ORDINANCE 13-15

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE SPRINGMILL TRAILS PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 11-19 AND TITLE 16 - LAND USE CONTROLS

WHEREAS, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1306-PUD-05), filed with the Commission requesting an amendment to Ordinance 11-19, enacted by the Town Council on September 12, 2011 (the "Springmill Trails PUD")

WHEREAS, on _____, 2013 the Commission took action to forward Docket Number 1306-PUD-05 to the Westfield City Council with a _____ recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

WHEREAS, on _____, 2013 the Secretary of the Commission certified the action of the Commission to the City Council; and,

WHEREAS, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE SPRINGMILL TRAILS PUD ORDINANCE AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The Springmill Trails PUD is hereby amended so that the standards established in what is attached hereto and incorporated herein by reference as Exhibit "A" are applicable to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit "B" (the "Real Estate"). In all other respects, the Springmill Trails PUD shall remain in effect and unchanged.

SECTION 2. Upon motion duly made and seconded, this Ordinance 13-15 was fully passed by members of the Council this __ day of _____, 2013. Further, this Ordinance 13-15 shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict with this Ordinance13-15 are hereby amended. To the extent that this Ordinance 13-__ conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 13-15 shall prevail.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2013.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
Jim Ake	Jim Ake	Jim Ake
_____	_____	_____
John Dippel	John Dippel	John Dippel
_____	_____	_____
Steven Hoover	Steven Hoover	Steven Hoover
_____	_____	_____
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
_____	_____	_____
Robert J. Smith	Robert J. Smith	Robert J. Smith
_____	_____	_____
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
_____	_____	_____
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

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 No. 13-15 was delivered to the Mayor of Westfield

on the _____ day of _____, 2013, at _____ _m.

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 13-15

This _____ day of _____, 2013.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 13-15

this _____ day of _____, 2013.

_____
J. Andrew Cook, Mayor

ATTEST:

_____
Cindy J. Gossard, Clerk-Treasurer

Prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger
3105 East 98th Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106

MI PUD AMEND - PC Ordinance 051613

EXHIBIT "A"

I. Vinyl Siding. 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 (0.46 mil thickness or greater) as the exterior building material subject to any exception permitted in this Article.

II. Garage Doors. Section 2.3.F.9(a) of the Springmill Trials PUD regarding garage door design elements shall be amended as follows:

A. One of the garage door treatments illustrated in Exhibit "C" shall be used throughout the Real Estate. Other garage door treatments may be substituted if approved by the Director of Economic and Community Development (the "Director"). Adverse determinations by the Director may be addressed in the form of a request for PUD amendment.

B. Garage door treatments include doors with windows and without windows and with decorative hardware and without decorative hardware.

C. A maximum of two of the same garage door treatments shall be located on adjacent lots on the same side of the street.

III. Additional Standards.

A. The construction of all single family detached homes on the Real Estate shall include the following:

1. White shall be the color of all (i) window trim, (ii) fascia and (iii) corner board areas;

2. All sheathing on exterior walls shall be oriented strand board (OSB); and

3. All exterior walls shall be framed with 2 x 6 inch studs.

B. Pond Common Area C, as identified on the plat of Section 1 of Waters Edge at Springmill Trails shall include the construction and maintenance of the following:

1. A fishing pier extended into the pond;

2. Stocking the pond with sunfish, minnows, catfish and large-mouth bass; and

3. The planting of plugs of wetland materials to provide a more natural appearance around the perimeter of the pond.

EXHIBIT "B"

(Legal Description)

Tract 1

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A MAG NAIL AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST (ASSUMED BEARING) 207.38 FEET; THENCE PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER SOUTH 89 DEGREES 23 MINUTES 53 SECONDS WEST 1323.24 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE ON SAID WEST LINE NORTH 00 DEGREES 10 MINUTES 40 SECONDS EAST 207.38 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 23 MINUTES 53 SECONDS EAST 1323.29 FEET TO THE POINT OF BEGINNING, CONTAINING 6.30 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED REAL ESTATE:

Tract 2

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST (ASSUMED BEARING) 207.38 FEET TO A MAG NAIL AT THE SOUTHEAST CORNER OF A 6.30 ACRE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 2004-00048213 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 652.99 FEET TO A MAG NAIL AT THE NORTHEAST CORNER OF A 3.0 ACRE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 1991-01973; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 435.60 FEET TO A 5/8 INCH STEEL REBAR WITH RED CAP AT THE NORTHWEST CORNER OF SAID 3.0 ACRE TRACT; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST, 300.00 FEET TO THE SOUTHWEST CORNER OF SAID 3.0 ACRE TRACT; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST, ALONG THE SOUTH LINE OF SAID 3.0 ACRE TRACT, 53.54 FEET; THENCE SOUTH 00

DEGREES 11 MINUTES 34 SECONDS WEST 10.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 15.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 159.61 FEET TO A CAPPED REBAR ON THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 89 DEGREES 19 MINUTES 04 SECONDS WEST, 955.87 FEET TO A CAPPED REBAR AT THE SOUTHWEST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 00 DEGREES 10 MINUTES 40 SECONDS EAST, ALONG THE WEST LINE OF SAID QUARTER-QUARTER SECTION, 1118.84 FEET TO A 5/8 INCH STEEL REBAR WITH A YELLOW CAP "MILLER SURVEY S0083" AT THE SOUTHWEST CORNER OF A 6.30 ACRE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 2004-00048213; THENCE ON THE SOUTH LINE OF SAID 6.30 ACRE TRACT NORTH 89 DEGREES 23 MINUTES 53 SECONDS EAST 1323.24 FEET TO THE POINT OF BEGINNING, CONTAINING 29.543 ACERS, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED REAL ESTATE:

Tract 3

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST (ASSUMED BEARING) 860.37 FEET TO THE NORTHEAST CORNER OF A 3.0 ACRE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 1991-01973 AND THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST, ALONG SAID EAST LINE, 60.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 367.06 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 2.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 15.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 238.00 FEET TO THE SOUTH LINE OF SAID 3.0 ACRE TRACT; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 53.54 FEET TO THE SOUTHWEST CORNER OF SAID 3.0 ACRE TRACT; THENCE NORTH 00 DEGREES 11 MINUTES 34 SECONDS EAST 300.00 FEET TO THE NORTHWEST CORNER OF SAID 3.0 ACRE TRACT; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 435.60 FEET TO THE POINT OF BEGINNING, CONTAINING 0.896 ACRES, MORE OR LESS.

Exhibit "B"

(Location Map)

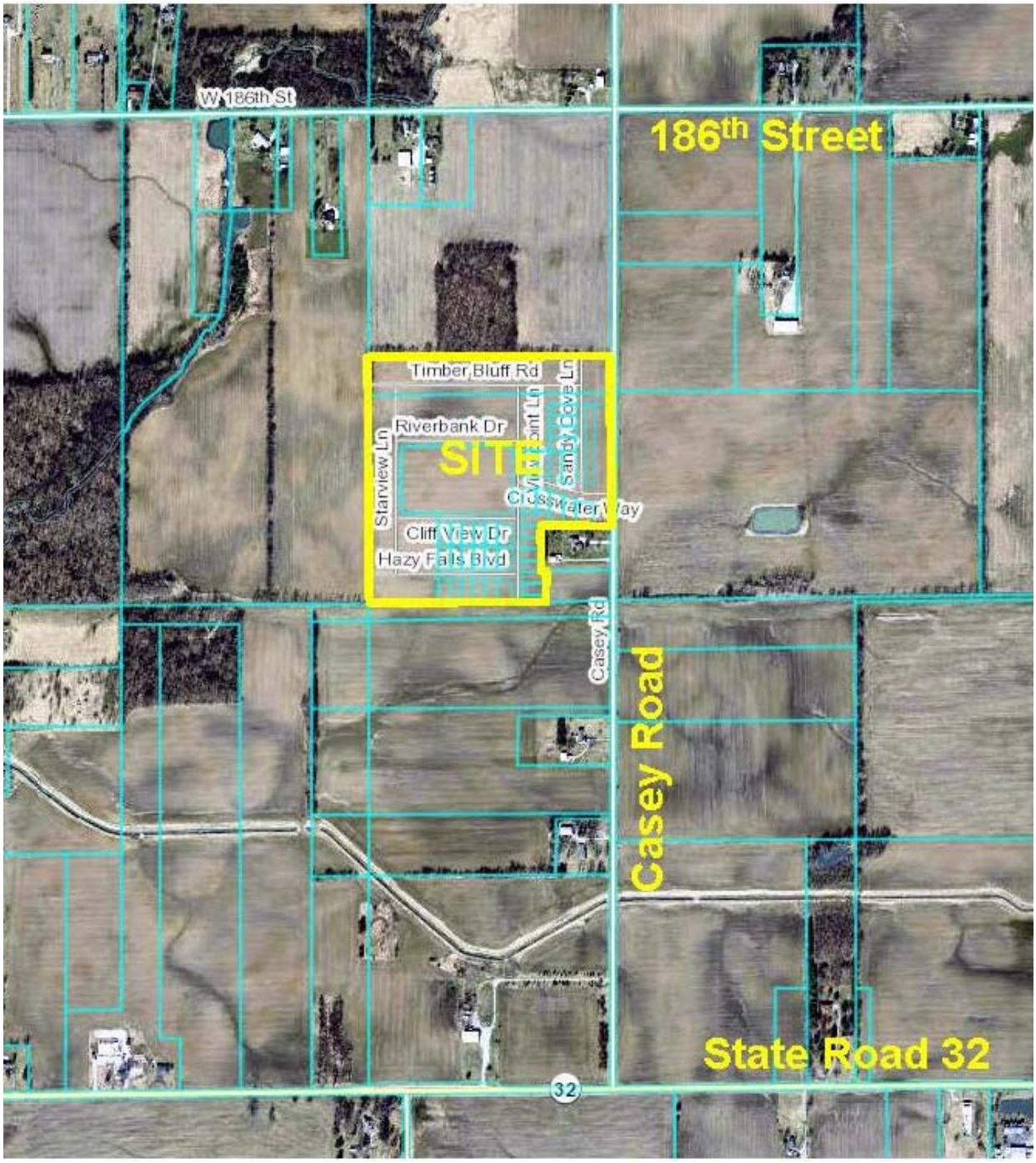

EXHIBIT "C"

(Garage Door Styles)

Wayne
Dalton

Wayne
Dalton

Wayne
Dalton