

## ORDINANCE 15-28

### AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE CHATHAM HILLS PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 13-24 AND TITLE 16 - LAND USE CONTROLS

**WHEREAS**, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1510-PUD-19), filed with the Commission requesting an amendment to Ordinance 13-24, enacted by the City Council on January 13, 2014, (the “Chatham Hills PUD Ordinance”);

**WHEREAS**, the Commission took action to forward said petition (Docket 1510-PUD-19) to the Westfield City Council (the “Council”) with a \_\_\_\_\_ recommendation (by a vote of \_\_ in favor and \_\_ opposed) in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505, on \_\_\_\_\_, 2015;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the City Council on \_\_\_\_\_, 2015; and

**WHEREAS**, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE CHATHAM HILLS PUD ORDINANCE AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

**SECTION 1.** The Chatham Hills PUD Ordinance is hereby amended as follows:

- A. The Zoning Ordinance is hereby changed to designate the real estate described in what is attached hereto and incorporated herein by reference as Exhibit “A” (the “Real Estate”) as the Planned Unit Development District known as the "**Chatham Hills PUD District**", Ordinance 13-24 (the “District”).
- B. Development of the Real Estate shall be governed by the provisions the District. The standards established in what is attached hereto and incorporated herein by reference as Exhibit “B” are applicable to Parcel 3 as described in Exhibit “A”.
- C. In all other respects, the Chatham Hills PUD Ordinance shall remain in effect and unchanged.

**SECTION 2.** Upon motion duly made and seconded, this Ordinance 15-28 was fully passed by members of the Council this \_\_ day of \_\_\_\_\_, 2015. Further, this Ordinance 15-28 shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict with this Ordinance 15-28 are hereby amended. To the extent that this Ordinance 15-28 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 15-28 shall prevail.

*[Remainder of page intentionally left blank, signature page 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

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Chuck Lehman

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Chuck Lehman

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Chuck Lehman

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

\_\_\_\_\_  
Robert W. Stokes

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Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy 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: Jon C. Dobosiewicz

I hereby certify that ORDINANCE No. 15-28 was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 15-28

This \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 15-28

this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
J. Andrew Cook, Mayor

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

Prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger  
550 Congressional Blvd, Carmel, IN 46032, (317) 844-0106

Chatham PUD - Text Amendment Ordinance 091415

## **EXHIBIT “A”**

### **(Real Estate Legal Description)**

#### **Parcel 1:**

Part of the Southeast and Northeast Quarters of Section 23, Township 19 North, Range 3 East of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the northwest corner of said Southeast Quarter; thence North 89 degrees 50 minutes 51 seconds East 1,325.20 feet along the north line of said Southeast Quarter to the southeast corner of the South Half of the Southwest Quarter of said Northeast Quarter, being the POINT OF BEGINNING; thence South 00 degrees 13 minutes 12 seconds West 692.69 feet along the west line of the Northeast Quarter of said Southeast Quarter to a line that is 40.00 feet southwest of and parallel with the centerline of the former Monon Railroad; thence North 33 degrees 25 minutes 36 seconds West 1,617.52 feet along said parallel line; thence North 89 degrees 50 minutes 26 seconds East 47.84 feet; thence North 33 degrees 25 minutes 36 seconds West 10.69 feet; thence North 89 degrees 48 minutes 48 seconds East 853.94 feet; thence South 00 degrees 11 minutes 13 seconds West 669.12 feet to the POINT OF BEGINNING. Containing 613,711 square feet or 14.089 acres, more or less.

#### **Parcel 2:**

Part of the Northwest Quarter of Section 23, Township 19 North, Range 3 East of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter; thence South 00 degrees 06 minutes 55 seconds West (basis of bearings is the Indiana State Plane Coordinate System, East Zone) 550.50 feet along the east line of said Northwest Quarter to the northeast corner of Parcel III as described in Instrument Number 9609601704, on file in the Office of the Recorder of Hamilton County, Indiana, being the POINT OF BEGINNING; thence continuing South 00 degrees 06 minutes 55 seconds West 351.63 feet along said east line to the southeast corner of Parcel II as described in Instrument Number 9445140, on file in the Office of said Recorder; thence South 89 degrees 48 minutes 48 seconds West 100.09 feet along the south line of said Parcel II to its southwest corner; thence North 18 degrees 24 minutes 34 seconds West 368.41 feet along the west lines of said Parcel II and Parcel I as described in said Instrument Number 9445140 to the northwest corner of said Parcel I; thence North 89 degrees 21 minutes 55 seconds East 217.16 feet along the north lines of said Parcels I and III and their north lines extended to the POINT OF BEGINNING. Containing 1.2784 acres, more or less.

