ORDINANCE NUMBER 15-46

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 "**WILSHIRE 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, on February 13, 2006, the Town Council of the Town of Westfield, Hamilton County, Indiana, adopted Ordinance 06-09 recorded as Instrument No. 200600008441 in the Office of the Recorder of Hamilton County, Indiana, amending Ordinance No. 05-10 (collectively the "Amended Centennial North PUD District Ordinance"),

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1601-PUD-01**), requesting an amendment to the Unified Development Ordinance, the Zoning Map and the Amended Centennial North PUD District 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**. **1601-PUD-01** 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 _____, 2016;

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 "**Wilshire PUD District**" (the "District").

1.2 This Planned Unit Development District Ordinance (this "Ordinance") hereby repeals and supersedes in its entirety the Amended Centennial North PUD District Ordinance, as applicable to the Real Estate.

1.3 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.

1.4 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.

1.5 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 Different Color Package. If an Existing Home's Dominant Exterior Material is a Masonry Material, then the Subject Home's Masonry Material shall be a different color to be a Different Color Package. If the Existing Home's Dominant Exterior Material is not a Masonry Material, then the Subject Home's Dominant Exterior Material color shall be a least two (2) shades different to be a Different Color Package. Color shades shall be identified according to the "Sherwin Williams Color Prime System" or its successor system consistent with the "Munsell Color Theory."

2.2 Dominant Exterior Material. The Exterior Material that occupies the most surface area (compared to other Exterior Materials) of a Front Building Facade, exclusive of doors, windows and garage doors. The Dominant Exterior Material shall be identified on the elevations filed as part of an application for an improvement location permit.

2.3 Exterior Material. The separate architectural siding materials and patterns on a Front Building Facade such as Masonry Materials, horizontal siding, shake siding, vertical siding, and board & batten siding (each of the foregoing are examples of separate Exterior Materials).

2.4 Existing Home. A Single-family Dwelling that has been issued an improvement location permit at the time an application for an improvement location permit is filed for a Subject Home.

2.5 Subject Home. A Single-family Dwelling that is the subject of an application for

an improvement location permit.

2.6 Same Elevation: The same architectural Front Building Façade.

2.7 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 shall be the SF4: Single Family High Density District.

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 of the UDO, shall be permitted.

5.2 Maximum Dwellings. The total number of Dwellings permitted in the District shall not exceed eighty (80).

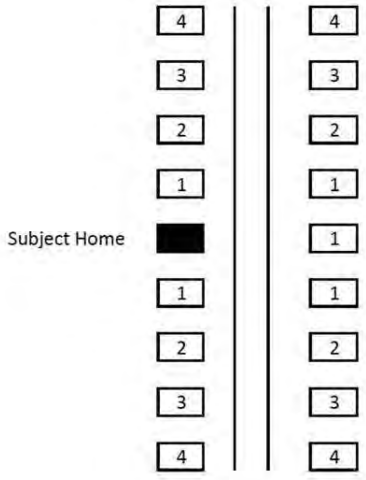
Section 6. **General Regulations.** The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

Standard	
Minimum Lot Area	9,800 SF
Minimum Lot Frontage	40’
Minimum Building Setback Lines	
Front Yard	20’
Side Yard	5’
Rear Yard	20’
Minimum Lot Width	70'
Maximum Building Height	2 ½ stories
Minimum Living Area (Total)	
One Story Dwellings	1,750 SF
Two Story Dwellings	2,200 SF

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, except as modified below:

A. Streetscape Diversity: Article 6.3(C)(2) shall not apply; rather, the following shall apply. The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended architecture of structures to be constructed in the District. It is not the intent to limit the architecture shown in the Character Exhibit, but to encourage a diversity in architecture of Dwellings within the District. As such, the following shall apply:



1 Homes shall not be of the Same Elevation of the same plan as the Subject Home and shall be a Different Color Package.

2 Homes shall not be of the Same Elevation of the same plan as the Subject Home and shall be a Different Color Package, but may have the same Masonry Material.

