

2013004857 ORDINANCE \$38.00  
01/24/2013 10:30:40A 14 PGS  
Mary L. Clark  
HAMILTON County Recorder IN  
Recorded as Presented

**ORDINANCE 12-37**

**AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE ANDOVER PLANNED UNIT DEVELOPMENT DISTRICT BEING THAT OF ORDINANCE 03-40, ORDINANCE 06-24 AND TITLE 16 LAND USE CONTROLS**

WHEREAS, The Town of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Township Plan Commission ("Commission") considered a petition (docket 1212-PUD-13) filed with the Commission requesting an amendment to Ordinance 03-40, enacted by the Town Council on December 8, 2003, and amended by Ordinance 06-24, enacted by the Town Council on June 12, 2006 (jointly referred to hereinafter as the "Andover PUD").

WHEREAS, on January 7, 2013, the Commission took action to forward Docket 1212-PUD-13 to the Westfield City Council with a favorable recommendation in accordance with Indiana Code 36-7-4-608, as required by Indiana Code 36-7-4-1505;

WHEREAS, on January \_\_\_, 2013, 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 Indiana Code 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 ORDINANCE 06-24, and TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

SECTION 1. Section 4 of Ordinance 06-24 is replaced in its entirety with the following:

"The number of dwelling units (either single family attached or multi-family) permitted in Parcel G of the Andover PUD shall be increased from 180 to 230 242. The number of dwelling units permitted in Parcel E of the Andover PUD shall be increased from 80 to 90. The total number of dwelling units permitted in the Andover PUD shall be increased from 640 to 712, and the total number for single-family attached dwelling units and/or multi-family dwelling units permitted on Parcel G shall be increased from 180 to 230 242 in any combination of single-family attached or multi-family dwelling units."

**NOW THEREFORE BE IT FURTHER ORDAINED BY THE WESTFIELD CITY COUNCIL THAT ORDINANCE 03-40, and TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

SECTION 2. Section 6, paragraph A (1) of Ordinance 03-40 is replaced in its entirety with the following:

“All uses permitted in the SF-2 District per the Zoning Ordinance in force of the enactment of the original Andover PUD, including attached and detached single family or multi-family dwellings on Parcel G only and single structures and buildings and uses accessory thereto, together with model homes and temporary trailers from which sales activities may be conducted;”

SECTION 3. Section 6, paragraph A(2) of the Ordinance 03-40 is replaced in its entirety with the following:

“Residential common areas and amenity areas (to be owned and maintained by the ~~Andover Homeowners’ Association~~ appropriate homeowner’s association for the parcel, or their successors or assigns) along with accessory uses, structures and improvements located thereon including, without limitation, recreational developments, including clubhouses, parks, pools, ballfields, ball courts, practice facilities, playgrounds and other recreational spaces, and recreational buildings. The construction of said amenity improvements shall be approved by Department staff and shall not require an additional DPR;”

SECTION 4. A new Paragraph D of Section 9 of Ordinance 03-40 added as follows:

D. Any development on Parcel G occurring after January 1, 2013, shall be constructed in substantial compliance with the “Overall Landscape Concept” attached to the Andover PUD as Exhibit 11 and in accordance with the “Landscape Details” attached to the Andover PUD as Exhibit 11A. All such landscaping identified in this Overall Landscape Concept shall be installed prior to the issuance of permanent Certificates of Occupancy for the appropriate Phase, as defined herein, or Sub-phase, as defined herein, in which the units are located, as identified in Exhibit 12 attached hereto. A Phase shall be defined as all of the units present in the respective phases shown on Exhibit 12 (Phase I is noted to have 89 units and Phase II will have 91 units). A Sub-phase is hereinafter defined as a smaller portion of Phase I denoted by the area demarked on Exhibit 12 and shown as Phase 1A, 1B, etc.

All Landscape Buffer (Road Frontage) located in Phase II (as identified in Exhibit 12, attached hereto) shall be installed at the same time that public improvements (inclusive of roads and sewers) located on Phase II are installed and prior to the issuance of any Certificates of Occupancy within Phase II.

SECTION 5. Paragraph 1 of Exhibit 2 to the Ordinance 03-40 is deleted.

~~**Apartment.** A building or portion thereof designed for or occupied by one or more families.~~

SECTION 6. The Land Use Type associated with Parcel G on Exhibit 7 of Ordinance 03-40 is renamed to “Single-family attached or multi-family”.

