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Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 13-08

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, ORDINANCE 13-06, 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 1303-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; (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; (viii) Ordinance 13-03, enacted by the City Council on February 11, 2013; and (ix) Ordinance 13-06, enacted by the City Council on March 11, 2013 (collectively, the "Bridgewater PUD Ordinance")

WHEREAS, on March 18, 2013 the Commission took action to forward Docket Number 1303-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 _____, 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.

COPY

SECTION 2. Upon motion duly made and seconded, this Ordinance 13-08 was fully passed by members of the Council this 25 day of May, 2013. Further, this Ordinance 13-08 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 Ordinance13-08 are hereby amended. To the extent that this Ordinance 13-08 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 13-08 shall prevail.

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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 25 DAY OF May, 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. 13-08 was delivered to the Mayor of Westfield on the 26 day of March, 2013, at 10:25 am.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 13-08

This 27 day of March, 2013.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 13-08

this _____ day of _____, 2013.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

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

Bridgewater - Justus - TA Ordinance revised 032513

EXHIBIT "A"

DEVELOPMENT STANDARDS FOR APARTMENT USES. The below terms, conditions, and provisions shall apply to the use and development of Apartment dwellings on Parcel K2 of the Bridgewater PUD Ordinance.

A. Definitions: The definitions of the capitalized terms, as they appear throughout this Ordinance 13-08, shall have the meanings set forth in the Bridgewater PUD Ordinance.

B. Minimum lot area: Not applicable.

C. Minimum lot frontage on road: Not applicable.

D. Maximum number of Apartments: Two-hundred and forty (240).

E. Minimum Open/Green Space Area: Twenty percent (20%).

F. Minimum distance between buildings: Twenty (20) feet.

G. Minimum Setback Lines (applied to the perimeter of the Real Estate):

1. Sixty (60) foot front yard along External Streets (151st Street).

2. Five (5) foot front yard along Market Center Drive.

3. Thirty (30) foot rear yard along the south perimeter of the Real Estate. The minimum setback shall be twenty (20) feet where the Parcel K2 abuts Area "Y".

4. Sixty (60) foot side yard along the west perimeter of the Real Estate.

H. Maximum building height: Forty (40) feet.

I. Minimum Square footage per dwelling unit: Seven Hundred (700) square feet.

J. Architectural Standards and Building Materials:

1. Building Elevations:

a. Building Elevations shall be constructed in substantial compliance with the exhibits contained in the architectural character illustrations included in Exhibit "C" of this Ordinance ("Architectural Style").

b. Design detailing shall be continued completely around the structure consistent with the Architectural Style. Detailing elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials and shall be consistent with the Architectural Style.

c. Permitted exterior materials shall include EIFS, synthetic stucco, cultured stone, brick, stone, wood, and concrete fiber siding. Aluminum and vinyl siding are prohibited. Metal garage doors and vinyl clad windows and soffits shall be permitted.

d. Brick or stone shall be used on all elevations of each building as appropriate to the building Architectural Style.

e. All structures shall utilize a minimum of two (2) exterior building materials (excluding window, door, and roofing materials) per elevation. Examples of materials: Brick, stone, concrete fiber siding.

f. All structures shall utilize a minimum of three (3) exterior building material styles per elevation. Examples: Brick, stone and horizontal fiber cement siding, and/or shake style concrete fiber siding.

2. Windows: All windows shall have either (i) shutters, and/or (ii) casing, and/or (iii) a sill. For windows in brick façade, the treatment shall be of natural or masonry materials and be applied to the sill at a minimum. For windows in a non-brick façade, the windows shall be trimmed with a casing that shall be a minimum of 3½" in dimension.

3. Roof Pitch: Roof form and pitch design will include, where appropriate, varied pitches and ridge levels in accordance with the Architectural Style.

K. Parking:

1. Two (2) vehicle parking spaces per dwelling are required. Spaces adjacent to individual garages shall meet this requirement provided that both the garage and adjacent space are dedicated to the same tenant.

2. All off-street parking shall be located outside of the 151st Street and Market Center Drive minimum setbacks.

3. Bicycle Parking:

a. Bicycle parking, designed to accommodate a minimum of ten (10) bicycles, shall be installed at the clubhouse.

b. Bicycle parking, designed to accommodate a minimum of six (6) bicycles, shall be installed at playground area.

c. Bicycle parking, designed to accommodate a minimum of two (2) bicycles, shall be installed at three (3) locations distributed across the Real Estate.

