2013012833 ORDINANCE $43.00
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Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NUMBER 13-11

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 (this "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 1211-PUD-12**), filed with the Commission requesting an amendment to the Zoning Ordinance;

WHEREAS, the Commission forwarded **Docket 1211-PUD-12** 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 February 5, 2013;

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 applies only to (collectively, the "Real Estate"):

A. The real estate generally described as Lots 6 and 8 within Parcel C of the Viking Meadows PUD Ordinance, and more particularly described in Exhibit A attached hereto (the "Valley View Lots");

B. The real estate generally described as those lots within Parcel A of the Viking Meadows PUD Ordinance that are immediately adjacent to the Monon Trail, and included in the real estate more particularly described in Exhibit B, attached hereto (the "Trail Adjacent Real Estate");

C. Lot #75 of Meadowlands at Viking Meadows Section Three, per the plat thereof recorded as Instrument # 2012048851 in Plat Cabinet 4, Slide 794, on file in the Office of the Recorder of Hamilton County, Indiana; and

D. Lot #70 of Meadowlands at Vikings Meadows Section Two, per the plat thereof recorded as Instrument # 2011060351 in the Office of the Recorder of Hamilton County, Indiana.

1.2 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 (the "Viking Meadows PUD Amendment Ordinance").

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Standards.** Exhibit 19 ("Architectural Standards – Parcel C") of the Original PUD Ordinance is hereby amended and superseded with the attached Exhibit C ("Architectural Standards – Parcel C") for the Valley View Lots.

Section 4. **Parcel A and Monon Trail Buffer.**

4.1 Monon Trail Buffer. Section 4.4(B)(i) of the Viking Meadows PUD Amendment Ordinance shall be replaced and superseded with the following: "At the time the lots in Parcel A adjacent to the Monon Trail (the "Trail Adjacent Lots") are developed, the Developer shall plant a quantity of spruce trees, a minimum of seven (7) feet tall at planting, equal to an amount not less than that which would have been installed if the trees were planted in a single row of fifteen (15) feet on center along the entire rear of the Trail Adjacent Lots abutting the Monon Trail

(such trees shall hereinafter be referred to as the "Base Planting"). The trees that are part of the Base Planting shall be located with the intent of enhancing the existing Monon Trail vegetation and planted in a natural and staggered/irregular row pattern (e.g., not installed in a systematic single row)."

4.2 Supplemental Plantings. In addition to Base Plantings required in Section 4.1 above, supplemental plantings in excess of the Base Plantings shall be installed along the rear lot line of the Trail Adjacent Lots to supplement the Monon Trail Buffer and the Base Planting and to fill gaps in the existing vegetation along the Monon Trail ("Supplemental Plantings"). The Supplemental Plantings shall be planted as follows:

A. Prior to completion of the development of the Trail Adjacent Lots, Developer shall clean up the existing vegetation and plant material along the rear of the Trail Adjacent Lots, excluding Lots 63, 64 and 65 in the plat of The Meadowlands at Viking Meadows, Section Two, that abut the Monon Trail by removing all undesirable and invasive species of shrubs and brush in a manner reasonably calculated to permit newly planted trees to thrive, and preserve, to the extent reasonably possible, all desirable and mature trees.

B. Upon completion of the cleanup of the existing vegetation and plant material in Section 4.2(A) above, but prior to completion of the development of the Trail Adjacent Lots, Developer and a representative selected by the existing Viking Meadows Homeowners' Association Advisory Board shall meet on site and walk the rear of the Trail Adjacent Lots to determine the quantity and location of the Supplemental Plantings. The location and quantity of the Supplemental Plantings shall be done with the intent of enhancing the Monon Trail Buffer and filling gaps of the existing Monon Trail vegetation. The quantity and location shall be subject to best practices and development considerations such as easements, storm drainage, lines of sight, and property owner consent

C. The plant species shall be determined by the Developer and selected from the City Parks' Department list of approved species (the "Approved Species").

