

ORDINANCE NUMBER 16-__

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO
THE AURORA PLANNED UNIT DEVELOPMENT DISTRICT BEING THAT OF
ORDINANCE 06-55 and THE UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance" or the "UDO"), 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 Westfield-Washington Township Plan Commission ("Commission") considered a petition (**Petition No. 1609-PUD-__**) filed with the Commission requesting an amendment to Ordinance 06-55, enacted by the Town Council on December 11, 2006 (hereinafter the "Aurora PUD").

WHEREAS, the Commission forwarded **Petition No. 1609-PUD-__** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation (___ in favor ___ against) 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 the Aurora PUD are hereby amended as follows:

Section 1. Section 2 of the Aurora PUD Ordinance is replaced with the following:

The Concept Plan is amended to allocate the Real Estate into the following Districts:

- Business Parke;
- Commerce Parke;
- The Shoppes;
- The Townes; and
- The Villas.

Section 2. Section 3 of the Aurora PUD Ordinance is replaced with the following:

The approximate size of each District is amended as follows. The size of any District may be increased or decreased by up to 15% so long as there is no increase in the total permitted number of residences.

<u>District</u>	<u>Area</u>
Business Parke	20Acres
Commerce Parke	218 Acres
The Shoppes	17 Acres
The Townes	40 Acres
The Villas	22 Acres
Total acreage	317 Acres

The Individual districts shall not exceed the following individual district maximums, and when combined, the total of residential units on the Real Estate shall no exceed one hundred ninety four (194).

<u>District</u>	<u>Units</u>
The Townes	124 Units
Villas	70 Units

Section 3. Section 4 of the Aurora PUD Ordinance is replaced with the following:

The underlying districts for the Planned Unit Development Classification, for each of the individual districts shall be:

- Business Parke – GB
- Commerce Parke- EI
- The Shoppes – LB
- The Townes - SF-4 (as to Single-family Dwellings) and MF2 (for attached multifamily)
- The Villas – SF-4 (as to Single-family Dwellings) and SFA (for Duplex of Quadraplex Dwellings)

Section 4. The following definitions are added to Article I of the Aurora PUD:

4.1 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 Different Color Package.

4.2 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.

4.3 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).

4.4 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.

4.5 Subject Home. A Single-family Dwelling that is the subject of an application for an improvement location permit

4.6 Same Elevation. The same architectural Front Building Facade.

Section 5. Article II of the Aurora PUD is amended as follows:

5.1 A new Section A, 5, is added which states:

5. Uses permitted in the Commerce Parke shall be permitted in the Business Parke so long as all architectural requirements provided in Article II are met and no outdoor storage is visible from the Meridian Corridor.

5.2 Section C,7 is deleted and replaced with the following:

Maximum Building Height: 150 feet, except that the maximum height may not exceed forty percent (40%) of the distance from any residential use or structure.

5.3 Sections C, 13, 15 and 16 are deleted in their entirety.

5.4 Section 5.2 of the UDO shall not apply to Business Parke Uses, regardless of their proximity to US 31.

Section 6. Article III of the Aurora PUD is modified as follows:

6.1 Section A, 1, a shall be deleted and replaced with the following:

All uses permitted in the Commercial Business and Industrial Businesses sections of the Commerce Parke Permitted Uses (See Article XIV). Any other business that can be classified as either general business or light industrial business in the Westfield Unified Development Ordinance will be eligible with the approval of the Director.

- 6.2 Section A, 1, b shall be deleted.
- 6.3 Section A, 3, b through d shall be deleted and replaced with the following:
 - b. No outside storage shall be permitted within four hundred (400) feet from Grassy Branch Road or within one hundred feet (100') o the right-of-way of the new East Street extension.
- 6.4 Section B, shall be retitled “Development Standards”
- 6.5 The Maximum Building Height under Section B shall be changed to 60 Feet. This limitation shall not apply to steeples, silos, chimneys, antennas or appurtenances which are located on structures within the district.
- 6.6 Section B, 2, 4 and 5 shall be deleted in their entirety.
- 6.7 Section C shall be deleted in its entirety.
- 6.8 Section D, 3 shall be deleted in its entirety.
- 6.9 Section D, 4, a shall be retitled as Façade Materials.
- 6.10 Section D, 4, a, i, shall be replaced with the following:
 - (i) Appropriate building finish materials for the primary façade include: Brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured) pre-cast concrete panels, tile (ceramic or porcelain) architectural block (textured) and EFIS (Dryvit) wall systems (if used for a maximum of 50% of the façade and only if it is used at least eight feet (8’) above grade), steel or architecturally insulated metal panel systems (if used for a maximum of 50% of the façade).
- 6.11 Section D, 4, b, I is replaced with the following:
 - (i) In addition to those materials permitted for the Primary Façade, the secondary façade may include architectural metal wall panels.