L. Lighting: A system of pole lights and wall mounted lighting fixtures shall be installed to provide an adequate standard of illumination over the site. The style, design and illumination of site lighting shall be installed per the approved Development Plan for Apartment development on the Real Estate.

M. Signage: Signage shall meet all applicable provisions of the Bridgewater PUD.

N. Required Amenities: The following Amenities will be distributed throughout the Real Estate, for use by residents of the Real Estate:

1. Clubhouse.

2. Swimming pool.

3. Integrated trail and sidewalk system to be installed in substantial compliance with the Concept Plan attached hereto and incorporated herein as Exhibit "D".

4. All amenities shall be constructed as part of first phase of construction. The timing for the completion of the trails, paths and sidewalks will be in phases as the development is completed. The path along Market Center Drive shall be installed at the time of construction of Market Center Drive.

O. Landscaping Requirements:

1. Trash Facilities: Trash dumpster or compactor locations shall be screened with a minimum six (6) foot opaque fence or wall constructed of the same exterior materials permitted on building elevations.

2. On-Site Standards: The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs set forth in the "Minimum On-Site Table" of Exhibit 18 of the Bridgewater PUD Ordinance shall not apply to the development of Apartments on the Real Estate.

3. Building Base Landscaping Requirements:

a. Building base landscaping shall be planted adjacent to the base of each building.

b. A minimum of one-half (0.5) trees, and two (2) shrubs shall be required per the number of dwellings in each Apartment building.

c. The clubhouse building shall require one (1) tree and five (5) shrubs for every thirty (30) feet not obstructed by walkways, patios, and/or pool deck area.

d. A mulched area a minimum of two (2) feet in width shall be installed along 100% of the building façade where not obstructed by walkways, patios and/or driveways.

4. Road Frontage Trees:

a. External Streets: See Buffer Yards below.

b. Internal Streets (Market Center Drive): A minimum of one (1) shade tree shall be installed per (30) linear feet of frontage. Trees shall be planted within twenty (20) feet of the Market Center Drive easement.

5. Buffer Yards:

a. Buffer Yards shall be required in areas adjacent to (i) External Streets (151st Street), (ii) the south perimeter of the Real Estate, (iii) the west perimeter of the Real Estate, and (iv) shall not be required along Market Center Drive.

b. Minimum width of Buffer Yards shall be as follows:

i. The External Street (151st Street) Buffer Yard shall be a minimum of fifty (50) feet.

ii. The south perimeter Buffer Yard shall be a minimum of twenty (20) feet in width.

iii. The west perimeter Buffer Yard shall be a minimum of twenty (20) feet in width.

c. The Buffer yard along 151st Street shall be landscaped using a combination of berms, landscaping, brick or stone masonry, and ornamental metal picket fencing.

i. Berming shall be at least four (4) feet in height.

ii. At least seven (7) evergreen trees per one-hundred (100) linear feet and two (2) shade trees per (100) linear feet shall be installed.

iii. Ornamental trees may be substituted, one-to-one (1:1), for evergreen trees, provided at least sixty percent (60%) of the trees installed shall be evergreen trees.

iv. Brick or stone masonry columns and ornamental metal picket fencing may also be installed provided that they do not exceed eight (8) feet in height.

d. Within the south and west Buffer Yards, at least one (1) evergreen tree per thirty (30) linear feet and five (5) evergreen shrubs per thirty (30) linear feet shall be planted. Shade Trees may be substituted for evergreen trees at a one-to-one (1:1) ratio (shade:evergreen). Evergreen trees and shrubs may be substituted at a one-to-three (1:3) ratio (tree:shrub). In the event that easement provisions do not permit the planting of trees, the planting standard shall be five (5) shade or evergreen trees per one hundred (100) linear feet permitting substitutions as noted above for shrubs.

