

## ORDINANCE NUMBER 16-28

### AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENTS TO THE SPRINGMILL TRAILS PLANNED UNIT DEVELOPMENT DISTRICT AND THE UNIFIED DEVELOPMENT ORDINANCE

This is an 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 Common Council enacted Ordinance No. 11-19, The Harmony Planned Unit Development District (the "Springmill Trails PUD Ordinance") on September 12, 2011;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1609-PUD-15**), requesting an amendment to the Springmill Trails 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. 1609-PUD-15** 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 September 7, 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 Springmill Trails PUD Ordinance and Unified Development Ordinance (the "UDO") are hereby amended as follows:

#### **Section 1. Applicability of Ordinance.**

- 1.1 This Ordinance shall amend the Springmill Trials PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Springmill Trails PUD Ordinance; and (iii) the provisions of the UDO, 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 or the Springmill Trails 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 UDO.
- 1.3 All provisions and representations of (i) the UDO or (ii) The Springmill Trails PUD 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 or The Springmill Trails PUD Ordinance shall have the meanings ascribed to them in the UDO.

- 2.1 Illustrative Character Exhibit – Garage Door Treatments: The Garage Door Treatments, attached hereto as **Exhibit B.**

**Section 3.** **Development Standards.** The standards applicable to the Springmill Trails PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below.

- 3.1 Vinyl Siding. In order to encourage greater streetscape diversity and allow a more vibrant array of siding colors, Section 2.3.F.1(c) of the Springmill Trials PUD shall be deleted and replaced with the following:
  - A. Surface area of all remaining elevations shall have masonry, natural materials or vinyl siding (0.046 mil thickness or greater) as the exterior building material subject to any exception permitted in this Article.
- 3.2 Garage Doors. Section 2.3.F.9(a) of the Springmill Trials PUD regarding garage door design elements shall be deleted and replaced with the following:
  - A. One of the Garage Door Treatments illustrated in Exhibit “B” shall be used throughout the Real Estate. Other treatments may be substituted if approved by the Director of Economic and Community Development Department (the “Director”). Adverse determinations by the Director may be addressed in the form of a request for an amendment to the Springmill Trails PUD.
  - B. Garage Door Treatments include: (i) doors with windows or decorative hardware; (ii) doors with windows and decorative hardware; or (iii) other Garage Door Treatments of like quality and character approved by the Director.
  - C. A maximum of two (2) of the same Garage Door Treatments may be located

on adjacent lots on the same side of the street.

**Section 4. Additional Standards.**

- 4.1 The construction of all single family detached homes on the Real Estate shall include the following:
- A. White shall be the color of all (i) window trim, (ii) fascia and (iii) corner board areas;
  - B. All sheathing on exterior walls shall be oriented strand board (OSB); and
  - C. All exterior walls shall be framed with 2 x 6 inch studs.

*[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

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Jim Ake

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James J. Edwards

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James J. Edwards

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James J. Edwards

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Steven Hoover

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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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Mark F. Keen

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Mark F. Keen

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Mark F. Keen

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Charles Lehman

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Charles Lehman

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Charles Lehman

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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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 16-28** was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ m.

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

I hereby APPROVE **ORDINANCE 16-28**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

I hereby VETO **ORDINANCE 16-28**  
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

SMT PUD Amendment - 2016 Waters Edge Amendment 090716

**SCHEDULE OF EXHIBITS**

Exhibit A Real Estate (Legal Description)

Exhibit B Illustrative Character Exhibit – Garage Door Treatments

**EXHIBIT A**  
**REAL ESTATE**  
(Page 1 of 3)

Parcel One:

