

Exhibit "A"

ORDINANCE NUMBER 15-08

Gateway Southwest PUD District

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

This is a Planned Unit Development District Ordinance (to be known as the "**Gateway Southwest 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. 1504-PUD-06**), 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. 1504-PUD-06** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ 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 _____, 2015;

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 "**Gateway Southwest 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 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*. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of this District shall be the General Business 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. The permitted uses shall be as set forth below.

- 5.1 All uses permitted in the Underlying Zoning District, as set forth in *Chapter 4* and *Chapter 13*, shall be permitted unless otherwise prohibited below.
- 5.2 Additional Uses: The following additional uses shall be permitted:
 - A. None requested at this time

5.3 Prohibited Uses: The following uses shall be prohibited:

A. Mortuaries, Nursery, Religious Institution

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 Building Setback Lines

Front Yard: No minimum

Side Yard abutting road or street: No minimum

Side Yard internal to development: No minimum

Side Yard abutting residential: No Minimum

Rear Yard: No minimum

6.2 Building Height The PUD will have two districts for building height standards. District 1 shall be defined as the parcels adjacent to US 31. District 2 shall be defined as the balance of Parcel 1 from District 1 to the western boundary of the parcel. The Building Height Districts Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a graphical expression of the text description above.

- i. District 1 Building Height: Minimum of three (3) stories. No maximum.
- ii. District 2 Building Height: Minimum of one (1) stories. No maximum.
- iii. Maximum Building Height: None

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 D**, 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 permitted to be constructed and that contribute to the District's intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.
- 7.2 Buffer Yard Standards: Shall not apply.
- 7.3 Site Access and Circulation: The Pedestrian Accessibility Exhibit, attached hereto as **Exhibit E**, is hereby incorporated as representative drawing designed to capture the intended pedestrian connectivity and pathways to be constructed in the District. The Vehicular Flow Exhibit, attached hereto as **Exhibit F**, is hereby incorporated as a proposed traffic flow pattern intended to create a safe and convenient vehicular movement in the District.
- 7.4 Off Street Parking: The Gateway Southwest PUD shall use a group parking area centrally located in the PUD. This group parking area shall provide at least seventy (70%) of the total parking spaces required for each use.
- 7.5 On Street Parking: Due to the nature of Westfield Business Park Court Road as a road only servicing this PUD it is requested that street parking on the road be allowed. This parking shall count toward the required parking as outlined in the Unified Developer Ordinance.
- 7.6 Bicycle Parking: A maximum of ten (10) bicycle spaces per Principal Building will be the requirement. Decorative or artistic racks shall be credited towards any public art requirements.
- 7.7 Monument Signage: A directional monument sign shall be permitted in the public easement that creates a "V" at the intersection of Wheeler Road and Westfield Business Park Court Road. This Monument sign shall not count towards the allowable number for the Gateway Southwest PUD. One (1) monument sign shall be allowed for each Principal Building within the Gateway Southwest PUD District.

- 7.8 Bicycle Parking: A maximum of ten (10) bicycle spaces per Principal Building will be the requirement. Decorative or artistic racks shall be credited towards any public art requirements.
- 7.9 US 31 Overlay Requirements: Shall not apply to the Gateway Southwest PUD District.

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 to 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 None requested at this time.

ALL OF WHICH IS ORDAINED/RESOLVED THIS DD DAY OF _____, 2015.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ATTEST:

_____, Clerk Treasurer

I hereby certify that **ORDINANCE 15-08** was delivered to the Mayor of Westfield

on the _____ day of _____, 2015, at _____ m.

_____, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-08**

this _____ day of _____, 20YY.

_____, Mayor

I hereby VETO **ORDINANCE 15-08**

this _____ day of _____, 20YY.

