2015002394 ORDINANCE $38.00
01/20/2015 12:31:51P 14 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

3700
14
100NME

ORDINANCE NUMBER 14-50

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the "**MAPLERIDGE PUD DISTRICT**") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development 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 (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1412-PUD-18**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1412-PUD-18** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (7-0) 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 December 16, 2014;

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; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Mapleridge PUD District**" (the "District").

1.2 Development of the Real Estate shall be governed by: (i) the provisions of this Ordinance and its exhibits; and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

1.3 Chapter ("*Chapter*") and Article ("*Article*") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

2.1 Frontage Road: The road labeled as "Frontage Road" on the Concept Plan.

2.2 Loop Street: The Street labeled as "Loop Street" on the Concept Plan.

2.3 Oak Road Lot: The Lot labeled "ORL" on the Concept Plan.

2.4 Pie Shaped Lot: A Lot designed in a manner where the length of the Rear Lot Line is at least twenty-five percent (25%) longer than the length of the Front Lot Line.

2.5 Trail: Any pedestrian or nature trail internal to the District that is used by pedestrians, hikers, or pets. A trail may be paved or maintained in a natural state (e.g., gravel, rock, grass or mulch).

2.6 Underlying Zoning District: The Zoning District of the Unified Development Ordinance that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance.

Section 3. Concept Plan. The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with *Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.*

Section 4. **Underlying Zoning District(s).** The Underlying Zoning District of this District shall be the SF2: Single Family Low Density District. Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Underlying Zoning District, as set forth above, shall apply.

Section 5. **Permitted Uses.** All uses permitted in the Underlying Zoning District shall be permitted.

Section 6. **General Regulations.** The standards of *Chapter 4: Zoning Districts*, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

6.1 Minimum Lot Frontage: 20 feet.

6.2 Minimum Front Yard Building Setback Line: 20 feet

6.3 Minimum Lot Width for Pie Shaped Lots: 80 feet

6.4 Minimum Living Area:

A. Single story: 2,500 square feet

B. Two story: 2,800 square feet

6.5 Oak Road Lot. The standards of the Underlying Zoning District, as modified herein, shall apply to the Oak Road Lot, except as otherwise modified below.

A. The Oak Road Lot shall be accessed by a Driveway directly onto Oak Road.

B. Minimum Front Yard Building Setback Line: 150 feet

C. The landscaping standards (with the exception of the Minimum Lot Landscaping Requirements) of the UDO shall not apply.

D. The existing Accessory Building on the Oak Road Lot shall be permitted to remain, to be expanded, or to be replaced, so long as there shall only be one (1) Accessory Building permitted on the Oak Road Lot, unless otherwise permitted by the UDO.

Section 7. **Development Standards.** The standards of *Chapter 6: Development Standards* shall apply to the development of the District, except as otherwise modified below.

7.1 *Article 6.3 Architectural Standards*: Shall apply. In addition, the following shall also apply:

A. Character Exhibit. The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed in the District. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are required to

be constructed and that contribute to the District's intent and vision. It is not the intent to limit the architectural styles shown in the Character Exhibit, but to encourage diversity in architectural styles of Dwellings within the District. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's determination may be appealed to the Plan Commission.

B. Building Materials: In addition to *Article 6.3(C)(3) Building Materials*, the following shall apply:

i. The roofs of all Dwellings shall be covered with dimensional shingles or decorative wood or slate shake styled shingles.

ii. Vinyl and aluminum siding shall be prohibited.

C. Garages:

i. All Dwellings shall have a minimum of a three (3) car attached garage.

ii. All Dwellings shall have an angled, courtyard or side load garage. A maximum of fifty percent (50%) of a Dwelling's garage doors may be front load.

7.2 *Article 6.5 Fence Standards*: Shall apply. A wood fence (four to six feet in height) substantially similar in quality and character as the fence depicted to the right shall be installed where generally shown on the Concept Plan and labeled "Fence".

7.3 *Article 6.8 Landscaping Standards*: Shall apply, except as otherwise modified or enhanced below.

