height: Story and one-half (1.5)

6.5 Minimum Living Area:

A. One Story: 2,000 square feet

B. Story and one-half: 2,300 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, as an average, 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 the Character Exhibit, 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. Article 6.3(C)(1) Architectural Standards; Single-family Districts (Residential Uses); Perimeter Lots shall apply; except as modified below:

   i. Lots 1 through 17 shall not be considered Perimeter Lots in relationship to Union Street and the south Lot Line of Lot 1 and Lot 35 shall be considered side Building Facades oriented towards 161st Street.

   ii. Article 6.3(C)(1)(b)(ii) Perimeter Lots; Rear/Side Building Façade Enhancements; Qualifying Characteristics shall be expanded to include the following: Lots where entrance wall features or privacy fence/landscape features (providing a minimum of six (6) foot visual obstruction) associated with the subdivision's entrance wall extend along at least fifty (50%) percent of a Side or Rear Lot Line facing a Right-of-way (2 points).

C. Additional Standards: The rear Building Façades on all homes located on Lots 1 through Lot 35 shall have a minimum of one (1) of the following:

   i. Sunroom or screened-in porch (minimum sixty-four (64) square feet in size);

   ii. Covered patio (minimum one hundred and twenty (120) square feet in size);

   iii. A minimum of one (1) four-foot (4') deep offset, which is a minimum height equivalent to one-story; or

   iv. Two (2) additional shade, ornamental or evergreen trees in the Established Rear Yard (in addition to the Minimum Lot Landscaping Requirements set forth herein).

D. Building Materials: Article 6.3(C)(3) Building Materials applies, in addition, vinyl and aluminum siding shall be prohibited.

E. Garages: All Dwelling Units shall have a minimum of a two (2) car attached garage.

F. Article 6.3(C)(2) Streetscape Diversity: Shall not apply and shall be replaced and superseded by **Exhibit D**.

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

A. Article 6.8(K) Minimum Lot Landscaping Requirements shall apply, except as modified below:

i. No new landscaping shall be required within Parcel B; and

ii. All Lots shall be landscaped in accordance with the requirements of Single-family Residential (per Lot under 8,000 sq. ft.) regardless of the actual size of the Lot.

B. Article 6.8(J) Street Trees shall not apply; rather, one (1) shade tree as otherwise required by the Minimum Lot Landscaping Requirement set forth herein, shall be installed in the Front Yard. The shade tree shall be installed within ten (10) feet of the right-of-way line; however, if utility infrastructure prohibits such placement, then the shade tree shall be installed as close as reasonably practical to the right-of-way line without interference with the utility infrastructure.

C. Article 6.8(M) External Street Frontage Landscaping Requirements shall apply. In accordance with Article 6.8(E)(6)(b) Preservation and Replacement of Trees; Incentives to Preserve Trees, preserved tree areas a minimum of thirty (30) feet in width along the 161st Street frontage may be credited towards this requirement.

D. Article 6.8(N) Buffer Yard Requirements shall apply, except as otherwise modified below:

i. Parcel A: Buffer A (small) (as set forth in Article 6.8(N)(4) of the UDO) shall be required around the east and north perimeters of Parcel A.

a. Existing trees that are preserved in accordance with the UDO may be credited towards required landscaping within the Buffer Yard. Tree preservation areas shall be identified on the Overall Development Plan.

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), except as otherwise modified or 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. Any modifications shall be contained in a separate agreement with the City.

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, shall be enhanced as follows:

A. Minimum Open Space: Shall be enhanced to require a minimum of twenty seven percent (27%) Open Space for Parcel A.

B. Development Amenities: The following shall be required within Parcel A, as generally illustrated on the Concept Plan:

i. Multi-purpose paths stub between Lot 13 and 14, along with a bench/sitting area overlooking floodway, which shall be installed with the final phase of Parcel A;

ii. Fountains in detention pond areas which shall be installed with the first phase of Parcel A; and

iii. One (1) bench sitting area overlooking the detention pond located between Lot 38 and 58 which shall be installed with the first phase of Parcel A.

Section 10. Phasing.

10.1 Parcel A: Parcel A shall be developed in no more than three (3) secondary platted sections. :

A. The Perimeter Path along 161st Street, for both Parcel A and Parcel B, shall be installed with the first phase of Parcel A.

10.2 Parcel B: All requisite public improvements on Parcel B (including but not limited to the perimeter path on Union Street and the path noted on the Concept Plan as "Trail System to be constructed with Parcel B") shall be installed with the final phase of Parcel A, unless otherwise determined by the Director.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK.]
[SIGNATURE PAGE IMMEDIATELY FOLLOWS.]

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

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 law. Russell L. Brown

I hereby certify that ORDINANCE No. _____ was delivered to the Mayor of Westfield on the _____ day of _____ 2015 at _____ __.m.

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE NO. 15-11

This ____ day of _____, 2015.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 15-11

This _____ day of _____ 2015.