3 Homes may be of the same plan and may be the Same Elevation as the Subject Home, but shall be a Different Color Package.

4 Homes may be identical to the Subject Home.

B. Additional Architectural Standards: The following shall apply to all Dwellings:

i. Minimum Overhang: The roof overhang or eaves shall be a minimum of eight (8) inches, as measured prior to the installation of Masonry Materials.

ii. Garage Composition and Orientation: All Dwellings shall have a minimum two (2) car attached garage.

iii. Building Materials: In addition to Article 6.3(C)(3) Building Materials, vinyl and aluminum siding shall be prohibited.

iv. Front Building Façade Requirements: Each Dwelling shall utilize a minimum of three (3) of the following architectural elements on the Front Building Façade. All of the below architectural elements shall count as one (1) unless otherwise indicated:

a) Side load or angled garage.

b) Covered front porch (minimum six (6) feet in width and four (4) feet in depth).
c) Roofline direction change or roofline height change greater than sixteen (16) inches.
d) Wood, Fiber Cement Siding, or equivalent trim at corners, frieze boards, window and door wraps, and as transitional material between two different exterior materials.
e) Decorative shutters or other enhanced architectural window treatment on all windows (e.g., minimum five and one-half inch (5-1/2") wide trim), where feasible (a minimum of three (3) windows with shutters are required to meet this provision).
f) A minimum of two (2) two-foot (2') deep offsets which is a minimum height equivalent to one-story, excluding relief for doors, windows, and garages (homes incorporating two (2) or more architectural breaks shall be deemed to have met two (2) of the element requirements).
g) A minimum roof pitch of 8/12 for the primary roof and 10/12 for secondary roof. The primary roof shall be the portion of the structure's roof structure that most contributes to the mass of the building due to its predominance in height, width, length, bulk, or volume of area covered.
h) Masonry Materials on a minimum of twenty-five percent (25%) of the total Front Building Facade, exclusive of windows and doors.
i) Separate overhead garage door per garage bay.
j) Roof design featuring a hip roof; dormers (a minimum of two (2) dormers); a reverse gable; a shed roof accent; or, two (2) or more roof planes.
k) Architecturally-treated entranceways (for homes without a front porch) as illustrated on Page 3 and 9 of 16 of Exhibit C.
l) Bay window (a minimum of six (6) feet wide).
m) Transom or palladium window.
n) Garage doors containing decorative windows.
o) Architecturally-enhanced trim a minimum of five and one-half inches (5-1/2") wide. Alternative decorative trim or masonry detailing (i.e. arches, cornices, crossheads, ornate moldings, pediments) may be considered by the Director if the trim otherwise results in a comparable visual contrast that enhances the architectural interest of the Front Building Facade.
p) Exterior (projects from the Building Façade) fireplace chase that extends above the roof line.

v. <u>Side Building Façade Requirements</u>: Each Dwelling shall utilize a minimum of one (1) of the following architectural elements on each Side Building Façade. Side Building Facades that face Internal Streets shall

utilize a minimum of two (2) of the following architectural elements on the Side Building Façade.

a) Side load or angled garage.
b) Hip roof.
c) Roofline direction change or roofline height change greater than sixteen (16) inches or two (2) or more roof planes.
d) A minimum of two (2) two-foot (2') deep offsets which is a minimum height equivalent to one-story, excluding relief for doors, windows, and garages.
e) Masonry Materials on a minimum of eighteen (18) inches in height the entire length of the Side Building Façade, or a minimum four (4) foot deep return from the corner of the Front Building Façade that is a minimum height of the first floor.
f) A minimum of three (3) or more windows with an aggregate minimum of forty-five (45) square feet in size, on the Side Building Façade.
g) Bay window (a minimum of six (6) feet wide).
h) Architecturally-enhanced trim a minimum of five and one-half inches (5-1/2") wide. Alternative decorative trim or masonry detailing (i.e. arches, cornices, crossheads, ornate moldings, pediments) may be considered by the Director if the trim otherwise results in a comparable visual contrast that enhances the architectural interest of the Front Building Facade.
i) Exterior (projects from the Building Façade) fireplace chase that extends above the roof line.
j) Architectural treatment (e.g., brackets, louvers, change in material pattern, etc.) on gable ends.
k) Sunroom or screened porch (a minimum of one hundred and forty-four (144) square feet in size).

