ORDINANCE NUMBER 19-23

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 **UNION ROW 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. 1907-PUD-18**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No**. **1907-PUD-18** 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 _____2019;

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 **"Union Row 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 Dwelling, Accessory: A Dwelling Unit that is attached to or located on the same Lot as a Single-family Dwelling, has an independent means of access and is owned by the owner of the Principal Building. Accessory Dwellings include Dwelling Units integrated within or attached to a Single-family Dwelling, or located in an Accessory Building (e.g., detached garage) on the same Lot as the Single-family Dwelling. Alternative terms commonly used for an Accessory Dwelling may also include: mother-in-law suite; in-law apartment; secondary suite; garden suite; garage apartment; and, granny flat.

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 of this District shall be the SF3: Single-Family Medium Density District (the "Underlying Zoning District").

Section 5. **Permitted Uses.**

5.1 Permitted Uses: The following uses shall be permitted within the District:

A. All uses permitted in the Underlying Zoning District.

B. Accessory Dwelling, not to exceed nine hundred (900) square feet.

5.2 Prohibited Uses: The following use(s) shall be explicitly prohibited within the District:

A. Special Exception Uses of the Underlying Zoning District.

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 Real Estate, except as otherwise modified below.

6.1 Minimum Lot Frontage: 45 feet

6.2 Minimum Lot Width: 45 feet

6.3 Minimum Building Setback Lines:

A. Side Yard: 5 feet

~~A.~~B. Rear Yard: 90 feet

Section 7. **Development Standards.** The standards of Chapter 6 Development Standards shall apply to the development of the Real Estate, except as otherwise modified below.

7.1 Article 6.1 Accessory Use and Building Standards: Shall apply; except as modified below.

A. Article 6.1(D) Building Location: Shall apply; however, an Accessory Building (e.g., detached garage) shall be a minimum of one (1) foot from a Side Lot Lines and shall be located outside of all easements.

7.2 Article 6.3 Architectural Standards: Shall apply; except as otherwise modified below.

A. Character Exhibit: The "Character Exhibit", attached hereto as **Exhibit D**, is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed on the Real Estate. Although the Character Exhibit does not necessarily represent the final design, it does hereby establish a benchmark for the variation, quality and appearance of Buildings permitted to be constructed and that contribute to the District's intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.

B. Article 6.3(C)(3) Building Materials: Shall apply. In addition, vinyl and aluminum siding shall not be a permitted exterior building material, except for gutters, soffits, soffit trim and other similar building components.

C. Garages: Garages shall be located to the rear of the Principal Building of the Single-family Dwelling. Examples of compliance with this standard include, but are not be limited to: (i) detached garage located in the Established Rear Yard, as depicted on the Concept Plan; (ii) rear-load garage; and, (iii) a side-load garage with the garage doors located on the east half of the Single-family Dwelling's side Building Façade and oriented north or south.

7.3 Article 6.8 Landscaping Standards: Shall apply, except as modified below.

A. Minimum Lot Landscaping Requirements (Article 6.8(K)): Shall apply. Shrubs and a minimum of one (1) tree required by the Minimum Lot Landscaping Requirements shall be located within the Lot's Established Front Yard.

~~A.~~B. Foundation Plantings (Article 6.8(L)(1)): Shall not apply; rather, the Minimum Lot Landscaping Requirements shall apply.

~~B.~~C. External Street Frontage Landscaping Requirements (Article 6.8(M)(1)): Shall not apply.

~~C.~~D. Buffer Yard Requirements (Article 6.8(N)): Shall not apply.

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.

Section 9. **Design Standards.** The standards of Chapter 8 Design Standards shall apply to the development of the Real Estate, except as otherwise modified below.

9.1 Article 8.6 Open Space and Amenity Standards: Shall not apply.

9.2 Article 8.7 Pedestrian Network Standards: Sidewalks currently exist along South Union Street. As a result, no additional pedestrian facilities shall be required.

9.3 Article 8.9 Street and Right-of-Way Standards: The District shall comply with the requirements of the Thoroughfare Plan unless otherwise agreed to by the Department of Public Works. Each Lot shall be accessed from South Union Street.

Section 10. **Processes & Permits**. The standards of Chapter 10 Processes & Permits shall apply, except as otherwise modified below.

10.1 Article 10.12 Subdivision: The subdividing of the Real Estate in accordance with the Concept Plan shall be a Minor Subdivision.

**[Remainder of page intentionally left blank;
signature page follows.]**

ALL OF WHICH IS ORDAINED/RESOLVED THIS _____ DAY OF _____, 2019.

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 19-23** was delivered to the Mayor of Westfield

on the _____ day of _____, 2019, at _____ ____ m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 19-23**

this _____ day of _____, 2019.

_____
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 19-23**

this _____ day of _____, 2019.

_____
J. Andrew Cook, Mayor

This document prepared by: Jesse M. Pohlman, Onpointe Land Matters, LLC
Patrick Chittenden, Patch Development, LLC
400 Alpha Drive, Westfield, Indiana 46074

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: Jesse M. Pohlman

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Concept Plan

Exhibit C Character Exhibit

EXHIBIT A
REAL ESTATE

A PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, IN HAMILTON COUNTY, INDIANA MORE PARTICULARLY DESCRIED AS FOLLOWS AND PREPARED BY TERRY D. WRIGHT, PS #970013 OF HAMILTON DESIGNS FOR PROJECT # 2019-115 ON MAY 23, 2019:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE ALONG THE WEST LINE THEREOF SOUTH 00 DEGREES 16 MINUTES 42 SECONDS EAST 132.00 FEET TO THE SOUTHWEST CORNER OF THE TRACT DESCRIBED IN INSTRUMENT NO. 2002-096508 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID TRACT AND THE SOUTH LINE OF THE TRACT DESCRIBED IN INSTRUMENT NO. 2016-054452 IN SAID RECORDER'S OFFICE NORTH 89 DEGREES 21 MINUTES 55 SECONDS EAST 330.00 FEET TO THE WEST LINE OF THE TRACT DESCRIBED IN INSTRUMENT NO. 2004-013334 IN SAID RECORDER'S OFFICE; THENCE ALONG SAID WEST LINE SOUTH 00 DEGREES 16 MINUTES 42 SECONDS WEST 28.12 FEET TO THE NORTH LINE OF EMERALD PLACE SECTION 1, INSTRUMENT NO. 9504245 IN SAID RECORDER'S OFFICE; THENCE ALONG SAID PERIMETER SOUTH 89 DEGREES 23 MINUTES 06 SECONDS WEST 0.27 FEET TO THE NORTHWEST CORNER OF LOT 34 IN SAID EMERALD PLACE; THENCE ALONG THE WEST LINE OF SAID PLAT SOUTH 00 DEGREES 16 MINUTES 42 SECONDS EAST 301.99 FEET; THENCE CONTINUING ALONG SAID PERIMETER AND THE EXTENSION OF THE NORTH LINE OF THE TRACT DESCRIBED IN INSTRUMENT NO. 2018-009059 SOUTH 89 DEGREES 23 MINUTES 06 SECONDS WEST 329.73 FEET MEASURED TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE ALONG SAID WEST LINE NORTH 00 DEGREES 16 MINUTES 42 SECONDS WEST 330.00 FEET TO THE POINT OF BEGINNING; CONTAINING 2.50 ACRES, MORE OR LESS.

EXHIBIT B
CONCEPT PLAN

EXHIBIT C-1
CHARACTER EXHIBIT

EXHIBIT C-2
CHARACTER EXHIBIT