6. Interior Parking Lot Landscaping:

a. Area Required: A portion of vehicular use areas shall be maintained as landscaped area. The minimum amount of interior parking lot area that must be landscaped shall be five (5) percent.

b. Parking Lot Islands:

i. Interior landscaped areas shall be curbed in a manner that restricts vehicles from driving over landscaped areas.

ii. Parking lot islands shall include at least one (1) tree and four (4) shrubs per parking lot island. One hundred (100) percent of every parking island shall be covered with grass, mulch, or other vegetative material to achieve complete coverage.

7. Perimeter Parking Lot Landscaping:

a. Perimeter parking lot landscaping is only required for parking areas (i) within twenty (20) feet of the perimeter of the Real Estate or (ii) within one hundred and twenty (120) feet of the clubhouse building.

b. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings shall be grouped in an aesthetically pleasing manner.

c. There shall be one (1) tree installed per thirty (30) linear feet of parking lot perimeter. Trees may be clustered.

d. There shall be one (1) shrub installed per three (3) feet of parking lot perimeter. Shrubs may be clustered.

EXHIBIT "B"
Page 1 of 2

(Legal Description)

Part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, said part being more particularly described as follows:

Commencing at the Northeast corner of said Quarter Quarter Section; thence South 00 degree 46 minutes 18 seconds East along the East line thereof 1,249.14 feet; thence South 89 degrees 46 minutes 53 seconds West parallel with the South line of said Quarter Quarter Section 662.99 feet; to the POINT OF BEGINNING of this description; thence South 89 degrees 46 minutes 53 seconds West 299.25 feet; thence South 00 degrees 48 minutes 53 seconds East 72.86 feet; thence South 89 degrees 46 minutes 53 seconds West 662.94 feet; thence North 00 degrees 51 minutes 28 seconds West 1,284.31 feet; thence North 89 degrees 52 minutes 56 seconds East 510.85 feet to the point of curvature of a curve concave southwesterly, the radius point of said curve being South 00 degrees 07 minutes 04 seconds East 140.00 feet from said point; thence southeasterly along said curve 219.91 feet to the point of tangency of said curve, said point being North 89 degrees 52 minutes 56 seconds East 140.00 feet from the radius point of said curve; thence South 00 degrees 07 minutes 04 seconds East 73.50 feet; thence North 89 degrees 52 minutes 56 seconds East 35.17 feet; thence South 00 degrees 02 minutes 55 seconds East 140.60 feet to the point of curvature of a curve concave easterly, the radius point of said curve being North 89 degrees 57 minutes 05 seconds East 500.00 feet from said point; thence southerly along said curve 334.97 feet to the point of tangency of said curve, said point being South 51 degrees 34 minutes 01 seconds West 500.00 feet from the radius point of said curve; thence South 38 degrees 25 minutes 59 seconds East 205.99 feet to the point of curvature of a curve concave westerly, the radius point of said curve being South 51 degrees 34 minutes 01 seconds West 250.00 feet from said point; thence southerly along said curve 164.15 feet to the point of tangency of said curve, said point being North 89 degrees 11 minutes 14 seconds East 250.00 feet from the radius point of said curve; thence South 00 degrees 48 minutes 45 seconds East 231.39 feet to the place of beginning, containing 23.0606 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.

EXHIBIT "B"
Page 2 of 2

(Legal Description)

