

Kalorama Park PUD
2432 South Street
Westfield, Indiana
REVISED 7/19/10

Westfield Enterprises, LLC
301 S. Union Street
Westfield, Indiana

KALORAMA PARK PUD
2432 South Street, Westfield, Indiana

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WESTFIELD AND
WASHINGTON TOWNSHIP, HAMIL TON COUNTY, INDIANA

This PUD Ordinance (the "Kalorama Park PUD") amends the Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the City of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended;

WHEREAS, the Plan Commission of the City of Westfield and Washington Township (the "Commission") has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by Westfield Enterprises, LLC. (the "Developer") for the real estate containing approximately 9.5 acres, legally described on Exhibit 1, attached hereto, and incorporated herein by this reference, and located in Washington Township, Hamilton County, Indiana (the "Real Estate");

WHEREAS, the Commission has sent to the City Council of the City of Westfield, Indiana (the "City Council") its recommendation adopted on the ____ day of _____, 2010;

NOW, THEREFORE, BE IT ORDAINED by the City Council meeting in regular session, that the Westfield Washington Township Zoning Ordinance and the Westfield Washington Township Zone Map are hereby amended as follows:

ARTICLE I.

KALORAMA PARK PUD

SECTION 1.1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the comprehensive plan, (ii) current conditions and the character of current structures and uses in the Real Estate, (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values throughout the City of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the Plan Commission in recommending, and the Council in adopting, to:

- A. Encourage flexibility in the development of land in order to promote its most appropriate use;
- B. Improve the design, character and quality of new development;
- C. Encourage a harmonious and appropriate mixture of housing types;
- D. Facilitate the adequate and economic provisions of streets, utilities, and municipal services;

- E. Preserve the natural environmental and scenic features of the Real Estate;
- F. Encourage and provide a mechanism for arranging improvements on-site so as to preserve desirable features utilizing modern storm water management design techniques; and
- G. Mitigate the problems which may be presented by specific site conditions.

SECTION 1.2. EFFECT. This Ordinance 10-__ shall be in full force and effect in accordance with the laws of the State of Indiana. Unless specifically stated in the terms of this Ordinance 10-__, all terms of the Zoning Ordinance shall apply. Nothing in this Ordinance 10-__ shall be interpreted to alter, change, exclude, delete or modify any rules or regulations beyond those contained in the Zoning Ordinance, unless specifically provided herein. To the extent that this Ordinance 10-07 conflicts with the terms of the Zoning Ordinance, the terms of this Ordinance 10-__ shall prevail.

SECTION 1.3. DEFINITIONS. Unless otherwise specified in (i) this Kalorama Park PUD or (ii) what is attached hereto and incorporated herein by reference as Exhibit 2, the definitions of the Zoning Ordinance shall apply to the words and terms used in this Kalorama Park PUD.

ARTICLE II.

PUD STANDARDS

SECTION 2.1. The Real Estate is reclassified on Westfield Washington Township Zone Map (the "Zone Map") from the AG-SFI District Classification to the Planned Unit Development District (PUD) Classification. The underlying zoning district shall be the SF-4 Residential District.

SECTION 2.2. USES. The Real Estate shall be developed for detached single-family residential use in substantial compliance with the concept plan attached hereto as Exhibit 3 (the "Concept Plan") and Exhibit 4 ("Phase I Master Plan"). The total number of residential dwelling units permitted on the Real Estate shall not exceed 40 dwelling units. Permitted uses are as follows:

- A. **RESIDENTIAL AREAS:** Permitted Uses in the residential areas of Kalorama Park PUD, identified as "Cottage Clusters (Handy Spot)," "Small Home Clusters (Forest Glen)" plus a Phase II development which will conform to the cottage cluster and/or small home cluster standards on the Concept Plan, shall include the following:
 1. Single-family detached residential and accessory uses, together with model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons;
 2. Residential common areas and Home Owners Association owned amenity areas along with accessory uses, structures, and improvements located thereon. Approval for the construction of said amenity improvements shall be approved by the Community Development Department Director and shall not require an additional DPR; and

3. Home Occupations shall be permitted per the terms and conditions of the SF4 District.

SECTION 2.3. DEVELOPMENT STANDARDS. The Residential Development Standards for the Real Estate shall be as set forth in what is attached hereto and incorporated herein by reference as Exhibit 7. To the extent that the Residential Development Standards in Exhibit 7 conflict with the terms included in this PUD Ordinance or with the terms of the Zoning Ordinance, the terms included in Exhibit 7 shall prevail.

