ORDINANCE NUMBER 16-23

LIBERTY RIDGE PUD

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 "**LIBERTY RIDGE 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, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1607-PUD-09**), requesting an amendment to the Unified Development Ordinance and the Zoning Map real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No**. **1607-PUD-09** 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 "**Liberty Ridge PUD District**" (the "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-references of this Ordinance shall hereafter refer to the section as specified and referenced 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 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.

2.2 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).

2.3 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.

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

2.5 Same Elevation: The same architectural Front Building Façade.

2.6 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 one-hundred and forty-two (142).

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	8,000 SF
Minimum Lot Frontage	40’
Minimum Building Setback Lines	
Front Yard	20’
Side Yard	5’
Rear Yard	20’
Minimum Lot Width	60’
Maximum Building Height	2 ½ stories
Minimum Living Area (Total)	
One Story Dwellings	1,775 SF
Two Story Dwellings	2,400 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: The Character Exhibits, attached hereto as **Exhibit C** and **Exhibit F**, are 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.

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

i. Minimum Overhang: The roof overhang or eaves shall be a minimum of eleven (11) inches, as measured prior to the installation of Masonry Materials.

ii. 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 include the garage door, garage door windows and/or hardware, garage door header, roof gable brackets, multiple building materials, gable accent windows and gable decorative louver. All homes shall have decorative garage doors with windows and be painted a color to match the Dominant Exterior Material or a color to accent the Dominant Exterior Material.

c) A minimum of twelve (12) of the homes constructed on the twenty (20) lots along the frontage place adjacent to 151st Street shall have side load garages.

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: 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) All one-story dwellings shall have a minimum of two (2) windows on the Front Façade and all two-story dwellings shall have a minimum of six (6) windows on the Front Façade.

v. Side Building Façade Requirements: Each Dwelling shall contain the following architectural elements on each Side Building Façade.

a) A one-story Dwelling shall have a minimum of two (2) windows.

b) A two-story Dwelling shall have a minimum of three (3) windows.

c) All windows shall have either shutters and/or architectural treatment. For windows in a masonry façade, the treatment shall be of natural or masonry materials and be applied to the sill and header at a minimum. For windows in a non-masonry façade, the treatment shall be of a natural materials and be applied to the sill, header and jams. The width of the architectural treatment shall be a minimum of six (6) inches in width.

vi. Side Building Façade Requirements (Corner Lots): Side Building Facades that face Internal Streets shall contain the following architectural elements on the Side Building Façade.

a) A one-story Dwelling shall have a minimum of two (2) windows.

b) A two-story Dwelling shall have a minimum of three (3) windows.

c) All windows shall have either shutters and/or architectural treatment. For windows in a masonry façade, the treatment shall be of natural or masonry materials and be applied to the sill and header at a minimum. For windows in a non-masonry façade, the treatment shall be of a natural materials and be applied to the sill, header and jams. The width of the architectural treatment shall be a minimum of six (6) inches in width.

d) Masonry Materials on a minimum of thirty-six (36) inches in height the entire length of the Side Building Façade.

e) The standards of this Section 7.1.B.iv shall apply to (i) the north side Building Façade of the home on Lot #1 and (ii) the east side Building Façade of the home on Lot #142 as illustrated on the Concept Plan.

f) The Standards of this Section 7.1.B.iv shall apply to the side Building Facades of the homes on the Lots fronting the frontage

place closest to Street A and Street E as illustrated on the Concept Plan respectively.

C. Perimeter Lots: In addition to Article 6.3(C)(1) Perimeter Lots, the rear façade Lot #1 thru Lot #18 as illustrated on the Concept Plan shall contain the following:

i. All windows shall have either shutters and/or architectural treatment. For windows in a masonry façade, the treatment shall be of natural or masonry materials and be applied to the sill and header at a minimum. For windows in a non-masonry façade, the treatment shall be of a natural materials and be applied to the sill, header and jams. The width of the architectural treatment shall be a minimum of six (6) inches in width.

ii. Either one (1) four-foot (4') deep offset, which is a minimum height equivalent of one-story, or two (2) two-foot (2') offsets which are a minimum height equivalent of one-story.

iii. Either a sunroom (minimum of sixty-four (64) square feet), or a covered porch (minimum of ninety (90) square feet in area).

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 landscaped with a minimum of two (2) shade trees, one (1) ornamental of evergreen tree, and ten (10) shrubs.