SECTION 7. Paragraph Number 6 of Exhibit 8 to Ordinance 03-40 shall be amended as follows:

6. Lots Adjacent to External Streets. Except as provided below, all homes whose sides face an External Street shall have at one (1) of the Architectural Design Features required by Exhibit 9 of the side of the home facing the External Street. For development occurring on Parcel G after January 1, 2013, the rear elevations of units which front on Shady Nook Road and 186<sup>th</sup> Street (excepting Buildings R and Z) shall be substantially in conformance with the exhibit attached hereto as Exhibit 8A The rear elevations on Buildings I, E, R, Z (as shown on Exhibit 13) shall be developed substantially in conformance with the rear elevations attached hereto as Exhibit 8B

SECTION 8. A new paragraph, Paragraph 15 is added to Exhibit 8 of Ordinance 03-40:

15. External Colors of Multi-Family Buildings on Parcel G. Any buildings located on Parcel G constructed after January 1, 2013, which contain multi-family dwellings shall not have the same exterior color as any other building located immediately adjacent to the building and located on the same side of a public or private street.

SECTION 9. The Description associated with Parcel G on Exhibit 9 of Ordinance 03-40 is renamed to “Single-family attached or multi-family”.

The section “Architectural Design Features” associated with Parcel G on Exhibit 9 of the Ordinance 03-40 shall be amended as follows:

All residences constructed prior to January 1, 2013, shall include at least one (1) of the items in Table 9(A) and a total of at least three (3) items from either Table 9A or Table 9B. All development occurring after January 1, 2013, shall require at least five (5) items from Table 9A and four (4) items from Table 9B. All units not subject to Paragraph 6 of Exhibit 8 to Ordinance 03-40 shall be developed substantially in conformance with the elevations attached hereto as Exhibit 9C.

SECTION 10. The development phasing related to Parcel G as shown on Exhibit 10 of Ordinance 03-40 shall be amended as follows:

Development Schedule for Parcel G: Development on Parcel G shall be completed in substantial compliance with the exhibit attached hereto as Exhibit 12. Any amenities, trails, sidewalks or other infrastructure required for a particular Phase, as defined herein, shall be installed during the construction occurring in that specific Phase or Sub-phase, as defined in Paragraph D of Section 9 of Ordinance 03-40, and shall be completed prior to the issuance of permanent Certificates of Occupancy for the various Phases or Sub-phases, except for those located in the Landscape Buffer (Road Frontage) on Phase II, which shall be installed in accordance with Section 4 hereof.

SECTION 11. A new Exhibit, Exhibit 13 is added to the Andover PUD Ordinance. Exhibit 13 contains the conceptual site plan for all improvements to be constructed upon Parcel G after January 1, 2013. All development of Parcel G occurring after this date shall be in substantial compliance with the site plan shown on Exhibit 13 attached hereto.

In all other respects, the Andover PUD Ordinance shall remain in effect and unchanged.

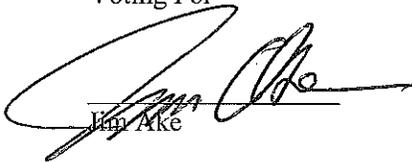
ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS 14 DAY OF January, 2013.

WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

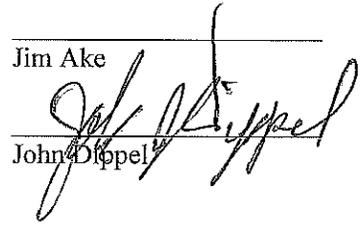
  
Jim Ake

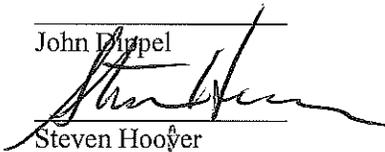
\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

John Dippel

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

  
John Dippel

  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

  
Robert L. Horkay

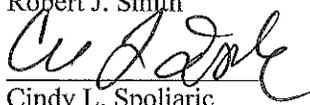
\_\_\_\_\_  
Robert L. Horkay

\_\_\_\_\_  
Robert L. Horkay

Robert J. Smith

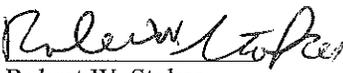
\_\_\_\_\_  
Robert J. Smith

\_\_\_\_\_  
Robert J. Smith

  
Cindy L. Spoljaric

\_\_\_\_\_  
Cindy L. Spoljaric

\_\_\_\_\_  
Cindy L. Spoljaric

  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

ATTEST:

  
Cindy J. Gossard, Clerk-Treasurer

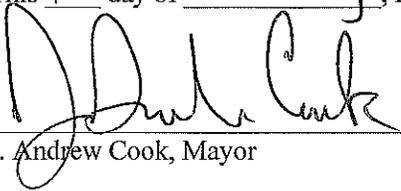
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document unless required by law. Russell L. Brown

I hereby certify that ORDINANCE No. 12-37 was delivered to the Mayor of Westfield on the 16<sup>th</sup> day of January 2013 at 9:00 a.m.

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE NO. 12-37

This 17<sup>th</sup> day of January, 2013.

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

I hereby VETO ORDINANCE No. 12-37

This \_\_\_\_\_ day o \_\_\_\_\_ 2013.

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

ATTEST:

  
\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

Prepared by:

Russell L. Brown, 26781-49, Clark, Quinn, Moses, Scott & Grahn, LLP  
320 N. Meridian Street, Suite 1100, Indianapolis, IN 46204, (317) 637-1321

**PRELIMINARY**  
**NOTE!!!**  
**THIS DRAWING IS**  
**NOT FOR**  
**CONSTRUCTION**

REVISIONS

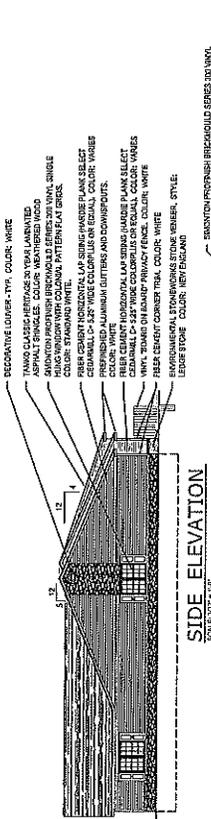
3660 embassy parkway  
 fairlawn, ohio 44133  
 tel. 330.666.5770  
 fax. 330.666.8812  
 www.mmm-architects.com

**mmm**  
 architects

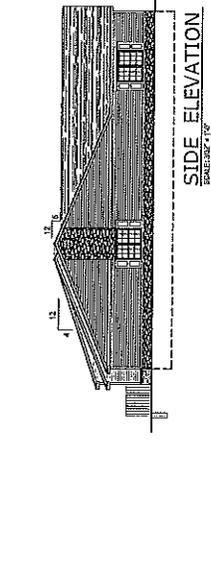
2375 cornara park rd., suite 7  
 beachwood, oh 44122  
 tel. 216.360.9473

drawing  
 8 UNIT BUILDING - 28' WIDE UNIT  
 project no. 18512  
 date JANUARY 9, 2013  
 AS NOTED  
 scale  
 WESTFIELD, INDIANA  
 REDWOOD AT ANDOVER

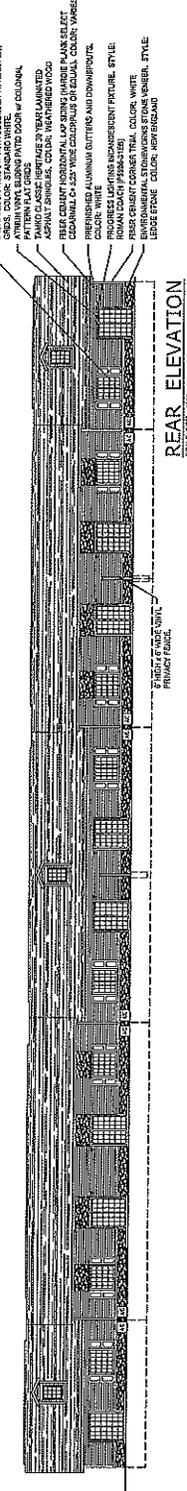
**A1.2**  
 2 OF 3  
 sheet no.



