ORDINANCE NUMBER 22-62

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT OF THE TOWNE ROAD CROSSING PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 07-26 AND TITLE 16 – LAND USE CONTROLS

"WWS PUD"

This is a Planned Unit Development District Ordinance (the "**Ordinance**") for the WWS PUD District (the "**District**"), to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (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 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 of the City (the "**Council**") enacted Ordinance No. 07-26 (the "**Towne Road Crossing PUD Ordinance**") on December 10, 2007;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "**Commission**") considered Petition No. 2301-PUD-01 (the "**Petition**"), requesting an amendment to the City's zoning map ("**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. 2301-PUD-01 to the Council with a favorable recommendation (Vote: __ in favor, __ opposed) 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 Council on _____ ___, 2023;

WHEREAS, the 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 Council, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

1.1 This Ordinance shall amend and replace the Towne Road Crossing PUD Ordinance, all amendments thereto and any related zoning commitments, if any, as applicable to Real Estate. The UDO and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the WWS PUD District. To the extent that the provisions of the UDO conflict with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

1.2 Development of the Real Estate shall be governed by (i) the provisions of this Amendment and any exhibits attached hereto, and (ii) the provisions of the UDO, as amended and applicable to the Real Estate, except as modified, revised, supplemented or expressly made inapplicable by this Amendment.

1.3 Chapter ("**Chapter**") and Article ("**Article**") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.

1.4 All provisions and representations of the UDO 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 Amendment.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the UDO.

2.1 For the purposes of this Ordinance, "**Educational Institution**" shall mean public pre-kindergarten, kindergarten, primary school, grade school, junior high school, middle school, high school, preparatory school, academy, junior college, college, university and ancillary use facilities, including but not limited to, athletic and recreational facilities used by employees, students, attendees, guests, invitees, licensees and lessees of the Educational Institution.

Section 3. Concept Plan. The concept plan, attached hereto as Exhibit B (the "**Concept Plan**"), is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.

3.1 Development of the District shall be regulated as set forth in this Ordinance.

3.2 The final layouts and site plans within the District shall be subject to the terms of this Ordinance and may vary from the depictions shown in the Concept Plan.

Section 4. Underlying Zoning District. The Underlying Zoning District of this District shall be the AG-SF1: Agriculture/Single-family Rural District.

Section 5. General Regulations. The standards of Section 4.2 of the UDO shall apply to the development of the District, except as otherwise modified below.

5.1 Maximum Building Height: Section 4.2(G) of the UDO is hereby modified to permit a Maximum Building Height of sixty (60) feet for Educational Institution facilities.

5.2 Minimum Living Area (Ground Floor): Section 4.2(H) of the UDO shall not apply to Educational Institution facilities.

5.3 Subdivision: Section 4.2(I) of the UDO shall not apply to Educational Institution facilities.

Section 6. State Highway 32 Overlay District. The standards of the State Highway 32 Overlay District, Section 5.3 of the UDO, shall not apply to Educational Institution facilities.

Section 7. Economic Development District Overlay. The standards of the Economic Development District Overlay, Section 5.4 of the UDO, shall not apply to Educational Institution facilities.

Section 8. Accessory Use and Building Standards. The standards of Section 6.1 of the UDO shall apply to the development of the District, except as otherwise modified below.

8.1 General Sandards: Sections 6.1(B)(2) and (3) of the UDO shall not apply to Educational Institution facilities.

8.2 Building Location: Section 6.1(D) of the UDO shall not apply to Educational Institution facilities.

8.3 Timing: Section 6.1(E) of the UDO shall not apply to Educational Institution facilities.

8.2 Maximum Accessory Building Height: Section 6.1(F) of the UDO shall not apply to Educational Institution facilities.

Section 9. Architectural Standards. The standards of Section 6.3 of the UDO shall apply to the development of the District, except as otherwise modified below.

9.1 Building Materials: Section 6.3(D)(2) of the UDO shall not apply to Educational Institution facilities. Instead, Principal Buildings shall be comparable in quality to the existing Westfield-Washington School Corporation facilities included in Exhibit C.

Section 10. Building Standards. The standards of Section 6.4 of the UDO shall apply to the development of the District, except as otherwise modified below.

10.1 Educational Institution uses shall be governed by the standards set forth in Section 6.4(D) of the UDO.

Section 11. Lighting Standards. The standards of Section 6.9(F) of the UDO shall apply to Educational Institutions in the District.

Section 12. Parking and Loading Standards. The standards of Section 6.14 of the UDO shall apply to the development of the District, except as otherwise modified below.

