

ORDINANCE NUMBER 16-34

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE ENCLAVE AND SPRINGS PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is an Ordinance (this "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 Council enacted Ordinance No. 13-16, the Enclave and Springs Planned Unit Development District (the "PUD Ordinance"), on October 14, 2013;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1609-PUD-18**), requesting an amendment to the PUD Ordinance with regard to the subject real estate commonly known as **15807 Longship Court, Westfield, Indiana 46074**, and more particularly described as:

Lot 29 in The Spring at Viking Meadows Plat, an addition in Hamilton County, as per plat thereof, recorded June 6, 2015 as Instrument No. 2015027282, in Plat Cabinet 5, Slide 353, in the Office of the Recorder of Hamilton County, Indiana (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1609-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 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 PUD Ordinance and the Unified Development Ordinance are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 This Ordinance shall amend the PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by the PUD Ordinance, as amended by this Ordinance and its exhibits.
- 1.2 All other provisions of the PUD Ordinance shall remain in effect with the adoption of this Ordinance.
- 1.3 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 the PUD Ordinance, as amended.

Section 2. **Swimming Pool Setback Standards.** The standards of Exhibit C: Development Standards Matrix of the PUD Ordinance shall be amended to modify the Rear Yard Minimum Building Setback for a swimming pool from twenty-five (25) feet to fifteen (15) feet.

Section 3. **Swimming Pool Improvements.** If a swimming pool is installed on the Real Estate, then it shall be installed in substantial compliance with the Concept Plan, attached hereto as **Exhibit A**, including, but not limited to substantial compliance with the depicted landscaping. A power safety pool cover and fence surrounding the pool, as depicted on the Concept Plan, shall both be required and installed in accordance with the applicable building code requirements.

**ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS ____ DAY OF _____, 2016.**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ 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

This document prepared by: Jesse M. Pohlman, City of Westfield Economic and Community Development Department, 2728 E. 171st Street, Westfield, IN 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

I hereby certify that **ORDINANCE 16-34** was delivered to the Mayor of Westfield

on the _____ day of _____, 2016, at _____m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-34**

this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-34**

this _____ day of _____, 2016.

J. Andrew Cook, Mayor