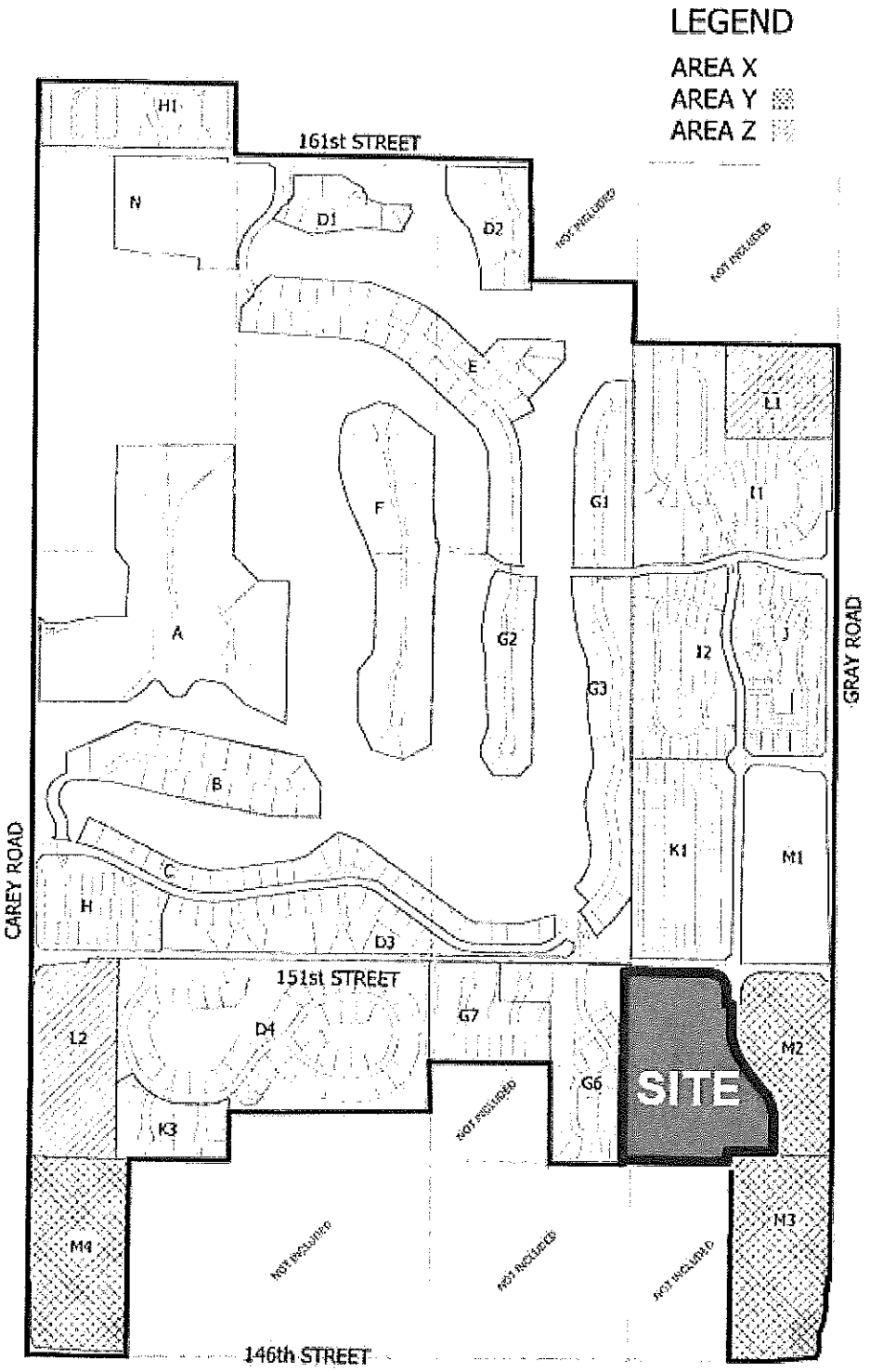


EXHIBIT "C"

(Architectural Style)

