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NOW

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02/16/2011 02:05:33P 5 PGS  
Mary L. Clark  
HAMILTON County Recorder IN  
Recorded as Presented  


**ORDINANCE 11-03**

Document Cross Reference No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO  
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, enacted by the City of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1101-REZ-01), filed with the Commission requesting to rezone certain lands;

**WHEREAS**, on February 7, 2011, the Commission took action to forward Docket 1101-REZ-01 to the Westfield City Council with a favorable recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

**WHEREAS**, on February 8, 2011, the Secretary of the Commission certified the action of the Commission to the City Council; 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  
TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS  
FOLLOWS:**

**SECTION 1.** WC 16-04 Zoning Map amended as follows:

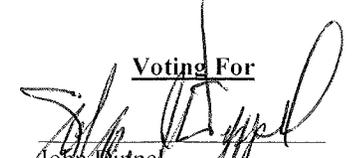
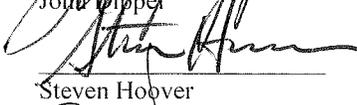
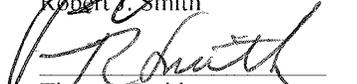
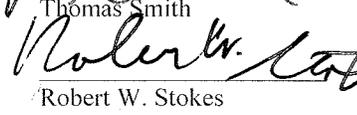
The Zoning Map accompanying and made a part of the Westfield-Washington Township Zoning Ordinance is amended to reclassify the Real Estate described in

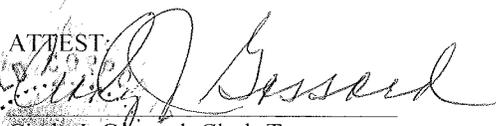
what is attached hereto and incorporated herein by reference as Exhibit "A" from SF-5 to GB.

**SECTION 2.** This Ordinance 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 herewith are hereby ordered. To the extent that this ordinance conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this ordinance shall prevail.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS 14 DAY OF Feb, 2011.

**WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
 John Dippel	_____ John Dippel	_____ John Dippel
 Steven Hoover	_____ Steven Hoover	_____ Steven Hoover
 Robert L. Horkay	_____ Robert L. Horkay	_____ Robert L. Horkay
 Kenneth Kingshill	_____ Kenneth Kingshill	_____ Kenneth Kingshill
 Robert J. Smith	_____ Robert J. Smith	_____ Robert J. Smith
 Thomas Smith	_____ Thomas Smith	_____ Thomas Smith
 Robert W. Stokes	_____ Robert W. Stokes	_____ Robert W. Stokes

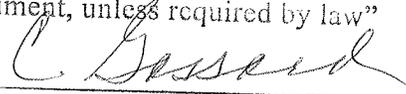
ATTEST:  
  
Cindy J. Gossard, Clerk-Treasurer



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: Kevin M. Todd

Prepared by: Kevin M. Todd, AICP, Senior Planner, City of Westfield  
2728 East 171<sup>st</sup> Street, Westfield, IN 46074, (317) 804-3170.

"I affirm, under the penalties of perjury,  
that I have taken reasonable care to redact  
each Social Security Number in this  
document, unless required by law"

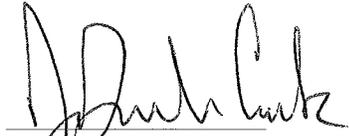
  
Signed \_\_\_\_\_

I hereby certify ORDINANCE 11-03 was delivered to the Mayor of Westfield on the  
15 day of Feb, 2011, at 10:15Am.



Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-03  
this 15 day of Feb, 2011.



