2013018081 ORDINANCE $29.00
03/21/2013 01:56:55P 9 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 13-06

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, ORDINANCE 13-03 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 1302-PUD-02), 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) Ordinance 12-10, enacted by the City Council on April 9, 2012; and (viii) Ordinance 13-03, enacted by the City Council on February 11, 2013 (collectively, the "Bridgewater PUD Ordinance")

WHEREAS, on February 19, 2013 the Commission took action to forward Docket Number 1302-PUD-02 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 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 ORDINANCE 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 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 13-06 was fully passed by members of the Council this 11 day of Mar, 2013. Further, this Ordinance 13-06 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 Ordinance13-06 are hereby amended. To the extent that this Ordinance 13-06 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 13-06 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 Mar, 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

Signed

I hereby certify that ORDINANCE No. 13-06 was delivered to the Mayor of Westfield

on the 12 day of Mar, 2013, at 11:20 am.

Cindy Gossard

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 13-06

This 13 day of March, 2013.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 13-06

this _____ day of _____, 2013.

J. Andrew Cook, Mayor

ATTEST:

Cindy Gossard

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"

Landscape Buffers. Section 11.H. of the Bridgewater PUD Ordinance shall be replaced and superseded by the following:

There shall be a landscape buffer along the eastern boundary line of the Real Estate, which landscape buffer shall be thirty feet (30') in width (the "Landscape Buffer") and which shall include the following, all of which are generally depicted in the Landscape Buffer illustrations attached hereto and incorporated herein by reference as Exhibit "C":

A. **Masonry wall standards.** Within the Landscape Buffer there shall be a masonry wall which shall have the following attributes:
   (i) The masonry wall shall be located a minimum of twenty five feet (25') west of the eastern boundary line of the Real Estate.
   (ii) The masonry wall shall be extended south, approximately five hundred eighty feet (580'), from the north boundary line of the Real Estate to the front building setback line along and applicable to 146th Street.
   (iii) The height of the masonry wall, excluding the caps and the columns, shall be a minimum of nine feet (9') when measured from the grade at the base of the masonry wall to the top of the masonry wall.
   (iv) The top of the masonry wall (excluding the caps and the columns) shall be a minimum ten feet six inches (10' 6") when measured from the grade at the closest point on the eastern boundary line of the Real Estate.
   (v) The masonry wall shall include columns that are a minimum of two feet (2') by two feet (2') in width and that are a minimum of ten feet (10') in height (excluding the caps on the columns) when measured from the grade at their base. A column shall be located at both ends of the masonry wall and, in between both ends of the masonry wall, additional columns shall be located such that there is a maximum of twenty four feet (24') between columns (i.e.- column, 24' of wall, column, 24' wall, column and so on).

B. **Landscaping standards and tree preservation within the Landscape Buffer.** Landscaping and tree preservation within the Landscape Buffer shall be as follows:
   (i) The landscaping shall consist of fifty (50) Norway Spruce trees, which shall be a minimum of eight feet (8') feet in height at planting and which shall be maintained and replaced, if necessary, by the owner of the real estate on which they exist or by the owner's association, if any, in which such owner is a member.
   (ii) The owners of the five (5) lots that are located within the Brentwood Village Subdivision to the east of the Real Estate and that adjoin the Real Estate (the "5 Brentwood Lots") shall select a representative who shall identify for Throgmartin-Henke Development, LLP all locations at which the fifty (50) Norway Spruce trees are to be planted.
   (iii) The underbrush along the entire eastern boundary line of the Real Estate shall be cleared.
   (iv) There are existing trees along eastern boundary line of the Real Estate. Among these existing trees, the trees that shall be preserved are those that Throgmartin-Henke Development, LLP and the owners of the 5 Brentwood Lots mutually agree to preserve and that are clearly marked and identified by the owners of the 5 Brentwood Lots, and all other trees along the eastern boundary line of the Real Estate shall be removed.

C. **Wooden Fence:** Throgmartin-Henke Development, LLP shall construct and extend east a six foot (6') tall wood fence from the northern end of the masonry wall to the western boundary of Lot 34 in the Brentwood Village subdivision, which is commonly known as 14644 Deerwood Drive Carmel, IN 46033.