A. *Article 6.8(K): Minimum Lot Landscaping Requirements*: shall apply; however, the minimum number of shrubs per Lot shall be enhanced to require fifteen (15) shrubs per Lot.

B. *Article 6.8(M) External Street Frontage Landscaping Requirements* shall only apply along Oak Road in the areas labeled on the Concept Plan.

C. *Article 6.8(N) Buffer Yard Requirements* shall apply; however, the existing vegetation and Natural Areas, labeled as "Preserved Natural Buffer Yard" on the Concept Plan, shall be preserved and satisfy the required Buffer Yard planting materials in these areas. A tree preservation easement shall be established within the Preserved Natural Buffer Yard. Within this tree preservation easement, no trees with a diameter at breast height ("DBH")

in excess of four inches (4") or more (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, or is to be removed in order to: (1) comply with safety requirements of any governmental agency; or (2) to accommodate the installation of drainage, utilities, street connections or other infrastructure. If a Protected Tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the tree preservation area.

Section 8. **Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see *Chapter 7: Subdivision Regulations*), unless otherwise approved by the Plan Commission or Department of Public Works in consideration of the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

Section 9. **Design Standards.** The standards of *Chapter 8: Design Standards* shall apply to the development of the District, except as otherwise modified below.

9.1 *Article 8.7 Pedestrian Network Standards* shall apply, except as otherwise modified or enhanced below:

A. A sidewalk shall not be required on the west side of the Frontage Road or on the interior of the Loop Street.

B. Trails shall be prohibited along the north and northwest property lines, as generally shown in **Exhibit D**.

C. Trails shall be installed as generally depicted on the Concept Plan; however, the final Trail locations may be subject to existing easements (e.g., Mary Wilson Drain) and final engineering. If Trails are prevented from being installed as generally shown, then alternative Trail locations may be approved that still provide access and connectivity to the District's Open Space.

9.2 *Article 8.9 Street and Right-of-Way Standards* shall apply; however, subject to review and approval by the Public Works Department and Fire Department, as a part of the District's Overall Development Plan:

A. The Frontage Road cul-de-sac shall be permitted to have a maximum length of nine hundred (900) feet.

B. The Loop Street, as generally shown on the Concept Plan, shall be permitted.

C. Right-of-way shall be dedicated to provide a future connection point in the

southeast and northeast portions of the Real Estate. The final location of the proposed future connections, shown generally on the Concept Plan, may be subject to final engineering.

D. A paved emergency and pedestrian access shall be provided at the end of the Frontage Road, as generally shown on the Concept Plan.

9.3 *Article 8.6 Open Space and Amenity Standards* shall apply; however, the Minimum Open Space for the District shall be enhanced to require a minimum of sixteen percent (16%). All Open Space shall be common area and deeded to and maintained by a homeowners' association.

[REMAINDER PAGE INTENTIONALLY LEFT BLANK;

SIGNATURE PAGES FOLLOW.]

ALL OF WHICH IS ORDAINED/RESOLVED THIS 12TH DAY OF JANUARY, 2015.

WESTFIELD CITY COUNCIL

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
Charles Lehman	Charles Lehman	Charles Lehman
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 Grossard, Clerk Treasurer

WESTFIELD CORPORATION SEAL WESTFIELD INDIANA

"I affirm, under the penalties of [illegible] that [illegible] reason, this [illegible]

Cindy Grossard

I hereby certify that **ORDINANCE 14-50** was delivered to the Mayor of Westfield on the 14 day of Jan, 2015, at 9:30A m.

Cindy Gossard

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 14-50** this 14 day of January, 2015.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 14-50** this _____ day of _____, 2015.

J. Andrew Cook, Mayor

This document prepared by: Jim Langston, Langston Residential Development, LLC, 1132 S. Rangeline Road, Carmel, Indiana 46032 (317) 846-7017.