_____, Mayor

This document prepared by:

SCHEDULE OF EXHIBITS

- Exhibit A Real Estate (Legal Description)
- Exhibit B Concept Plan
- Exhibit C Building Height Districts Exhibit
- Exhibit D Character Exhibit
- Exhibit E Pedestrian Accessibility Exhibit
- Exhibit F Vehicular Flow Exhibit

EXHIBIT A
REAL ESTATE
Land Description Key Map



August 11, 2014



EXHIBIT A (continued)

Parcel 1 Land Description

A part of the Northwest Quarter of Section I, Township 18 North, Range 3 East of the Second Principle Meridian in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East of the Second Principle Meridian in Washington Township, Hamilton County, Indiana; thence South 89 degrees 49 minutes 58 seconds West (assumed bearing) along the North line of said Section 1 a distance of 241.50 feet to the Northerly prolongation of the East line of the land of Willow Branch Limited Partnership recorded as Instrument No. 9733809 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 27 minutes 58 seconds West along said East line and the Northerly prolongation thereof 200.83 feet to the South line of the land of the State of Indiana as set out in a Court Cause No. 29COI-1211-PL-12265 and recorded as Instrument No. 2013-06319 in said Recorder's Office and the POINT OF BEGINNING of this description (the following eleven (11) courses are along the East, South and West lines of said land of Willow Branch Limited Partnership); 1.) thence continuing South 00 degrees 27 minutes 58 seconds West 196.17 feet; 2.) thence North 89 degrees 49 minutes 58 seconds East parallel with the North line of said Northwest Quarter 11.00 feet; 3.) thence South 00 degrees 00 minutes 00 seconds East parallel with the East line of said Northwest Quarter 357.88 feet; 4.) thence South 63 degrees 37 minutes 25 seconds West 59.97 feet; 5.) thence South 00 degrees 00 minutes 00 seconds East parallel with said East line 70.08 feet to a point on the Northerly right of way line of Sohl's "Y" Switch, said right of way line being on a non-tangent curve with the last described line, the radius point of which lies 583.05 feet North 23 degrees 25 minutes 43 seconds West from said point; 6.) thence Southwesterly, curving to the right on said right of way line, an arc distance of 171.03 feet to a point on the Easterly line of Dedicated Roadway Easement (known locally as Westfield Park Road), per dedication thereof recorded as Instrument No. 9119718 in said Recorder's Office; 7.) thence North 00 degrees 00 minutes 00 seconds East on the Easterly line of said Easement 7.31 feet to the point of curvature of a curve to the right, the radius point of which lies 275.00 feet North 90 degrees 00 minutes 00 seconds East from said point; 8.) thence Northeasterly, curving to the right on the Easterly line of said Easement, an arc distance of 88.21 feet to the point of tangency of said curve at a point that is 275.00 feet North 71 degrees 37 minutes 17 seconds West of the radius point of said curve; 9.) thence North 18 degrees 22 minutes 43 seconds East on the Easterly line of said Easement 121 .06 feet to the point of curvature of a curve to the left, the radius point of which lies 350.00 feet North 71 degrees 37 minutes 17 seconds West from said point; 10.) thence Northeasterly, curving to the left on the Easterly line of said Easement, an arc distance of 105.94 feet to the point of tangency of said curve, at a point that is 350.00 feet South 88 degrees 57 minutes 52 seconds East of the radius point of said curve; 11.) thence North 01 degrees 02 minutes 08 seconds East on the Easterly line of said Easement 262.64 feet to the South line of said land of the State of Indiana (the following three (3) courses are along said South line); 1.) thence North 27 degrees 48 minutes 20 seconds East 100.57 feet; 2.) thence North 69 degrees 32 minutes 29 seconds East 87.27 feet; 3.) thence South 88 degrees 51 minutes 08 seconds East 5.50 feet to the Point of Beginning, containing 2.213 acres, more or less.

EXHIBIT A (continued)

Parcel 2 Land Description

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East of the Second Principle Meridian in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East of the Second Principle Meridian in Washington Township, Hamilton County, Indiana; thence South 89 degrees 49 minutes 58 seconds West (assumed bearing) along the North line of said Section 1 a distance of 120.75 feet to the Northerly prolongation of the East line of the land of R.L. Wilfong Land Corp. recorded as Instrument No. 2009002807 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 27 minutes 58 seconds West along said East line and Northerly prolongation thereof 203.61 feet to the South line of the land of the State of Indiana as set out in a Warranty Deed recorded as Instrument No. 2013-25385 in said Recorder's Office and the POINT OF BEGINNING of this description (the following three (3) courses are along the East, South and West lines of said land of R.L. Wilfong Land Corp.); 1.) thence continuing South 00 degrees 27 minutes 58 seconds West 193.39 feet; 2.) thence South 89 degrees 49 minutes 58 seconds West 120.75 feet; 3.) thence North 00 degrees 27 minutes 58 seconds East 196.17 feet to the South line of said land of the State of Indiana; thence South 88 degrees 51 minutes 08 seconds East along said South line 120.75 feet to the Point of Beginning, containing 0.540 acres, more or less.