EXHIBIT "B"

(Legal Description)

Part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 543.02 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 191.98 feet to the southwest corner of a tract of land conveyed to KND Real Estate 17, L.L.C. in Document 2010009261 in the office of the Hamilton County Recorder, thence along the boundary of said KND Real Estate 17 tract, North 89 degrees 41 minutes 49 seconds East 250.13 feet; thence continue along the boundary of said KND Real Estate 17 tract, South 00 degrees 54 minutes 56 seconds East 40.00 feet; thence continue along the boundary of said KND Real Estate 17 tract, North 89 degrees 41 minutes 49 seconds East 410.19 feet to the southeast corner thereof and being a point on the west line of Brentwood Village, as per plat thereof, recorded in Plat Cabinet 1, Slide 633 in the office of said Recorder, thence along the west line of said Brentwood Village, South 00 degrees 39 minutes 48 seconds East 642.48 feet to a corner of a tract of land conveyed to the Board of Commissioners of Hamilton County in Document 200400076734 in the office of said Recorder, thence along the boundary of said Board of Commissioners tract the following nine (9) calls: South 89 degrees 41 minutes 33 seconds West 275.33 feet; thence North 87 degrees 26 minutes 42 seconds West 164.25 feet; thence South 89 degrees 41 minutes 33 seconds West 65.62 feet; thence North 89 degrees 12 minutes 19 seconds West 92.23 feet; thence North 40 degrees 29 minutes 55 seconds West 28.55 feet; thence North 18 degrees 00 minutes 45 seconds West 44.62 feet; thence North 00 degrees 54 minutes 35 seconds West 311.68 feet; thence North 06 degrees 25 minutes 52 seconds West 98.94 feet; thence South 89 degrees 05 minutes 17 seconds West 20.02 feet to the point of beginning and containing a gross area of 9.544 acres.

EXHIBIT "B"
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(Legal Description)

