Andover North

PLANNED UNIT DEVELOPMENT

AMENDMENT ORDINANCE

Ordinance No.: 15-05

Adoption Date: March 23, 2015

Instrument No.: 2015015343

AMENDMENT APPLIES TO: The Single-Family District of the Andover North PUD District.

DESCRIPTION OF AMENDMENT: This amendment modified the number of dwelling units, landscaping and amenities standards applicable to the Single-Family District of the Andover North PUD District.

RELATED ORDINANCES[1]: 06-12

[1] Includes only adopted ordinances prior to the above mentioned ordinance. Please confirm with the Economic and Community Development Department for any succeeding ordinances.

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HAMILTON County Recorder IN
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ORDINANCE NUMBER 15-05

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE ANDOVER NORTH PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is an Ordinance (this "Ordinance") 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 Council enacted Ordinance No. 06-12, the Andover North Planned Unit Development District (the "Andover North PUD Ordinance"), on May 8, 2006;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1503-PUD-02**), requesting an amendment to the Andover North PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1503-PUD-02** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a Favorable recommendation (Vote: 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 March 17, 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 Andover North PUD Ordinance and the Unified Development Ordinance and are hereby amended as follows:

Section 1. **Applicability of Ordinance.**

1.1 This Ordinance shall amend the Andover PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the Andover North PUD Ordinance, as amended by 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 the Andover North PUD Ordinance, as amended.

1.2 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.

1.3 All other provisions of the Andover North PUD Ordinance shall remain in effect with the adoption of this 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 the Andover North PUD Ordinance, as amended.

Section 2. **Number of Dwelling Units.** The standards of *Section 6: Number of Dwelling Units* of the Andover North PUD Ordinance shall apply to the development of the District, except as otherwise modified by the Andover North PUD Ordinance and below.

2.1 If Product Type M (Single Family Attached) is not developed in the Andover North PUD, then the Maximum Dwelling Units in Type L (Single Family Detached) may be increased from 105 to 150, provided the total number of all lots shall not exceed 220.

2.2 If the number of K-1 Lots exceeds twenty-five (25), then the number of Lots in excess of twenty-five (25) may apply toward the minimum number of K-2 Lots required, so long as the combined total of K-1 Lots and K-2 Lots developed is a minimum of sixty five (65).

Section 3. **Landscaping.** The standards of *Section 8: Landscaping* of the Andover North PUD Ordinance shall apply, except as otherwise modified by the Andover North PUD Ordinance and below.

3.1 The landscaping standards of the Andover North PUD Ordinance shall not apply; rather, Article 6.8 Landscaping Standards shall apply to the development of the Real Estate.

3.2 Section 8, Paragraph F of the Andover North PUD Ordinance, shall be amended as follows: A minimum of thirty (30%) of the gross area of the residential Real Estate shall be Open Space, which shall superseded the Green Belt Space, Secondary Green Space, and all other Open Space Requirements set forth in the Zoning

Ordinance. Any of the area of the Real Estate that is dedicated to or reserved for the use of a neighborhood association or the public as well as any are in which title or an easement is granted to a municipality shall be included in the Open Space calculation.

Section 4. **Amenities.** The standards of *Section 10: Amenities* of the Andover North PUD Ordinance shall be replaced and superseded with the following, as applicable to the Real Estate:

The Following shall be provided:

A. Dedicated Open Space of Wooded Area and Park (minimum 5,000 square feet);
B. Trail; and
C. Trail Staging Area, including benches and trail map.

In addition, the following amenities or substitutions as approved by the Director Director's designee, shall be included:

D. Playground and/or "Tot Lot" (minimum 4,000 square feet);
E. Basketball court;
F. Picnic area:
G. Dog park (minimum of 1,500 square feet)
H. Soccer field;
I. Softball diamond;
J. Vistas; and
K. A total of ten (10) pocket parks (minimum 2,000 square feet).

All amenities shall be dedicated to the Association.

Section 5. **Development Standards Matrix.** The standards of *Exhibit 5: Development Standards Matrix* of the Andover North PUD Ordinance shall apply, except as otherwise modified by the Andover North PUD Ordinance and below.

5.1 Dwelling Units Maximum for Product Type L, shall be increased to 150

5.2 A new footnote 10 shall be added to Exhibit 5 which states "The Number of Product Type L may be increased from 105 to 150 only if no Product Type M Lots are developed in the Andover North PUD and the total number of all Lots does not exceed 220."

Section 6. **Development Phasing.** The standards of *Exhibit 9: Development Phasing* of the Andover North PUD Ordinance shall apply, except that the "Clubhouse" Amenity shall be removed from the Amenity Phasing Table.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 23 DAY OF Mar, 2015.

Voting For	**Voting Against**	**Abstain**
Charles Lehman	Charles Lehman	Charles Lehman
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 L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk Treasurer

WESTFIELD CORPORATE SEAL WESTFIELD INDIANA

"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 hereby certify that **ORDINANCE 15-05** was delivered to the Mayor of Westfield on the 24 day of Mar, 2015, at 9:00A.m.