SECTION 2.4. INFRASTRUCTURE STANDARDS. The applicable standards for streetscape improvements, street improvements and cross-sections, alleys and other vehicular or pedestrian ways, stormwater control, erosion control and any other infrastructure-related standards shall be permitted as approved by the Westfield Department of Public Works Director. The Public Works Director is hereby authorized to (but not required to) alter, change, exclude, delete or modify any normally applicable rules or regulations within his/her jurisdiction applicable to the Real Estate in order to accomplish the environmental and design objectives of the Developer.

SECTION 2.5. LANDSCAPING STANDARDS.

- A. The following plantings shall be installed on the Lots.

	Small Home	Cottage
Shade and/or evergreens	2	1
Ornamental trees	1	1
Shrubs	8	8

- B. The tree protection standards included in Exhibit 5 shall be applicable to the Real Estate
- C. To the extent that the tree protection standards in Exhibit 5 conflict with the terms included in this PUD Ordinance or with the terms of the Zoning Ordinance, the terms included in Exhibit 5 shall prevail.

SECTION 2.7. AMENITIES AND MAINTENANCE.

- A. Amenities. The amenities as referenced in Exhibit 6 (the "Amenities") shall be provided on the Real Estate.
- B. Membership. All property owners within the residential Clusters of the Real Estate shall automatically, upon taking title to the property, become members of a Property Owners Association organized to assume the maintenance responsibilities for the Amenities.

Upon motion duly made and seconded, this Kalorama Park PUD was fully passed by the members of the Westfield City Council this ____ day of _____,2010.

CITY COUNCIL, CITY OF WESTFIELD

AYE		NAY
_____	Tom Smith	_____
_____	John Dipple	_____
_____	Ken Kingshill	_____
_____	Steve Hoover	_____
_____	Bob Smith	_____
_____	Rob Stokes	_____
_____	Bob Horkay	_____

ATTEST:

Cindy Gossard, Clerk-Treasurer
City of Westfield, Indiana

KALORAMA PARK PUD

TABLE OF CONTENTS

Exhibit 1	Land Description
Exhibit 2	Definitions
Exhibit 3	Concept Plan
Exhibit 4	Phase I Master Plan
Exhibit 5	Tree Protection
Exhibit 6	Amenities and Maintenance
Exhibit 7	Residential Development Standards
Exhibit 8	Cottage Cluster Standards
Exhibit 9	Small Home Cluster Standards

Exhibit 1 LAND DESCRIPTION

A part of the Northwest quarter of Section Six (6), Township Eighteen (18) North, Range Four (4) East, in Washington Township, Hamilton County, Indiana, being more particularly described as follows, to wit:

Beginning on the east line of said tract at a point 421.95 feet North of the Southeast corner thereof, thence continuing North on said East line 860.2 feet to the South right-of-way line of the Central Indiana Railway Company, thence West along the South right-of-way line of said Railway 350.7 feet, thence South parallel with the East line of the Northwest quarter of said Section Six (6), a distance of 859.4 feet to an existing fence line, thence East along said fence line 350.7 feet to the place of beginning, containing 6.923 acres, more or less.