Section 7. Article V of the Aurora PUD is modified as follows:

- 7.1 Permitted Uses shall add the following new subpart:
 - 12. Single-family Dwellings.
- 7.2 Sections B through J shall hereafter apply only to Attached Multi-Family Dwellings.
- 7.3 Section J, 1, d, Section K and Section M shall be deleted.
- 7.4 New Section M through S shall apply to a Single-family Dwellings as permitted in The Townes.
- 7.5 The following new sections are added to Article V:

M. Minimum lot area – 6,000 square feet.

N. Minimum lot frontage on road – 40’.

O. Minimum setback lines

- 1. Front Yard – 20’
- 2. Side Yard – 5’
- 3. Rear Yard – 20’

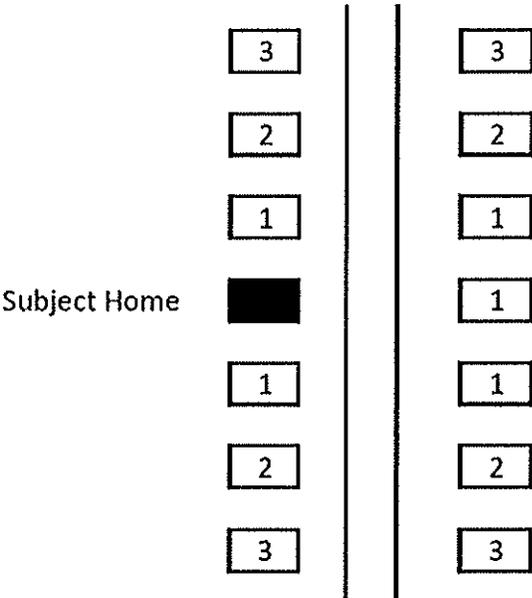
P. Minimum Lot Width – 50’

Q. Minimum square footage per dwelling unit, exclusive of porches, terraces and garages:

- 1. One story dwelling – 1,400 square feet
- 2. Two story dwelling – 1,800 square feet

R. Streetscape Diversity. Article 6.3(C)(2) of the UDO shall not apply to the Villas, rather the following shall apply.

The Townes Character Exhibit, attached hereto as **Exhibit I**, is hereby incorporated as a compilation of images designed to capture the intended architecture of Dwellings to be constructed in the District. It is not the intent to limit the architecture shown in the Villas Character Exhibit, but encourage a diversity in architecture of Dwellings in 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 may be of the same plan and may be of the Same Elevation as the Subject Home, but shall be a Different Color Package.

3 Homes may be identical to the Subject Home.

S. Additional Architectural Standards

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

2. Garage Composition and Orientation:

a. All Dwellings shall have a minimum two (2) car attached garage.

b. Garage elevations shall include a variety of design elements to vary the appearance of the garage façade. Design elements shall include, but not be limited to, the garage door, the garage door windows and/or hardware, garage door header, roof gable brackets, multiple building materials, gable accent windows and gable decorative louver.

3. Building Materials: In addition the prohibited materials included under Article 6.3(C)(3) of the UDO, vinyl and aluminum siding shall be prohibited.

4. Front Building Façade Requirements: At a minimum each Dwelling shall utilize the following architectural elements on the Front Building Façade:

a. Wood, Fiber Cement Siding, or equivalent trim at corners, frieze boards, window and door wraps, and as transitional material between two different exterior materials.

b. Architecturally enhanced/decorative trim or masonry detailing (i.e. arches, cornices, crossheads, ornate moldings, pediments, or shutters).

c. 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.

d. Architecturally-treated entranceways (for homes without a front porch).

5. Section 6.3(c)(1)(b) shall not apply to Single-Family Dwellings. However, any Single-family Dwelling denoted with a Star on Exhibit F hereto shall only be constructed as a one story or one and one half story dwelling.

Section 8. Article VI of the Aurora PUD is deleted in its entirety.

Section 9. Article VII of the Aurora PUD is modified as follows:

9.1 Permitted Uses shall add the following subpart:

10. Single-family Dwellings, so long as all outside lawn and landscaping areas are maintained by a homeowner's association.