Cindy Gossard

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-05**

this 25 day of March, 2015.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-05**

this _____ day of _____, 2015.

_____

J. Andrew Cook, Mayor

Prepared by: Russell L. Brown 26781-49, Clark, Quinn, Moses, Scott + Grahn, LLP

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Zoning District Map

EXHIBIT A

Legal Description

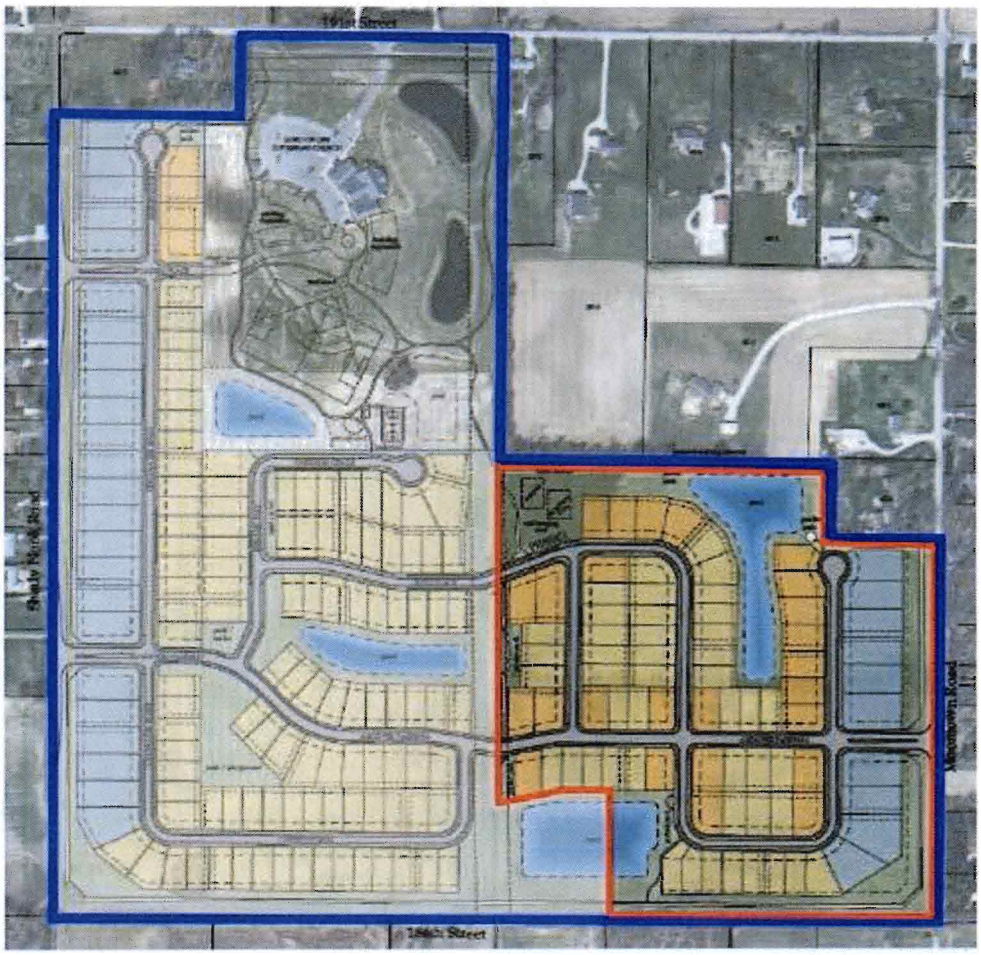
PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID HALF-QUARTER SECTION; THENCE SOUTH 89 DEGREES 22 MINUTES 42 SECONDS EAST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 330.75 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 13 MINUTES 51 SECONDS EAST 379.80 FEET; THENCE NORTH 89 DEGREES 18 MINUTES 15 SECONDS WEST 137.44 FEET; THENCE SOUTH 79 DEGREES 21 MINUTES 20 SECONDS WEST 196.85 FEET TO A POINT ON THE WEST LINE OF SAID HALF-QUARTER SECTION; THENCE NORTH 00 DEGREES 13 MINUTES 51 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 1043.71 FEET; THENCE SOUTH 89 DEGREES 18 MINUTES 37 SECONDS EAST 988.85 FEET; THENCE SOUTH 00 DEGREES 29 MINUTES 09 SECONDS WEST 235.91 FEET; THENCE SOUTH 89 DEGREES 16 MINUTES 55 SECONDS EAST 334.80 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 15 MINUTES 53 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 1147.58 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 89 DEGREES 22 MINUTES 42 SECONDS WEST ALONG THE AFORESAID SOUTH LINE OF SAID HALF-QUARTER SECTION A DISTANCE OF 991.16 FEET TO THE PLACE OF BEGINNING, CONTAINING 37.4 ACRES, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS SUBJECT TO CHANGE UPON THE COMPLETION OF AN ACCURATE BOUNDARY SURVEY.

EXHIBIT B

Andover North Zoning District Map



ANDOVER NORTH PUD

AREA SUBJECT TO TEXT AMENDMENT

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