J. Andrew Cook, Mayor

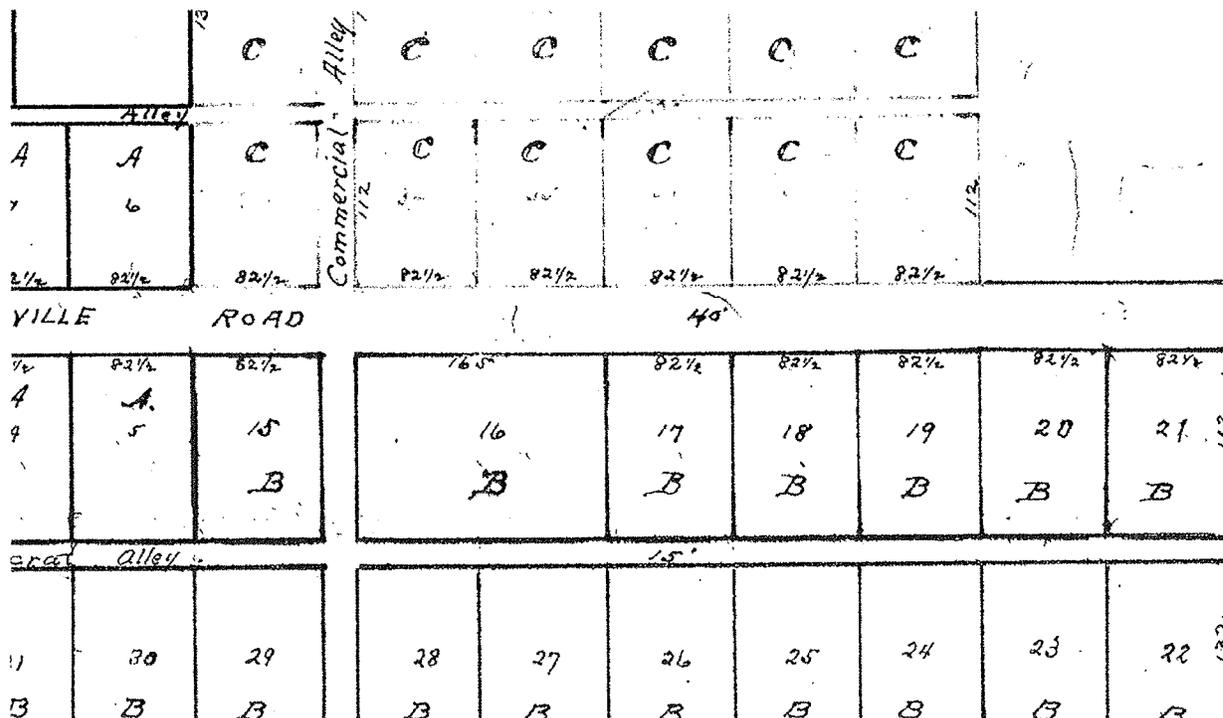
I hereby VETO ORDINANCE 11-03  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

J. Andrew Cook, Mayor

# EXHIBIT A

## Description of Real Estate

Lots Number 19 and 20 in Waller's Addition to the Town of Eagletown, Hamilton County, Indiana, as per plat thereof recorded January 6, 1851 in Deed Record O, Page 52, in the Office of the Recorder of Hamilton County, Indiana.



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Mary L. Clark  
HAMILTON County Recorder IN  
Recorded as Presented

**COMMITMENTS CONCERNING THE USE  
AND DEVELOPMENT OF REAL ESTATE**

Cross Referenced to Instrument No. 2010063165

Rick Lane (the "Owner") makes the following commitments (the "Commitments") to the Westfield City Council (the "Council") regarding the use and development of the following described real estate (the "Real Estate") located in Hamilton County, Indiana:

**Section 1.**      **Description of Real Estate:** See attached Exhibit "A"

**Section 2.**      **Petition:** Westfield City Council Ordinance 11-03 ("Ord. 11-03")

**Section 3.**      **Statement of Commitments:**

These commitments shall run with the land, be binding on the Owner of the Real Estate, subsequent owners of the Real Estate and other persons acquiring an interest therein.

