

2011059970 ORDINANCE \$23.00  
11/21/2011 01:21:29P 7 PGS  
Mary L. Clark  
HAMILTON County Recorder IN  
Recorded as Presented



**ORDINANCE NUMBER 11-29**

**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 “Mainstreet at Grand Park 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 § 36-7-4 *et seq.*, as amended.

**WHEREAS**, the City of Westfield, Indiana (“City”) 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 1111-PUD-05), filed with the Commission requesting an amendment to the Zoning Ordinance;

**WHEREAS**, the Commission forwarded Docket 1111-PUD-05 to the Westfield City Council with a unanimous favorable (7-0) recommendation in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the City Council on November 9, 2011;

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

**COPY**

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE ZONING ORDINANCE AND ZONING MAP BE AMENDED AS FOLLOWS:**

**SECTION 1. APPLICABILITY OF ORDINANCE.**

- 1.1 This PUD District Ordinance (the "Ordinance") applies to the subject real estate more particularly described in Exhibit A attached hereto (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provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.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 Assisted Living Facilities, including 24-hour skilled nursing and ancillary uses contained therein and related thereto.

**SECTION 3. DEVELOPMENT STANDARDS.**

- 3.1 Minimum front yard building setback – thirty (30) feet
- 3.2 Building Materials – At least 60% of the front façade, 50% of the side façades and 25% of the rear façade (excluding windows, display windows, doors and roofs) shall be covered by brick, stone masonry, cultured stone or other masonry material (which for the purposes of this ordinance shall not include fiber cement siding). All remaining portions of the façades shall be covered by fiber cement siding.
- 3.3 Landscaping
  - 1) The developer and/or owner of the Real Estate shall comply with one of the following options along the south and west property lines of the Real Estate:
    - a) Option One: A tree conservation easement (the "Easement") at the locations identified in Exhibit B, shall be provided by the developer and/or owner of the Real Estate prior to the issuance of an improvement location permit for any improvements on the Real Estate. The terms of the Easement shall be acceptable to the City and shall provide for the following: (i) that no trees shall be removed from the Easement unless

such trees die, become damaged or diseased, or are required to be removed in order to comply with safety requirements of any governmental agency; and (ii) that protective snow fencing or other visible barrier be placed around trees in the Easement that are to be preserved. The trees in the Easement shall fulfill the buffer yard and buffer yard planting requirements contained within the Zoning Ordinance as applied to the identified property lines.

- b) Option Two: The developer and/or owner shall comply with the buffer yard and buffer yard planting requirements established in the Zoning Ordinance.
- 2) The developer and/or owner of the Real Estate shall comply with one of the following options along the east property line of the Real Estate:
- a) Option One: The developer and/or owner of the Real Estate shall purchase the property immediately east of and adjacent to the entire east boundary of the Real Estate prior to issuance of a certificate of occupancy for any improvements on the Real Estate. The buffer yard and buffer yard planting requirements established in the Zoning Ordinance shall not apply to the east property line of the Real Estate.
  - b) Option Two: The developer and/or owner shall comply with the buffer yard and buffer yard planting requirements established in the Zoning Ordinance.

**SECTION 4. APPROVAL.** Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 14 day of November, 2011.

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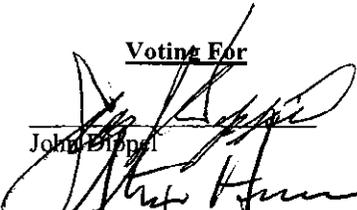
ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS 14 DAY OF Nov, 2011.

**WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA**

Voting For

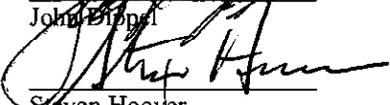
Voting Against

Abstain

  
\_\_\_\_\_  
John Dippel

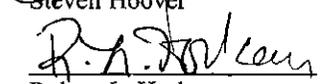
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John Dippel

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Steven Hoover

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Robert L. Horkay

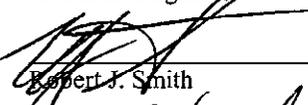
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Robert L. Horkay

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Robert J. Smith

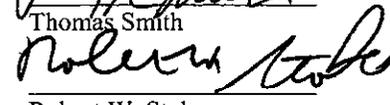
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Robert J. Smith

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Robert J. Smith

  
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Thomas Smith

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Robert W. Stokes

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Robert W. Stokes

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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: Andrew P. Murray

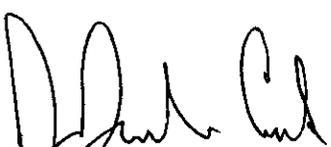
Prepared by: Andrew P. Murray, Planner I, City of Westfield, 2728 East 171<sup>st</sup> Street, Westfield, IN 46074, (317) 804-3170.

I hereby certify ORDINANCE 11-29 was delivered to the Mayor of Westfield on the  
15 day of Nov, 2011, at 10:45 m.

  
Cindy J. Gossard, Clerk-Treasurer

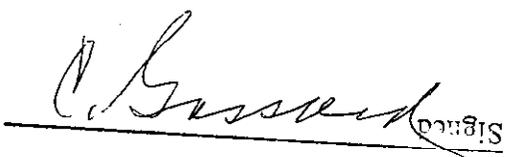
I hereby APPROVE ORDINANCE 11-29  
this 15 day of Nov., 2011.

