

ORDINANCE NUMBER 15-11

**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 "LANTERN PARK 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. 1505-PUD-07**), 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. 1505-PUD-07** 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 _____, 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 I 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 "**Lantern Park 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 of the date of approval, 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.
- 2.2 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).

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. The Real Estate shall be subdivided into two parcels. The western Parcel "B", consisting of approximately 16 acres of floodplain area, shall be developed as open space uses and no residential units may be located on it. The eastern Parcel "A", consisting of approximately 25 acres, will be for residential uses and the maximum number of units in the District may be increased to as many as sixty (60) so long as the overall aesthetics of the District do not substantially change. The development of the two parcels may be phased.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of this District shall be the SF-4: Single Family High 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, as set forth in *Chapter 4* and *Chapter 13* shall be permitted, additionally, the following shall be permitted in the District, so long as the requirements of this Ordinance are complied with, including maximum number of units: n/a.

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 Lines: Side Yard: 5 ft.; Front Yard: 20 ft.; Rear Yard: 20 ft.
- 6.2 Minimum Lot Width: 60 feet.
- 6.3 Minimum lot size shall be 7,200 sq. ft.
- 6.4 Maximum Building Height: One and a half (1.5) stories.
- 6.5 Minimum Living Area: Single Story: 2,000 sq. ft. – 1.5 Story: 2,300 sq. ft.

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, as an average, 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. It is not the intent to limit the architectural styles shown in Exhibit C, 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 decision may be appealed to the Plan Commission.
- B. **Single-family Districts (Residential Uses):** In addition to *Article 6.3(C) Single-family Districts (Residential Uses)*, the following shall apply:
 - (1) Any lot (specifically lots 17 to 32 as shown on Exhibit “B” hereto) with a rear elevation facing east and or north, shall be constructed in a way to comply as if the rear elevation faced a Street with a minimum of 4 total Points, in accordance with Article 6.3(C)(1)(c), but shall not be required to meet the Streetscape Diversity for Perimeter Lots included in Article 6.3(C)(1)(b)(iv).
 - (2) Any lot (specifically lots 1 to 16 as shown on Exhibit “B” hereto) with a rear elevation facing west shall not be considered in the view of Union Street/Westfield.

(3) Lot 1 (as shown on Exhibit “B” hereto), which has a side elevation facing 161st Street shall have a side elevation requirement of four (4) points for the side facing 161st Street.

(4) Perimeter areas of thirty (30) foot tree preservation areas shall qualify as meeting the requirements of Article 6.8(M)(1) and/or Article 6.3(C)(1)(b)(ii)(d) and shall count as two (2) points.

(5) The planting of a minimum of two shade, ornamental or evergreen trees in the rear yard area shall count as a credit of one (1) point.

(6) Areas where entrance wall features or privacy fence/landscape features associated with the entrance wall extend along at least fifty (50%) percent of a side or rear lot line facing a public right of way providing a minimum of six (6) foot visual obstruction shall count as a credit of two (2) points.

(7) Buildings which utilize the one and one half story elevation, but which have no windows visible from the rear elevations, shall be awarded the one (1) point provided under Article 6.3(C)(1)(b)(ii)(a).

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

(1) Vinyl and aluminum siding shall be prohibited.

D. Garages: All Dwellings shall have a minimum of a two (2) car attached garage.

E. Article 6.3(C)(2) Streetscape Diversity: Shall be replaced by Exhibit D hereto. For the purposed of Exhibit D, a “Different Color Package” shall be defined as a home which has both: a different primary siding color; and has a different color of at least one (1) of the following exterior elements: masonry material, the trim, any accent siding (e.g., board and batten, shake).

7.2 *Article 6.8 Landscaping Standards*: Shall apply, except as otherwise modified below.

A. The Detailed Development plan shall provide an approximate area of tree preservation to occur on the east and southern boundary of Parcel “A” of the District. The areas will be preserved subject to installation of required utilities, drainage and walking paths.