_____
J. Andrew Cook, Mayor

ATTEST:

_____
Cindy J. Gossard, Clerk-Treasurer

Prepared by: Russell L. Brown, 26781-49, Clark, Quinn, Moses, Scott & Grahn, LLP
320 N. Meridian Street, Suite 1100, Indianapolis, IN 46204, (317) 637-1321

EXHIBIT A
REAL ESTATE

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 4 EAST, IN HAMILTON COUNTY. INDIANA. ALSO: BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 4 EAST, HAMILTON COUNTY, INDIANA, AND RUN NORTH 6 RODS 13.38 FEET TO A STONE; THENCE EAST 77 RODS 4 FEET TO A STONE; THENCE SOUTH 6 RODS 4.7 FEET; WEST TO THE PLACE OF BEGINNING. **EXCEPTING THEREFROM** PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA, BEING A PART OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 9709739582, ALL IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE NORTH 00 DEGREES 06 MINUTES 39SECONDS EAST (LOCATION ROUTE SURVEY BEARING, INSTRUMENT NO. 200600025208,IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA), ALONG THE WEST LINE OF SAID QUARTER QUARTER SECTION 70.10 FEET; THENCE SOUTH 89 DEGREES 53 MINUTES 55 SECONDS EAST, 16.50 FEET TO THE APPARENT EXISTING RIGHT OF WAY; THENCE NORTH 89 DEGREES 45 MINUTES 15 SECONDS EAST, 12.25 FEET; THENCE SOUTH 35 DEGREES 39 MINUTES 46 SECONDS EAST, 55.22 FEET: THENCE NORTH 81 DEGREES 08 MINUTES 19 SECONDS EAST, 166.88 FEET; THENCE NORTH 24 DEGREES 11 MINUTES 53 SECONDS EAST, 60.42FEET; THENCE NORTH 89 DEGREES 54 MINUTES 15 SECONDS EAST, 125.00 FEET; THENCE SOUTH 32 DEGREES 15MINUTES 04 SECONDS EAST 47.17 FEET: THENCE NORTH 89 DEGREES 45 MINUTES 15 SECONDS EAST, 375.00 FEET: THENCE SOUTH 00 DEGREES 14 MINUTES 45 SECONDS EAST, 35.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 15 SECONDS EAST 50.00 FEET; THENCE SOUTH 71 DEGREES 35 MINUTES 47 SECONDS EAST, 42.22 FEET TO THE APPARENT EXISTING RIGHT OF WAY; THENCE SOUTH 00 DEGREES 14 MINUTES 45 SECONDS EAST, 16.50 FEET TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE SOUTH 89 DEGREES 45 MINUTES 15 SECONDS WEST, ALONG SAID SOUTH LINE, 866.18 FEET TO THE POINT OF BEGINNING, CONTAINING 1.233 ACRES, MORE OR LESS.

EXHIBIT B
CONCEPT PLAN

Plot Date: May 11, 2015 Plot Time: 4:01pm File Name: W:\Equicor Real Estate\2015-071-S Equicor Real Estate- 161st & Union\Design\CAD\161st and Union.xbase 70w LOTS Option 1E.dwg, Layout: MColor By: dchesterfield

GRAPHIC SCALE

0' 60' 120' 180'

1"=60'

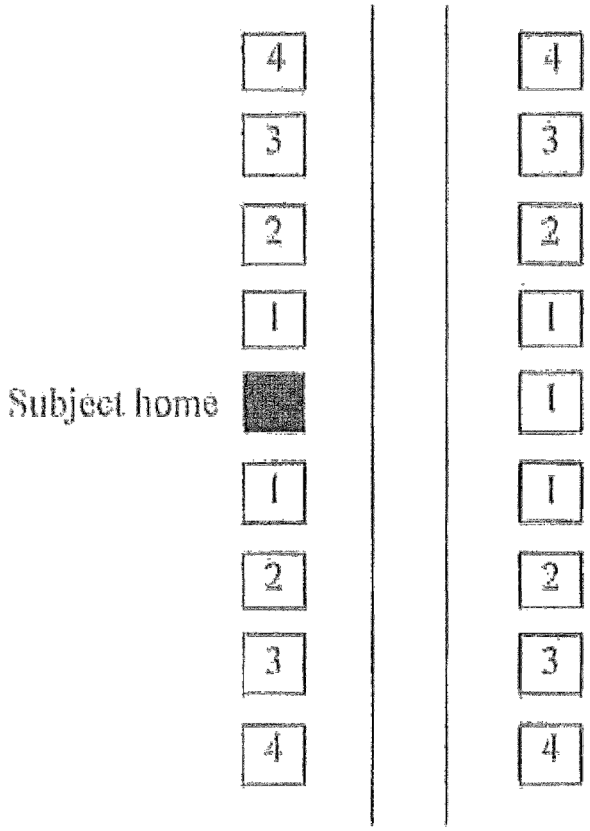
EXHIBIT 1D
LANTERN PARK
CONCEPT PLAN
60 LOT MAXIMUM

WESTFIELD, INDIANA
MAY 11, 2015

HWC ENGINEERING

EXHIBIT C
CHARACTER EXHIBIT

EXHIBIT D



Home #	Requirement
1	Subject Home must have a Different Elevation and a Different Color Package than the Existing Home.
2	Subject Home must have a Different Elevation than the Existing Home. If an Existing Home's Dominant Exterior Material is brick or stone, then the Subject Home's brick or stone color may be the same color. If an Existing Home's Dominant Exterior Material is not brick or stone, then the Subject Home must have a Different Color Package than the Existing Home.
3	Subject Home may have the same elevation as the Existing Home as long as the Subject Home has a Different Color Package.
4	Subject Home may be identical to the Existing Home.