27.00
8
2.00 nonc

2012023476 ORDINANCE $29.00
05/01/2012 11:16:17A 8 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NUMBER 12-05

Document Cross Reference No. 200500022608 and 2011010175

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 District Ordinance to amend the Westfield-Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance") and Ordinance No. 04-22, as amended by Ordinance No. 10-30, 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 (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Docket 1202-PUD-02**), filed with the Commission requesting an amendment to the Zoning Ordinance;

WHEREAS, the Commission forwarded **Docket 1202-PUD-02** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on April 3, 2012;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended to read as follows:

Section 1. Applicability of Ordinance.

1.1 This ordinance shall hereafter be referred to as the Valley View at Viking Meadows PUD Amendment Ordinance for Lots 1 and 7 (this "Ordinance").

1.2 This Ordinance applies only to the subject real estate, generally described as Lots 1 and 7 within Parcel C of the Viking Meadows PUD Ordinance, and more particularly described in Exhibit A attached hereto (the "Real Estate").

1.3 Any provisions of the Viking Meadows PUD Ordinance or Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance. All other provisions of the PUD Ordinance not affected by this Ordinance shall remain in effect with the adoption of this Ordinance.

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Viking Meadows PUD Ordinance or as otherwise ascribed to them in the Zoning Ordinance.

2.1 Original PUD Ordinance. Shall mean and refer to The Viking Meadows Planned Unit Development District Ordinance recorded as Instrument No. 200500022608 in the Office of the Recorder of Hamilton County, Indiana and adopted by the Westfield Town Council on June 14, 2004 as Ordinance No. 04-22.

2.2 Viking Meadows PUD Ordinance. Shall mean and collectively refer to the Original PUD Ordinance and the Viking Meadows Planned Unit Development Amendment Ordinance recorded as Instrument No. 2011010175 in the Office of the Recorder of Hamilton County, Indiana and adopted by the Westfield City Council on December 13, 2010 as Ordinance No. 10-30.

Section 3. **Architectural Standards.** Exhibit 19 ("Architectural Standards – Parcel C") of the Original PUD Ordinance is hereby amended and superseded with the attached Exhibit B ("Architectural Standards – Parcel C").

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW.]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 9 DAY OF Apr, 2012.

WESTFIELD COMMON COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
Jim Ake	Jim Ake	Jim Ake
John Dippel	John Dippel	John Dippel
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Robert J. Smith	Robert J. Smith	Robert J. Smith
Cindy Spoljaric	Cindy Spoljaric	Cindy Spoljaric
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

"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

This Instrument prepared by: Steven D. Hardin, Esq. and Jesse M. Pohlman, Land Use Consultant, Faegre Baker Daniels, LLP, 600 East 96th Street, Suite 600, Indianapolis, Indiana 46240. (317) 569-9600.

I hereby certify **ORDINANCE** 12-05 was delivered to the Mayor of Westfield on the 10 day of Apr, 2012.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 12-05
this 10 day of April, 2012.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 12-05
this _____ day of _____, 2012.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

EXHIBIT A
REAL ESTATE

Lots #1 and #7 of Valley View at Viking Meadows Section One per the plat thereof recorded as Instrument #200600035318 in the Office of the Recorder of Hamilton County, Indiana.

EXHIBIT B
ARCHITECTURAL STANDARDS – PARCEL C

1) **Lot Width:**
   Minimum of 100 ft. at front building line

2) **Minimum Square Footage:**
   One-story home: 2600
   Two-story home: 3200

3) **Side Yard Setbacks:**
   10 ft. minimum
   20 ft. minimum between residences

4) **Roof Pitch:**
   Front to back: 8/12
   Front gables 10/12

   This requirement may be modified by the Department for homes with a historical style[1] which lends itself to a lower roof pitch.

   Note: ancillary roofs such as porches, bays or walkways may be less than the minimum requirement.

5) **Roof Overhangs:**
   Minimum framed overhang: 12 inches

   Note: Where masonry meets any overhang, the overhang shall measure a minimum of eight (8) inches.

