

ORDINANCE No.

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO TITLE 16 - LAND USE CONTROLS.

This is a planned unit development ordinance (the “CrossRoads Church PUD Ordinance”) to amend the Westfield-Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “Zoning Ordinance”), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code Section 36-7-4 *et seq.*, as amended.

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; and

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket No. _____), filed with the Commission, requesting an amendment to the Zoning Ordinance; and,

WHEREAS, the Commission did take action to forward the said Docket No. _____ to the Westfield City Council (the “Council”) with a _____ recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505; and,

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Council on _____, 2012; and,

WHEREAS, the 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 COUNCIL THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. APPLICABILITY OF ORDINANCE.

- 1.1 This CrossRoads Church PUD Ordinance (the “Ordinance”) applies to the subject real estate more particularly described in Exhibit “A” which is attached hereto and incorporated herein by reference (the “Real Estate”).
- 1.2 The underlying zoning district shall be the GB – General Business District (the “GB District”). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the GB District shall apply.
- 1.3 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

SECTION 2. PERMITTED USES.

- 2.1 The uses for the Real Estate shall be limited to the following: Banks and Savings and Loan Associations, Credit Union Offices, Offices for a Real Estate Agent, Insurance Agent, Dentist, Doctor, Lawyer or similar professional occupations.

SECTION 3. DEVELOPMENT STANDARDS.

- 3.1 Any drive-thru windows on the Real Estate shall be located on the east side of the primary structure.
- 3.2 The building materials and general design of the primary structure on the Real Estate shall be constructed in a similar style to the illustrative building photographs attached hereto and incorporated herein by reference as Exhibits “B-1”, “B-2” and “B-3”. Primary building materials shall be brick and stone with residential characteristics encouraged as a transition between commercial buildings to the south and east of the Real Estate and residential structures to the north and south. Final building plans shall be submitted to the Plan Commission as part of the Development Plan Application for review and approval.
- 3.3 Access to the Real Estate shall be provided via (i) a driveway access cut on to Springmill Road as generally depicted in Exhibit “C-1” or (ii) access to the east and south of the Real Estate as depicted in Exhibit “C-2”. Access shall be at the election of the owner of the Real Estate and shall not be permitted to both Springmill Road and any other adjacent property except for emergency access if requested by the Westfield Public Works Department. Emergency access would be designed with grass pavers and breakaway bollards to allow only emergency use.
- 3.4 The landscaping on the Real Estate shall be designed in compliance with the City of Westfield Landscaping Standards for property zoned “GB” as determined by the Commission at the Development Plan approval stage. Furthermore, landscaping located along or near the northeast corner of the Real Estate shall be planned and planted with such species and height so as to provide an effective screening for the residential property located to the north of the Real Estate from the headlights of vehicles using any drive-thru area that may be located on the Real Estate. Said screening may include but is not limited to a combination of a landscape berm 2-3 feet in height and evergreen shrubs.

SECTION 4. APPROVAL.

- 4.1 Upon motion duly made and seconded, this Ordinance was fully passed by members of the Council this _____ day of _____, 2012. Further, this Ordinance shall be in full force and effect, in accordance with Indiana law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2012.

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

Voting For

Voting Against

Abstain

John Dippel

John Dippel

John Dippel

Steve Hoover

Steve Hoover

Steve Hoover

Robert Horkay

Robert Horkay

Robert Horkay

Jim Ake

Jim Ake

Jim Ake

Bob Smith

Bob Smith

Bob Smith

Cincy Spoljaric

Cindy Spoljaric

Cindy Spoljaric

Rob Stokes

Rob Stokes

Rob 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: James E. Shinaver

Prepared by: Jon Dobosiewicz and James Shinaver, Nelson & Frankenberg
3105 East 98th Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106.

Signed

I hereby certify that ORDINANCE No. _____ was delivered to the Mayor of Westfield

On the _____ day of _____, 2012, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. _____

This _____ day of _____, 2012.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. _____

this _____ day of _____, 2012.

J. Andrew Cook, Mayor

Exhibit A
(Legal Description)

Part of the Norwest Quarter of Section 11, Township 18 North, Range 3 East, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the above mentioned Quarter, North 00 degrees, 00 minutes East (assumed bearing) along the West line of said Quarter Section 361.38 feet to the place of beginning to this description, thence continuing along said line 249.52 feet to a point; thence North 90 degrees, 00 minutes East 312.00 feet to a point; thence South 00 degrees, 00 minutes East 249.52 feet to a point; thence South 90 degrees, 00 minutes West 312.00 feet to a point which is the beginning point of this description, containing 1.78 acres, more or less.

**Exhibit B-1
(Illustrative Building Photograph)**



Exhibit B-2
(Illustrative Building Photograph)



**Exhibit B-3
(Illustrative Building Photograph)**



Additional Photographs to be added prior to Plan Commission Consideration

**Exhibit C-1
(Conceptual Site Plan)**



**Exhibit C-2
(Conceptual Site Plan)**

