2012041159 ORDINANCE $25.00
07/19/2012 01:56:23P 7 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NUMBER 12-25

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 "Hall and House 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 1206-PUD-06, filed with the Commission requesting an amendment to the Zoning Ordinance;

WHEREAS, the Commission forwarded Docket 1206-PUD-06 to the Westfield City Council with a 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 July 3, 2012;

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;

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") with the provisions of Section 16.04.065 ("State Road 32 Overlay") ordinance, except that an access road, as outlined in Section 16.04.065.5.C, is not required in the Hall and House PUD.

Section 16.04.70 (US Highway 31 Overlay Zone) of the Zoning Ordinance shall be inapplicable to the use and development of the real estate. 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 Antiques, Motels, Hotels, Art School, Artisan School, Bakeries, Banks, Savings & Loan Assn., Barber and Beauty Schools, Barber and Beauty Shops, Bicycle Sales Rentals & Service, Blueprinting, Photocopying, Job Printing, Book Store (Excluding Adult), Camera Stores, Carwash (Indoor), China and Glassware Shops, Comic Shops, Convenience Store with Gasoline Sales, Credit Union Offices, Dancing Schools, Delicatessen, Dentist, Department Stores under 10,000 square feet, Discount Stores < 10,000 square feet, Drug Stores, Dry Cleaning and Laundry Pickup, Employment Agencies, Fabric Shops, Floor Coverings, Florist, Galleries, Gift Shops, Grocery Stores, Health Fitness and Exercise Centers, Hardware Stores without Outside Displays, Hobby Shops, Hospitals (minor) Medical, Dental Clinics and Labs, Insurance Companies, Jewelry Store, Lawyers, Liquor Stores, Loan Offices, Locksmith Shops, Luggage stores, Mail Order Store, Music Records Instrument Shops, Music Schools, Office Building, Optometrists, Paint and Wallpaper Stores, Pet Grooming, Pet Shops, Physicians, Picture Framing, Real Estate Offices, Restaurants and Cafeterias Having More Than Fifty (50%) Percent of Gross Sales Derived From Food Sales, Shoe Repair, Shoe Store, Sporting Goods, Stationary stores, Taylor and Seamstress, Tobacco Shop, Travel Bureau, Veterinarians Small Animals (No Outdoor Runs, etc.) and Wearing Apparel and Accessory Shops

SECTION 3. DEVELOPMENT STANDARDS

3.1 Hall and House Commercial Subdivision, as shown in Exhibit B, shall be comprised of Three (3) blocks; Block "A", Block "B", and Block "C".

3.2 Public Trailways – There shall be dedicated to the City, Block "C", as shown in Exhibit B, Thirty Five Feet (35) for the future City of Westfield Trailway System. The Trailway shall be dedicated within sixty (60) days of written notice by the City of Westfield. All setback and buffer measurements for the western boundary of Block "B" shall be measured from the western boundary of Block "C".

3.3 Minimum front yard building setback along State Road 32 and Westfield Park Drive from the public right-of-way shall be thirty (30) feet.

3.4 Minimum Rear and Sideyard Setbacks shall be twenty (20) feet unless a required buffer or transition yard is required.

3.5 An eight (8) foot asphalt sidewalk shall be installed along Westfield Park Drive at the time each lot develops.

SECTION 4. APPROVAL Upon motion duly made and seconded, this Ordinance was fully passed by members of the Common Council this _____ day of _____, 2012.

[REST OF PAGE IS INTENTIONALLY LEFT BLANK]

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

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

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

I hereby certify ORDINANCE 12-25 was delivered to the Mayor of Westfield on the 10 day of July, 2012, at 2:30 p m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 12-25
this 12th day of July, 2012

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 12-25
this _____ day of _____, 2012

J. Andrew Cook, Mayor

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: Larry House and Rodger Hall