Parcel II

A part of the Northwest Quarter of Section 6, Township 18 North, Range 4 East, in Hamilton County, Indiana, being more particularly described as follows:

Fifty (50) feet in width East and West, beginning on the South line of the Northwest Quarter of Section 6, Township 18 North, Range 4 East, at a point fifty (50) feet West of the Southeast corner thereof, thence North parallel with the East line of said Northwest Quarter Section a distance of 422 feet more or less to an existing fence line; thence East fifty (50) feet along said fence line to the East line of said Northwest Quarter Section; thence South 422 feet more or less to the Southeast corner of said Quarter Section; thence West fifty (50) feet to the place of beginning.

Parcel III

Part of the Northwest Quarter of Section 6, Township 18 North, Range 4 East, Hamilton County, Indiana, and being more particularly described as follows:

Beginning at a point on the South line of said quarter section being North 90 degrees 00 minutes 00 seconds West (assumed basis of bearing) 50.009 feet from the Southeast corner thereof; thence continue North 90 degrees 00 minutes 00 seconds west, along said South line 221.74 feet; thence North 0 degrees 10 minutes 07 seconds East, parallel with the East line of said quarter section; 422.00 feet; thence South 89 degrees 59 minutes, 24 seconds East 221.74 feet; thence South 0 degrees 10 minutes 07 seconds West, parallel with said East line, 421.96 feet to the point of beginning and continuing 2.148 acres, more or less.

Exhibit 2 DEFINITIONS

The following words and terms, not defined elsewhere in the Kalorama Park PUD or its Exhibits, shall have the following meanings:

1. **Architectural Review Committee.** The board established by a Declaration of the Developer for the purpose of reviewing the design of all structures to be constructed in a particular Area.
2. **Association.** A home owners association, property owners association or other organizations formed in order to govern and maintain the various Districts as established by Declaration.
3. **Build-to Line.** A designated line at which construction of a building front porch is to occur.
4. **Cluster.** A collection of homes, no less than 4 and no more than 12, designed to take maximum advantage of the natural setting, amenities and promote social interaction within.
5. **Corner Break.** An exterior corner along the façade of a structure.
6. **Declaration.** A Declaration of Covenants, Conditions and Restrictions for one (1) or more areas of the Real Estate which shall be recorded in the office of the Recorder of Hamilton County, Indiana, and which may be from time to time amended.
7. **Design Vocabulary.** A code of architectural style and massing recommendations, building detail guidelines, listing of acceptable materials and colors, and landscape and streetscape details adopted by a Developer and applied by an Architectural Review committee in considering plans for structures to be constructed in the Real Estate.
8. **Developer.** The Developer shall be the entities engaged in the development of the Districts within the Real Estate, and the successors or assigns of such entities.
9. **Development.** The entire parcel of land subject to rezone.
10. **Director.** The Director of the Westfield Community Development Department.
11. **Dormer.** Projecting framed structure set vertically on the rafters of a pitched roof, with its own roof (pitched or flat), sides (dormer cheeks), and a window set vertically in front.