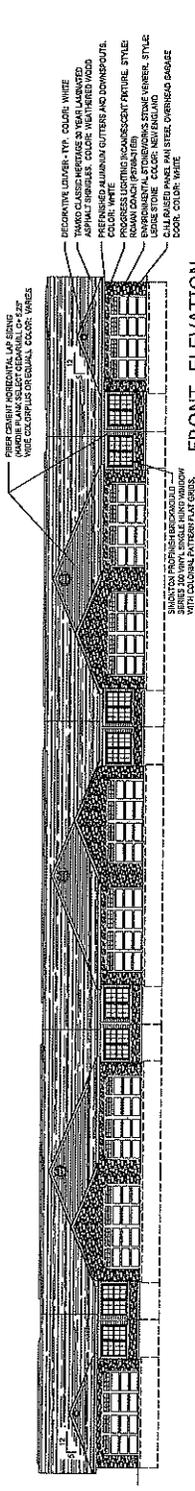
**SIDE ELEVATION**  
 SCALE: 3/8" = 1'-0"



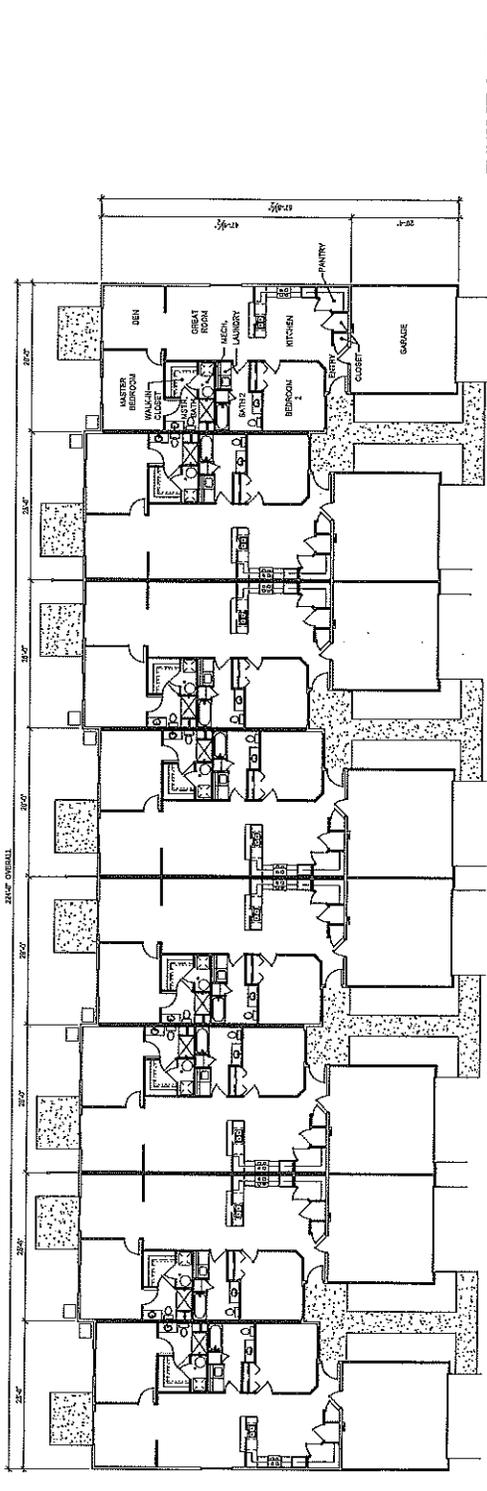
**SIDE ELEVATION**  
 SCALE: 3/8" = 1'-0"



