# ORDINANCE NUMBER 15-18

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING A SECOND AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE HARMONY 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. 12-14, the Harmony Planned Unit Development District (the "Harmony PUD Ordinance"), on January 14, 2014 as amended by Ordinance 14-55 (the "Harmony PUD Ordinance First Amendment");

~~**WHEREAS**, the Council enacted Ordinance No. 14-55, the first amendment to the Harmony Planned Unit Development District (the "Harmony PUD Ordinance First Amendment"), on January 26, 2015;~~

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1507-PUD-12)**, requesting an amendment to the Harmony 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**. **1507-PUD-12** 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 Harmony 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 Harmony PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the Harmony 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 Harmony 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 Harmony 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 Harmony PUD Ordinance, as amended.

**Section 2. Definitions.** ~~To *Article 6 Definitions* add~~ T~~t~~he following definition shall be added to *Article 6 Definitions*:

~~"~~Primary plane of the Front Elevation of a home:~~"~~ ~~shall mean~~ the vertical portion of the front building façade that most contributes to establishing the volume of the house closest to the street. Typically, the primary plane is the solid wall of the house creating the enclosed living area. However, an open porch may qualify as the primary plane if it contains a gable a minimum of thirty (30~~%~~) percent of the width of the house (as measured from the outer extent of the foundation upon which the gable resides) with an Architectural Treatment on Gable End, as generally depicted in **Exhibit B**.

**Section 3. Development Standards for Multifamily Uses within the Mixed Use District.** The standards of *Section 2.4: Development Standards for Multifamily Uses within the Mixed Use District* of the Harmony PUD Ordinance shall apply to the development of the District, except as otherwise modified ~~by the Harmony PUD Ordinance and~~ below:~~.~~

3.1 Minimum Setback from Internal Driveways/Parking Areas: *Section 2.4(D) Minimum Setback from Internal Driveways/Parking Areas* shall be removed.

3.2 Maximum Building Height: *Section 2.4(I) Maximum Building Height* shall be amended to provide that multi-family dwelling units shall have a maximum building height of three (3) stories.

**Section 4.** **Architectural Standards.** The standards of *Section 3.4: Architectural Standards* of the Harmony PUD Ordinance shall apply to the development of the District, except as otherwise modified ~~by the Harmony PUD Ordinance and~~ below:~~.~~

4.1 Architectural Design Standards: *Section 3.4(A) Architectural Design Standards* shall be amended to provide that single-family detached dwelling units on a fifty (50) foot~~2~~ Mew Lots or fifty (50) foot~~2~~ Alley-load Lots shall either: (i) comply with one of the defined architectural designs detailed in *Section 3.4(A)(3) Defined Architectural* Designs; or (ii) shall be substantially similar to the homes depicted in **Exhibit C** attached hereto (the "Village Collection Homes").

A. Enhanced End Lots: Enhanced End Lots are identified in **Exhibit D**. In order to enhance the architectural interest of the streetscape, a Village Collection Home on an Enhanced End Lot shall be subject to the following:

1) Orientation: The patio area on the side or rear Building Façade (as depicted in **Exhibit C**) (the "Patio Area") shall be oriented towards the Street.

2) Specific Plan Enhancements: The following plans (as included in **Exhibit C**) shall incorporate the following additional architectural enhancements on the Side Building Façade oriented towards the Street.

i. Plan 4528-B ELV-2: Incorporate one (1) additional window in garage façade. Incorporate minimum six (6) inch window trim around all windows.
ii. Plan 4528-D ELV-1: Incorporate one (1) additional window in the garage façade. Incorporate minimum six (6) inch window trim around all windows.
iii. Plan 4671-A ELV-2: Incorporate two (2) additional windows in garage façade (single or double hung). Incorporate minimum six (6) inch window trim around all windows.
iv. Plan 4671-B ELV-2: Incorporate two (2) additional windows in garage façade (single or double hung). Incorporate minimum six (6) inch window trim around all windows.
v. Plan 4671-C ELV-1: Incorporate two (2) additional windows in garage façade (single or double hung). Incorporate minimum six (6) inch window trim around all windows.
vi. Plan 5862-A ELV-1: Incorporate one (1) additional window in garage façade. Repeat shutter feature provided on front elevation on single windows. Incorporate minimum six (6) inch window trim around all windows.
vii. Plan 5862-B ELV-1: Provide double window in dwelling façade near front of home, if floorplan allows. If not, thn one (1) additional window in dwelling façade. Incorporate one (1) additional window in garage façade. Incorporate minimum six (6) inch trim around all windows.

viii. Plan 5863-A ELV-1: Incorporate two (2) additional windows in garage façade (single or double hung). Incorporate minimum six (6) inch trim around all windows and incorporate window mullions consistent with those of front elevation.

i. Plan 5863-A ELV-3: Incorporate two (2) additional windows in garage façade (single or double hung). Incorporate minimum six (6) inch trim around all windows and incorporate window mullions consistent with those of front elevation.