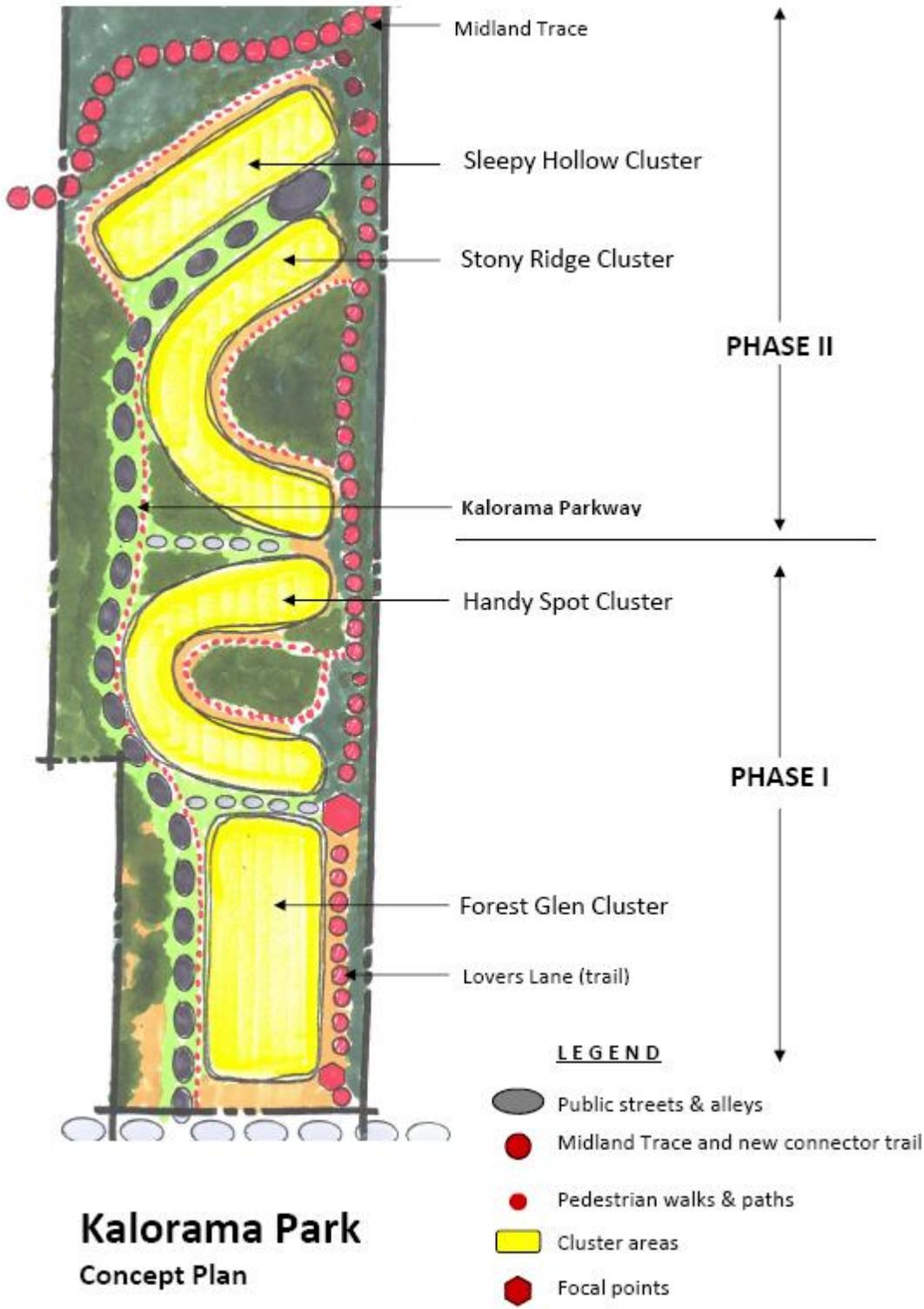
12. **DPR.** The process of Development Plan Review.
13. **External Street.** South Street, Oak Road.
14. **Front Load Garage.** Garages which (i) are not at an angle from the primary residence to which they are attached, but instead, (ii) are parallel with the front elevation of the primary residence to which they are attached.
15. **Gable.** That part of the end wall of a building between the eaves and a pitched or gambrel roof.
16. **Internal Street.** Any Public Street, Private Street, or Shared Drive other than an External Street.
17. **Kalorama Parkway.** The primary north/south street connecting each of the clusters.
18. **Lots.** Individual parcels sold fee simple for construction of homes.
19. **Lovers Lane.** Multi-use trail connecting South Street/Oak Road intersection to Midland Trace.
20. **Low Slope Roof.** A roof surface with a maximum slope of 4 inches rise for 12 inches run.
21. **Masonry.** Wall building material, such as brick or stone which is laid up in small units or blocks. Synthetic stone is not permitted.
22. **Model Home.** Dwelling temporarily used in the connection with the sales of similarly built residential dwellings that will eventually be sold as a residential dwelling.
23. **Natural Materials.** Brick, wood, limestone, fiber cement siding, or natural stone.
24. **Pitched Roof.** The angle of roofs is defined by the ratio of rise over run.
25. **Preserved Woodland Area.** The areas of land within the Kalorama PUD preserved in their natural state containing mature trees.
26. **Rakes.** The inclined edge of a sloped roof over a wall from the eave to the ridge
27. **Real Estate.** The real estate, as described in Exhibit 1.