9.2 Sections B through H shall hereafter apply only to Duplex or Quadraplex Dwellings.

9.3 Sections H,1, c, Section I and Section K shall be deleted.

9.4 New Sections K through R shall apply to a Single-family Dwellings as permitted in The Villas.

9.5 The following new sections shall be added to Article VII:

K. Minimum lot area – 7,200 square feet.

L. Minimum lot frontage on road – 40'.

M. Minimum setback lines

1. Front Yard – 20'

2. Side Yard – 5'

3. Rear Yard – 20'

O. Minimum Lot Width – 60'

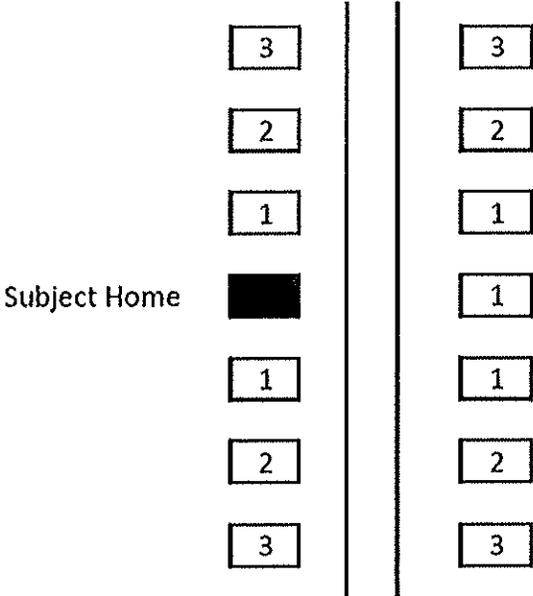
P. Minimum square footage per dwelling unit, exclusive of porches, terraces and garages:

1. One story single-family detached dwelling – 1,400 square feet

2. One and one half store single family detached dwelling – 1,500 square feet

Q. Streetscape Diversity. Article 6.3(C)(2) of the UDO shall not apply to the Villas, rather the following shall apply.

The Villas Character Exhibit, attached hereto as **Exhibit J**, is hereby incorporated as a compilation of images designed to capture the intended architecture of Dwellings to be constructed in the District. It is not the intent to limit the architecture shown in the Villas Character Exhibit, but encourage a diversity in architecture of Dwellings in 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 may be of the same plan and may be of the Same Elevation as the Subject Home, but shall be a Different Color Package.
- 3** Homes may be identical to the Subject Home.

R. Additional Architectural Standards

- 1. Minimum Overhang: The roof overhang or eaves shall be a minimum of eight (8) inches, as measured prior to the installation of Masonry Materials.
- 2. Garage Composition and Orientation:
 - a. All Dwellings shall have a minimum two (2) car attached garage.
 - b. Garage elevations shall include a variety of design elements to vary the appearance of the garage façade. Design elements shall include, but not be limited to, the garage door, the garage door windows and/or hardware, garage door header, roof gable brackets, multiple building materials, gable accent windows and gable decorative louver.
- 3. Building Materials: In addition the the prohibited materials included under Article 6.3(C)(3) of the UDO, vinyl and aluminum siding shall be prohibited.
- 4. Front Building Façade Requirements: At a minimum each Dwelling shall utilize the following architectural elements on the Front Building Façade:

- a. Wood, Fiber Cement Siding, or equivalent trim at corners, frieze boards, window and door wraps, and as transitional material between two different exterior materials.
- b. Architecturally enhanced/decorative trim or masonry detailing (i.e. arches, cornices, crossheads, ornate moldings, pediments, or shutters).
- c. 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.
- d. Architecturally-treated entranceways (for homes without a front porch).

5. Section 6.3(c)(1)(b) shall not apply to Single-Family Dwellings. However, any Single-family Dwelling denoted with a Star on Exhibit F hereto shall only be constructed as a one story or one and one half story dwelling.

Section 10. Article VIII and IX of the Aurora PUD are deleted in their entirety.

Section 11. Article X, Amenities is replaced in its entirety.

- A. The following Amenities will be distributed throughout the Residential Districts, for use by residents of districts designated by the Developer within the Real Estate:
 - 1. A minimum of two small parks. A park shall be installed with the final section of The Townes and The Villas.
 - 2. A minimum of one swimming pool with a swimming pool area and Bathhouse. This shall be installed no later than the completion of ____ percent of the lots in the Townes and the Villas.
 - 3. A minimum of one 3,000 square foot playground to be installed no later than the completion of ___ percent of the lots in the Townes and the Villas.
 - 4. Integrated trail system of a minimum 8' asphalt path connecting all districts. The trail system shall be installed in the residential districts with each section and for all other districts shall be installed with the installation of public right of way.
- B. The swimming pool and play ground amenities shall not be located adjacent to the perimeter buffer yard for the existing home sites on Grassy Branch Road.

