

**ORDINANCE NUMBER \_\_\_\_\_**

**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 "CarDon Senior Living 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 \_\_\_\_-PUD-\_\_\_\_), filed with the Commission requesting an amendment to the Zoning Ordinance;

WHEREAS, the Commission forwarded Docket \_\_\_\_-PUD-\_\_\_\_ to the Westfield City Council with a favorable 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 \_\_\_\_\_, 2014;

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"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the GB District 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provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.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 Senior Living Facilities comprising a comprehensive senior living community and associated uses contained therein and related thereto, plus Independent and Assisted Living.
- 2.2 Limited GB permitted uses shall be allowed within four hundred (400) feet of the Ditch Road right-of-way. Permissible GB uses in this area include doctor offices, dentist offices, general offices, hospital/clinic, veterinary office, bank/credit union, drug store, coffee shop, restaurant, grocery, light retail (such as clothing, jewelry, shoes, instruments, furniture, office supplies) and other similar and comparable uses.

## **SECTION 3. DEVELOPMENT STANDARDS**

- 3.1 Minimum front yard building setback – twenty (20) feet from Ditch Road right-of-way and thirty (30) feet from 146<sup>th</sup> Street right-of-way.
- 3.2 Minimum front yard landscape setback – ten (10) feet from Ditch Road right-of-way and ten (10) feet from 146<sup>th</sup> Street right-of-way
- 3.3 Minimum side yard landscape setback – forty (40) feet from north property line where abutting residential lots within Centennial development – thirty (30) feet where abutting non-residentially property such as ponds
- 3.4 Building Materials - At least 50% of the front façades (facing 146<sup>th</sup> Street and/or Ditch Road) and 35% of the side facades (facing north and/or east) (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 facades shall be covered by fiber cement siding.

Garage facades shall be covered with fiber cement siding (excluding windows, doors and roofs).

- 3.5 Landscaping - Additional landscaping, berms and/or fencing shall be installed within the minimum forty (40) foot landscape setback as noted in Section 3.3, subject to final approval by the Director of the Department of Community and Economic Development.
- 3.6 Loading - Loading shall be provided as shown on the approved Concept Plan.

**SECTION 4. CONCEPT PLAN**

- 4.1 The Development is depicted on the Concept Plan, which shall serve as the illustrative concept plan, provided herein as Exhibit B.

**SECTION 5. APPROVAL.** Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

**WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ Jim Ake	_____ Jim Ake	_____ Jim Ake
_____ Chuck Lehman	_____ Chuck Lehman	_____ Chuck Lehman
_____ Steve Hoover	_____ Steve Hoover	_____ Steve Hoover
_____ Robert Horkay	_____ Robert Horkay	_____ Robert Horkay
_____ Robert Smith	_____ Robert Smith	_____ Robert Smith
_____ Cindy Spoljaric	_____ Cindy Spoljaric	_____ Cindy Spoljaric
_____ Robert Stokes	_____ Robert Stokes	_____ Robert Stokes

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer  
City of Westfield, Indiana

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Matthew M. Price

Prepared by: Matthew M. Price, attorney, Bingham Greenebaum Doll LLP, 10 W. Market St., Suite 2700, Indianapolis, IN 46204 (317) 686-5225.