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

B. Required Buffer Yard: Article 6.8(N) shall apply except that no mound shall be required along the east perimeter of the Real Estate. All required landscape planting materials shall be provided and the location of which shall accommodate the path in the location as generally illustrated on the Concept Plan.

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

B. Amenities: The following amenities shall be provided:

i. Passive Amenities: 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 151st Street to the south property line of the District shall be installed in substantial compliance with the location depicted on the Concept Plan which shall permit a path within the Buffer Yard adjacent to the east perimeter of the Real Estate. 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.

ii. Playground. Playground equipment, as generally depicted on **Exhibit D** shall be provided within the area depicted on the Concept Plan. An alternative playground location within the Open Space area may be approved by the Director.

iii. Pool & Pool House. A swimming pool, pool house and parking lot shall be constructed within the Open Space area, as generally depicted on the Concept Plan. An alternative pool and pool house location within the Open Space area may be approved by the Director. Character Exhibits of the pool and pool house, attached hereto as **Exhibit E**, is hereby incorporated as a compilation of images designed to capture the intended architecture of structures to be constructed.

Section 10. **Additional Standards.** The following additional standards shall apply to the development of the District.

A. A maximum of 56 of the 142 homes in the District shall be single-story.

B. A maximum of 4 of the homes along the frontage place adjacent to 151st Street shall be single-story with no more than 1 permitted along the four groupings of Lots (41-44, 45-49, 50-54 and 137-142 being the groupings).

[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
_____	_____	_____
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 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 16-23** was delivered to the Mayor of Westfield

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

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-23**

this _____ day of _____, 2016.

_____
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-23**

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

Liberty Ridge - PUD District Ordinance 9 101416

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Character Exhibits
Exhibit D	Playground Equipment
Exhibit E	Character Exhibit of Pool / Pool House
Exhibit F	Additional Character Exhibits

EXHIBIT A
REAL ESTATE

Part of the North Half of the Southwest Quarter of Section 16, Township 18 North, Range 3 East of the Second Principal Meridian, Hamilton County, Indiana, described as follows:

Commencing at the Northwest Corner of said Quarter Section; thence along the north line thereof North 89 degrees 33 minutes 13 seconds East (basis of bearing) 662.07 feet to the **Point of Beginning**; thence parallel with the west line of said Quarter Section South 00 degree 02 minutes 59 seconds East 1315.46 feet to the south line of the North Half of said Southwest Quarter; thence along said south line North 89 degrees 32 minutes 33 seconds East 2048.26 feet to the Southeast corner of said Half Quarter Section; thence along the east line of said Southwest Quarter North 00 degree 07 minutes 08 seconds East 1315.10 feet to the Northeast Corner of said Quarter Section; thence along the north line of said Quarter Section South 89 degrees 33 minutes 13 seconds West 2052.12 feet to the place of beginning, containing 61.90 acres, more or less, and subject to easements and rights of ways.

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 1607-PUD-09.

EXHIBIT C
CHARACTER EXHIBITS
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GEORGIAN

CRAFTSMAN

TUDOR

<u>EXHIBIT C</u>
CHARACTER EXHIBITS
(Page 2 of 8)

NORTHERN CRAFTSMAN

CRAFTSMAN

COLONIAL

EXHIBIT C
CHARACTER EXHIBITS
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TUDOR

CRAFTSMAN

NORTHERN CRAFTSMAN

<u>EXHIBIT C</u>
CHARACTER EXHIBITS
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GREEK REVIVAL

CRAFTSMAN

PRAIRIE

<u>EXHIBIT C</u>
CHARACTER EXHIBITS
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TUDOR*

CRAFTSMAN*

ITALIANATE*

<u>EXHIBIT C</u>
CHARACTER EXHIBITS
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ITALIANATE™

PRAIRIE™

GREEK REVIVAL™

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CHARACTER EXHIBITS
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GREEK REVIVAL

ITALIANATE

CRAFTSMAN

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TUDOR

CRAFTSMAN

GREEK REVIVAL

<u>EXHIBIT D</u>
Playground Equipment
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EXHIBIT E
CHARACTER EXHIBITS OF POOL / POOL HOUSE
(Page 1 of 1)

EXHIBIT F
ADDITIONAL CHARACTER EXHIBITS
(Page 1 of 1)