# ORDINANCE 08 - 34

## AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WESTFIELD, HAMILTON COUNTY, INDIANA

**WHEREAS,** the Westfield City Council has the authority to annex lands into the municipality as defined by IC 36-4-3; and,

**WHEREAS,** the City has an interest in providing an annexation ordinance that will provide for the Westfield residents' public welfare and security, and also an economic development opportunity; and,

**WHEREAS,** the City is able to provide non-capital public services within one year and capital services within three years as required by statute to the proposed area to be annexed; and,

**WHEREAS,** the proposed land to be annexed described in Exhibit "A" meets the contiguity requirements of IC 36-4-3-1.5 and also the annexation requirements further defined in IC 36-4-3-13 (c)(1) and (2) and (d).

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE OFFICIAL CITY MAP ADOPTED BY REFERENCE IN SECTION 2-471 OF THE WESTFIELD CODE BE MODIFIED AS FOLLOWS:**

**Section 1.** That the real estate legally described in Exhibit "A" hereto, and generally to be known as the "SW Area #4", adjacent to 146th Street between Shadow Lakes Drive East and Shadow Lakes Drive West, and contiguous with the city limits of the City of Westfield, Indiana and the same is hereby annexed to and declared to be a part of the City of Westfield, Indiana.

*See attached legal description and attached map Exhibit "A"*

**Section 2.** That the real estate legally described in Exhibit "A" is to further include the contiguous public highways and rights-of-way of the public highways (per IC 36-4-3-2.5) which is adjacent to the above annexed land.

**Section 3.** This ordinance shall not be imposed as to restrict current land uses in any way nor change the activities currently allowed under the zoning ordinance. These uses include but not limited to:

(A) the production of grain row crops; vegetable or truck farms; fruit orchards; the growing and harvesting of timber or wood products; etc. This includes the operation of farm equipment twenty-four (24) hours a day if necessary in the fields and on the City roads; application or spraying of typical fertilizers, including manure; application or spraying of typical agricultural herbicides and pesticides; and the on-farm storage of these crops, including the operation of silos, grain augers, and grain dryers; and facilities for the sorting or distribution associated with said agricultural crops;

(B) raising of livestock, including but not limited to sheep, cattle, chickens and turkeys and the breeding, stabling and boarding of horses, breeding and kenneling of dogs;

(C) any other activity or use, permitted under Indiana law or under the AG-SF1 zoning classification under Westfield-Washington Township Zoning Ordinance WC Section 16.04.030 attached herein as Exhibit "C" and incorporated by reference herein, prior to the annexation, which would not require a change in zoning, including, but not limited to peripheral non-commercial recreational uses and open burning of wood and vegetative material.

**Section 4.** After the effective date of the annexation, the City of Westfield shall pass no new ordinance, and shall enforce no existing ordinance, with regard to property in the annexation territory which would restrict the usage of the real estate from any activity associated with the uses and activities listed in Section 3, (A), (B), and (C) of this Ordinance.

**Section 5.** The City will not force the proposed annexed parcels to hook up to city water or sewer as a result of annexation. Forced connections, if any, will be the result of public health and safety concerns and will be instigated and enforced by the County or State Health Departments.

**Section 6.** That the above described real estate is hereby assigned to City Council District "5" and shall become a part thereof immediately upon the effective date of this Ordinance.

**Section 7.** This Ordinance shall be in full force and effect in accordance with Indiana Law, upon its passage by the City Council, its publication in accordance with law, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinance or parts thereof in conflict herewith are hereby repealed. Any portion of the Ordinance later to be found void or invalid shall not affect the remaining portions of this Ordinance.

[ REMAINDER OF PAGE LEFT BLANK INTENTIONALLY ]

**ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____ 2008.**

**WESTFIELD CITY COUNCIL**

| VOTING FOR | VOTING AGAINST | ABSTAIN |
|---|---|---|
| _____ | _____ | _____ |
| John Dippel | John Dippel | John Dippel |
| _____ | _____ | _____ |
| Bob Horkay | Bob Horkay | Bob Horkay |
| _____ | _____ | _____ |
| Ken Kingshill | Ken Kingshill | Ken Kingshill |
| _____ | _____ | _____ |
| Bob Smith | Bob Smith | Bob Smith |
| _____ | _____ | _____ |
| Tom Smith | Tom Smith | Tom Smith |
| _____ | _____ | _____ |
| Rob Stokes | Rob Stokes | Rob Stokes |
| _____ | _____ | _____ |
| Melody Sweat | Melody Sweat | Melody Sweat |

ATTEST:

_____
Cindy Gossard, Clerk/Treasurer

I hereby certify that ORDINANCE 08-34 was delivered to the Mayor of Westfield on the _____ day of _____, 2008, at _____ __m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 08-34
this _____ day of _____, 2008.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 08-34
this _____ day of _____, 2008.