**REAR ELEVATION**  
 SCALE: 3/8" = 1'-0"



**FRONT ELEVATION**  
 SCALE: 3/8" = 1'-0"

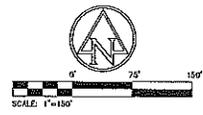
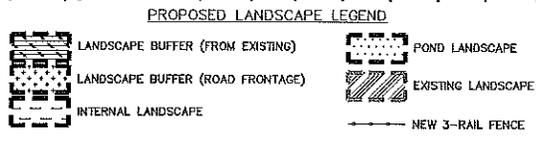
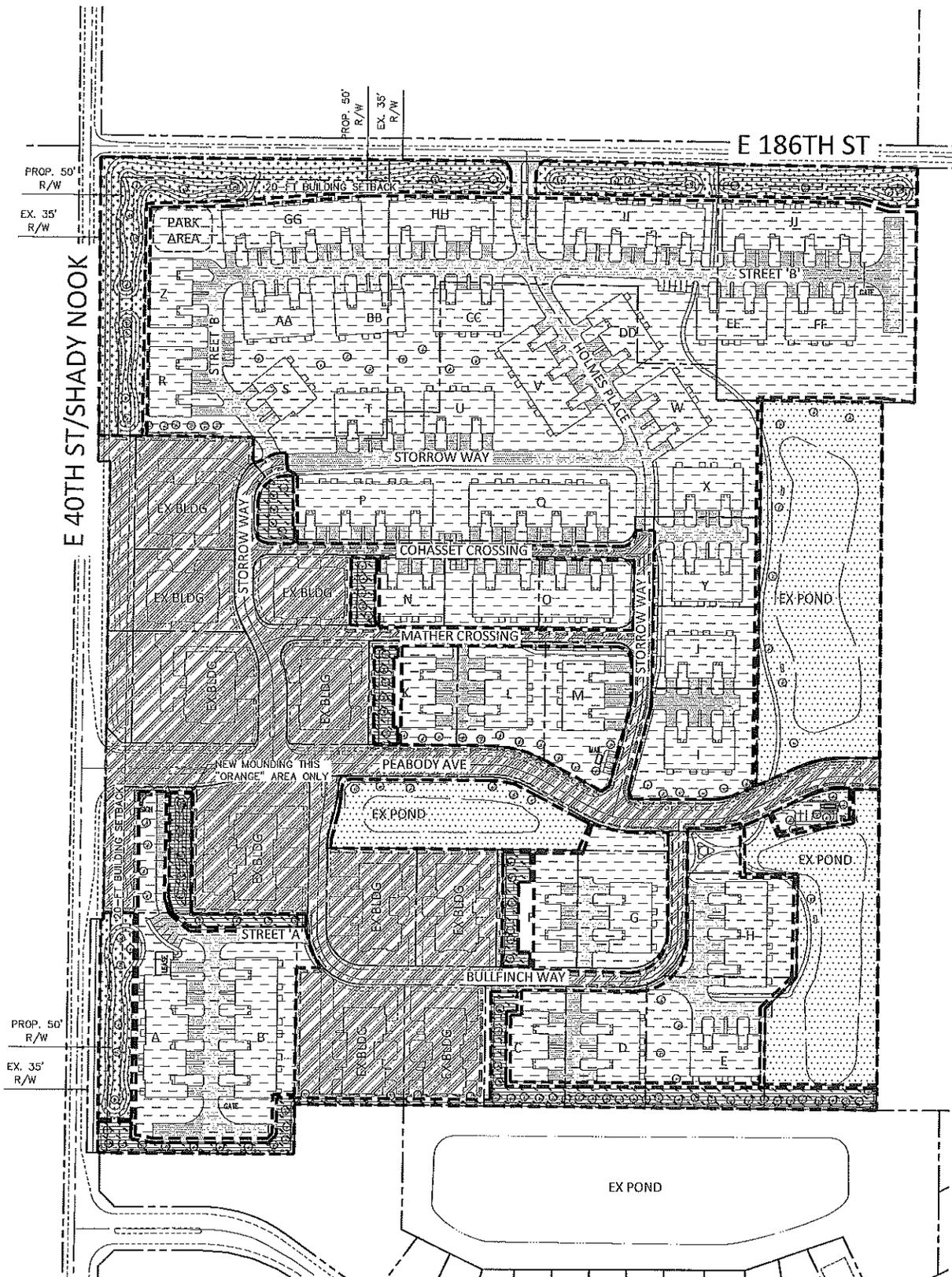