I hereby VETO ORDINANCE 11-29  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

  
J. Andrew Cook, Mayor

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

ATTEST:  
  
Cindy J. Gossard, Clerk Treasurer

  
Signature

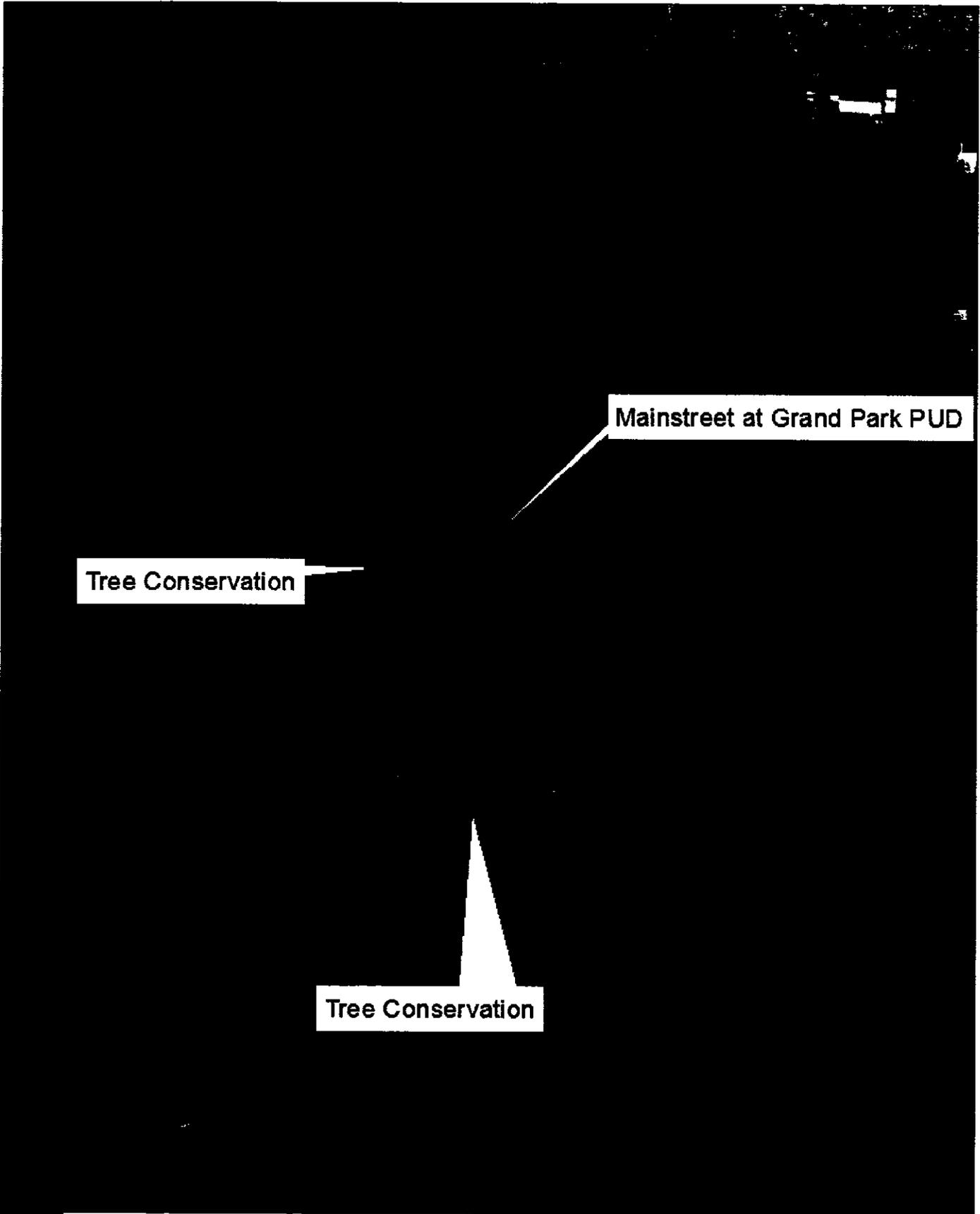
"I affirm, under the penalties of perjury,  
that I have taken reasonable steps to redact  
each Social Security Number from this  
document, unless required by law"

# Exhibit A

A part of the Northwest Quarter of Section 36, Township 19 North, Range 3 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said section; thence South 89 degrees 11 minutes 02 seconds West 905.68 feet along the north line of said quarter section to the point of beginning; thence South 0 degrees 20 minutes 06 seconds West 825.56 feet; thence South 88 degrees 50 minutes 13 seconds West 398.77 feet; thence North 0 degrees 20 minutes 06 seconds East 827.98 feet to the aforementioned north line; thence North 89 degrees 11 minutes 02 seconds East 398.71 feet along said north line to the point of beginning and containing 7.566 acres more or less;

Exhibit B  
Tree Conservation Easement Exhibit



Tree Conservation

Mainstreet at Grand Park PUD

Tree Conservation