Bridgewater Apartments
Building A Front View
Justus at Bridgewater LLC

Bridgewater Apartments
Building A Rear View
Justus at Bridgewater LLC

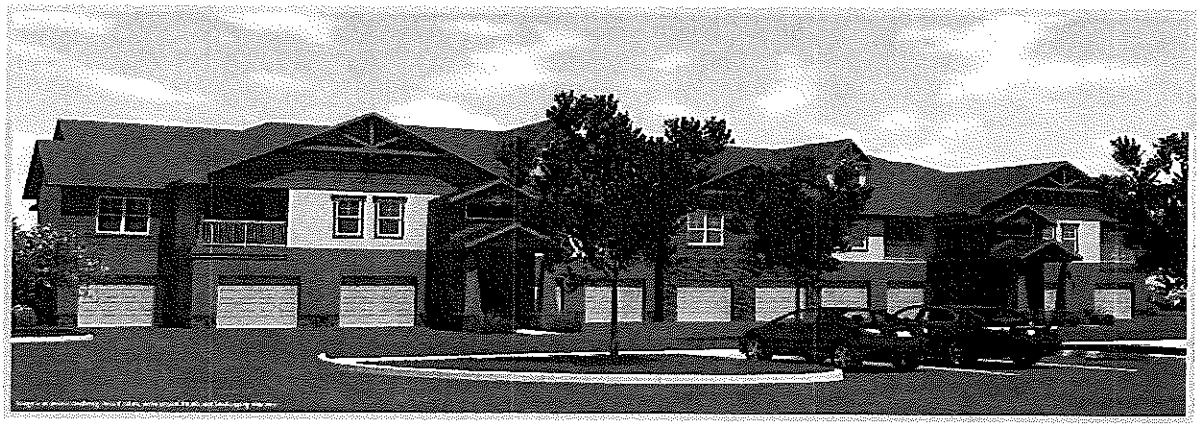
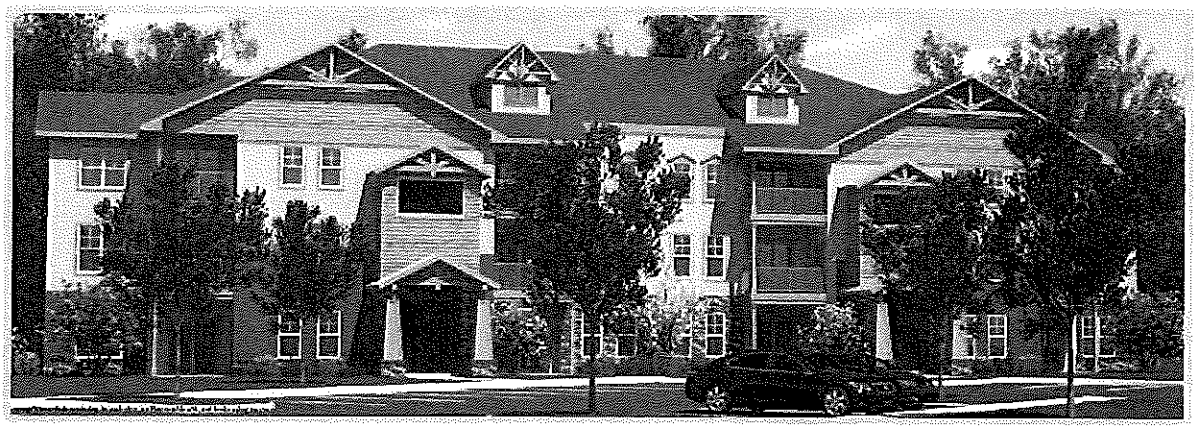


EXHIBIT "C"

(Architectural Style)