- B. The minimum buffer yard for Parcel “A” shall be thirty (30) feet, unless shown as wider on Concept Plan (Exhibit B hereto) and shall be landscaped in accordance with Buffer Yard A requirements. In areas of Tree Preservation the existing vegetation shall qualify as credit for the landscaping requirements. There shall be no landscaping requirements in the 30 foot buffer adjacent to the rear of lots 1 to 17 adjacent to the Parcel “B” Floodplain area.
- C. The Parcel “B” area located in the floodway shall be in the natural state and shall not require additional landscaping. It may, however, be improved with pond areas or wetland mitigation plantings and walking trails. Any perimeter path requirements under Article 8.7(D) (hereinafter the “Perimeter Path”) for Parcel “B” shall be installed in accordance with Section 11 hereof.
- D. There shall be no Street Trees planted along the public street between the curb and sidewalk. The individual lot planting requirement shall be a minimum of two (2) shade trees, one (1) ornamental tree and four (4) shrubs. At least one (1) shade tree (from the (2) required above) shall be located in the front yard of a lot in lieu of Street Trees. Such planting shall be made within ten (10) feet of the right of way line in the front yard. If the existence of a public utility easement prevents placement within ten (10) feet of the right of way line, the planting shall be as close as practical to the right of way line without interference with the public utility easement.

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*), except as otherwise modified or 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, the modifications of which shall be contained in a separate Developer Agreement with the Department of Public Works.

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 8.6 Open Space and Amenity Standards* shall apply: however, the Minimum Open Space for the District shall be enhanced to require a minimum of thirty percent (30%). The Parcel “B” area contained in the floodway shall not be counted in the open space requirements The Parcel “B” area shall be in the natural state and shall not require additional landscaping as a common area. Parcel “B” may, however, be improved with pond areas or wetland mitigation plantings. Parcel “B” shall not be deemed as common area nor shall be deeded to and maintained by a homeowners' association and shall not be part of the common area maintained by the homeowners’ association. Parcel “B” may remain in private ownership or be deeded to a private or public agency for development and maintenance.

Section 10. Amenities. Amenities shall be provided in accordance with this section.

- 10.1 The following shall be included within the Parcel “A” of District:
 - A. Walking/Jogging/Biking Trail;
 - B. Fountains in detention pond areas; and
 - C. Two (2) bench sitting areas overlooking pond and/or floodway.

10.2 The Overall Development Plan shall identify the area(s) to be set aside for amenities. The specific details of the amenity areas (Detailed Development Plans) shall be reviewed by the Department for further compliance at the time of the Improvement Location Permit review.

Section 11. Phasing.

11.1 Parcel “A” shall be developed in no more than three (3) platted sections. The amenities provided in Section 10.1 shall be installed in accordance with the provisions of section 11.3.

11.2 Parcel “B” shall be platted and recorded no later than contemporaneously with the approval of the final platted section of Parcel “A”.

11.3 Subject to the following, one (1) amenity shall be added with each platted section of Parcel “A”.

The stub of the Walking/Jogging/Biking Trail between lots 14 and 15 shall be installed in the final phase of platting of Parcel A.

The Perimeter Path adjacent to 161st Street on both Parcel A and Parcel B shall be installed in the first phase of Platting of Parcel A

11.4 If Parcel “B” has been approved or is in the process of being developed as a regional detention facility, wetland mitigation area, or other public use, all requisite public improvements on Parcel “B” (including but not limited to the Perimeter Path on Union Street and the path noted on Exhibit B as “Trail System to be constructed with Parcel B”) shall be installed upon the platting of Parcel “B” as provided in Section 11.2 hereof. If Parcel “B” is not under development at the time of final platting, the improvements will be required to be made within thirty six (36) months of the final approval of the plat and the then owner of Parcel “B” shall be required to place a bond or other approved surety with the City prior to the approval of the plat to secure the installation thereof.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK.]
[SIGNATURE PAGE IMMEDIATELY FOLLOWS.]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS ____ DAY OF _____, 2015.

WESTFIELD CITY 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

Chuck Lehman

Chuck Lehman

Chuck 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 J. Gossard, Clerk-Treasurer

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. Russell L. Brown

I hereby certify that ORDINANCE No. _____ was delivered to the Mayor of Westfield on the _____ day of _____ 2015 at _____ .m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE NO. 15-11

This _____ day of _____, 2015.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 15-11

This _____ day of _____ 2015.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

Prepared by:

Russell L. Brown, 26781-49, Clark, Quinn, Moses, Scott & Grahn, LLP
320 N. Meridian Street, Suite 1100, Indianapolis, IN 46204, (317) 637-1321