D. The exhibit attached hereto as Exhibit D (the "Preliminary Monon Vegetation Plan") illustratively depicts the Monon Trail Buffer, including Base Plantings and potential Supplemental Plantings. Notwithstanding anything in this Section 4 to the contrary, the maximum number of Supplemental Plantings to be installed by Developer shall not exceed eighty-six (86) plantings, which is twice the number of Supplemental Plantings shown on the Preliminary Monon Vegetation Plan. Supplemental Plantings shall be an Approved Species.

E. Within thirty (30) days after the walking of the rear of the Trail Adjacent Lots to determine the quantity and location of the Supplemental Plantings by Developer and a representative of the existing Viking Meadows Homeowners' Association Advisory Board as required in Section 4.2(B) above, Developer shall submit to the Economic and Community Development Department of the City of Westfield a final landscaping plan (the "Final Monon Vegetation Plan") that shows the location, number, species and size at planting of all Base Plantings and all Supplemental Plantings with an acknowledgement from the representative of the existing Viking Meadows Homeowners' Association Advisory Board as to its accuracy. Installation of the Final Monon Vegetation Plan shall (i) become a requirement of the Viking Meadows PUD, and (ii) be completed no later than the end of the first planting season that occurs after the commencement of construction of the Trail Adjacent Lots.

Section 5. Meadowlands Section One Buffer.

5.1 Section 4.4(A)(ii) of the Viking Meadows PUD Amendment Ordinance shall be replaced and superseded with the following: "In addition, a staggered double row of spruce trees, a minimum of seven (7) feet tall at planting, with each row's trees planted thirty (30) feet on center and five (5) feet between the two rows, shall be planted in a landscape easement immediately south of Lots 33, 34, 35 and 36 of Meadowlands Section One. The width of the landscape easement shall be determined by the Developer at the time of platting the section of lots south of Lots 33, 34, 35 and 36; however, the landscape easement shall be a minimum width of fifteen (15) feet."

5.2 The Minimum Lot Area for Lot 75 within the Meadowlands shall be ten thousand (10,000) square feet.

[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 11 DAY OF Feb, 2013.

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., Faegre Baker Daniels, LLP, 600 East 96th Street, Suite 600, Indianapolis, Indiana 46240. (317) 569-9600.

I hereby certify **ORDINANCE** 13-11 was delivered to the Mayor of Westfield on the 12 day of Feb, 2013.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 13-11 this 14 day of February, 2013.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 13-11 this _____ day of _____, 2013.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

EXHIBIT A
VALLEY VIEW LOTS

Lots #6 and #8 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
TRAIL ADJACENT REAL ESTATE

LAND DESCRIPTION
Unplatted Meadowlands at Viking Meadows, Section Four, Lots 63-65 and 70 in the Meadowlands at Viking Meadows, Section Two

Lots Numbered 63, 64, 65 and 70 in the plat of The Meadowlands at Viking Meadows, Section Two per the plat thereof recorded as Instrument Number 2011060351 in the Office of the Recorder of Hamilton County, Indiana.