28. **Rear Load Garage.** Garages which (i) are not at an angle from the primary residence to which they are attached, but instead, (ii) are parallel with the rear elevation of the primary residence to which they are attached.

29. **Subdivision Control Ordinance.** The Subdivision Control Ordinance for the City of Westfield and Washington Township.

30. **Zoning Ordinance.** The City of Westfield - Washington Township Zoning Ordinance.

Exhibit 3
CONCEPT PLAN



Kalorama Park
Concept Plan

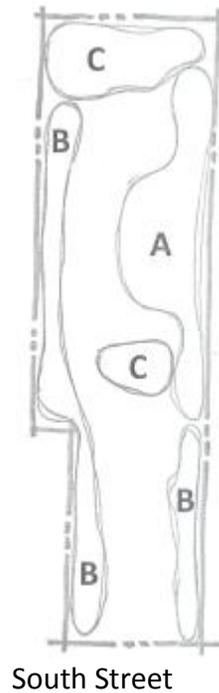
Exhibit 4
PHASE I MASTER PLAN



Exhibit 5 TREE PROTECTION

1. All woodlands and trees to be preserved shall be enclosed by an appropriate construction barrier, such as a snow fence, and identified by signs stating “Tree Preservation Zone” prior to commencing any land disturbance. Fences need to remain in place during all phases of construction. They shall not be removed until the construction is finished unless the community development director gives written consent.
2. The protective zone for woodland groups and specimen trees shall be specified in the development plan(s) for the project, but shall be no less than the total area beneath the trees’ canopy defined by the farthest canopy of the tree(s) plus an additional 5 feet, except as noted herein.
3. Prior to commencing any land disturbance, a pre-construction meeting shall be held with the community development department, representatives from the developer, contractor and builder.
4. No materials or construction debris shall be stored, discharged, or abandoned in the tree preservation zones. This includes but is not limited to construction materials, paint, oils, solvents, asphalt, concrete, wash-out, etc. This also includes backfill that substantially changes the grade over any root system.
5. No equipment or construction traffic shall be driven or parked within the tree preservation zones.
6. The developer shall agree to keep an arborist on staff until completion of the construction project.

Figure 1



Tree Conservation Areas. The Builder and/or Developer will endeavor to conserve trees within Common Area A, Common Area B, and Common Area C as identified in Figure 1.

1. **Common Area A:** Generally described as the east perimeter of the real estate. This area is designated to be maintained in a reasonably “natural” state. Best efforts shall be used to preserve quality young and mature existing trees. This area is considered a distinguishing feature, and efforts will be made to protect and preserve it during design, construction and post-construction. Trails may be constructed in this area.
2. **Common Area B:** Generally described as the area within the development designated for circulation, passive and active recreation, and areas designated for storm water management. This area will have varying levels of maintenance. Best efforts shall be used to preserve quality young and mature existing trees.
3. **Common Area C:** Generally described as the tree conservation and courtyard area for each of the four housing clusters. Existing trees in these areas will remain as shown on Exhibits 3 and 4. Best efforts shall be used to preserve quality young and mature existing trees.