Parcel 3 Land Description

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East of the Second Principle Meridian in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Beginning 81.2 feet measured (83 feet deed) West of the Northeast corner of the Northwest Quarter of Section 1, Township 18 North, Range 3 East on the North line thereof, thence South 397 feet; thence West 120.75 feet; thence North 397 feet; thence East to the place of beginning, the North and South lines thereof being parallel with the East line of said Quarter Section. Containing 1.10 acres, more or less.

EXCEPT:

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being bounded as follows: Beginning at a point on the North line of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, said point of beginning being the Northeast corner of a 1.10 acre tract of land described in Instrument #8553 and recorded in Deed Record 197, page 18 in the records of Hamilton County, Indiana, and being 81.2 feet measured (83 feet prior description) West of the Northeast corner of said Northwest Quarter; thence South 147.75 feet along the East line of said 1.10 acre tract of land; thence West 120.75 feet parallel with the North line of said Northwest Quarter to the West line of said 1.10 acre tract of land; thence North 147.75 feet along the West line of said 1.10 acre tract of land to its Northwest corner and the North line of said Northwest Quarter; thence East 120.75 feet along the North line of said Northwest Quarter to the POINT OF BEGINNING. Containing 0.410 acre, more or less.

EXHIBIT A (continued)

Parcel 4 Land Description

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, Hamilton County, Indiana, described as follows:

Commencing at the northeast corner of said quarter section; thence South 88 degrees 48 minutes 00 seconds West 33.00 feet along the north line of said quarter section; thence South 1 degree 01 minute 58 seconds East 25.00 feet to the northeast corner of the owner's land and the point of beginning of this description: thence South 1 degree 01 minute 58 seconds East 15.00 feet along the east line of the owner's land; thence south 88 degrees 48 minutes 00 seconds West 47.10 feet to the west line of the owner's land, thence North 0 degrees 34 minutes 00 seconds West 15.00 feet along said west line of the owner's land to the south boundary of S.R. 32, thence North 88 degrees 48 minutes 00 seconds East 46.97 feet along the boundary of said S.R. 32 to the point of beginning and containing 0.016 acres, more or less.

Also, an easement in and to the following-described real estate, to wit: A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, Hamilton county, Indiana, described as follows:

Commencing at the northeast corner of said quarter section; thence south 88 degrees 48 minutes 00 seconds West 33.00 feet along the north line of said quarter section; thence South 1 degree 01 minute 58 seconds East 40.00 feet along the east line of the owner's land to the point of beginning of this description: thence South 1 degree 01 minute 58 seconds East 39.14 feet along said east line of the owner's land; thence South 88 degrees 48 minutes 00 seconds West 47.41 feet to the west line of the owner's land; thence North 0 degrees 34 minutes 00 seconds West 39.14 feet along the said west line of the owner's land; thence north 88 degrees 48 minutes 00 seconds East 47.10 feet to the said line of the owner's land and the point of beginning and containing 0.042 acres, more or less.

Parcel 5 Land Description

A part of the Northeast Quarter of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, commencing at the Southeast corner of a tract of land heretofore deeded to A. J. Sohl, thence West to said Sohl's "Y" switch, thence Southwest on the line of said switch to the right-of-way of the Chicago and Southeastern Railroad Company, thence East to the right-of-way of the Louisville, New Albany and Chicago Railroad Company, thence North to the place of beginning, containing 1 acre, more or less. To more clearly describe the above real estate the "Commencing Point" is a point 33 feet West of, and 44 rods and 1 foot South of the Northeast corner of the Northwest Quarter of section 1, Township 18 North, Range 3 East, and what is referred to as the Chicago and Southeastern Railroad Company is now known as the Central Indiana Railroad Company, and what is referred to as the Louisville, New Albany and Chicago Railroad company is now known as the Monon Railroad.