ALSO,

A part of the Southwest Quarter of Section 12, Township 18 North, Range 3 East of the Second Principal Meridian, situated in Washington Township, Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 12; thence South 87 degrees 16 minutes 25 seconds West (basis of bearings) on and along the South line of said Southwest Quarter 33.03 feet to a point on the Westerly Right-of-Way line of the Monon Trail as described in Instrument 2008016670, on file in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 09 minutes 41 seconds West on and along said Westerly Right-of-Way line 443.80 feet to the Northeast corner of The Meadowlands at Viking Meadows, Section Two, per plat thereof recorded as Instrument Number 2011060351 in the Office of the Recorder of Hamilton County, Indiana and the **POINT OF BEGINNING** of this description; thence on and along the perimeter of said Meadowlands at Viking Meadows, Section Two by the following four (4) courses: 1) North 88 degrees 14 minutes 22 seconds West 199.17 feet; thence 2) South 01 degrees 45 minutes 38 seconds West 30.83 feet to the point of curvature of a tangent curve to the right, said curve having a radius of 175.00 feet and being subtended by a long chord bearing South 02 degrees 21 minutes 45 seconds West 3.68 feet; thence Southerly on and along said curve to the Right, through a central angle of 01 degree 12 minutes 14 seconds, an arc distance of 3.68 feet; thence North 87 degrees 48 minutes 24 seconds West and non-tangent to said curve 142.94 feet to a point on the East line of The Meadowlands at Viking Meadows, Section Three, per plat thereof recorded as Instrument Number 2012048851 in the Office of the Recorder of Hamilton County, Indiana; thence on and along the perimeter of said Meadowlands at Viking Meadows, Section Three by the following eleven (11) courses: 1) North 05 degrees 24 minutes 56 seconds East 134.34 feet; thence 2) North 03 degrees 15 minutes 00 seconds East 132.77 feet; thence 3) North 01 degrees 39 minutes 44 seconds West 172.49 feet; thence 4) North 06 degrees 03 minutes 26 seconds West 115.34 feet; thence 5) North 04 degrees 02 minutes 32 seconds West 380.25 feet; thence 6) North 21 degrees 51 minutes 45 seconds East 42.14 feet; thence 7) North 68 degrees 08 minutes 15 seconds West 43.37 feet; thence 8) North 21 degrees 51 minutes 45 seconds East 50.00 feet; thence 9) North 68 degrees 08 minutes 15 seconds West 46.24 feet; thence 10) North 21 degrees 51 minutes 45 seconds East 130.36 feet; thence 11) North 37 minutes 18 minutes 43 seconds West 38.33 feet to a Southeast corner of The Meadowlands at Viking Meadows, Section One, per plat thereof recorded as Instrument Number 2007006331 in the Office of the Recorder of Hamilton County, Indiana; thence on and along the perimeter of said Meadowlands at Viking Meadows, Section One by the following two (2) courses: 1) North 28 degrees 03 minutes 23 Seconds East 115.51 feet; thence 2) North 89 degrees 50 minutes 19 seconds East 332.39 feet to a point on the Westerly Right-of-Way line of the Monon Trail; thence South 00 degrees 09 minutes 41 seconds East 1283.03 feet to the **POINT OF BEGINNING**, containing 10.336 acres, more or less.

EXHIBIT C
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 on the Valley View Lots (defined herein as Lots 6 and 8 within Parcel C) 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>:

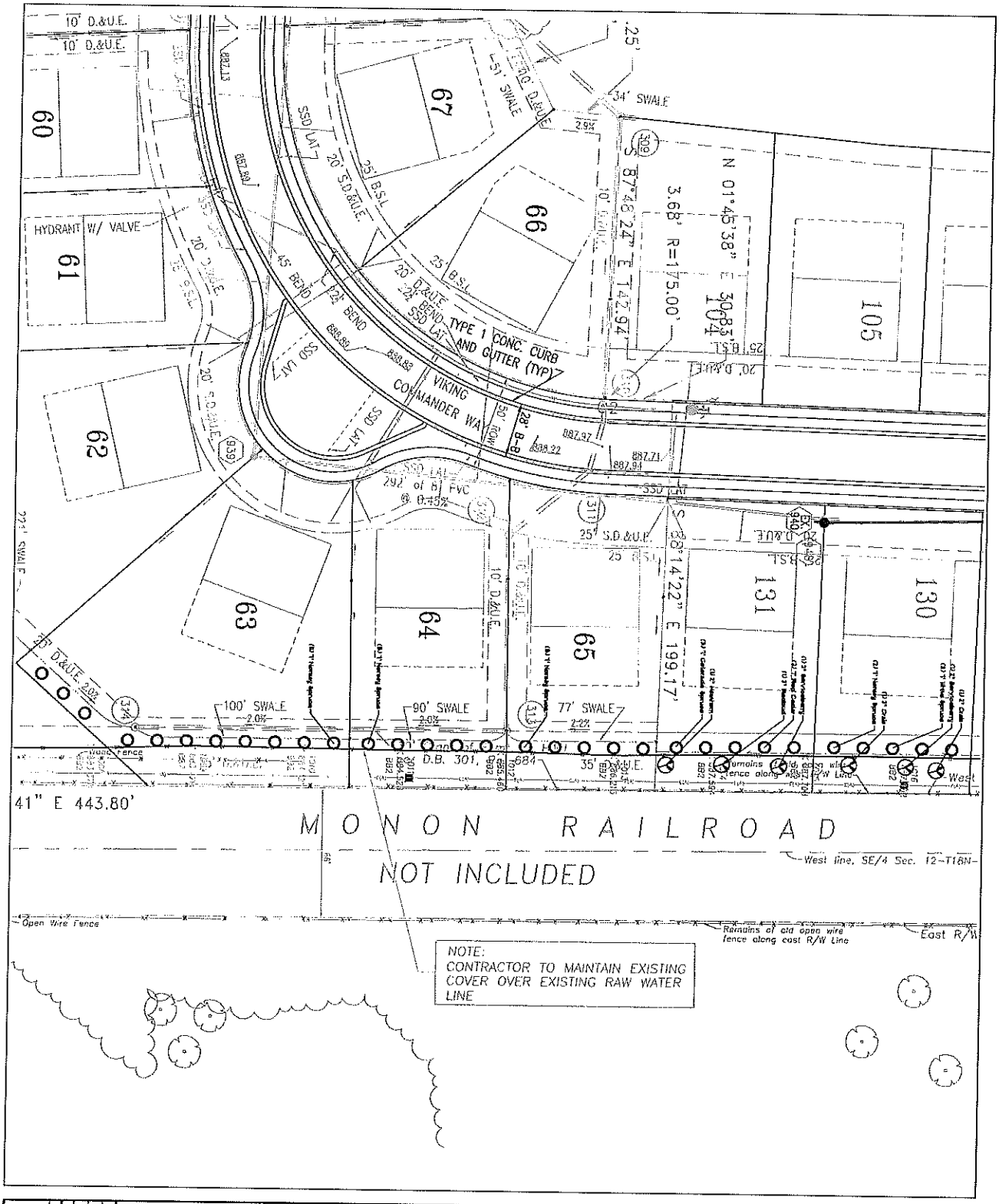
A. A not for profit Viking Meadows Homeowners Association shall be incorporated and related Covenants, Restrictions and By-Laws shall be created prior to platting any sections of Viking Meadows.
B. All new home, landscaping and exterior color plans must be approved by the Department prior to beginning 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, French Revival, 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.