_____
J. Andrew Cook, Mayor

This document was prepared by:
Gregory J Anderson, AICP
Director, Community Development
City of Westfield

# Exhibit "A"
## Legal Description

A part of Southeast Quarter of Section Thirteen (13), Township 18 North, Range 3 East, Washington Township, Hamilton County, State of Indiana, and being more particularly described as follows:

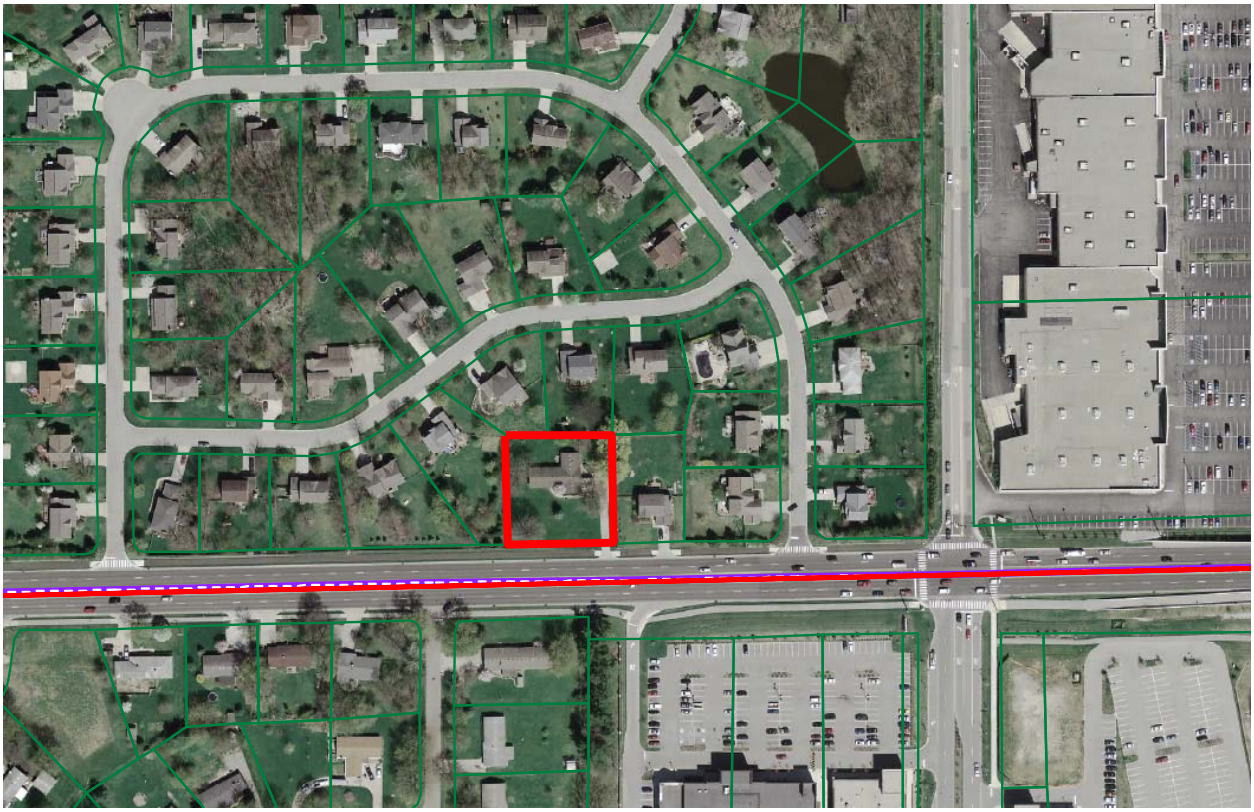
Commencing at the Southeast corner of the Southeast Quarter of said Section 13; thence Westerly, along the South line thereof, approximately 1409.60 feet to a Southeast corner of a Previous Annexation to the City of Westfield, designated 98-9, same being the POINT OF BEGINNING of this description, the following three (3) calls being along some Easterly, Southerly, and Westerly lines thereof; 1) thence Northerly approximately 211.00 feet; 2) thence Easterly approximately 151.00 feet; 3) thence Southerly approximately 211.00 feet to the aforesaid South line of the Southeast Quarter Section; thence Westerly approximately 151.00 feet to the POINT OF BEGINNING, containing approximately 0.73 Acres, more or less.