Section 12. Article XIV of the Aurora PUD is amended as follows:

12.1 The following language shall be removed from the section entitled "Commercial Businesses":

No single occupancy may exceed 65,000 gross square feet.

12.2 The following language is added to the section entitled "Commercial Businesses":

Any use not specifically denominated hereby but which is a permitted use in the Use Table of Chapter 13 of the Westfield UDO in the LB or GB category shall also be a permitted use in Commerce Parke.

12.3 The following language is added to the section entitled “Industrial Businesses”:

Any use not specifically denominated hereby but which is a permitted use in the Use Table of Chapter 13 of the Westfield UDO in the EI or OI category shall also be a permitted use in Commerce Parke.

Section 13. Article XV of the Aurora PUD is amended as follows:

13.1 The following is added to the list of permitted uses

Gasoline Service Station is a permitted use, without the grant of a special exception, so long as the architectural features included in such a use are consistent with the architectural features included in Section 5.3(k) of the Westfield UDO.

Section 14. Article XVI is deleted in its entirety. Chapter 6.14 of the Westfield UDO shall hereafter be applicable to the Off Street Loading and Parking within the Aurora PUD.

Section 15. Article XVII is amended as follows:

15.1 Section XVII.5 B.(2)(a) is replaced with the following:

The buffer yard shall have a sixt foot (6’) mound that runs the entire length of the buffer yard (except the northern section of the buffer yard where fifty percent (50%) of the existing treeline shall be maintained as a Median of 203rd Street and no additional plantings shall be required). The mound shall be designed in order to protect the root system and drip lines of existing trees on adjacent properties.

15. 2 Section XVII5 B(3), (5) and (6) are deleted.

15.3 A new Section XVII5(4)(c) is added:

If the property described in Exhibit A (hereinafter the “Heitman Property”) to this Amendment continues to utilize property agriculturally and residentially, and the property adjoining property is purchased and developed the buffer yards included herein shall apply. If the Heitman Property is sold for a Commerce Park use and is no longer utilized as a residential use, the buffer requirements shall no longer apply to the Property.

15.4 The title for Section XVII5 B(8) shall be replaced as follows: Buffer along the northern, western, southern and eastern borders of the Commerce Parke.

15.5 Section XVII.6, Open Space Requirements shall be replaced in its entirety:

Approximately 20% of the gross area of the Residential Districts, shall be dedicated Open Space and shall be located generally in the areas as denoted on the Concept Plan, which shall superseded the Green Belt Space, Secondary Green Space, and all other Open Space requirements set forth in the UDO.

1. Any of the area Aurora PUD that is dedicated to a neighborhood association, the public, or whose ownership is transferred to municipal entity for public use shall be factored into the total amount of Open Space.

Section 16. Article XVIII is deleted in its entirety. Chapter 6.17 of the Westfield UDO shall hereafter be applicable to Sign Standards within the Aurora PUD.

Section 17. Article XIX is deleted in its entirety. Chapter 6.9 of the Westfield UDO shall hereafter be applicable to Outdoor Lighting Standards within the Aurora PUD.

Section 18. Exhibits C, D, and F in the Aurora PUD are replaced by the Exhibits C, D, and F attached hereto. Exhibit A in the Aurora PUD is amended to add the Legal Description attached hereto as the Exhibit A Addition. Exhibit E in the Aurora PUD is deleted.

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

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 16-##** was delivered to the Mayor of Westfield

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

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-##**

this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-##**

this _____ day of _____, 2016.

J. Andrew Cook, Mayor

This document prepared by: RUSSELL L. BROWN, 26781-49, CLARK, QUINN, MOSES, SCOTT & GRAHN, LLP, 320 N. MERIDIAN STREET, SUITE 1100, INDIANAPOLIS, INDIANA 46204

SCHEDULE OF EXHIBITS

Exhibit A – Legal Description Addition

Exhibit C – Concept Plan

Exhibit D – Pedestrian Network

Exhibit F – Buffer Plan

Exhibit I – Towne Character Exhibit

Exhibit J - Villas Character Exhibit

EXHIBIT A

PARCEL I:

A part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 19 North, Range 4 East, Hamilton County, Indiana, described as follows: Beginning at the Southeast corner of said Quarter Quarter section; thence North 89 degrees 52 minutes and 42 seconds West along the South line of said Quarter Quarter section 90.75 feet; thence North 00 degrees 00 minutes 31 seconds East parallel to the East line of said Quarter Quarter section 838.78 feet; thence South 89 degrees 52 minutes 42 seconds East and parallel to the South line of said Quarter Quarter section 90.75 feet to the East line of said Quarter Quarter section; thence South 00 degrees 00 minutes 31 seconds West along the East line of said Quarter section 838.78 feet to the point of beginning.

