

## ORDINANCE 15-14

### 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 "**TAMARACK 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 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 \_\_\_\_\_), filed with the Commission requesting an amendment to 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 took action to forward said petition (Docket \_\_\_\_\_) to the Common Council of the City of Westfield (the "Council") with a \_\_\_\_\_ recommendation (by a vote of \_\_\_ in favor and \_\_\_ opposed) in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505, on \_\_\_\_\_, 2015;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the City Council on \_\_\_\_\_, 2015;

**WHEREAS**, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 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 Planned Unit Development District to be known as the "**Tamarack PUD District**" (the "Tamarack PUD 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-referenced of this Ordinance shall hereafter refer to the section as specified and reference 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 Trail: Any Pedestrian or nature trail internal to the Tamarack PUD District that is used by pedestrians. A trail may be paved or maintained in a natural state (e.g., gravel, rock, grass or mulch). In the locations where trails cross gas pipeline easements the exact trail location and installation is subject to the approval of owner of the pipeline.
- 2.6 Underlying Zoning District: The Zoning District of the Unified Development Ordinance that shall govern the development of this Tamarack PUD 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.** The Underlying Zoning District of this Tamarack PUD District shall be SF4: 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 shall be permitted.

- 6.1 All Dwellings shall be regulated as Single Story Dwellings for the purposes of applying the standards applicable to the Underlying Zoning District.

**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 Tamarack PUD District, except as otherwise modified below.

- 6.1 **Minimum Front Building Setback Line:** 22 feet

- 6.2 Minimum Side Yard Building Setback Line: 5 feet
- 6.3 Minimum Rear Yard Building Setback Line: 25' (up to 10% of the total number of lots in the Tamarack PUD District may have a 15' rear yard building setback line)
- 6.4 Minimum Lot Width: 70 feet
- 6.5 Minimum Living Area (Ground Floor):
- A. Single story: 1,400 square feet
- B. Story and one-half: 1,400 square feet

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

- 7.1 Article 6.3 Architectural Standards: Shall apply. In addition, the following shall also apply:
- A. Architectural Character Exhibit. The Architectural Character Exhibits, attached hereto as **Exhibit C**, are hereby incorporated as compilation of images designed to capture the intended quality of structures to be constructed in the Tamarack PUD 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 Tamarack PUD District's intent and vision. It is not the intent to limit the architectural styles shown in the Architectural Character Exhibits, but to encourage diversity in architectural styles of Dwellings within the Tamarack PUD 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.
- ii. Vinyl and aluminum siding shall be prohibited.
- B. Garages: All Dwellings shall have a minimum of a two (2) car attached garage.

- C. Overhangs: All Dwellings shall have a minimum 12” roof overhang from framing.
- D. Roof Pitch: All Dwellings shall have a minimum 8:12 roof pitch.
- E. Windows: All windows on Dwellings shall be framed with a 5 1/2“ trim unless framed in masonry.

7.2. 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 except modified or enhanced below.

- i. The minimum number of Shade Trees shall be three (3).
- ii. The minimum number of Ornamental or Evergreen trees (1).
- iii. The minimum he minimum number of Shrubs shall be ten (10).

B. Article 6.8(M) External Street Frontage Landscaping Requirements shall apply; except as otherwise modified below.

- i. The landscaping area within the pipeline easements as illustrated on the Concept Plan shall be excluded from the landscape planting and mounding standards.

C. Article 6.8(N) Buffer Yard Requirements shall apply; except as otherwise modified below.

- ii. The required buffer yard width along the east perimeter of the Real Estate shall be a twenty-five (25) feet as identified on the Concept Plan.
- iii. The perimeter of the buffer yards subject to the pipeline easements as illustrated on the Concept Plan shall be excluded from the landscape planting standards.

7.3 Article 6.17 (G) Residential Signs: Shall apply; except as otherwise modified below:

A. Brick columns a maximum of 8’ in height including a maximum Sign Area of six (6) square feet shall be permitted at the entrance(s) of the subdivision in addition to permitted Monument Signs.