Part of the East Half of the Northeast Quarter of Section 33, Township 19 North, Range 3 East in Washington Township, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 00 degrees 10 minutes 40 seconds West (Indiana State Plane East Zone Bearing) 1314.10 feet along the east line of said Northeast Quarter to the Point of Beginning of this description; thence continuing South 00 degrees 10 minutes 40 seconds West 1338.29 feet along said east line to the southeast corner of the said Northeast Quarter; thence South 89 degrees 29 minutes 25 seconds West 1320.53 feet along the south line of said Northeast Quarter to the southwest corner of the East Half of said Northeast Quarter; thence North 00 degrees 06 minutes 08 seconds East 935.20 feet along the west line of said East Half to the centerline of Little Eagle Creek, with the following eight (8) courses being along said centerline (meander line); (1) thence North 68 degrees 58 minutes 37 seconds East 19.35 feet; (2) thence North 10 degrees 18 minutes 45 seconds East 31.12 feet; (3) thence North 29 degrees 35 minutes 47 seconds East 39.48 feet; (4) thence North 39 degrees 32 minutes 24 seconds East 110.28 feet; (5) thence North 51 degrees 47 minutes 14 seconds East 92.59 feet; (6) thence North 40 degrees 23 minutes 09 seconds East 57.84 feet; (7) thence North 53 degrees 40 minutes 03 seconds East 114.02 feet; (8) thence North 18 degrees 24 minutes 35 seconds East 2.00 feet; thence South 67 degrees 39 minutes 23 seconds East 340.79 feet; thence South 34 degrees 42 minutes 51 seconds West 308.11 feet to a curve to the left having a radius of 545.00 feet, the radius point of which bears South 55 degrees 17 minutes 09 seconds East; thence southerly along said curve an arc distance of 264.00 feet to a point which bears North 83 degrees 02 minutes 24 seconds West from said radius point; thence South 83 degrees 20 minutes 30 seconds East 118.50 feet; thence North 71 degrees 51 minutes 53 seconds East 73.64 feet; thence South 79 degrees 33 minutes 49 seconds East 120.38 feet to a non-tangent curve to the right having a radius of 240.90 feet, the radius point of which bears South 77 degrees 11 minutes 21 seconds East; thence northerly along said curve an arc distance of 92.09 feet to a point which bears North 55 degrees 17 minutes 09 seconds West from said radius point; thence North 34 degrees 42 minutes 51 seconds East 588.27 feet to a non-tangent curve to the right having a radius of 276.50 feet, the radius point of which bears North 25 degrees 09 minutes 23 seconds East; thence northwesterly along said curve an arc distance of 18.04 feet to a point which bears South 28 degrees 53 minutes 42 seconds West from said radius point; thence North 28 degrees 53 minutes 42 seconds East 173.62 feet; thence South 89 degrees 49 minutes 41 seconds East 214.36 feet to the Point of Beginning, containing 31.805 acres, more or less.

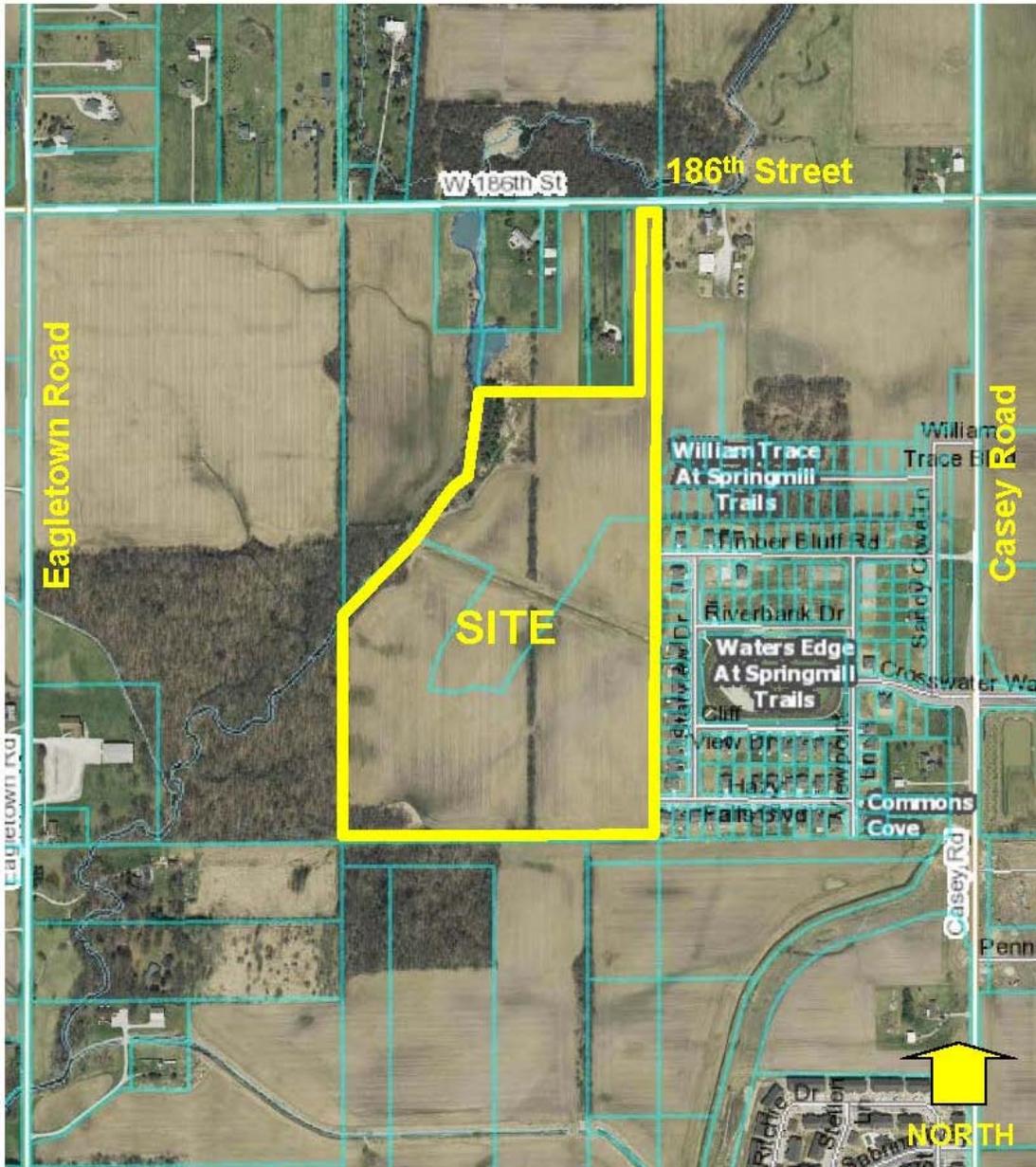
**EXHIBIT A**  
**REAL ESTATE**  
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Parcel Two:

Part Part of the East Half of the Northeast Quarter of Section 33, Township 19 North, Range 3 East in Washington Township, Hamilton County, Indiana, and being more particularly described as follows:

Beginning at the northeast corner of said Northeast Quarter; thence South 00 degrees 10 minutes 40 seconds West (Indiana State Plane East Zone Bearing) 1314.10 feet along the east line of said Northeast Quarter; thence North 89 degrees 49 minutes 41 seconds West 214.36 feet; thence South 28 degrees 53 minutes 42 seconds West 173.62 feet to a non-tangent curve to the left having a radius of 276.50 feet, the radius point of which bears North 28 degrees 53 minutes 42 seconds East; thence easterly along said curve an arc distance of 18.04 feet to a point which bears South 25 degrees 09 minutes 23 seconds West from said radius point; thence South 34 degrees 42 minutes 51 seconds West 588.27 to a curve to the left having a radius of 240.90 feet, the radius point of which bears South 55 degrees 17 minutes 09 seconds East; thence southerly along said curve an arc distance of 92.09 feet to a point which bears North 77 degrees 11 minutes 21 seconds West; thence North 79 degrees 33 minutes 49 seconds West 120.38 feet; thence South 71 degrees 51 minutes 53 seconds West 73.64 feet; thence North 83 degrees 20 minutes 30 seconds West 118.50 feet to a non-tangent curve to the right having a radius 545.00 feet, the radius point of which bears South 83 degrees 02 minutes 24 seconds East; thence northerly along said curve an arc distance of 264.00 feet to a point which bears North 55 degrees 17 minutes 09 seconds West; thence North 34 degrees 42 minutes 51 seconds East 308.11 feet; thence North 67 degrees 39 minutes 23 seconds West 340.79 feet to the centerline of Little Eagle Creek, with the following eight (8) courses being along said centerline (meander line); (1) thence North 18 degrees 24 minutes 35 seconds East 63.41 feet; (2) thence North 44 degrees 35 minutes 50 seconds East 62.49 feet; (3) thence North 28 degrees 16 minutes 45 seconds East 128.55 feet; (4) thence South 86 degrees 06 minutes 09 seconds East 28.88 feet; (5) thence North 35 degrees 44 minutes 39 seconds East 80.80 feet; (6) thence North 16 degrees 18 minutes 20 seconds East 63.18 feet; (7) thence North 04 degrees 13 minutes 31 seconds East 139.38 feet; (8) thence North 09 degrees 12 minutes 49 seconds East 144.86 feet to a prolonged south line of the tract of land described in instrument number 2010055559 as recorded in the Office of the Recorder of Hamilton County; thence North 89 degrees 20 minutes 18 seconds East 696.62 feet along said prolonged south line and the south line of said tract of land described in instrument number 20100055559; thence North 00 degrees 10 minutes 40 seconds East 768.36 feet parallel with the east line of said Northeast Quarter to the north line of said Northeast Quarter; thence North 89 degrees 20 minutes 18 seconds East 60.01 feet along said north line to the Point of Beginning, containing 18.509 acres, more or less.

**EXHIBIT A**  
**REAL ESTATE**  
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**EXHIBIT B**  
**ILLUSTRATIVE CHARACTER EXHIBIT - GARAGE DOOR TREATMENTS**  
(Page 1 of 2)



**EXHIBIT B**  
**ILLUSTRATIVE CHARACTER EXHIBIT - GARAGE DOOR TREATMENTS**  
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