Exhibit 6 AMENITIES AND MAINTENANCE

Amenities

1. Extensive preservation of natural areas and open space (approximately 50%).
2. Trail and walk network within development.
 - a. Accommodations shall be made for construction of the Midland Trace Trail (the "Trail") through the Real Estate. Real property of an appropriate width and dimension to allow the Trail to extend across the Real Estate in substantial compliance with the Trail route shown on Exhibit 3 (identified as "Midland Trail"), or a route otherwise agreed to by the City of Westfield, shall be dedicated to the City of Westfield at the time of secondary plat approval for the relevant section of the Development and prior to the issuance of any building permits or improvement location permits on the relevant section of the Development, or at a time otherwise agreed to by the City of Westfield. Upon approval of this PUD ordinance, at the City's request and until such time as the Trail property is dedicated to the City of Westfield, the Developer shall provide the City of Westfield will all easements, permissions and rights of entry deemed necessary by the City of Westfield to permit the construction and public use of the Midland Trace Trail on the Real Estate in the location on the Real Estate referred to in this paragraph.
 - b. A north/south trail (Lovers Lane) connecting Midland Trace to South Street/Oak Road intersection. The surface of this path may vary. Materials may include asphalt, stone and wood chips/mulch.
 - c. Cluster connections via internal walks and connections to trails and sidewalks shall be provided. Such connections may vary in materials (mulch, stone or other materials determined by the Developer may be used) and width (not less than 4' in width in any location).
3. Network of points of interest throughout entire development.
 - a. Gateway markers to Lovers Lane.
 - b. Linear arboretum along Lovers Lane with identifying markers and explanation of trees
 - c. Two wooden bridges (boardwalks) along Lovers Lane

- d. Blue bird boxes along east property line.
- e. Walks and/or paths in front of cottages (minimum 4' in width).
- f. Outdoor Sculptures (3 minimum).

Exhibit 7

RESIDENTIAL DEVELOPMENT STANDARDS

The Following architectural standards shall be required and applicable to all residences constructed upon the Real Estate:

1. Brick, stone, stucco, wood or composite siding (hardie board) materials are permitted. Wood; composite board; aluminum, vinyl clad and fiberglass windows and/or soffits are permitted. The use of wood and aluminum fascia and guttering are also permitted.
2. Windows shall appear on all four (4) elevations of houses.
3. Developer's vendor will install one mailbox grouping for each Cottage Cluster and Small Home Cluster.
4. Chimneys occurring on the exterior of the house shall be constructed of natural materials.
5. Driveways may be constructed of porous material. Concrete, stone or brick pavers shall be permitted.
6. Design elements and detailing shall be continued completely around the structure. Such design elements shall include, but are not limited to, windows, window placement, trim detail and exterior wall materials. Long, massive, unbroken exterior building walls shall be avoided.
7. Crawl space foundations and/or garage foundations may be poured wall or concrete block construction. Slabs are not a permitted floor system, with the exception of garages and porch areas.
8. Equipment vents are to be located to be minimally visible from the street frontage and shall be color coded to match the trim or roofing materials.
9. All residences shall have a minimum square footage as set forth in the Small House Cluster Standards (see Exhibit 9) or Cottage Cluster Standards (see Exhibit 8).

Exhibit 8
COTTAGE CLUSTER STANDARDS
SECTION B “HANDY SPOT”

Cottage Cluster Size.

Cottage Clusters shall contain a minimum of four (4) and a maximum of twelve (12) dwelling units located in clusters. The Development may contain more than one Cottage Cluster.

Special Site Requirements for Cottage Clusters.

1. Density, Lot Coverage, Height, Build-to Lines and Parking Requirements.

A. Intent. The site requirements chart (in the following paragraph) establishes the basic dimensional requirements for cottages. Development standards are intended to define design parameters of cottages to achieve compatibility with adjacent single-family residential uses.

B. Requirements – Cottage Cluster Site Requirements Chart.

	<u>Site Requirement</u>
Minimum Lot width (in feet)	25'
Distance between the build-to line and the property line facing the cluster courtyard or Kalorama Parkway (the “Front Yard”)	10'
Build to Lines	Established by cluster plat
Minimum Distance Between Structures (including accessory structures)	6'
Maximum Height for Cottages	24'
The minimum road frontage standards of the Zoning Ordinance shall not apply to this Development.	
Minimum Lot Size	1500 square feet

No other setback requirement normally applicable to individual single-family building lots established in the Zoning Ordinance shall apply to the Development.

2. Cottage Floor Area.

- a. The minimum floor area of each cottage home shall be 750 square feet.
- b. Each cluster shall have a variety of shapes, sizes, colors and architectural details. No two houses in a cluster shall appear alike.