Bridgewater Apartments.
Building D Front View
Justus at Bridgewater LLC

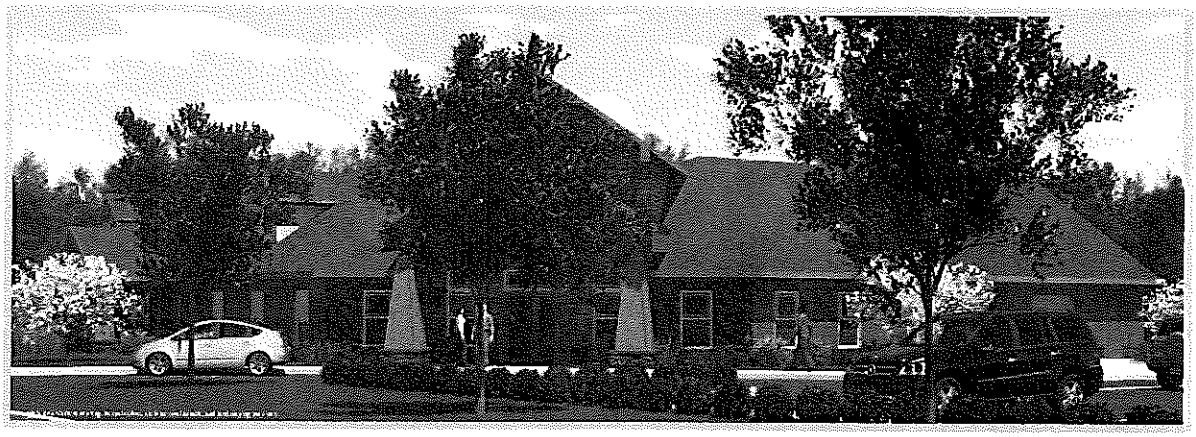


Bridgewater Apartments.
Clubhouse Front View
Justus at Bridgewater LLC

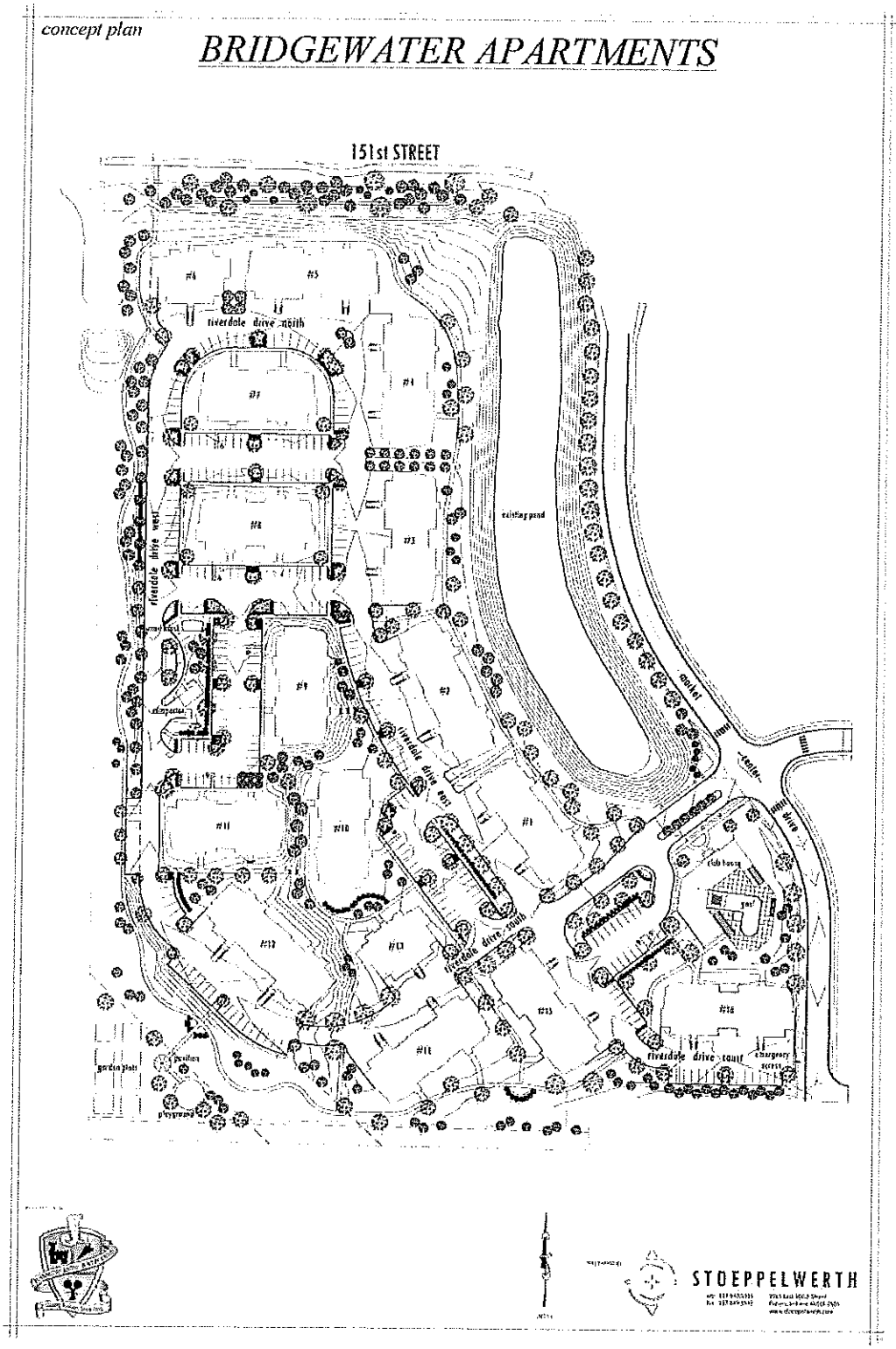
EXHIBIT "C"

(Architectural Style)

Bridgewater Apartments.
Clubhouse Front View
Justus at Bridgewater LLC



Bridgewater Apartments
Clubhouse Rear View
Justus at Bridgewater LLC

EXHIBIT "D"

(Concept Plan)