A. Permitted Uses: The land uses for the Real Estate shall be limited to those found in the Permitted Use List, attached hereto and incorporated herein as Exhibit "B".

In the event that a land use which is listed in Exhibit "B" is removed or otherwise amended from the General Business Use List in the Westfield-Washington Township Zoning Ordinance after the effective date of these Commitments, then that land use shall likewise be removed or otherwise amended from Exhibit "B".

B. Parking Lot Screening:

- a. The parking lot shall be screened from view from State Road 32 by an opaque fence that is a minimum of six (6) feet in height;
- b. The north side of the fence shall be softened using the following minimum landscaping standards (these plantings shall count towards any "On-Site" planting requirements):
  - i. 1 ornamental tree every 30 linear feet; and,
  - ii. 5 shrubs ever 30 linear feet.

C. Hamilton County Surveyor's Office: Prior to paving any new surfaces or constructing any new buildings, any necessary and applicable approvals from the Hamilton County Surveyor's Office must be obtained.

D. Hamilton County Health Department: Prior to any business expansion or increase in septic system capacity, any necessary and applicable approvals from the Hamilton County Health Department must be obtained.

**Section 4.**      **Binding on Successors and Assigns:**

After the Effective Date, these Commitments are binding upon the Owner, each subsequent owner of the Real Estate, each other person acquiring and interest in the Real Estate, and each user of the Real Estate, unless modified or terminated by the Westfield City Council.

**Section 5.**      **Modifications of Commitments:**

These Commitments may be modified or terminated only by a decision made by the Westfield City Council.

**Section 6.**      **Effective Date:**

The Commitments contained herein shall be effective upon the approval of Ord. 11-03 and shall continue in effect unless modification or terminated by the Westfield City Council.

**Section 7.**      **Recording:**

The undersigned hereby authorizes the Westfield Community Development Department Director to record these Commitments in the Office of the Recorder of Hamilton County, Indiana, upon approval of Ord. 11-03.

**Section 8.**      **Enforcement:**

These Commitments may be enforced by the City Council of the City of Westfield, Hamilton County, Indiana.

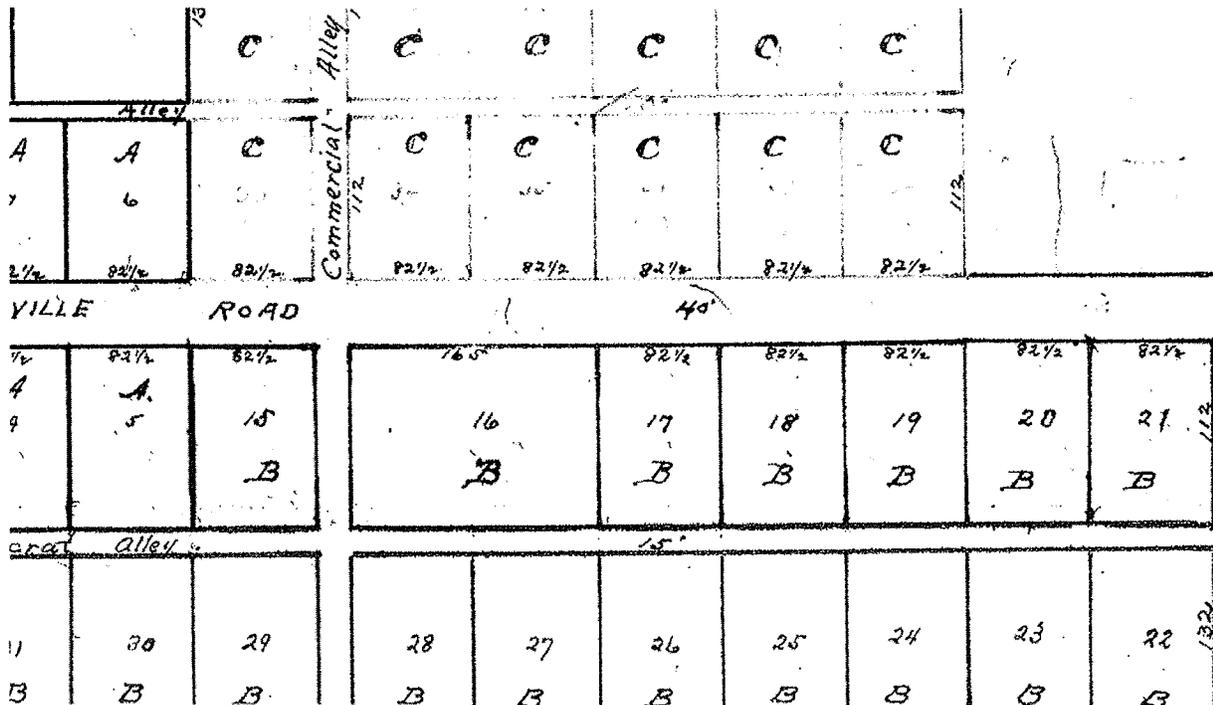
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EXHIBIT A