#### **Parcel 3:**

BEGINNING at a point on the North line of the Northeast Quarter of the Section 23, Township 19 North, Range 3 East, said point of beginning being the Northeast corner of a 10.34 acre tract of land described in Instrument #4343 and recorded in Deed Record Book 208, Page 77 in the

records of Hamilton County, Indiana, said point of beginning also being North 89 degrees 45 minutes 21 minutes East (assumed bearing) 1,085.00 feet from the Northwest corner of said Northeast Quarter; thence South 00 degrees 01 minutes 39 seconds West 531.99 feet along the East line of said 10.34 acre tract of land to the North line of a 10 acre tract of land (Ref.: Parcel #3, Misc. Rec. Bk. 138, Pg. 456 in the records of Hamilton County, Indiana); thence North 89 degrees 245 minutes 21 seconds East 242.44 feet along the North line of said 10 acre tract of land and parallel with the North line of said Northeast Quarter to a point on the East line of the West Half of said Northeast Quarter, said point being 532.00 feet South of the Northeast corner of the West Half of said Northeast Quarter; thence North 00 degrees 08 minutes 05 seconds East 532.00 feet along the East line of the West Half of said Northeast Quarter to the Northeast corner of the West Half of said Northeast Quarter, said corner being collinear with and equidistant from the Northeast corner and the Northwest corner of said Northeast Quarter; thence South 89 degrees 45 minutes 21 seconds West 243.44 feet along the North line of said Northeast Quarter to the POINT OF BEGINNING. Containing 2.967 acres more or less, being subject to all applicable easements and rights-of-way record.

**Parcel 4:**

A part of the Northwest Quarter of Section 24, Township 19 North, Range 3 East in Washington Township, Hamilton County, Indiana being more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of Section 24, Township 19 North, Range 3 East; thence on the East line of said Northwest Quarter North 00 degrees 00 minutes 00 seconds East (deed bearing) 1394.00 feet to the Southeast corner of a tract of real estate as described in Instrument #86-10282; thence North 57 degrees 51 minutes 12 seconds West 135.50 feet; thence North 65 degrees 43 minutes 37 seconds West 45.00 feet to the point of beginning of this description, said point being the Southeast corner of a 0.83 acre, more or less, tract of real estate described in Instrument 200200031087, the following 3 courses being along the South line of said 0.83 acres more or less, Tract; 1) thence North 72 degrees 12 minutes 14 seconds West 60.32 feet; 2) thence North 76 degrees 37 minutes 57 seconds West 78.56 feet; 3) thence North 70 degrees 40 minutes 19 seconds West 22.55 feet to a point being the Southeast corner of a 2.17 acre, more or less, tract of real estate as described in Instrument #9249819, the following 6 courses being along the perimeter of said 2.17 acre tract; 1) thence North 65 degrees 13 minutes 17 seconds west 41.76 feet; 2) thence North 56 degrees 50 minutes 27 seconds West 47.81 feet; 3) thence North 24 degrees 50 minutes 02 seconds East 504.88 feet; 4) thence North 90 degrees 00 minutes 00 seconds East 175.95 feet to the East line of said Northwest quarter; 5) thence on said east line South 00 degrees 00 minutes 00 seconds East 335.96 feet; 6) thence North 89 degrees 21 minutes 52 seconds West 70.00 feet to the Northeast corner of said 0.83 acre, more or less, tract; thence on the East line of said 0.83 acre, more or less, tract of real estate South 22 degrees 11 minutes 43 seconds West 227.00 feet to the point of beginning, containing 3.00 acres more or less.

**EXHIBIT "A"**

**(Real Estate Legal Description)**



## EXHIBIT “B”

### (Parcel 3 – Development Standards)

DEVELOPMENT STANDARDS. The below terms, conditions, and provisions shall apply only to Parcel 3 as identified in Exhibit A of this ordinance.

- A. Permitted Uses: Permitted Uses, Accessory Use and Building Standards shall be subject to the AGSF-1 provisions of the UDO.
- B. Minimum Lot Area: Three (3) acres
- C. Minimum Lot Frontage: 250 feet
- D. Minimum Building Setbacks Line:
  - 1. Front Yard: 20 feet
  - 2. Side Yard: 15 feet
  - 3. Rear Yard: 30 feet
- E. Minimum Lot Width: 100 feet
- F. Maximum Building Height: Two and one-half (2 ½) stories (see also Article 6.6 Height Standards of the UDO).
- G. Minimum Living Area (Ground Floor): Subject to the AGSF-1 provisions of the UDO.
- H. Subdivisions: Major Subdivisions and Minor Subdivisions shall be permitted.
- I. Development Plan Review: Not Applicable.
- J. Agricultural-Related Buildings: Subject to the AGSF-1 provisions of the UDO.
- K. Architectural Standards: Not Applicable.
- L. Landscaping: Not Applicable.
- M. Right-of-way and Access: A 30-foot half right of way along 206<sup>th</sup> Street shall be required and access shall be permitted from the Lot via a driveway cut onto 206<sup>th</sup> Street.