**Section 8.** **Infrastructure Standards.** The Tamarack PUD 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 pipeline easements which cross the Real Estate.

**Section9.** **Design Standards.** The standards of *Chapter 8: Design Standards* shall apply to the development of the Tamarack PUD District, except as otherwise modified below.

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

A. Trails shall be installed as generally depicted on the Concept Plan; however, the final Trail locations are subject to existing easements 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 Tamarack PUD District’s Open Space.

9.2 Article 8.9 Street and Right-of-Way Standards shall apply; however, the layout of the street network in the Tamarack PUD District shall be in substantial compliance with the Concept Plan.

9.3 Article 8.6 Open Space and Amenity Standards shall apply; however, the Minimum fifteen percent (15%) Open Space requirement shall be enhanced. Thirty-five percent (35%) open space shall be provided on the Real Estate as generally shown on the Concept Plan. All Open Space shall be common area and deeded to and maintained by a homeowners’ association.

**Section10.** **Amenities.** Amenities shall be provided in accordance with this section.

10.1 The following shall be included within the Open Space of the Tamarack PUD District:

- A. Walking/Jogging/Biking Trails;
- B. A fountain in detention pond;
- C. A minimum of one (1) bench sitting area; and
- D. A minimum of two (2) gazebos including sitting areas.

[REMAINDER PAGE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE 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

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Chuck Lehman

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Chuck Lehman

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Chuck Lehman

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy 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: Jon C. Dobosiewicz

I hereby certify that ORDINANCE No. 15-\_\_ 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-\_\_  
This \_\_\_\_\_ day of \_\_\_\_\_, 2015.

I hereby VETO ORDINANCE No. 15-\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
J. Andrew Cook, Mayor

\_\_\_\_\_  
J. Andrew Cook, Mayor

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

Prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger  
3105 East 98<sup>th</sup> Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106

**Schedule of Exhibits:**

**Exhibit A    Legal Description**

**Exhibit B    Concept Plan**

**Exhibit C    Architectural Character Exhibits**

**EXHIBIT "A"**

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**(Legal Description)**

Parcel 1:

Part of the West Half of the Northeast Quarter of Section 7, Township 18 North, Range 4 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

COMMENCING at the Southwest Corner of the West Half of said Northeast Quarter Section; thence North 00 degrees 02 minutes 40 seconds West (assumed bearing) along the West line of the West Half of said Northeast Quarter Section a distance of 976.98 feet to the POINT OF BEGINNING; thence continuing North 00 degrees 02 minutes 40 seconds West along said West line a distance of 265.00 feet to a railroad spike; thence North 89 degrees 57 minutes 20 seconds East a distance of 1330.17 feet to a 5/8 inch rebar with yellow cap stamped "Schneider Firm #0001" on the East Line of the West Half of said Northeast Quarter Section; thence South 00 degrees 01 minutes 52 seconds East

along said East Line a distance of 265.00 feet; thence South 89 degrees 57 minutes 20 seconds West a distance of 1330.10 feet to the POINT OF BEGINNING. Containing 8.092 acres, more or less.

Parcel 2:

Part of the West Half of the Northeast Quarter of Section 7, Township 18 North, Range 4 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

COMMENCING at the Southwest Corner of the West Half of said Northeast Quarter Section; thence North 00 degrees 02 minutes 40 seconds West (assumed bearing) along the West Line of the West Half of said Northeast Quarter Section a distance of 726.98 feet to the POINT OF BEGINNING; thence continuing North 00 degrees 02 minutes 40 seconds West along said West Line a distance of 250.00 feet; thence North 89 degrees 57 minutes 20 seconds East a distance of 1030.10 feet; thence South 00 degrees 01 minutes 52 seconds East, parallel with the East Line of the West Half of the said Northeast Quarter Section, a distance of 250.00 feet; thence South 89 degrees 57 minutes 20 seconds West a distance of 1030.05 feet to the POINT OF BEGINNING. Containing 5.912 acres, more or less.

