25.00 (8) 2.00 nonc

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Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 12-10

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE BRIDGEWATER CLUB PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-08, ORDINANCE 10-19, ORDINANCE 11-01 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 1203-PUD-03), filed with the Commission requesting an amendment to Ordinance 06-49, enacted by the Town Council on October 9, 2006 , and amended by (i) Ordinance 08-05, enacted by the City Council on February 11, 2008 (ii) Ordinance 09-17, enacted by the City Council on September 14, 2009; (iii) Ordinance 10-01, enacted by the City Council on February 8, 2010; (iv) Ordinance 10-05, enacted by the City Council on April 12, 2010; (v) Ordinance 10-08, enacted by the City Council on May 24, 2010; (vi) Ordinance 10-19, enacted by the City Council on September 13, 2010; and (vii) Ordinance 11-01, enacted by the City Council on January 10, 2011.

WHEREAS, on March 19, 2012 the Commission took action to forward Docket 1203-PUD-03 to the Westfield City Council with a favorable recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

WHEREAS, on March 20, 2012 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 ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-05, ORDINANCE 10-08, ORDINANCE 10-19, ORDINANCE 11-01 AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The document as reference by Ordinance 06-49 described as "The Bridgewater Club Restated and Consolidated Planned Unit Development District", as amended by Ordinance 08-05, Ordinance 09-17, Ordinance 10-01, Ordinance 10-05, Ordinance 10-08, Ordinance 10-19 and Ordinance 11-01 (collectively, the Bridgewater PUD Ordinance") is hereby amended so that the uses and 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".

In all other respects, the Bridgewater 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 ordinance 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, HAMILTON COUNTY, INDIANA THIS 9 DAY OF Sept, 2012.

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: Charles D. Frankenberger

Signed

I hereby certify that ORDINANCE No. 12-10 was delivered to the Mayor of Westfield

on the 10 day of Apr, 2012, at 11:00 am.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 12-10

This 10 day of April, 2012.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 12-10

this _____ day of _____, 2012.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

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

EXHIBIT "A"

I. Revised Concept Plan. The term Concept Plan shall hereafter mean and refer to the Concept Plan attached hereto and incorporated herein by reference as Exhibit "C".

II. Maximum Number of Units – Exhibit 12 of the PUD shall be amended as follows.

A. Parcel D – 96

III. Parcel Size Range. Exhibit 14 of the PUD is amended such that Parcel Size Range set forth in the Table in Exhibit 14 is inapplicable to parcel K2 and parcel K2 may vary in size and may extend into and replace only portions of Parcel M2 in Area Y.

IV. Landscape Buffers. The landscape buffer along the southern and eastern perimeter of Parcel K3 shall be the same as the landscape buffer requirements applicable to the south Perimeter of Parcel D4 provided Parcel K3 is developed with single-family detached dwelling lots.

V. Greenway Trails. The Greenway Trail shown within the Ordinance 06-49 Concept Plan for Parcel D4 and Parcel K3 shall not be required provided Parcel K3 is developed with single-family detached dwelling lots.

VI. Signage. A Residential Complex Sign may be placed along Gray Road within Parcel M2 for an apartment use within Parcel K2 per the standards of the Zoning Ordinance.

VII. Revised Phasing Sequence. The term Phasing Sequence shall hereafter mean and refer to the Phasing Sequence attached hereto and incorporated herein by reference as Exhibit "D".

EXHIBIT "B"

(Legal Description)

Part of the South Half and part of the Northeast Quarter of Section 17, Township 18 North, Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana more particularly described as follows:

Beginning at the Northwest corner of said South Half; thence East along the north line thereof a distance of 4,685± feet to a point on the south line of said Northeast Quarter; thence North a distance of 1,330± feet; thence East 620± feet to a point on the East line of said Northeast Quarter; thence South to the 1,330± feet to the Northeast corner of said Half Quarter Section; thence South along the East line thereof a distance of 1,250± feet; thence West 665± feet; thence South 70± feet; thence West 1,200± feet; thence North 660± feet; thence West 800± feet to a point on the East line of the Southwest Quarter; thence South along said East line a distance of 330± feet; thence West 1,325± feet; thence South 315± feet; thence West 1,305± feet to the West line of said South Half; thence North 1,345± feet to the place of beginning, containing 157± acres, more, less.

Subject to all highways, rights-of-way and easements of record.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND DOES NOT REPRESENT AN ACCURATE BONUDARY SURVEY.