6) **Roof Ridgeline:**
   A. In Viking Meadows a one-story home shall have a minimum of three (3) ridgelines unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required.
   B. A two-story home shall have a minimum of three (3) ridgelines, unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required.
   C. Ridgelines shall only be considered if they are horizontal ridges which form the peak of a pitched area. Covered and enclosed porches shall count as a ridgeline.

7) **Corner Breaks:**
   Each home shall have a minimum of three (3) corner breaks on the front and rear facades. The exterior corners of a covered porch, the outermost corners of the home and a projection with a height of no less than six (6) feet shall count toward this requirement.

8) **Equipment Vents:**

All vents shall attach to the rear or side of the home to reduce visibility from the street.

9) **Foundations:**

No slab foundations permitted. All home foundations shall be on a basement or crawl space.

10) **Windows:**

A. Window type shall be vinyl clad, aluminum clad or wood.
B. Front and rear facades to include a minimum of six (6) windows and each side façade shall include at least one (1) window.
C. In counting windows, a double hung shall count as one (1) window and each casement window where the glass is enclosed by vinyl, vinyl clad or aluminum clad, or wood material frame shall count as one (1) window.

11) **Garages:**

All homes shall have a minimum three-car attached garage.

12) **Masonry Requirements:**

A. Acceptable masonry materials include the following: brick, limestone, natural stone, cultured stone, stucco and EIFS.
B. All homes shall have masonry on the first floor, front, sides and rear.
C. The masonry requirements may be modified by the Department for up to 35% of the homes with a historical style[1] which lends itself to the use of less masonry.

13) **Siding Requirements:**

No vinyl or aluminum siding shall be permitted. Acceptable siding materials shall be wood, LP siding, Hardiplank or similar composition siding materials.

14) **Landscaping:**

A. Front landscaping:

20 shrubs (18" planted)
2 yard trees (2" minimum caliper outside planting bed)
1 to 4 parkway trees (2" minimum caliper) to be planted between the curb and sidewalk, required 50' to 60' on center spacing (number depends on lot street frontage).

B. Lawns:

1) Sod with hydroseed with irrigation in all front yards to the front corners of the home. All side yards and rear yards must be seed with straw at a minimum and no irrigation is required.
2) Corner lot homes which have two elevations substantially parallel to a public street shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located between the public street on each side of the corner lot and a line drawn parallel to each front corner elevation closest to the public street extending from each end of said

elevations to each perpendicular lot line. All other side yards and rear yards must be seeded with straw at a minimum and no irrigation is required.

3) Corner lot homes which are set at an angle to the public streets, lacking an elevation substantially parallel to either abutting public street, shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located (i) between the front elevation of the home and each public street and (ii) between the public street on each side of the corner lot and a line drawn parallel to each public street, extending to each perpendicular lot line from the two exterior corners of the home closest to each abutting public street. All other side yard and rear yards must be seeded with straw at minimum and no irrigation is required.

15) <u>Miscellaneous</u>:

A. A not for profit Viking Meadows Homeowners Association shall be incorporated and related Covenants, Restrictions and By-Laws shall be created prior to platting any sections of Viking Meadows.
B. All new home, landscaping and exterior color plans must be approved by the Department prior to beginning construction.
C. All driveways shall be concrete.
D. Public sidewalks are required on all lots.
E. Uniform mailboxes (as determined by the Developer) shall be required.
F. Dusk to dawn yardlights shall be required in a uniform location (as determined by Developer). The yardlight shall have a maximum total of 120-watt bulbs.
G. All fireplaces located on the exterior elevation of a home must be constructed of masonry. Interior fireplaces protruding through the roof not on an exterior elevation of a home, are not required to be masonry but must be decorative in nature using masonry, stucco or EFIS materials.
H. Dumpsters and or trash bins are required on all lots once framing begins.

[1] Historical architectural styles are styles such as Colonial, Cape Code, Craftsman, Farmhouse, French Country, Prairie or homes with various architectural elements taken from the foregoing to create more recent and modern versions of the foregoing. The Department shall have the authority to determine whether a specific house plan qualifies as a historical architectural style entitled to the modification, in the manner specified in these guidelines, of the standards set forth in these guidelines. The Department shall have the authority to approve a home plan as a Historical architectural style.