2013012832 ORDINANCE $34.00
02/28/2013 03:30:11P 11 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 13-03

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, ORDINANCE 12-10 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 1301-PUD-01), 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; (vii) Ordinance 11-01, enacted by the City Council on January 10, 2011; (vii) and Ordinance 12-10, enacted by the City Council on April 9, 2012 (collectively, the "Bridgewater PUD Ordinance")

WHEREAS, on February 4, 2013 the Commission took action to forward Docket 1301-PUD-01 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 February 5, 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 BRIDGEWATER PUD AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. 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"** (the "Real Estate"). In all other respects, the Bridgewater PUD Ordinance shall remain in effect and unchanged.

SECTION 2. Upon motion duly made and seconded, this Ordinance was fully passed by members of the Council this 11 day of FEB, 2013. Further, this Ordinance 13-01 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 amended. To the extent that this Ordinance 13-01 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 13-01 shall prevail.

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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 11 DAY OF Feb, 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: Charles D. Frankenberger

Signed

I hereby certify that ORDINANCE No. 13-01 was delivered to the Mayor of Westfield on the 12 day of Feb, 2013, at 11:50 am.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 13-01

This 14 day of February, 2013.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 13-01

this _____ day of _____, 2013.

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. Additional Use. Section 8(B) of the Bridgewater PUD Ordinance shall be amended to include the following use as an additional permitted use (the "Additional Permitted Use") on the Real Estate:

> One (1) automobile service center, including the sale of automotive petroleum products (excluding gasoline) and retail consumer goods and routine vehicle maintenance shall be permitted, which routine vehicle maintenance shall include, without limitation, minor repair of automobiles such as repair and replacement of parts and batteries; diagnostic services; minor motor services such as grease, oil, spark plugs and filter changing, tune-ups; replacement of starters, alternators, hoses and brake parts; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles.

II. Additional Standards. Additional standards applicable to the Additional Permitted Use shall include the following:

A. All service bays overhead doors shall face south toward the southern parking area;
B. There shall be no more than 9 service bays;
C. The sale of gasoline shall be prohibited;
D. Normal business hours of operation shall be limited to between 7:00 AM and 7:00 PM;
E. Outside storage of merchandise shall be prohibited;
F. The overnight, outside storage of motor vehicles that are being repaired shall be prohibited;
G. There shall be no body work and only minimal tire work performed on the Real Estate;
H. A sand and oil separator, which prevents contaminants from leaving the site, shall be required.
I. All containment vessels and containers shall be above ground.
J. EPA compliant, double hull containment shall be required for all new automotive fluids above 55 gallons.
K. Construction and maintenance of the building interior shall be in substantial compliance with the photos attached hereto and incorporated herein by reference as **Exhibit "C"**.

III. Building Materials: The building materials and general design of the primary structure on the Real Estate shall be constructed in a style similar to the illustrations attached hereto and incorporated herein by reference as **Exhibit "D"**. Primary building materials shall be brick and/or stone and shall be installed in compliance with the Architectural Standards of the Bridgewater PUD. Final building plans shall be included in a Development Plan application requiring approval by the Plan Commission.

IV. Section 8(B)(17) of the Bridgewater PUD. Section 8(B)(17) of the Bridgewater PUD, the text of which is indicated on what is attached hereto and incorporated by reference as **Exhibit "E"** shall remain intact and unchanged and, therefore, the use permitted under Section 8(B)(17) shall remain permitted in Area Y of the Bridgewater PUD.

EXHIBIT "B"

(Legal Description)

A part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing from the Southeast corner of said quarter section North 00 degrees 46 minutes 18 seconds West on and along the East Line of the said quarter section 1,080.58 feet; thence South 89 degrees 46 minutes 53 seconds West 45.00 feet to the West right-of-way line of Gray Road as recorded in a Grant of right-of-way, Instrument # 2007-038726 and marking the Point of Beginning of this described lot; thence continuing South 89 degrees 46 minutes 53 seconds West 343.96 feet; thence North 00 degrees 46 minutes 18 seconds West 105.35 feet; thence North 89 degrees 46 minutes 53 seconds East 344.04 feet to the said West right-of-way line of Gray Road; thence South 00 degrees 46 minutes 18 seconds East on and along said right-of-way 105.36 feet to the Point of Beginning, containing 0.83 acres more or less.