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Character Exhibit
Exhibit D	Trail Exhibit

EXHIBIT A
REAL ESTATE

PARCEL I
Part of the West Half of the Northeast Quarter of Section 18, Township 18 North, Range 4 East in Hamilton County, Indiana, described as follows:
Beginning on the West line of the Northeast Quarter of Section 18, Township 18 North, Range 4 East 495.00 feet North 00 degrees 23 minutes 13 seconds West (assuming bearing) from the Southwest corner of said Northeast Quarter; thence North 00 degrees 23 minutes 13 seconds West on said West line 411.11 feet; thence North 89 degrees 42 minutes 36 seconds East 518.57 feet; thence North 00 degrees 23 minutes 13 seconds West parallel with said West line 252.00 feet; thence South 89 degrees 42 minutes 36 second 518.57 feet to the West line of said Northeast Quarter; thence North 00 degrees 23 minutes 13 seconds West on said West line 237.89 feet; thence South 89 degrees 19 minutes 58 seconds East 500.20 feet; thence North 00 degrees 23 minutes 13 seconds West parallel with said West line 1269.40 feet to the North line of said Northeast Quarter; thence North 89 degrees 41 minutes 11 seconds East on said North line 832.87 feet to the East line of the West Half of said Northeast Quarter; thence South 00 degrees 16 minutes 27 seconds East on said East line 2162.38 feet to a point 834.20 feet South of the Northwest corner of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 42 minutes 36 seconds West 1328.73 feet to the place of beginning, containing 48.4533 acres more or less.
PARCEL II
Commence at a point seventeen and one-half (17 1/2) rods South of the Northwest corner of the Northeast Quarter of Section eighteen (18) Township eighteen (18) North, Range four (4) East and run East thirty (30) rods, South fifty-eight and one-half (58 1/2) rods, West thirty (30) rods, North fifty-eight and one-half (58 1/2) rods to the place of beginning, containing eleven (11) acres more or less.
EXCEPT THEREFROM:
Commencing at the Northwest corner of the Northeast Quarter of Section 18, Township 18 North, Range 4 East; thence South 00 degrees 23 minutes 13 seconds East (assumed baring) 288.75 feet on and along the West line of said Northeast Quarter to the point of beginning of this description, said point being the Northwest corner of an 11.00 acre, more or less, tract of real estate described in Instrument Number 20003774 in the Records of Hamilton County, Indiana; thence North 89 degrees 41 minutes 11 seconds East 495.00 feet parallel with the North line of said Northeast Quarter to the Northeast corner of said 11.00 acre tract of real estate; thence South 00 degrees 23 minutes 13 seconds East 225.18 feet on and along the East line of said 11.00 acre tract of real estate and parallel with the West line of said Northeast Quarter; thence South 89 degrees 36 minutes 47 seconds West 269 50 feet; thence South 00 degrees 23 minutes 13 seconds East 84.74 feet parallel with the West line of said Northeast Quarter; thence South 89 degrees 41 minutes 11 seconds West 225.50 feet to the West line of said Northeast Quarter; thence North 00 degrees 23 minutes 13 seconds West 310.26 feet on and along the West line of the Northeast Quarter to the point of beginning, containing 3.0 acres more or less.

PARCEL Ill
Part of the West Half of the Northeast Quarter of Section 18, Township 18 North, Range 4 East in Hamilton County, Indiana, described as follows:
Beginning on the West line of the West Half of the Northeast Quarter of Section 18, Township 18 North, Range 4 East, 906.11 feet North 00 degrees 23 minutes 13 seconds West (assumed bearing) from the Southwest corner of said Northeast Quarter; thence North 89 degrees 42 minutes 36 seconds East 518.57 feet; thence North 00 degrees 23 minutes 13 seconds West parallel with said West line 252.00 feet; thence South 89 degrees 42 minutes 36 seconds West 518.57 feet to the West line of said Northeast Quarter; thence South 00 degrees 23 minutes 13 seconds East on said West line 252.00 feet to the place of beginning, containing 3.00 acres, more or less.
Parcels I, II and III with exceptions as noted total 59.45 acres, more or less.

EXHIBIT B
MAPLERIDGE CONCEPT PLAN

EXHIBIT C
CHARACTER EXHIBIT

Character Exhibit (All pictures are homes located in Brookside)

EXHIBIT C
CHARACTER EXHIBIT (CONT.)

EXHIBIT D