*(Note: This description was prepared without benefit of a real estate boundary survey and should not be used for transfer of ownership.)*

***Generally Described as follows:***

| | | | |
|---|---|---|---|
| **PIN:** | 08-09-13-00-00-017.000 | **PIN:** | |
| **Address:** | 280 West 146th Street | **Address:** | |
| **Owner:** | Benson, Perry A. | **Owner:** | |
| **Acres:** | 0.670 | **Acres:** | |
| **Value:** | 158600 | **Value:** | |

**Exhibit "B"**
Aerial / Location Map



Subject Property

**Exhibit "C"**
Zoning Ordinance

B. AG-SF1 – Agriculture/Single-Family 1 - The purposes of this district are to accommodate agricultural land uses and large-lot single-family residential land uses.

1. Permitted Uses -

- ☐ Accessory buildings as related to agriculture or large lot single family residential use
- ☐ Cemeteries
- ☐ Churches
- ☐ Child care home - in accordance with IC 36-7-4-1108
- ☐ Farms and farm buildings for livestock and crops
- ☐ Fire stations
- ☐ Golf courses
- ☐ Nurseries, greenhouses, truck gardens, farms, or related products produced and sold on site
- ☐ Public Parks
- ☐ Public and private camps
- ☐ Residential facility for mentally ill - in accordance with IC 12-28-4-7
- ☐ Schools - public or private - without dormitory accommodations
- ☐ Signs as permitted by sign ordinance
- ☐ Single family dwellings on large lots
- ☐ Stables (on lots of 3 acres or more with a minimum of 200 foot setback from any adjoining property line)
- ☐ Temporary buildings for construction purposes for a period not to exceed such construction
- ☐ Utilities - all utilities regulated by the Indiana Utility Regulatory Commission or a Municipal governing body

2. Special Exceptions -

- ☐ Airports and landing fields
- ☐ Cemeteries - pet
- ☐ Convents, monasteries, theological schools rectories and parish houses
- ☐ Fraternities and lodges
- ☐ Heliports
- ☐ Lake developments - recreational
- ☐ Large animal hospitals
- ☐ Private clubs and lodges
- ☐ Public or private schools with dormitories
- ☐ Radio, facsimile, TV, micro-wave towers
- ☐ Raising animals for biological purposes
- ☐ Raising animals for furs or pets
- ☐ Riding stables
- ☐ Zoos

Exhibit 'C'



## Miscellaneous Businesses

| Type of Business | AG – SF1 |
|---|---|
| Airports & Landing Fields | SP.EX |
| Amusement Parks | SP.EX |
| Boarding & Lodging Houses | |
| Book Stores, Adult | |
| Cemeteries | X |
| Cemeteries - Pet | X |
| Christmas Tree Sales | SP.EX. |
| Convents, Monasteries, Theological Schools, Rectories, Parishes | SP.EX. |
| Fraternities, Lodges | |
| Day Care Centers | |
| Golf Courses - Country Clubs | SP.EX. SF 1-2 |
| Heliports | SP.EX. SF 1 |
| Hospitals, Major | |
| Kennels - Including Outdoor Runs | SF 1 SP.EX. |
| Livestock Auction Sale Barns | SP.EX. SF 1 |
| Large Animal Hospital | SP.EX. SF 1 |
| Mobile Home Parks | |
| Multi-Family Housing | |
| Nursing Homes | |
| Office Buildings - General Purpose | |
| Private and Public Schools with Dorms | SP.EX. SF 1 |
| Private Clubs, Lodges | SP.EX. SF 1 |
| Public & Private Camps | SF 1 |
| Raising Small Animals for | SP.EX. SF 1 |

Exhibit 'c'



| Type of Business | AG – SF1 |
|---|---|
| Biological Purposes | |
| Raising Animals for Furs or Pets | SP.EX. SF 1 |
| Riding Academies | SP.EX. SF 1 |
| Riding Stables | SP.EX. SF 1 |
| Sanitariums | |
| Schools and Kindergartens | X |
| Stockyards - Shipping, Holding & Sale of Animals | SP.EX. |
| Tennis & Swim Clubs | SP.EX. SF 1-2 |
| Utilities-Regulated by Indiana Utility Regulatory Commission | |
| Utilities - Not Regulated by Indiana Utility Regulatory Commission | |
| Wireless Communication Service Facilities (including Cell Towers) | |

P = Eligible in Planned Business Development

NOTE: General Purpose Office Buildings are also Eligible to be Located in LB-H, SB-PD
NOTE: Where this table conflicts with other sections of the zoning ordinance that address "permitted uses" or "special exception uses" in the various zoning districts, then this table shall supercede those other sections.
NOTE: Land uses not listed on Figure 2 or in other sections of the zoning ordinance that address "permitted uses" or "special exception uses" in the various zoning districts shall be prohibited.
(As amended by Ordinance 01-05 on July 9, 2001)