12.1 Loading Berths: The standards of Section 6.14(C) of the UDO shall not apply to Educational Institution facilities.

Section 13. Severability. If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

Section 14. Effective Date. This Ordinance shall only become effective upon the transfer of the Real Estate title to the Westfield-Washington School Corporation or a subsidiary thereof.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ___ DAY OF _____, 2023.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
James Edwards	James Edwards	James Edwards
_____	_____	_____
Scott Frei	Scott Frei	Scott Frei
_____	_____	_____
Jake Gilbert	Jake Gilbert	Jake Gilbert
_____	_____	_____
Mike Johns	Mike Johns	Mike Johns
_____	_____	_____
Troy Patton	Troy Patton	Troy Patton
_____	_____	_____
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
_____	_____	_____
Scott Willis	Scott Willis	Scott Willis

ATTEST:

_____

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 22-62** was delivered to the Mayor of Westfield on the ___ day of _____, 2023, at _____ ___m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 22-62**

this _____day of _____, 2023.

_____
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 22-62**

this _____day of _____, 2023.

_____
J. Andrew Cook, Mayor

This document prepared by: Matthew S. Skelton, Church Church Hittle + Antrim, Two North Ninth Street, Noblesville, Indiana 46074, (317) 773-2190.

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: Matthew S. Skelton.

EXHIBIT A

"Real Estate"

The southwest quarter of the southeast quarter of Section 32, Township 19 North, Range 3 East, in Hamilton County, Indiana, containing 40 acres, more or less.

ALSO:

A part of the East Half of the southeast quarter of Section 32, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, described as follows:

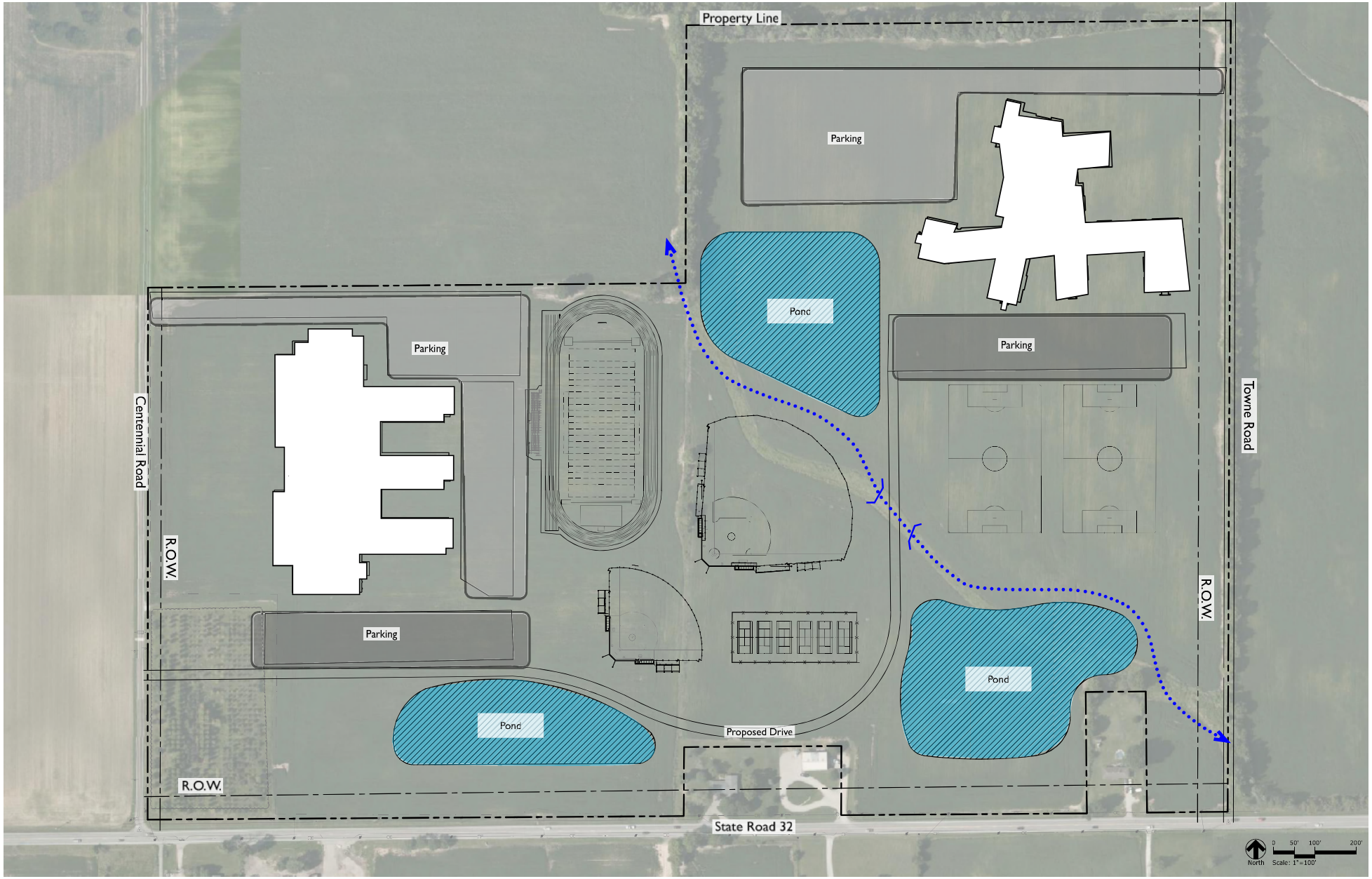
Beginning at the Harrison marker at the southeast corner of the southeast quarter of Section 32, Township 19 North, Range 3 East; thence North 00 degrees 44 minutes 57 seconds East (assumed bearing), 1950.57 feet more or less, along the East line of said southeast quarter to a 5/8 inch iron rod with yellow cap stamped Miller Surveying at the southeast corner of a 5.22 acre tract of real estate described in deed record 215, page 137, said 5/8 inch iron road with yellow cap stamped Miller Surveying being South 00 degrees 44 minutes 57 seconds West 694.4 feet from the stone at the northeast corner of said southeast quarter; thence North 89 degrees 44 minutes 15 seconds West 329.99 feet along the South line of said 5.22 acre tract and said South line extended westerly to a 5/8 inch iron rod with yellow cap stamped Miller Surveying on the West line of a 20 acre tract of real estate described in Instrument #9616898; thence South 00 degrees 44 minutes 58 seconds West 4.01 feet along the West line of said 20 acre tract to a 5/8 inch iron rod with yellow cap stamped Miller Surveying at the point of intersection of the West line of said 20 acre tract and the easterly extension of the North line of a 44.5 acre tract of real estate described in Instrument #9616898; thence North 89 degrees 48 minutes 48 seconds West 992.69 feet along said easterly extension of said North line and along said North line to a 5/8 inch iron rod with yellow cap stamped Miller Surveying at the northwest corner of said 44.5 acre tract; thence South 00 degrees 45 minutes 27 seconds West 1754.00 feet along the West line of the East half of said southeast quarter to a 5/8 inch iron rod with yellow cap stamped Miller Surveying at the northwest corner of a 1.69 acre tract of real estate described in Instrument #200400007520, said 5/8 inch iron rod with yellow cap stamped Miller Surveying being North 00 degrees 45 minutes 27 seconds East 193.00 feet from the southwest corner of the East half of said southeast quarter; thence South 89 degrees 48 minutes 48 seconds East 382.00 feet parallel with the South line of said southeast quarter to a 5/8 inch iron rod with yellow cap stamped Miller Surveying at the northeast corner of said 1.69 acre tract; thence South 00 degrees 45 minutes 27 seconds West 193.00 feet parallel with the West line of the East half of said southeast quarter to the southeast corner of said 1.69 acre tract; thence South 89 degrees 48 minutes 48 seconds East 597.27 feet along the South line of said southeast quarter to the southwest corner of a 1.07 acre tract of real estate described in Instrument #9734736; said southwest corner being North 89 degrees 48 minutes 48 seconds West 343.69 feet from the Harrison marker at the southeast corner of said southeast quarter, thence North 00 degrees 01 minute 12 seconds East 320.00 feet to a 5/8 inch iron rod with yellow cap stamped Miller Surveying at the northwest corner of said 1.07 acre tract; thence South 89 degrees 48 minutes 48 seconds East 146.00 feet parallel with the South line of said southeast quarter to a 5/8 inch iron rod with yellow cap stamped Miller Surveying at the northeast corner of said 1.07 acre tract; thence South 00 degrees 01 minute 12 seconds West 320.00 feet to the southeast corner of

said 1.07 acre tract; thence South 89 degrees 48 minutes 48 seconds East 197.69 feet along the South line of the southeast quarter to the point of beginning. containing 56.387 acres, more or less.

EXHIBIT B

“Concept Plan”

The Concept Plan appears on the following page of this exhibit.



WESTFIELD WASHINGTON SCHOOLS | CONCEPT PLAN

November 2022

EXHIBIT C