**OVERALL FLOOR PLAN**  
 SCALE: 3/8" = 1'-0"

EXHIBIT 8A TO  
 ORDINANCE 12-37



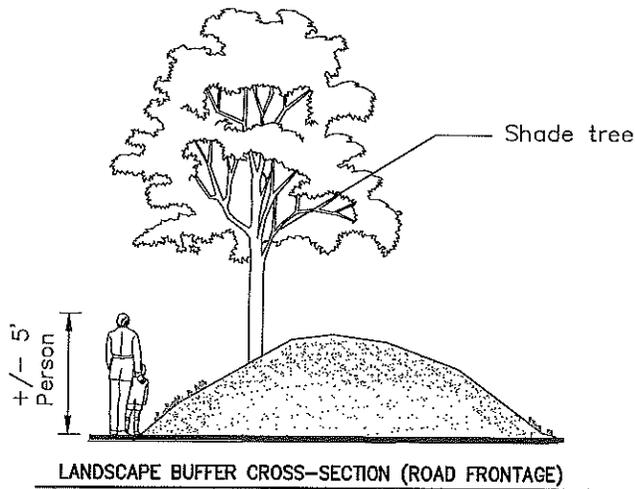
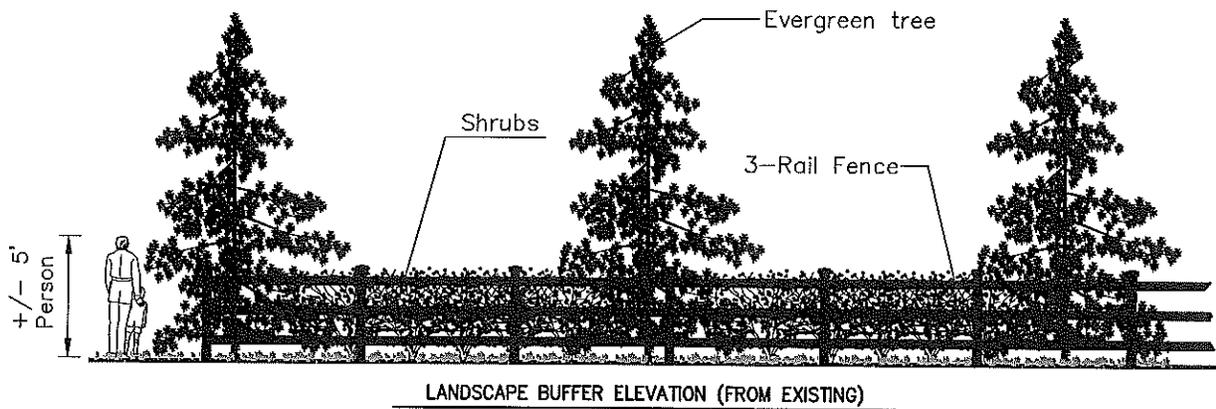




REDWOOD AT ANDOVER

OVERALL LANDSCAPE PLAN - EXHIBIT 11 TO ORD. 12-37

DECEMBER 31, 2012



# REDWOOD AT ANDOVER

JANUARY 2, 2012

## LANDSCAPE DETAILS - EXHIBIT 11A TO ORD. 12-37

#### LANDSCAPE BUFFER (FROM EXISTING)

- Landscape material shall include planting (2) evergreen tree per thirty (30) linear feet and five (5) evergreen shrubs per thirty (30) linear feet.
- The shrub material shall be planted at a minimum height of eighteen (18) inches tall and reach the minimum height of forty-eight (48) inches within three years of installation.
- The evergreen trees shall be planted at a minimum height of six (6) feet.
- Buffer plantings shall consist of two (2) or more species of both shrubs and trees.
- Additionally, a 3-rail white vinyl fence shall be installed along the length of the buffer.

#### LANDSCAPE BUFFER (ROAD FRONTAGE)

- The landscape buffer shall include a 4-6 foot berm for the material to be planted on.
- Landscape material shall be placed at least (1) shade tree per thirty (30) linear feet of road frontage.
- The shade trees shall be planted at a minimum of eight (8) feet in height and have a caliper measuring at least two (2) inches.
- Shade trees shall be of a variety that will attain an average mature spread greater than twenty (20) feet.

#### INTERNAL LANDSCAPE

- Internal landscape shall have one (1) shade tree, one (1) ornamental or evergreen tree, and four (4) shrubs per dwelling. Plantings will occur within the side yards, setback areas, and green spaces, comprised of 180 shade trees, 180 ornamental trees or evergreen trees, and 720 shrubs.
- The proposed trash dumpster shall be screened by using a six (6) foot high evergreen screen planted nine (9) feet on center in a double staggered row.
- All planting material shall comply with sizing requirements provided herein.