EXHIBIT B
CONCEPT PLAN



EXHIBIT C
CHARACTER EXHIBIT



EXHIBIT D
BUILDING HEIGHT DISTRICTS EXHIBIT

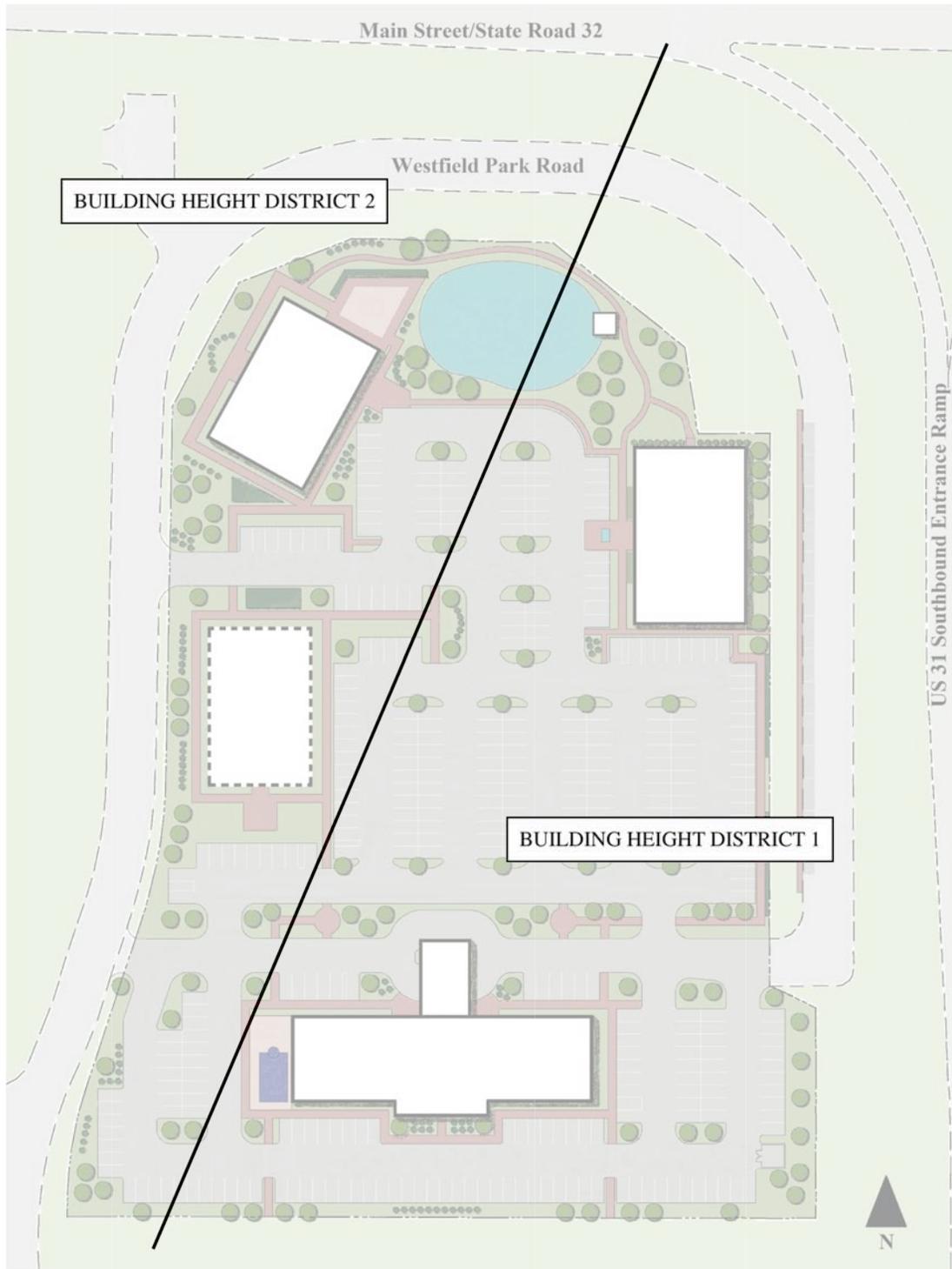


EXHIBIT E
PEDESTRIAN ACCESSIBILITY EXHIBIT



EXHIBIT E
VEHICULAR FLOW EXHIBIT