EXHIBIT "B"
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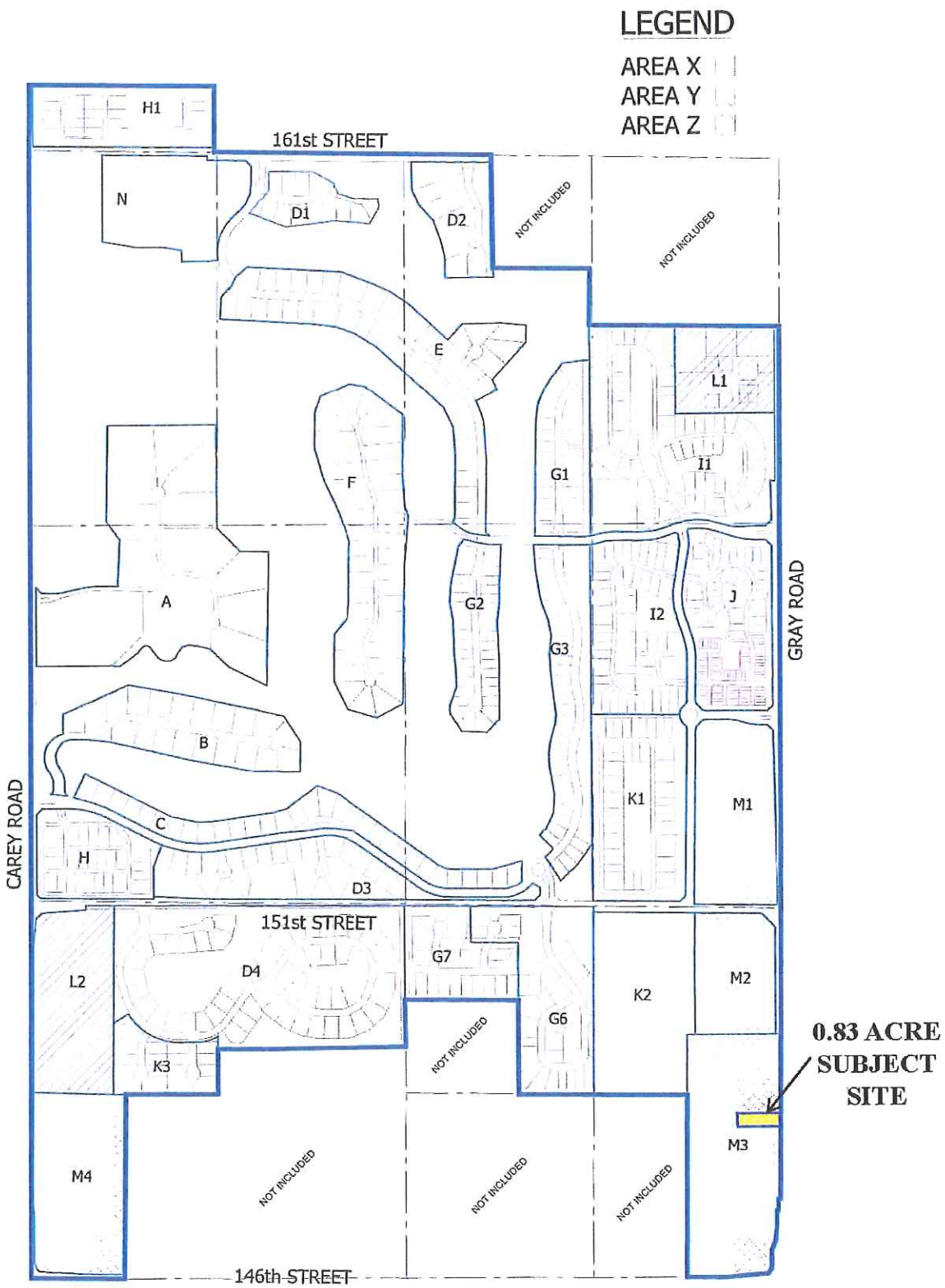

EXHIBIT "C"

(Building Interiors)

EXHIBIT "C"

(Building Interiors)

EXHIBIT "D"

(Building Design)

building may have up to two (2) lanes;

(11) Financial institutions, including drive-through banking facilities and exterior ATMs (provided such are not located between the primary building and the nearest External Streets). All drive-through facilities shall be located on the side of a building or the rear of the building. Drive-through facilities for financial institutions may be up to four (4) lanes;

(12) General stores;

(13) Golf cart sales, rentals, and repair;

(14) Insurance companies;

(15) Liquor stores and sales;

(16) Medical, dental and emergency clinics and labs;

(17) One (1) automobile service station, including car wash, the sale of gasoline and other automotive petroleum products and retail consumer goods. Outside storage of merchandise shall be prohibited. The outside storage of more than three (3) motor vehicles, for repair, shall be prohibited. No gas pumps shall be located between the gas station and External Streets. Body work and major mechanical services are prohibited; however, routine maintenance shall be permitted. All service bays shall face interior parking;

(18) Pet cemeteries;

(19) Picture framing;

(20) Private and public schools without dorms;