#### POND LANDSCAPE

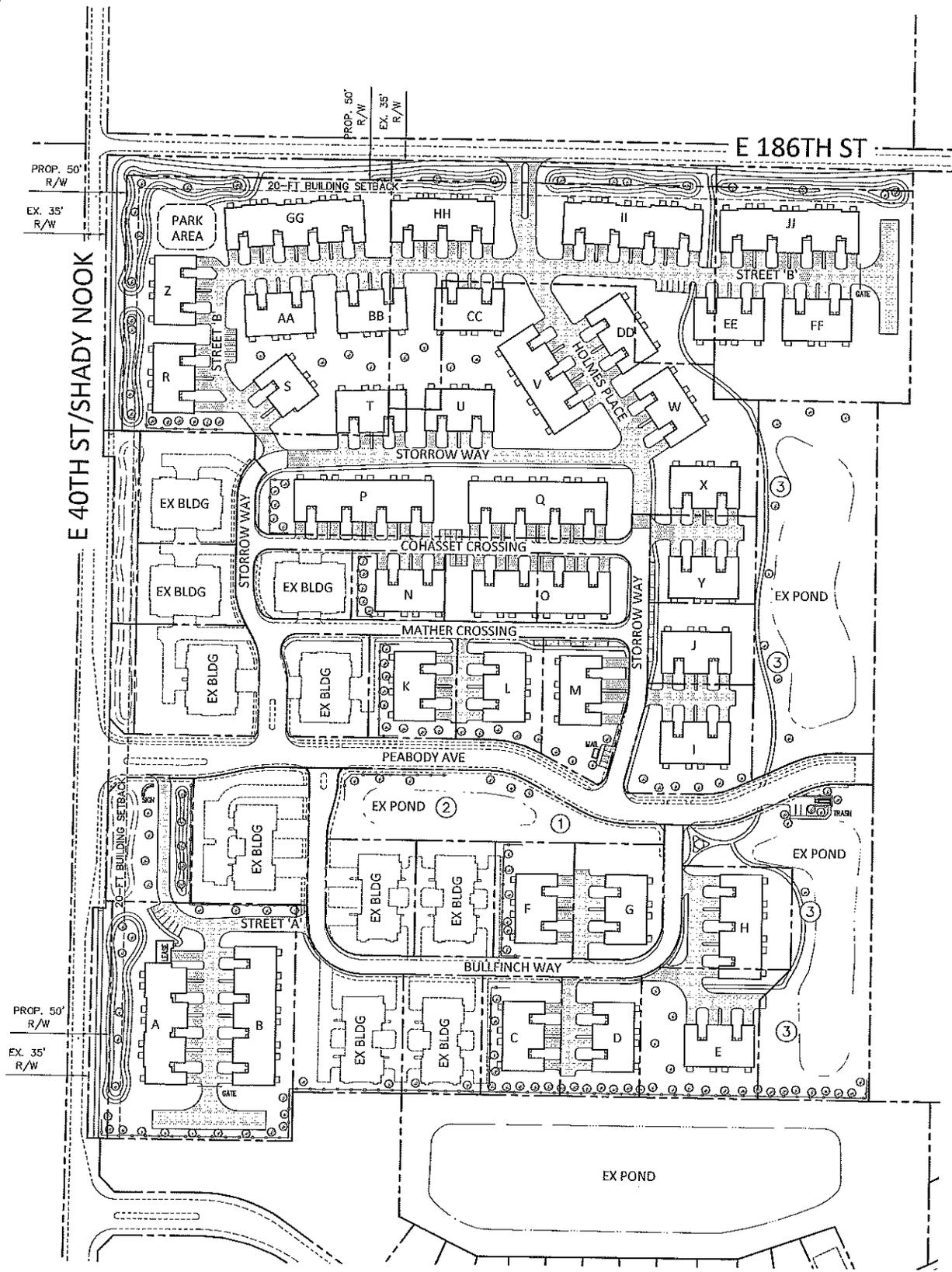
- The existing onsite ponds shall be planted with shade and evergreen trees to replicate the natural form of ponds.
- All planting material shall comply with sizing requirements provided herein.

**NOTE: Landscape plantings in Landscape Buffer (From Existing), Landscape Buffer (Road Frontage) and Pond Landscape areas shall count toward the required number of plantings described in Internal Landscape calculations.**

**LANDSCAPE DETAILS – EXHIBIT 11A TO ORD. 12-37**

**PAGE 2**





OVERALL SITE	
EXISTING UNITS =	APPROX 50
PROPOSED UNITS =	180
OPEN SPACE ACREAGE =	21.95

- PROPOSED SITE LEGEND**
- ① GAZEBO
  - ② FOUNTAIN
  - ③ BENCH
  - ⊙ NEW PINE TREE
  - NEW 3-RAIL FENCE
  - NEW 6-FT ASPHALT TRAIL



**REDWOOD AT ANDOVER**  
**SITE PLAN - EXHIBIT 13 TO ORD. 12-37**



DECEMBER 31, 2012