EXHIBIT "B"
Page 2 of 2

(Legal Description)

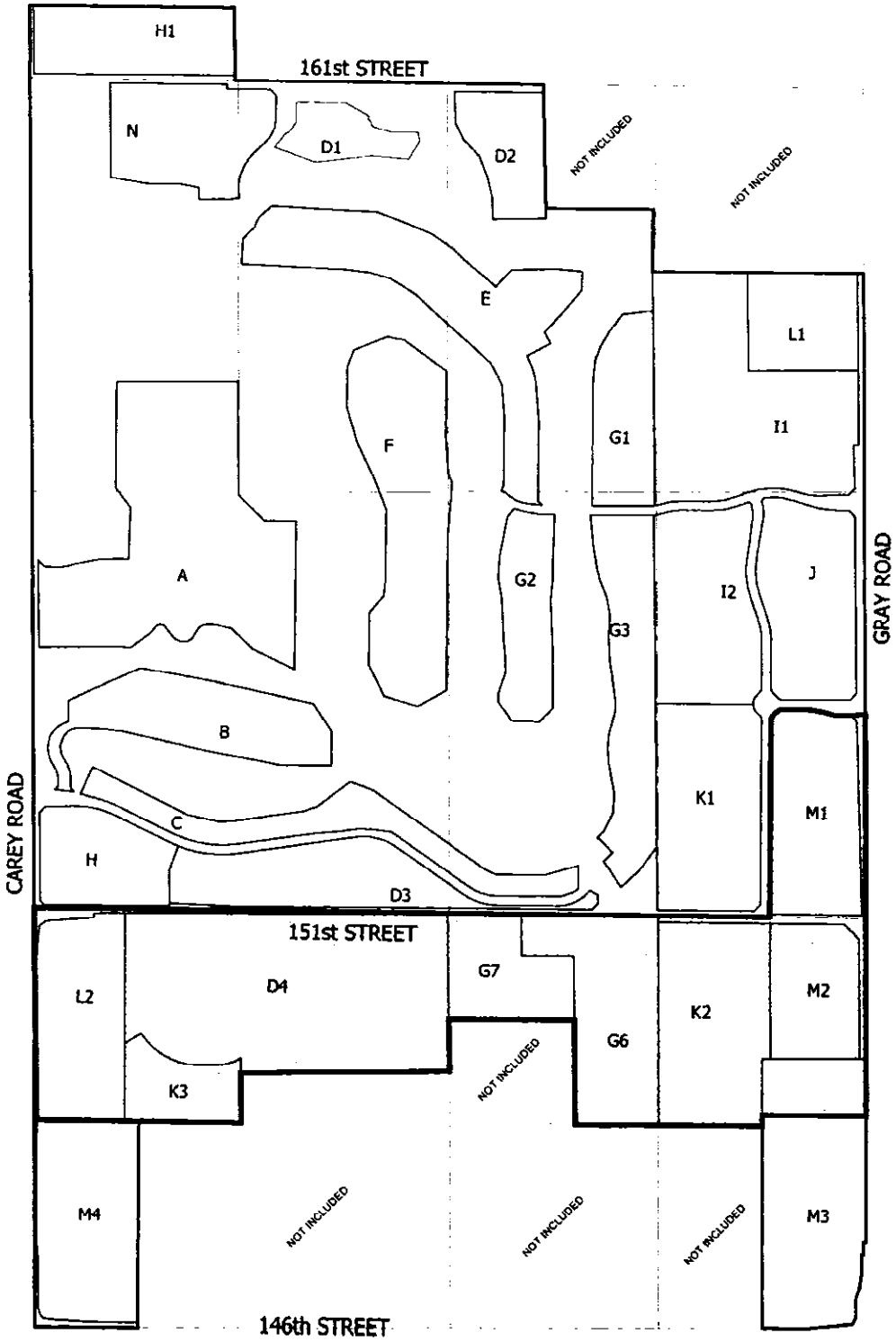

EXHIBIT "C"

(Concept Plan)