ii. Plan 5863-B ELV-2: Incorporate one (1) additional window in garage façade. Incorporate minimum six (6) inch trim around all window and incorporate window mullions consistent with front elevation on all single or double hung windows. Extend three (3) foot tall masonry along the side of the dwelling façade to the corner break of the patio area.

iii. Plan 5864-C ELV-1: Incorporate two (2) additional windows in garage façade (single or double hung). Incorporate minimum six (6) inch trim around all windows and incorporate window mullions consistent with front elevation.

iv. Plan 5864-B ELV-2: Incorporate two (2) additional windows in garage façade (single or double hung). Incorporate minimum six (6) inch trim around all windows and incorporate window mullions consistent with front elevation.

v. Plan 5864-A ELV-2: Incorporate two (2) additional windows in garage façade (single or double hung). Incorporate minimum six (6) inch trim around all windows and incorporate window mullions consistent with front elevation.

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

| **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 15-18** was delivered to the Mayor of Westfield

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

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-18**

this _____ day of _____, 2015.

_____
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-18**

this _____ day of _____, 2015.

_____
J. Andrew Cook, Mayor

This document prepared by:
Bryan D. Stumpf, PLA, AICP
12965 Old Meridian Street
Carmel, IN 46032

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. Bryan D. Stumpf

**SCHEDULE OF EXHIBITS**

Exhibit A Real Estate (Legal Description)

Exhibit B Front Façade Gable Examples

Exhibit C Village Collection Homes

Exhibit D End Lot Map

# EXHIBIT A

REAL ESTATE

## LEGAL DESCRIPTION

Part of the Northeast, Southeast and Northwest Quarters of Section 16, Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the northeast corner of said Northeast Quarter; thence South 00 degrees 00 minutes 00 seconds East (assumed basis of bearings) along the east line of said Northeast Quarter 2,630.58 feet to the northeast corner of said Southeast Quarter; thence South 00 degrees 12 minutes 08 seconds East along the east line of said Southeast Quarter 2,636.09 feet to the southeast corner thereof; thence South 89 degrees 25 minutes 04 seconds West along the south line of said Southeast Quarter 1,352.43 feet to the southwest corner of the East Half of said Southeast Quarter; thence North 00 degrees 18 minutes 09 seconds West along the west line of said East Half 2,633.15 feet to the southeast corner of the West Half of said Northeast Quarter; thence South 89 degrees 17 minutes 41 seconds West along the south line of said West Half 1,357.06 feet to the southeast corner of said Northwest Quarter; thence South 89 degrees 01 minute 52 seconds West along the south line of said Northwest Quarter 678.57 feet to the southwest corner of the East Half of the Southeast Quarter of said Northwest Quarter; thence North 00 degrees 11 minutes 39 seconds West along the West line of said East Half 1,315.85 feet to the northwest corner thereof; thence South 89 degrees 07 minutes 05 seconds West along the south line of the Northeast Quarter of said Northwest Quarter 679.24 feet to the southwest corner thereof; thence North 00 degrees 13 minutes 25 seconds West along the west line of the Northeast Quarter of said Northwest Quarter 823.62 feet to a point that is 493.24 feet South 00 degrees 13 minutes 26 seconds East from the northwest corner of the Northeast Quarter of said Northwest Quarter; thence North 89 degrees 12 minutes 17 seconds East parallel with the north line of said Northwest Quarter 794.85 feet; thence North 00 degrees 13 minutes 25 seconds West 3.82 feet; thence North 89 degrees 12 minutes 17 seconds East parallel with the north line of said Northwest Quarter 285.30 feet to an east line of the 119.55–acre tract described in Instrument Number 200300107178, on file in the Office of the Recorder of Hamilton County, Indiana, the following six (6) courses are along the east, south and west lines of said 119.55–acre tract; 1) thence South 00 degrees 09 minutes 53 seconds East 108.70 feet; 2) thence North 89 degrees 12 minutes 17 seconds East 279.15 feet to the west line of said Northeast Quarter; 3) thence North 89 degrees 16 minutes 38 seconds East 450.00 feet; 4) thence South 00 degrees 09 minutes 53 seconds East 57.15 feet; 5) thence North 89 degrees 16 minutes 38 seconds East 518.47 feet; 6) thence North 00 degrees 00 minutes 00 seconds West parallel with the east line of said Northeast Quarter 655.30 feet to a point in the north line of said Northeast Quarter that is 1,751.34 feet west of the northeast corner of said Northeast Quarter; thence North 89 degrees 16 minutes 38 seconds East along said north line 1,751.34 feet to the POINT OF BEGINNING. Containing 277.55 acres, more or less.

# **EXHIBIT B**

FRONT FAÇADE GABLE EXAMPLES

[see following pages]

# **EXHIBIT C**

VILLAGE COLLECTION HOMES

[see following pages]

# EXHIBIT D

End Lot Map

[see following pages]