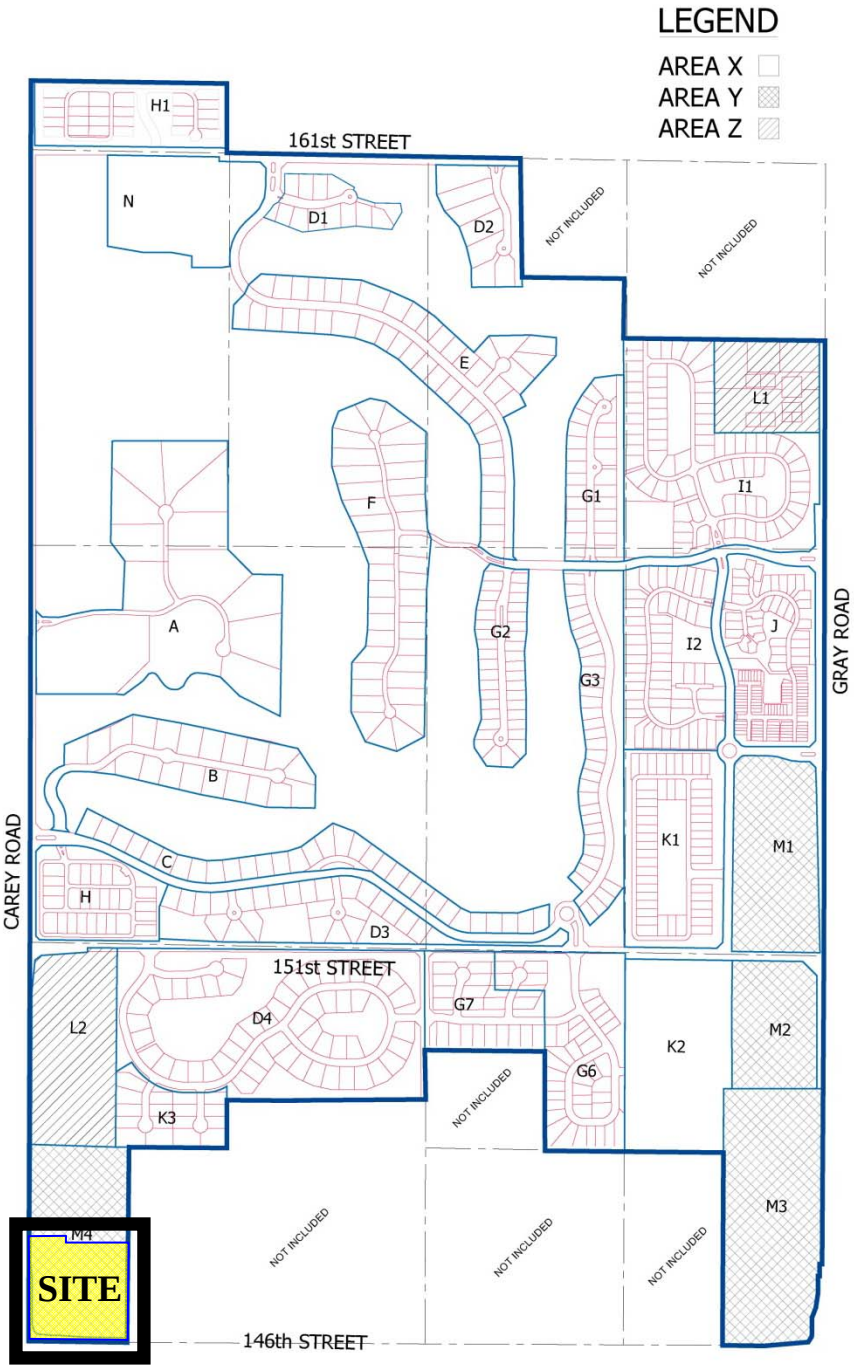
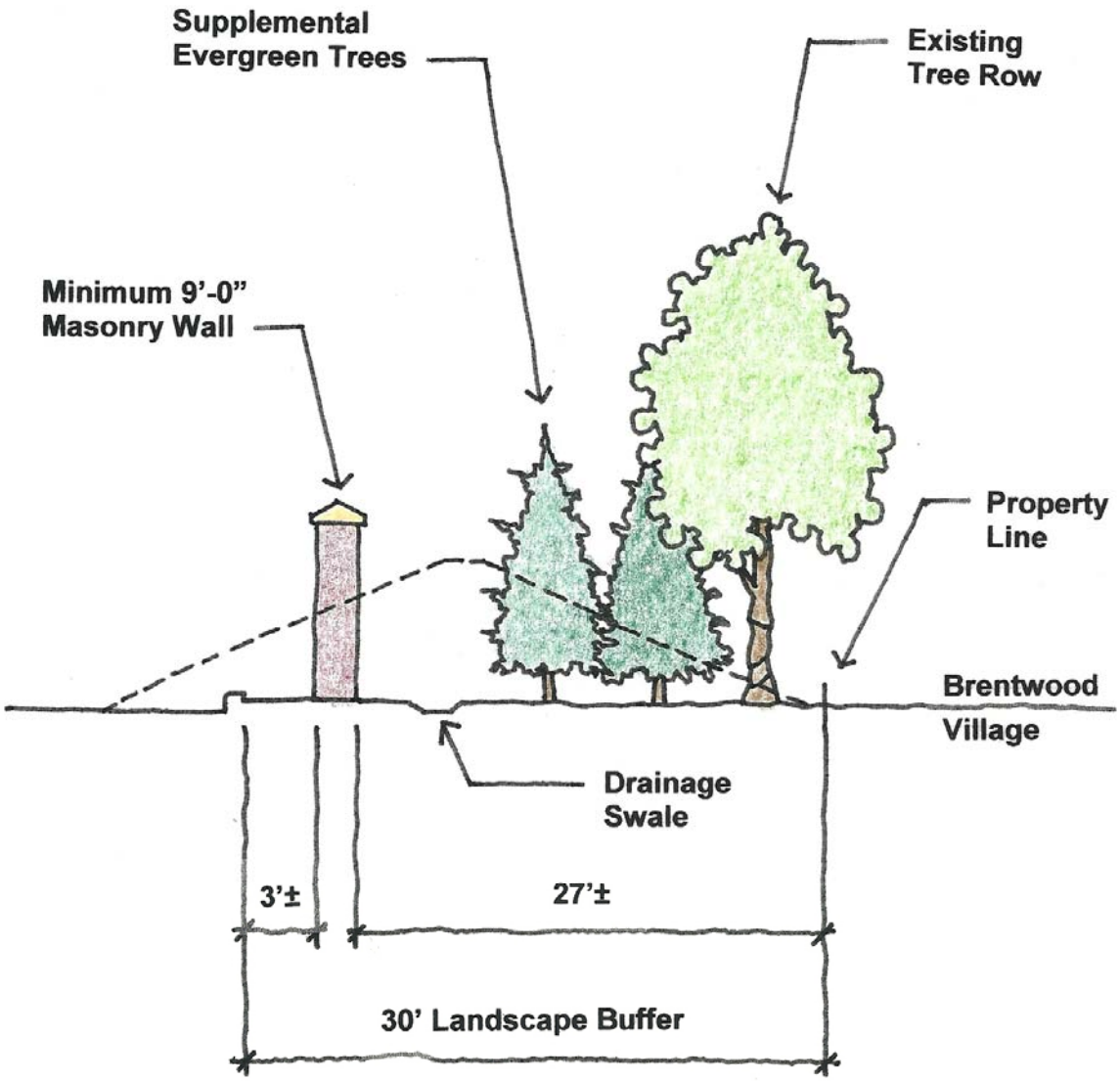


