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2011010033 ORDINANCE $21.00
02/16/2011 02:05:33P 5 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NUMBER 11-02

Document Cross Reference No. 2009017207 and 200500009749

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE BROOKIE PLANNED UNIT DEVELOPMENT ORDINANCE 04-42, ORDINANCE 09-05 AND TITLE 16 – LAND USE CONTROLS

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

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1101-PUD-01), filed with the Commission requesting an amendment to the Brookie Planned Unit Development District, established by Ordinance 04-42, enacted by the Westfield Town Council on December 8, 2004 and amended by Ordinance 09-05, enacted by the Westfield City Council on March 9, 2009;

WHEREAS, the Commission forwarded Docket 1101-PUD-01 to the Westfield City Council with a unanimous positive recommendation in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on February 3, 2011;

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

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT ORDINANCE 04-42, ORDINANCE 09-05 AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. Item 2 of the *Development Standards that Relate to the Overall Project* of Exhibit "F" of the document as referenced by Ordinance 04-42, as amended by Ordinance 09-05 (collectively, the "Brookie PUD Ordinance"), is hereby amended for the real estate described in what is attached hereto and incorporated herein by reference as Exhibit "A" as follows:

- Homes on Lots 112, 133, 134, 150, 151, 152, 155, 156, 158, 159, 160, 161, 162, 164, 165, 166 and 168, shall be substantially similar to the homes shown in *Exhibit K – Elevations for Irvington Collection Homes.*

In all other respects, the Brookie PUD Ordinance shall remain in effect and unchanged.

SECTION 2. This Ordinance 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 herewith are hereby ordered. To the extent that this ordinance conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this ordinance shall prevail.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMITON COUNTY, INDIANA THIS 14 DAY OF Feb, 2011.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	Voting Against	Abstain
John Dippel	John Dippel	John Dippel
Steve Hoover	Steve Hoover	Steve Hoover
Robert Horkay	Robert Horkay	Robert Horkay
Kenneth Kingshill	Kenneth Kingshill	Kenneth Kingshill
Bob Smith	Bob Smith	Bob Smith
Tom Smith	Tom Smith	Tom Smith
Rob Stokes	Rob Stokes	Rob 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: Andrew P. Murray

Prepared by: Andrew P. Murray, Planner I, City of Westfield, 2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law"

Signed

I hereby certify that ORDINANCE 11-02 was delivered to the Mayor of Westfield

on the 15 day of Feb, 2011, at 10:15 am.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-02

this 15 day of Feb, 2011.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 11-02

this _____ day of _____, 2011.

_____

J. Andrew Cook, Mayor

EXHIBIT A – LEGAL DESCRIPTION

The real estate affected by said application is described as follows:

Lots 112, 133 and 134 as shown on the plat for Centennial South Section 1 recorded on December 25, 2005, as Instrument Number 200500070069 in the Office of the Hamilton County Recorder

and

Lots 150, 151, 152, 155, 156, 158, 159, 160, 161, 162, 164, 165, 166, and 168 as shown on the plat for Centennial South Section 2 recorded on December 2, 2009 as Instrument Number 2009069177 in the Office of the Hamilton County Recorder.