Description of Real Estate

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## EXHIBIT B

### Permitted Use List

- Antiques
- Auto Parts Sales
- Auto Rental
- Auto Sales, New or Used, Service and Repair
- Bakeries
- Barber and Beauty Shops
- Bicycle Sales, Rental & Service
- Blueprinting, Photocopying Job Printing
- Book Stores
- Camera Stores
- Cemetery Monument Sales
- Charitable Donation Pick-Up Station
- China and Glassware Shops
- Coin Shops
- Commissary, Food Catering Serv.
- Custard Stands
- Dancing Schools
- Data Processing
- Day Care Centers
- Delicatessen
- Dentists
- Discount Stores – Under 10,000 Sq.Ft.
- Drive-In Food and Beverage
- Drug Stores
- Dry Cleaning & Laundry Pickup
- Employment Agencies
- Exterminators
- Fabric Shops
- Feed Stores
- Fire Stations
- Floor Coverings
- Florists
- Fruit Stands, Permanent
- Fruit Stands, Temporary
- Furrier Shops
- Galleries
- General Construction Company
- Gift Shops
- Health, Fitness, and Exercise Center
- Hardware Stores
- Hobby Shops
- Home Remodeling Company

- Insurance Companies
- Interior Decorating
- Jewelry Stores
- Laundromats and Self-Service Dry Cleaning
- Lawyers
- Libraries
- Liquor Stores
- Locksmith Shops
- Luggage Stores
- Mail Order Store
- Mfg. of Jewelry, with Retail
- Millinery
- Motorcycle Sales, Service, Repair and Outdoor Display
- Museums
- Music, Records, Instruments
- Music Schools
- Office Buildings – General Purpose
- Optometrists
- Paint and Wallpaper Stores
- Pet Grooming
- Pet Obedience Schools
- Pet Shops
- Philanthropic Institutions
- Photography School
- Photography Studio
- Photography Supplies
- Physicians
- Picture Framing
- Plumbing Showrooms and Shop
- Police Stations
- Post Offices
- Printing and Photocopying, Small Jobs
- Real Estate Offices
- Restaurants and Cafeterias having more than 50% of gross sales derived from food sales, excluding Drive-Ins
- Restaurants and Cafeterias having less than 50% of gross sales derived from food sales, excluding Drive-Ins
- Restaurants with Live Entertainment
- Root Beer Stands
- Sewing Machine Sales & Service
- Shoe Repair
- Shoe Stores
- Sporting Goods
- Stationery Stores
- Taylor or Seamstress
- Tire and Auto Service Center
- Tobacco Shops

- Tool and Light Equipment Rental
- Toy Stores
- Travel Bureaus
- Typewriter Sales, Rental and Service
- Upholsters
- Veterinarians – Small Animals, No Outdoor Runs

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