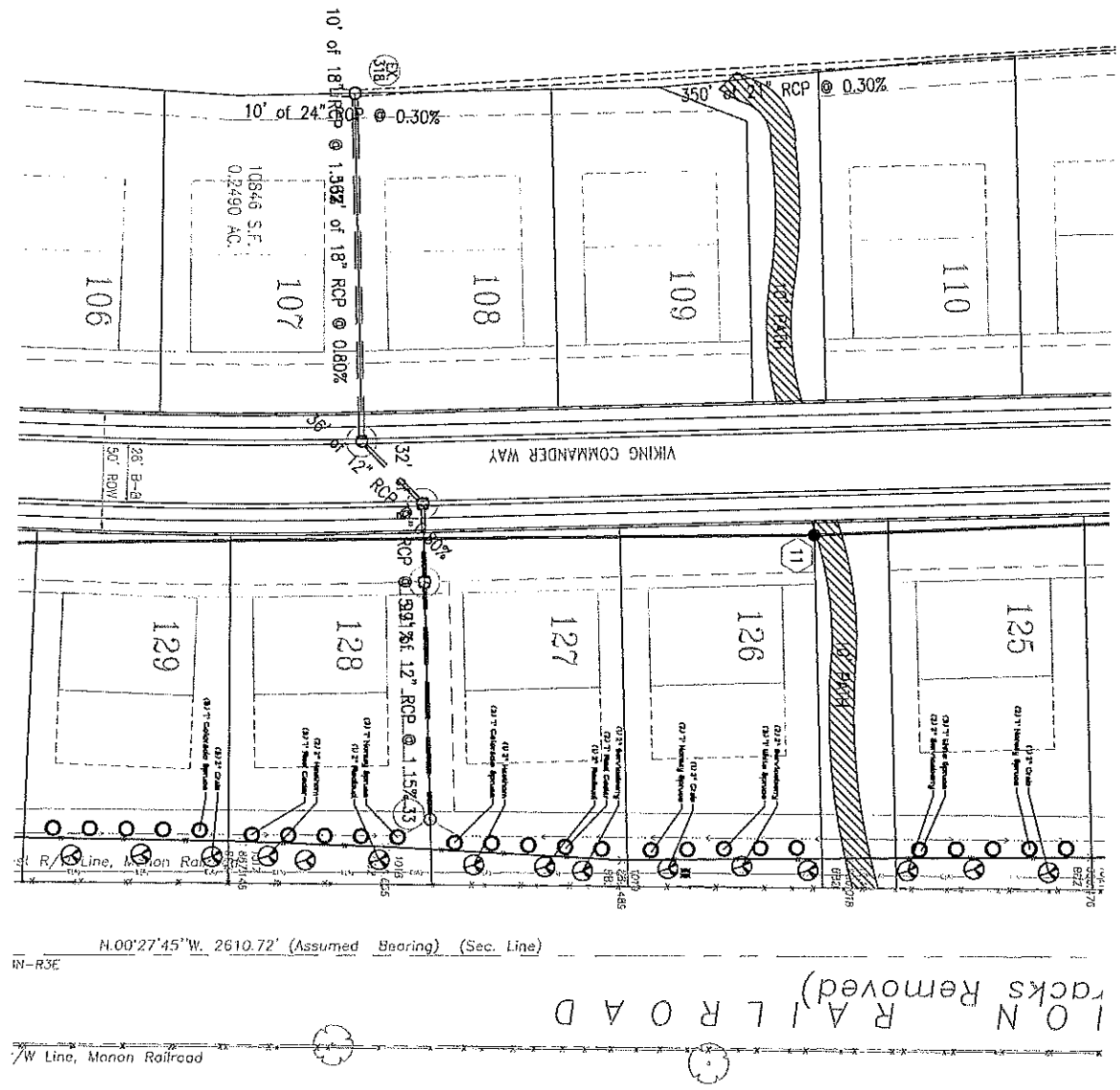
EXHIBIT D

ILLUSTRATIVE EXHIBIT

MONON TRAIL BUFFER AND SUPPLEMENTAL PLANTINGS



L-1	HITTLE LANDSCAPING	VIKING MEADOWS	PULTE GROUP
SCALE 1" = 30'-0"		MONON TRAIL SCREENING	INDIANAPOLIS, IN
DATE 12/10/2012			
DRAWN BY MB			
CHECKED BY MB			
SHEET NO.			DATE / REVISIONS