PARCEL II:

Part of the South Half of Section 19, Township 19 North, Range 4 East in Hamilton County, Indiana, described as follows: Beginning at the Northeast corner of the Southwest Quarter of Section 19, Township 19 North, Range 4 East; thence North 89 degrees 52 minutes 42 seconds West (assumed bearing) on the North line of the South Half of said Section 19 a distance of 90.75 feet; thence South 00 degrees 00 minutes 31 seconds West parallel with the East line of said Southwest Quarter 285.00 feet; thence South 89 degrees 52 minutes 42 seconds East parallel with the North line of said South Half 238.00 feet; thence North 00 degrees 00 minutes 31 seconds East parallel with said West line 285.00 feet to the North line of said South Half; thence North 89 degrees 52 minutes 42 seconds West on said North line 147.25 feet to the place of beginning.

PARCEL III:

Part of the Northwest Quarter of Section 19, Township 19 North, Range 4 East in Hamilton County, Indiana, described as follows: Beginning at the Northeast corner of the Northwest Quarter of Section 19, Township 19 North, Range 4 East; thence South 00 degrees 00 minutes 31 seconds East (assumed bearing) on the East line thereof 1811.0 feet to the True Beginning Point of the real estate herein described; thence South 00 degrees 00 minutes 31 seconds East on the East line of said Quarter 20.02 feet to the Northeast corner of forty-seven and three-fourths acres off the South side of said Northwest Quarter as described in an Administrator's Deed recorded in Deed Record 329, page 919 in the Office of the Hamilton County Recorder; thence North 89 degrees 52 minutes 42 seconds West on the North line of said real estate 90.75 feet; thence North 00 degrees 00 minutes 31 seconds West parallel with the East line of said Quarter, 20 feet, more or less, to the approximate centerline of 202nd Street; thence Easterly on said South line 90.75 feet to the True Beginning Point.

EXHIBIT C

Exhibit C
Aurora
Concept Plan
2016



STOEPPELWERTH
7915 Lake Mead Street
Ft. Worth, TX 76116
Tel: 817.484.5862
www.stoeppelwerth.com

EXHIBIT C

Aurora

Concept Plan
2016



STOEPPELWERTH
 401 S. 112th Street
 Suite 100
 Minneapolis, MN 55425
 Phone: 763.433.1100
 Fax: 763.433.1101
 www.stoeppelwerth.com

Exhibit C

Aurora

Concept Plan
2016



STOEPPELWERTH
P.O. Box 1000
P.O. Box 1000
P.O. Box 1000
www.stooppelwerth.com

EXHIBIT D



STOEPPELWERTH
 706 East 100th Street
 Aurora, CO 80012
 Phone: 303.744.1100
 Fax: 303.744.1102
 www.stoepelwerth.com

EXHIBIT F



EXHIBIT F
Aurora
 Buffer Plan
 2016



STOEPPELWERTH
 700 East South Street, Suite 200
 Waukegan, IL 60087
 www.stoepelwerth.com

EXHIBIT I


CALATLANTIC HOMESSM
Stratford




CALATLANTIC HOMESSM
McKinley




CALATLANTIC HOMESSM
Providence




CALATLANTIC HOMESSM
Jackson




CALATLANTIC HOMESSM

Wilmington




CALATLANTIC HOMESSM

McHenry



EXHIBIT J

Wilmington



CLASSIC



CRAFTSMAN



TRADITIONAL

RYLAND HOMES®
ryland.com



Chesapeake



CLASSIC



CRAFTSMAN



TRADITIONAL

RYLAND HOMES®
ryland.com



McHenry

"Americana Collection"



CLASSIC



CRAFTSMAN



TRADITIONAL

RYLAND HOMES®
ryland.com



Potomac

"Americana Collection"



CLASSIC



CRAFTSMAN



TRADITIONAL

RYLAND HOMES®
ryland.com



Hatteras



CLASSIC



CRAFTSMAN



TRADITIONAL

RYLAND HOMES®
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