Parcel 3:

Part of the West Half of the Northeast Quarter of Section 7, Township 18 North, Range 4 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

COMMENCING at the Southwest Corner of the West Half of said Northeast Quarter Section; thence North 00 degrees 02 minutes 40 seconds West (assumed bearing) along the West Line of the West Half of said Northeast Quarter Section a distance of 452.73 feet to the POINT OF BEGINNING (said point also being the Northwest corner of a 1.665 acre tract of land described in a Warranty Deed recorded in Deed Book 360, Page 870 in the Office of the Recorder of Hamilton County, Indiana); thence continuing North 00 degrees 02 minutes 40 seconds West along said West Line a distance of 274.25 feet; thence North 89 degrees 57 minutes 20 seconds East a distance of 1030.05 feet; thence South 00 degrees 01 minutes 52 seconds East, parallel with the East Line of the West Half of the said Northeast Quarter Section, a distance of 273.78 feet; thence South 89 degrees 57 minutes 20 seconds West a distance of 743.98 feet to

**EXHIBIT "A"**

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**(Legal Description)**

the Northeast corner of the aforesaid 1.665 acre tract of land; thence South 89 degrees 51 minutes 41 seconds West along the North line of said tract of land a distance of 286.00 feet to the POINT OF BEGINNING, Containing 6.475 acres, more or less.

Parcel 4:

Part of the West Half of the Northeast Quarter of Section 7, Township 18 North, Range 4 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

COMMENCING at the Southwest Corner of the West Half of said Northeast Quarter Section; thence North 89 degrees 51 minutes 41 seconds East (assumed bearing) along the South Line of the West Half of said Northeast Quarter Section a distance of 388.00 feet to the POINT OF BEGINNING (said point also being the Southeast corner of a 0.496 acre tract of land described in a Corporate Quitclaim Deed recorded as Instrument Number 99-31292 in the Office of the Recorder of Hamilton County, Indiana); thence North 00 degrees 02 minutes 40 seconds West along the East line of said tract of land a distance of 212.00 feet to the Northeast corner of said tract of land; thence South 89 degrees 51 minutes 41 Seconds West along the North line of said tract of land a distance of 102.00 feet to the Southeast most corner of a 1.665 acre tract of land described in a Warranty Deed recorded in Deed Book 360, Page 870 in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 02 minutes 40 seconds West along the Easterly line of said tract of land a distance of 240.73 feet to the Northeast Corner of said tract of land; thence North 89 degrees 57 minutes 20 seconds East a distance of 743.98 feet; thence South 00 degrees 01 minutes 52 seconds East, parallel with the East Line of the West Half of the said Northeast Quarter Section, a distance of 451.51 feet to the South Line of the West Half of said Northeast Quarter Section; thence South 89 degrees 51 minutes 41 seconds West along said South Line a distance of 641.88 feet to the POINT OF BEGINNING. Containing 7.225 acres, more or less.

Parcel 5:

Part of the West Half of the Northeast Quarter of Section 7, Township 18 North Range 4 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

COMMENCING at the Southwest corner of the West Half of said Northeast Quarter Section; thence North 89 degrees 51 minutes 41 seconds East (assumed bearing) along the South Line of the West Half of said Northeast Quarter Section a distance of 1029.88 feet to the POINT OF BEGINNING; thence North 00 degrees 01 minutes 52 seconds West, parallel with the East line of the West Half of the said Northeast Quarter Section, a distance of 975.29 feet; thence North 89 degrees 57 minutes 20 seconds East a distance of 300.00 feet to the East Line of the West Half of said Northeast Quarter Section; thence South 00 degrees 01 minutes 52 seconds East along said East Line a distance of 974.79 feet to the Southeast Corner of the West Half of said Northeast Quarter Section; thence South 89 degrees 51 minutes 41 seconds West along the aforesaid South Line a distance of 300.00 feet to the POINT OF BEGINNING. Containing 6.715 acres, more or less.

**EXHIBIT "B"**  
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**(Concept Plan)**



**EXHIBIT "C"**  
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(Architectural Character Exhibits)



**EXHIBIT "C"**  
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(Architectural Character Exhibits)



**EXHIBIT “C”**  
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(Architectural Character Exhibits)