L-2	HITTLE LANDSCAPING	VIKING MEADOWS	PULTE GROUP	
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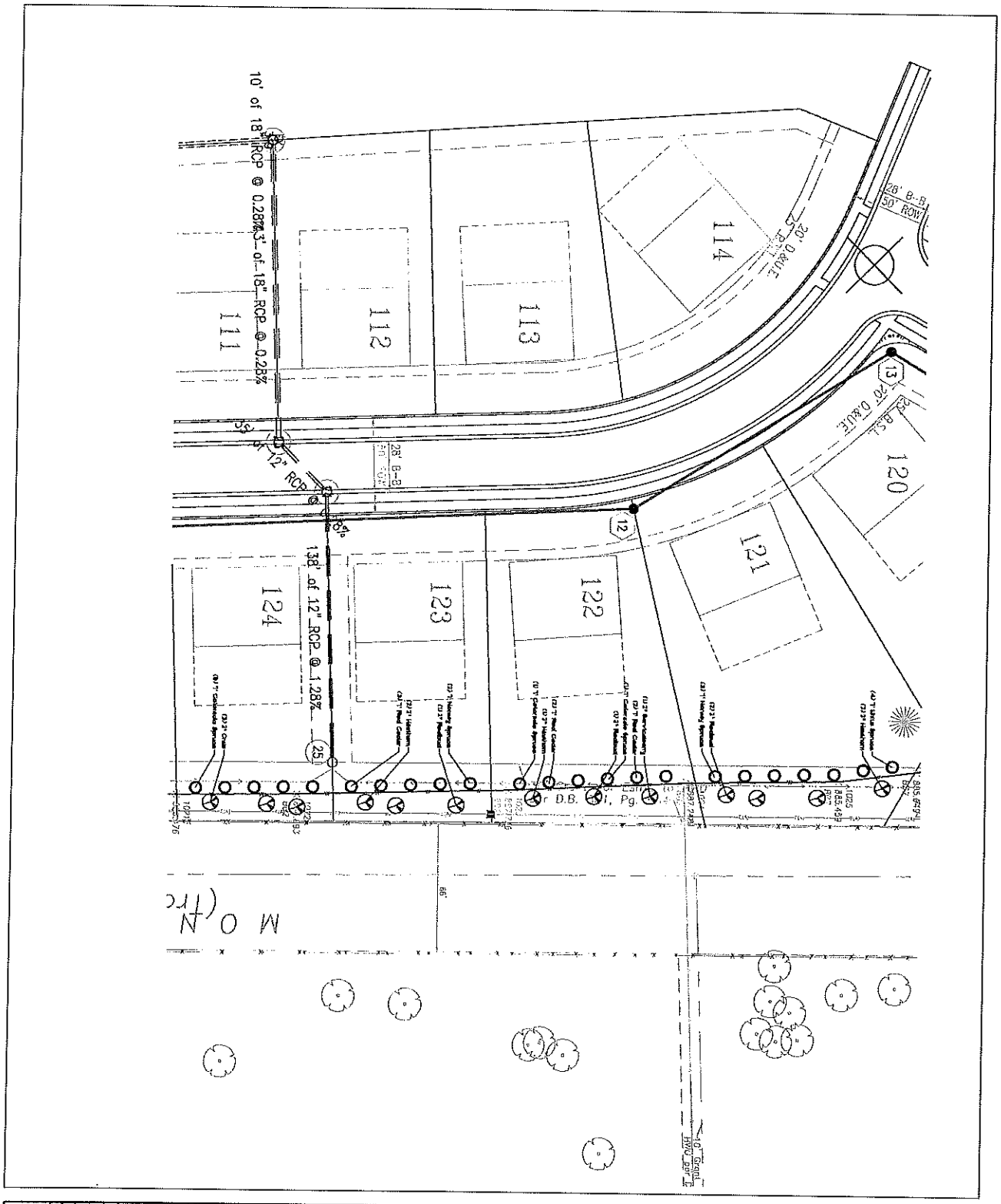
DATE 12/10/2012				DATE / REVISIONS
DRAWN BY MB				
CHECKED BY MB				
SHEET NO.				