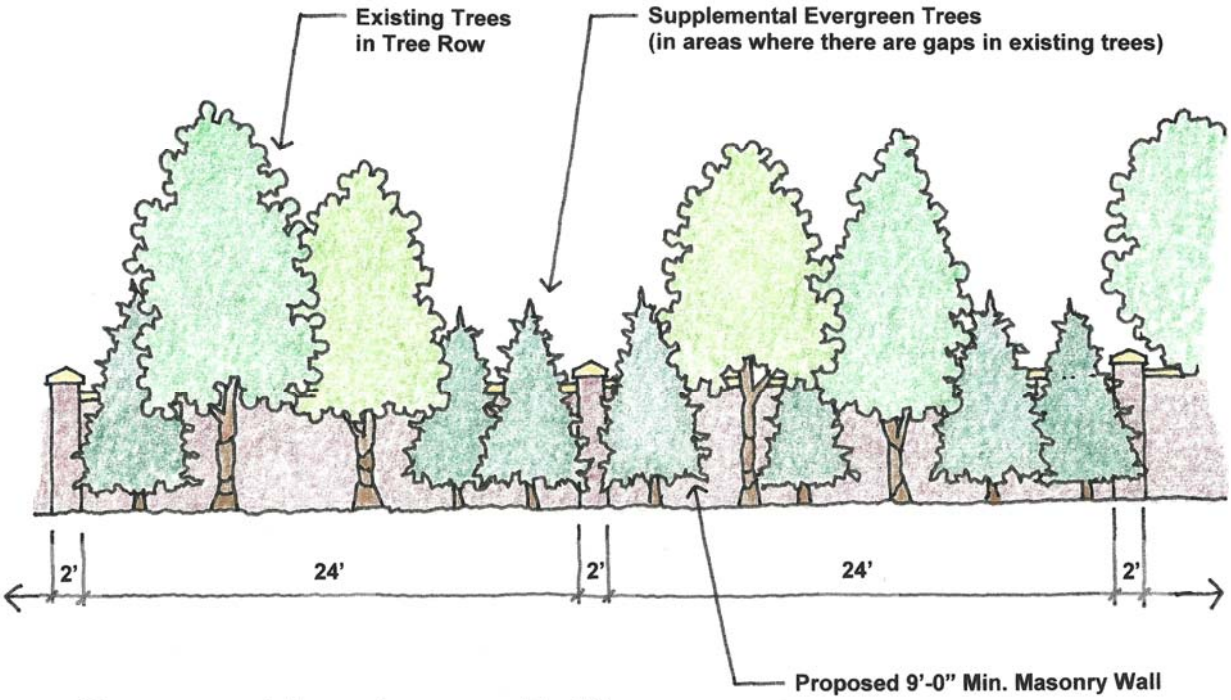
EXHIBIT "C"



Proposed Landscape Buffer

Section Looking North (not to Scale)

EXHIBIT "C"



Proposed Landscape Buffer

Elevation Looking West (not to Scale)