Prepared by: Larry House and Rodger Hall – Hall and House, LLC

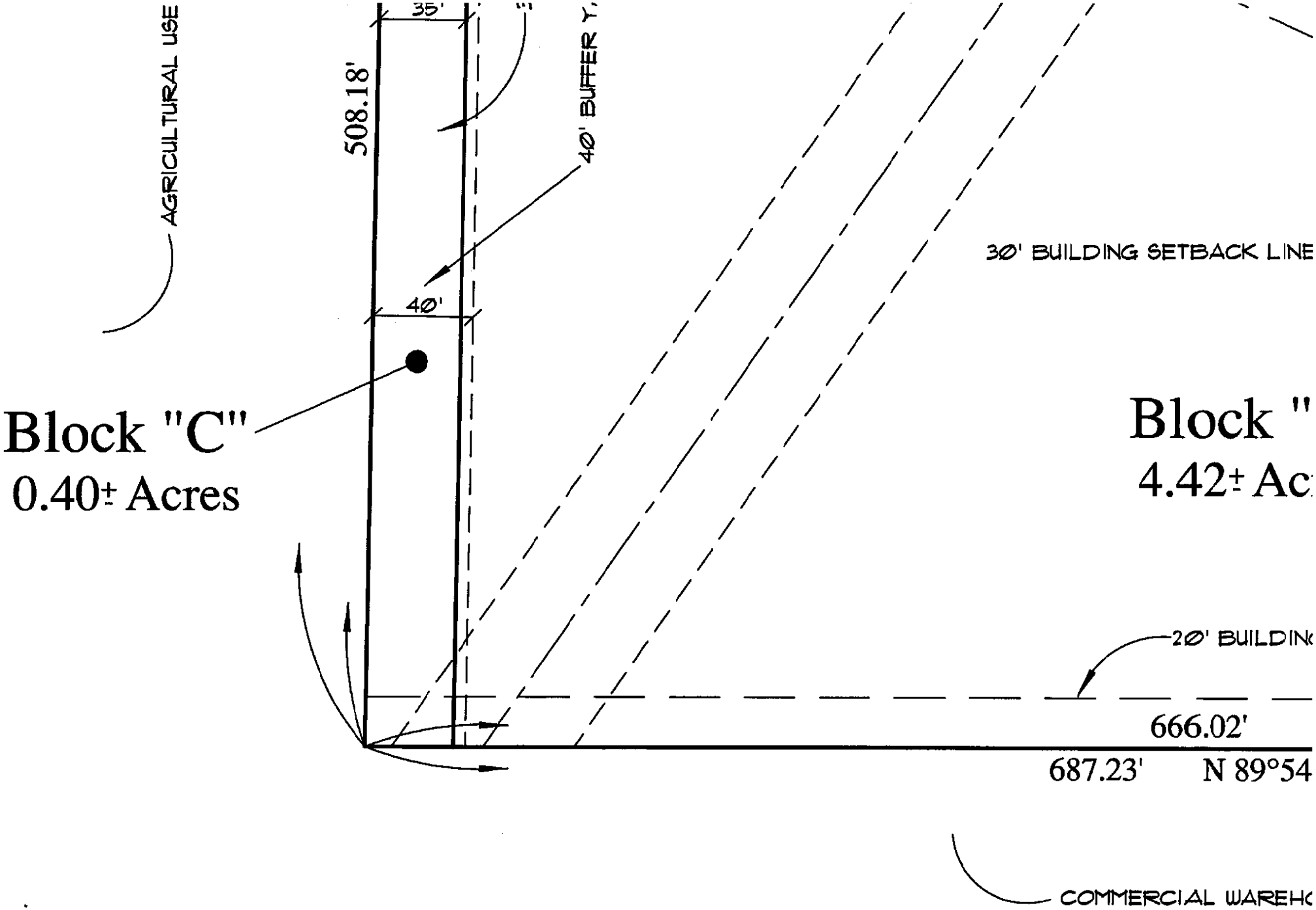
6501 Bluff Road, P.O. Box 47710, Indianapolis, Indiana 46247

EXHIBIT "A"

DESCRIPTION

Part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East located in Hamilton County, Indiana described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East (said corner being South 89 degrees 49 minutes 58 seconds West 79.77 feet from the Northeast corner of the East Half of the Northwest Quarter of Section 1, Township 18 North, Range 3 East) assumed basis of bearings; thence South 89 degrees 49 minutes 58 seconds West along the North line of the said Half Quarter Section 551.56 feet to the northeast corner of a variable right-of-way of State Road 32 per Project STP-008-6(006) parcel 41; thence South 01 degrees 02 minutes 08 seconds West 51.03 feet to the southeast corner of said right-of-way parcel 41, being the Point of Beginning; thencc South 01 degrees 02 minutes 08 seconds West 843.75 feet to the north right-of-way of the Central Indiana Railroad; thence North 89 degrees 54 minutes 20 seconds West along said right-of-way 687.23 feet; thence North 00 degrees 57 minutes 37 seconds East 852.24 feet to the southwest corner of the aforesaid variable right-of-way; thence North 89 degrees 11 minutes 51 seconds East along the south line of said right-of-way 688.26 feet to the Point of Beginning containing 13.38 acres more or less.


AGRICULTURAL USE
35'
508.18'
40' BUFFER Y
40'
30' BUILDING SETBACK LINE
Block "C"
0.40± Acres
Block "
4.42± Ac
20' BUILDIN
666.02'
687.23'
N 89°54
COMMERCIAL WAREH