## **Exhibit A**

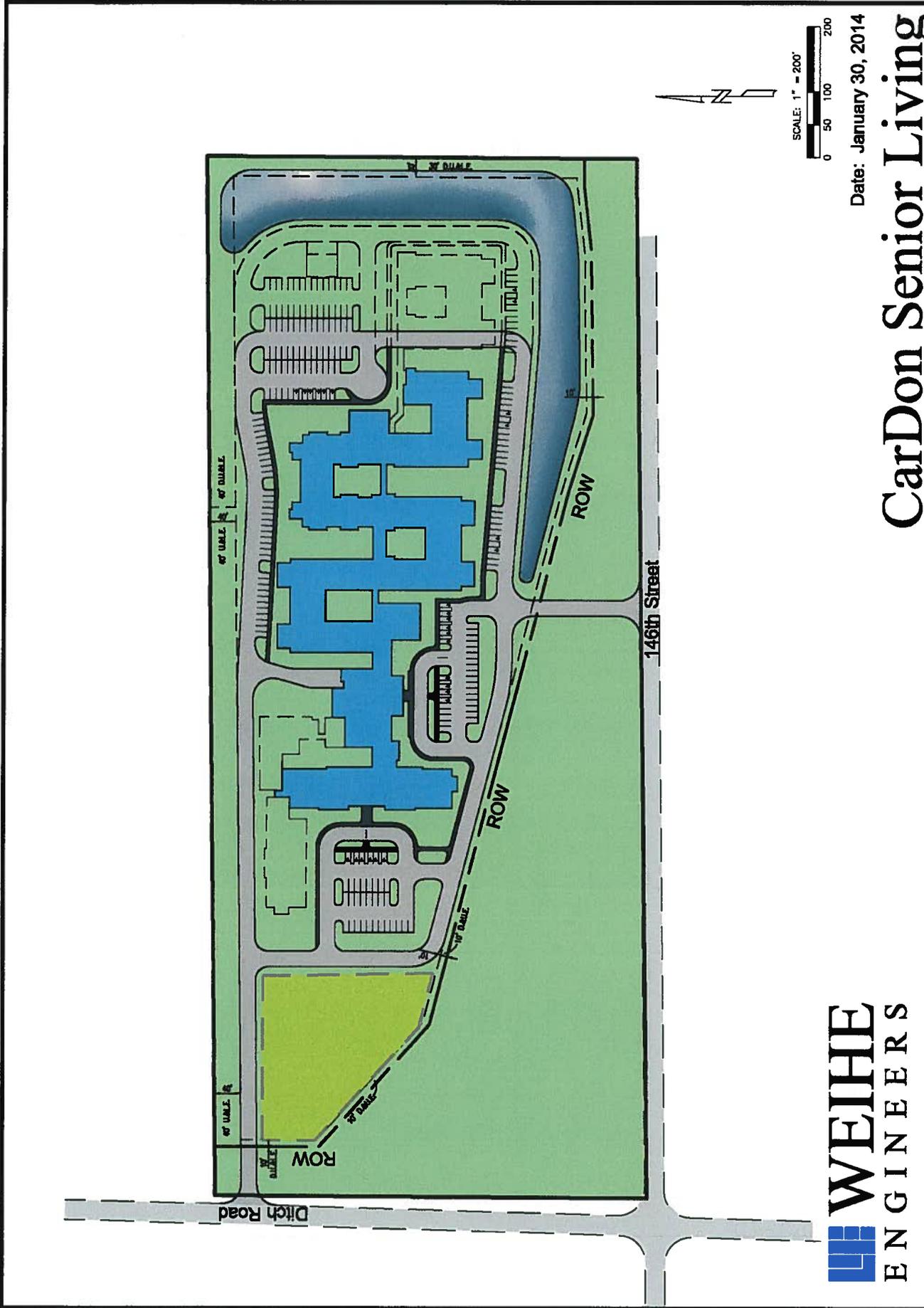
### **LAND DESCRIPTION**

A part of the Southwest Quarter of Section 15, Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest Quarter of said Quarter Section, thence North 00 degrees 11 minutes 49 seconds West (assumed bearing based upon a survey by Schneider Corporation, Job Number 7498.001 dated April 23, 2009) along the West line thereof 657.00 feet; thence North 88 degrees 50 minutes 00 seconds East parallel with the South line of said Quarter 1,591.00 feet; thence South 00 degrees 11 minutes 49 seconds East parallel with the West line of said Quarter Section 657.00 feet to the South line of said Quarter Section; thence South 88 degrees 50 minutes 00 seconds West along said South line a distance of 1,591.00 feet to the Beginning Point containing 23.99 acres, more or less.

Excepting therefrom, that part taken by warranty deed for right-of-way purposes by the Board of Commissioners of Hamilton County, Indiana, recorded October 11, 2013 as Instrument No. 2013063417, containing 7.91 acres, more or less.

Acreage after exception, 16.08 acres, more or less.



SCALE: 1" = 200'  
 0 50 100 200

Date: January 30, 2014

# CarDon Senior Living

**WEIHE**  
 ENGINEERS