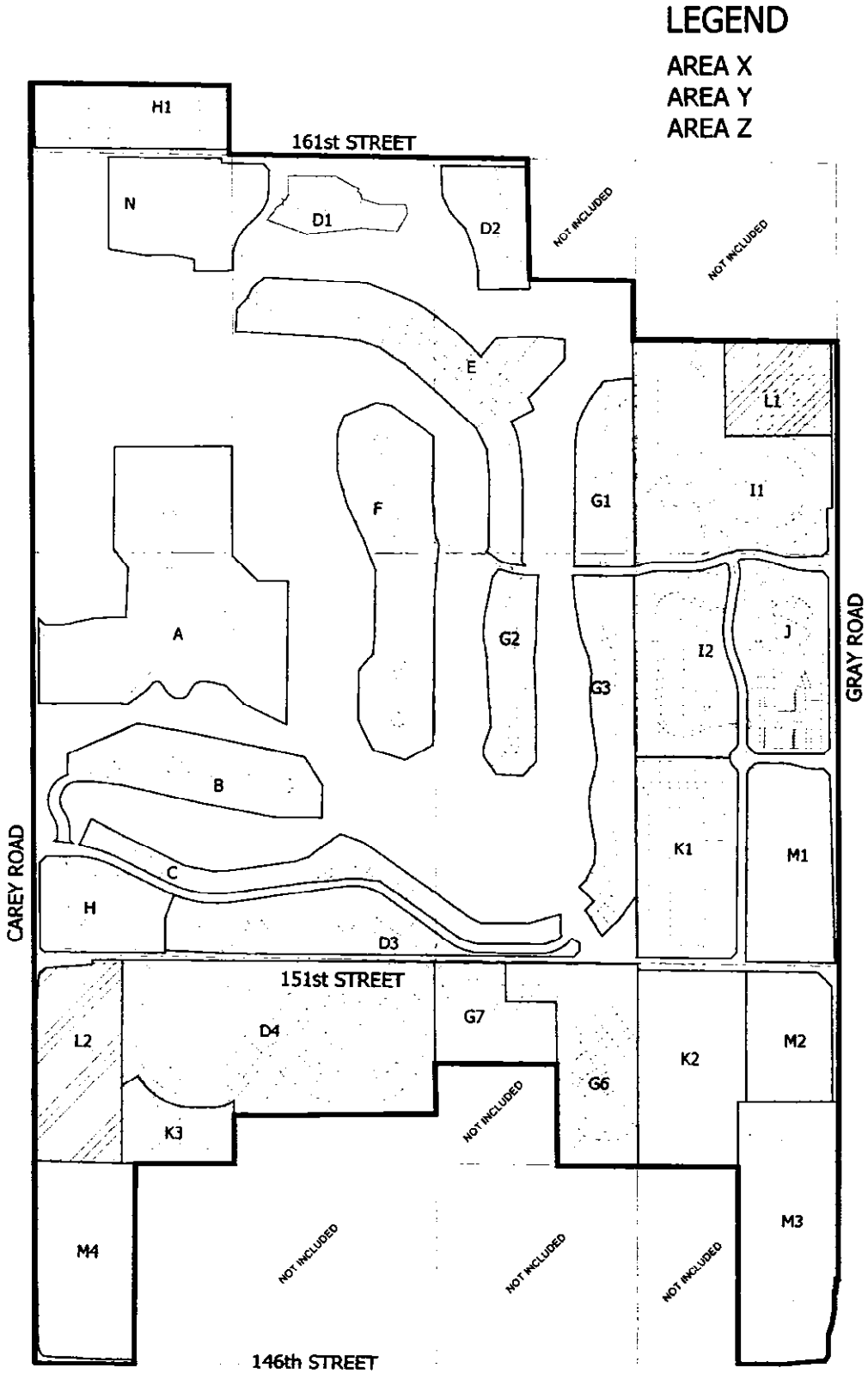

EXHIBIT "D"

Development Phasing Sequence

1. Areas and Parcels. – As set forth on the Concept Plan, the Real Estate is allocated into the following Areas and Parcels within Areas:

    A. Area X – Consisting of the Golf Course and Parcel A, Parcel B, Parcel B, C, Parcel D comprising Parcels D1 through D4, Parcel E, Parcel F, Parcel G comprising Parcels G1 through G7, Parcel H comprising Parcels H and H1, Parcel I comprising Parcels I1 and I2, Parcel J, and Parcel K comprising Parcels K1 through K3
    B. Area Y – Consisting of Parcels M1 through M4
    C. Area Z – Consisting of Parcels L1 and L2

2. Construction and Development Already Completed – With respect to the following, some Development Plans were timely submitted and construction and development has been completed.

    A. Area X – The Golf Course; Parcel N (the clubhouse, fitness center, pool and tennis courts); Parcel A; Parcel B; Parcel C; Parcels D1 through D3; Parcel E; Parcel F; Parcels G1 through G5; Parcels H and H1; Parcels I1 and I2 and Parcel K1
    B. Area Z – Parcel L1

3. Construction and Development Partially Completed – With respect to the following, Development Plans have been timely submitted and construction and development has been partially completed:

    A. Area X – Parcels D4, G6, G7; Parcel J and Parcel K3
    B. Area Y – Parcel M3
    C. Area Z – Parcel M4
    D. Additional Development Plans within the above noted Parcels will be submitted in the future, without time restrictions or the application of the sunset provisions of the Zoning Ordinance, as necessary to complete the construction and development of the Parcels.

4. Future Construction and Development – Development Plans for the following Parcels will be submitted at a future date without time restrictions or the application of the sunset provisions of the Zoning Ordinance, as necessary to complete the construction and development of the Parcels:

    A. Area X – Parcel K2.
    B. Area Y – Parcel M1 and M2.
    C. Area Z – Parcel L2.

5. Completion of Development – Once the Development Plan is approved and all other approvals necessary to the commencement of development have been obtained, development and the installation of utilities and streets shall commence within a reasonable period of time.