3. Architecture.

- a. Cottages shall have a roofed porch at least 64 square feet in size with a minimum dimension of eight feet on any side.
- b. Cottage porch elevations shall be a minimum of 24" above the average elevation of the build-to line.
- c. All cottages shall be separated by a wood fence constructed on the courtyard property line side, which shall be no less than 24" tall and no greater than 36" tall.
- d. The architectural theme of the Cottage Clusters shall be substantially consistent with the conceptual elevations included in Figure 2.

4. Screening.

A. Parking Requirements. Parking shall be:

- i. Located on the cottage cluster property.
- ii. Located in clusters of not more than five adjoining parking spaces.
- iii. Prohibited in the front yard setback area.
- iv. Prohibited within 40 feet of an external street right-of-way and 10' of Kalorama Parkway right-of-way.
- v. A pitched roof design is required for all parking structures.
- vi. Other conflicting parking standards of the Zoning Ordinance (as determined by the Community Development Director) shall not apply to the Development.

B. Screening Requirements.

- i. Boundaries between small home dwellings and other sections within the development shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (e.g., through setbacks or architectural techniques) to meet the intent of this section.
- ii. Plans for such screening shall be submitted at the time of development plan review.

FIGURE 2
ARCHITECTURAL STYLES – COTTAGE CLUSTERS



Exhibit 9
SMALL HOME CLUSTER STANDARDS
SECTION A, "FOREST GLEN"

Small Home Cluster Size.

Small Home Clusters shall contain a minimum of four (4) and a maximum of twelve (12) houses located in clusters. The Development may contain more than one Small Home Cluster.

Special Site Requirements for Small Home Clusters.

1. Density, Lot Coverage, Height, Build-to Lines and Parking Requirements.

A. Intent. The site requirements chart (in the following paragraph) establishes the basic dimensional requirements for small homes. Development standards are intended to define design parameters of small homes to achieve compatibility with adjacent single-family residential uses.

B. Requirements – Small Home Cluster Site Requirements Chart.

	<u>Site Requirement</u>
Minimum Lot Frontage (in feet)	35'
Distance between the build-to line and the property line facing the cluster courtyard or Kalorama Parkway (the "Front Yard")	10'
Minimum Distance Between Structures (including accessory structures)	6'
Maximum Height for Small Homes	32'
The minimum road frontage standards of the Zoning Ordinance shall not apply to this Development.	
Minimum Lot Size	1500 square feet
No other setback requirement normally applicable to individual single-family building lots established in the Zoning Ordinance shall apply to the Development.	

2. Small Home Floor Area.

c. The minimum floor area of each cottage home shall be 1200 square feet.

- d. Each cluster shall have a variety of shapes, sizes, colors and architectural details. No two houses in a cluster shall appear alike.

5. Required Minimum Open Space.

- e. Small Homes shall have a roofed porch at least 64 square feet in size with a minimum dimension of eight (8) feet on any side.
- f. Small Home porch elevations shall be a minimum of 24" above the average elevation of the build-to line.
- g. The architectural theme of the Small Home Clusters shall be substantially consistent with the conceptual elevations included in Figure 3.

6. Screening.

A. Parking Requirements. Parking shall be:

- i. Located on the Small Home cluster property.
- ii. Located in clusters of not more than five adjoining parking spaces.
- iii. Prohibited in the front yard setback area.
- iv. Prohibited within 40 feet of an external street right-of-way.
- v. A pitched roof design is required for all parking structures.
- vi. Other conflicting parking standards of the Zoning Ordinance (as determined by the Community Development Director) shall not apply to the Development.

B. Screening Requirements.

- i. Boundaries between Small Home dwellings and other sections within the development shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (e.g., through setbacks or architectural techniques) to meet the intent of this section.
- ii. Plans for such screening shall be submitted at the time of development plan review.

FIGURE 3
ARCHITECTURAL STYLES – SMALL HOMES