L-3	HITTLE LANDSCAPING	VIKING MEADOWS	PULTE GROUP
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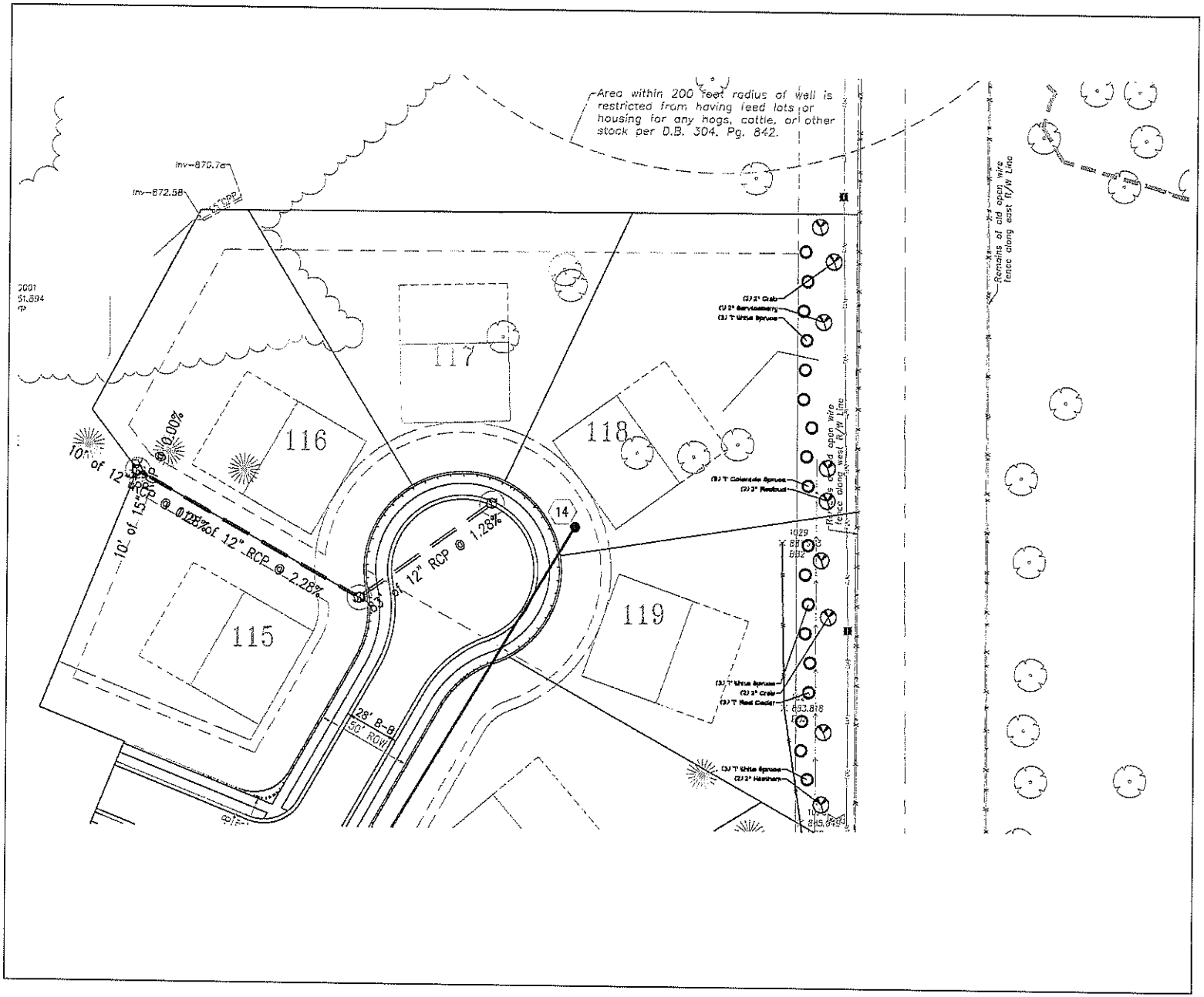
DATE 12/10/2012			
DRAWN BY MJB			
CHECKED BY MJB			
SHEET NO.			

DATE	REVISIONS



PULTE GROUP	INDIANAPOLIS, IN
VIKING MEADOWS	MONON TRAIL SCREENING

HITTLE LANDSCAPING

SCALE	1" = 30'-0"
DATE	12/10/2012
DRAWN BY	MB
CHECKED BY	MB
SHEET NO.	
	L-4

DATE	REVISIONS