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

A. Lot Landscaping: Article 6.8(K) Minimum Lot Landscaping Requirements shall apply except as modified and enhanced below;

i. All lots shall be subject to the Single-family Residential (per Lot under 8,000 sq. ft.) Plant Materials provisions.

ii. At a minimum the Lot's Established Front Yard shall be sodded and the remainder of the Lot shall be seeded.

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 Article 8.6 Open Space and Amenity Standards: Shall apply except as otherwise modified or enhanced below.

A. Minimum Open Space: Shall be enhanced to require a minimum of fifteen percent (15%) of the Real Estate, as generally shown on the Concept Plan.

B. Common Areas shall not be subject to the minimum Lot frontage provisions of the underlying Zoning District; however, Article 8.6(c) shall apply.

C. Amenities: The following amenities shall be provided:

i. Passive Amenities: A central open space including trails shall be provided for passive recreation opportunities, as generally depicted on the Concept Plan. Trails, including an eight-foot (8') wide multi-use path extending from 156th Street north to Shamrock Springs Elementary School, shall be installed in substantial compliance with the locations depicted on the Concept Plan. The final 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 by the Director that still provide access and connectivity to the District's Open Space.

[Remainder of page intentionally left blank, signature page follows]

ALL OF WHICH IS ORDAINED/RESOLVED THIS __ DAY OF _____, 2016.

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
_____	_____	_____
_____	_____	_____
_____	_____	_____
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
_____	_____	_____
_____	_____	_____

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 15-46** was delivered to the Mayor of Westfield

on the _____ day of _____, 2016, at _____ ____ m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-46**

this _____ day of _____, 2016.

_____
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-46**

this _____ day of _____, 2016.

_____
J. Andrew Cook, Mayor

This document prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

Wilshire - PUD District Ordinance 2 120415

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Concept Plan

Exhibit C Character Exhibits

EXHIBIT A
REAL ESTATE

The Southwest Quarter of the Southeast Quarter of Section 10, Township 18 North, Range 3 East, Washington Township, Hamilton County Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Quarter-Quarter Section; thence North 00 degrees 00 minutes 15 seconds East along the West line of said Quarter-Quarter Section 1,308.83 feet to the Northwest corner of said Quarter-Quarter Section; thence North 89 degrees 33 minutes 09 seconds East along the North line of said Quarter-Quarter Section 1,297.47 feet to the Northeast corner of said Quarter-Quarter Section; thence South 00 degrees 12 minutes 17 seconds West along the East line of said Quarter-Quarter Section 1,311.34 feet to the Southeast corner of said Quarter-Quarter Section; thence South 89 degrees 39 minutes 42 seconds West along the South line of said Quarter-Quarter Section 1,292.86 feet to the place of beginning, containing 38.951 acres, more or less.

EXHIBIT B
CONCEPT PLAN

Note: Larger scale paper and digital copies of the Concept Plan are on file with the Department of Economic and Community Development under Docket Number 1601-PUD-01.

EXHIBIT C
CHARACTER EXHIBITS
(Page 1 of 5)

<u>EXHIBIT C</u>
CHARACTER EXHIBITS
(Page 2 of 5)

EXHIBIT C
CHARACTER EXHIBITS
(Page 3 of 5)

<u>EXHIBIT C</u>
CHARACTER EXHIBITS
(Page 4 of 5)

<u>EXHIBIT C</u>
CHARACTER EXHIBITS
(Page 5 of 5)