EXHIBIT A

Legal Description

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 4 EAST, IN HAMILTON COUNTY, INDIANA. ALSO: BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 4 EAST, HAMILTON COUNTY, INDIANA, AND RUN NORTH 6 RODS 13.38 FEET TO A STONE; THENCE EAST 77 RODS 4 FEET TO A STONE; THENCE SOUTH 6 RODS 4.7 FEET; WEST TO THE PLACE OF BEGINNING. **EXCEPTING THEREFROM** PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA, BEING A PART OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 9709739582, ALL IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE NORTH 00 DEGREES 06 MINUTES 39SECONDS EAST (LOCATION ROUTE SURVEY BEARING, INSTRUMENT NO. 200600025208, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA), ALONG THE WEST LINE OF SAID QUARTER QUARTER SECTION 70.10 FEET; THENCE SOUTH 89 DEGREES 53 MINUTES 55 SECONDS EAST, 16.50 FEET TO THE APPARENT EXISTING RIGHT OF WAY; THENCE NORTH 89 DEGREES 45 MINUTES 15 SECONDS EAST, 12.25 FEET; THENCE SOUTH 35 DEGREES 39 MINUTES 46 SECONDS EAST, 55.22 FEET; THENCE NORTH 81 DEGREES 08 MINUTES 19 SECONDS EAST, 166.88 FEET; THENCE NORTH 24 DEGREES 11 MINUTES 53 SECONDS EAST, 60.42FEET; THENCE NORTH 89 DEGREES 54 MINUTES 15 SECONDS EAST, 125.00 FEET; THENCE SOUTH 32 DEGREES 15MINUTES 04 SECONDS EAST 47.17 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 15 SECONDS EAST, 375.00 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 45 SECONDS EAST, 35.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 15 SECONDS EAST 50.00 FEET; THENCE SOUTH 71 DEGREES 35 MINUTES 47 SECONDS EAST, 42.22 FEET TO THE APPARENT EXISTING RIGHT OF WAY; THENCE SOUTH 00 DEGREES 14 MINUTES 45 SECONDS EAST, 16.50 FEET TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE SOUTH 89 DEGREES 45 MINUTES 15 SECONDS WEST, ALONG SAID SOUTH LINE, 866.18 FEET TO THE POINT OF BEGINNING, CONTAINING 1.233 ACRES, MORE OR LESS.

Exhibit B Concept Plan

South Union Street



Plot Date: Apr 29, 2015 Plot Time: 1:35pm File Name: W:\Equior Real Estate\2015-07-18 Equior Real Estate - 161st & Union\Design\CAD\161st and Union\Sheet 70w LOTS Option 1C.dwg Layout: MColor By: dchieserfeld

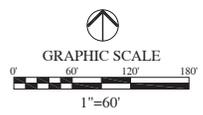


EXHIBIT 1C
LANTERN PARK
CONCEPT PLAN
60 LOT MAXIMUM
WESTFIELD, INDIANA
APRIL 29, 2015

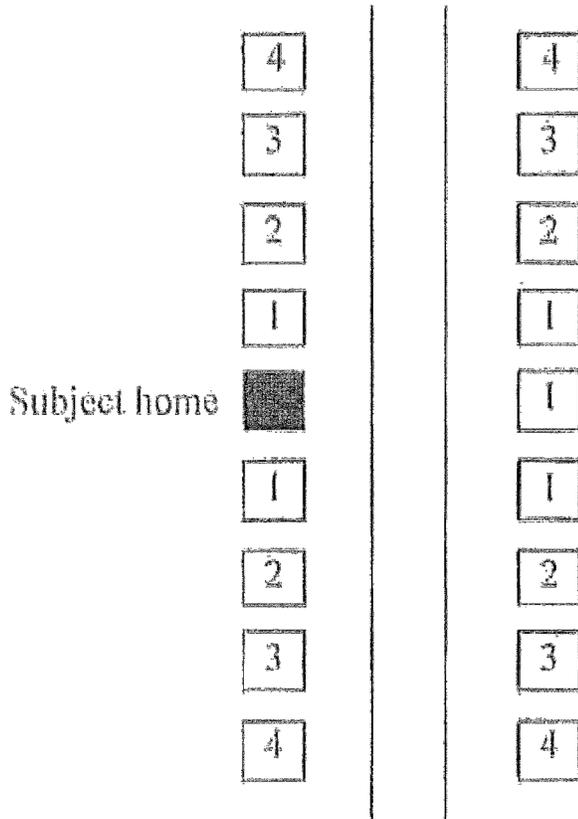


EXHIBIT C
CHARACTER EXHIBIT





EXHIBIT D



Home #	Requirement
1	Subject Home must have a Different Elevation and a Different Color Package than the Existing Home.
2	Subject Home must have a Different Elevation than the Existing Home. If an Existing Home's Dominant Exterior Material is brick or stone, then the Subject Home's brick or stone color may be the same color. If an Existing Home's Dominant Exterior Material is not brick or stone, then the Subject Home must have a Different Color Package than the Existing Home.
3	Subject Home may have the same elevation as the Existing Home as long as the Subject Home has a Different Color Package.
4	Subject Home may be identical to the Existing Home.