2013065216 ORDINANCE $25.00
10/23/2013 12:30:35P 8 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NUMBER 13-25

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 an 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 1308-PUD-09), filed with the Commission requesting an amendment to the Viking Meadows PUD Ordinance (defined below);

WHEREAS, the Commission forwarded Docket 1308-PUD-09 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 October 8, 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 Viking Meadows PUD Ordinance, 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 "Parcels E & F at Viking Meadows PUD Amendment Ordinance" (this "Ordinance").

COPY

1.2 This Ordinance applies to the subject real estate, generally described as Parcels E and F of the Viking Meadows PUD Ordinance, and more particularly described in Exhibit A attached hereto (the "Real Estate").

1.3 The provisions of the Viking Meadows PUD Ordinance shall continue to apply to the Real Estate, except to the extent modified or amended by this Ordinance.

Section 2. Definitions.

2.1 "Original PUD Ordinance." The "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." The "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. Sections to Amend.

3.1 Table 16.04.040-1 of Exhibit 12, as referenced in Section 5.5(B) of the Original PUD Ordinance, shall remain in effect with the following items added to the list of possible amenities to be provided: dog park; outdoor entertainment area to include a minimum of one gas grill, one table and seating for eight (8) people; and a connection to the Monon Trail to include a minimum of seating for four (4) people, two (2) trees and twelve (12) shrubs, and a "Monon Trail" sign substantially similar to the signs shown on the attached Exhibit B (the City shall provide the sign's text).

3.2 The last sentence of Section 16.6 of the Original PUD Ordinance shall be deleted and replaced with the following sentence: "The Improvements shall be available for use by all residents in Parcels A, B, C and D."

3.3 References to Local Business. All references to LB-Local Business are hereby deleted from the following Sections of the Original PUD Ordinance: 5.5, 5.5(A), 5.5(B), 8.2(ii), 10.1(iii), Exhibit 13 and Exhibit 15. Section 7.3, Section 9.7, Section 10.3 and Exhibit 11 of the Original PUD Ordinance shall be deleted.

3.4 Section 9.6(L) of the Original PUD Ordinance shall be amended by adding the following sentence: "A multi-family building within one hundred and fifty feet (150') of a Viking Meadows common area (not including common areas within Parcels E & F) shall not include a garage door on the façade that is most parallel to and facing that common area."

Section 4. Effectiveness.

4.1 This Ordinance is effective upon approval by the Common Council of the City of Westfield, Hamilton County, Indiana, and the occurrence of all other actions required by law.

[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 14 DAY OF Oct, 2013.

WESTFIELD COMMON COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	Voting Against	Abstain
Jim Ake	Jim Ake	Jim Ake
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

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: Steven D. Hardin, Esq.

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** 13-25 was delivered to the Mayor of Westfield on the 16 day of Oct, 2013.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 13-25
this 16 day of Oct., 2013.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 13-25
this _____ day of _____, 2013.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

EXHIBIT A

PARCEL "E":

A part of the Southeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the southwest corner of the Southeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 88 degrees 22 minutes 33 seconds East (assumed bearing) on the south line of said Southeast Quarter 33.01 feet to a point on the east right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on said east right-of-way line 1807.99 feet to the Point of Beginning of the herein described real estate; thence North 89 degrees 50 minutes 19 seconds East 452.17 feet to a point on the east line of the real estate described in Instrument No. 97-45676 (Exhibit C) in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 27 minutes 45 seconds West on said east line 822.59 feet to a point on the north line of said Southeast Quarter; thence South 87 degrees 26 minutes 20 seconds West on said north line 448.24 feet to a point on said east right-of-way line of said Monon Railroad; thence South 00 degrees 09 minutes 41 seconds East on said east right- of-way line 803.81 feet to the Point of Beginning, containing 8.40 acres, more or less.

PARCEL "F":

A part of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the northwest corner of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 87 degrees 45 minutes 58 seconds East (assumed bearing) on the north line of said Southwest Quarter 2274.66 feet to the Point of Beginning of the herein described real estate; thence South 00 degrees 00 minutes 00 seconds East 790.25 feet; thence North 90 degrees 00 minutes 00 seconds East 281.45 feet to a point on the west right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on said west right-of-way line 801.15 feet to a point on said north line of said Southwest Quarter; thence South 87 degrees 45 minutes 58 seconds West on said north line 279.41 feet to the Point of Beginning, containing 5.12 acres, more or less.

EXHIBIT A (continued)

Depiction of Parcels E & F

LEGEND

- Parcel A = Blue Grass
- Parcel A = Meadowlands
- Parcel B = Two Gaits
- Parcel C = Valley View
- Parcel D = Valley View
- Parcel E
- Parcel F

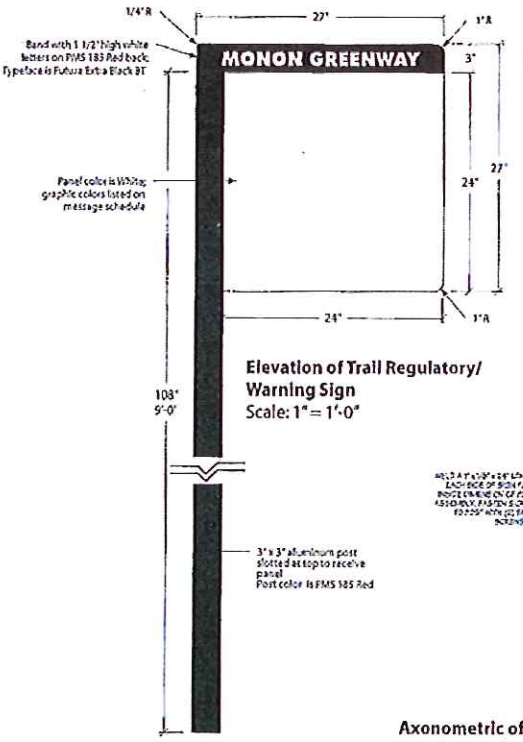
WEIHE ENGINEERS

EXHIBIT B

TRAIL & TRAIL SIGNAGE EXHIBIT

SIGN TYPE 1

SIGN TYPE 2



Item 63- Trail Traffic Sign

R-29623-A

essential architectural signs, inc.

Phone 317.253.6010 Fax 317.253.6100

Client
Calumet Civil Contractors, Inc.

Project
Monon Greenway Extension Phase 1

Specifications
Panel made from 1/8" thick aluminum sheet. Post is extruded 1/8" wall aluminum.

Graphics
See message schedule

Copy Color
See message schedule

Background Color
White panels; PMS 185 Red posts and top banner

Mounting
Direct burial backfilled with concrete

Quantity
10

Date
10.14.08 (revised 3.26.09)
Scale
See drawing
By
RWL

APPROVED AS DRAWN	PRODUCTION WILL NOT BEGIN UNTIL SIGNED APPROVAL IS RECEIVED BY ESSENTIAL ARCHITECTURAL SIGNS, INC. STANDARD PRODUCTION TIME IS A MINIMUM OF 12 WEEKS	APPROVED AS NOTED

dms.us.52845536.03