

ORDINANCE 14-44

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 10-05, ORDINANCE 10-08, ORDINANCE 10-19, ORDINANCE 11-01, ORDINANCE 12-10, ORDINANCE 13-03, ORDINANCE 13-06, ORDINANCE 13-08, ORDINANCE 14-02, ORDINANCE 14-16 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;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1409-PUD-15), 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; (viii) Ordinance 12-10, enacted by the City Council on April 9, 2012; (ix) Ordinance 13-03, enacted by the City Council on February 11, 2013; (x) Ordinance 13-06, enacted by the City Council on March 11, 2013; (xi) Ordinance 13-08, enacted by the City Council on March 25, 2013; (xii) Ordinance 14-02, enacted by the City Council on February 24, 2014 Ordinance 14-02; and (xiii) Ordinance 14-16, enacted by the City Council on May 12, 2014 (collectively, the “Bridgewater PUD Ordinance”);

WHEREAS, the Commission took action to forward said petition (Docket 1409-PUD-15) to the Westfield City Council (the “Council”) with a favorable recommendation (by a vote of 7 in favor and 0 opposed) in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505, on September 15, 2014;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on September 16, 2014; 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, but only with respect to (i) the standards applicable to signage established in what is attached hereto and incorporated herein by reference as Exhibit “A” and (ii) only 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 14-44 was fully passed by members of the Council this 22 day of September, 2014. Further, this Ordinance 14-44 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 Ordinance 14-44 are hereby amended. To the extent that this Ordinance 14-44 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 14-44 shall prevail.

[Rest of page is intentionally left blank]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2014.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Chuck Lehman

Chuck Lehman

Chuck Lehman

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

I hereby certify that ORDINANCE No. 14-44 was delivered to the Mayor of Westfield
on the _____ day of _____, 2014, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 14-44

This _____ day of _____, 2014.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 14-44

this _____ day of _____, 2014.

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

EXHIBIT “A”
(Page 1 of 3)

Section 1: Multi-Tenant Panel Monument Signs – The Bridgewater Center at 146th Street shall be permitted the following Multi-Tenant Panel Monument Signs in addition to the signs permitted under the Bridgewater PUD unless otherwise restricted in this Exhibit A:

- A. The term “Multi-Tenant Panel Monument Sign” is hereby defined as a monument sign containing (i) tenant signage including names, logos, trademarks, and so on associated with a permitted business on the Real Estate, (ii) the name of the center, and (iii) the “of Westfield” as depicted on Page 2 of this Exhibit A.

- B. Number and Location:
 - 1. One (1) at 146th Street, west of and adjacent to the road cut into the Real Estate,
 - 2. One (1) at Carey Road, north of and adjacent to the road cut into the Real Estate, and
 - 3. The minimum setback shall be five (5) feet from the public street rights-of-way.

- C. Size:
 - 1. Ninety (90) square feet per face shall be the maximum sign area per sign; and,
 - 2. Fifteen (15) feet in height shall be the maximum sign height as measured to the top of the sign as shown on the illustration on Page 2 of Exhibit A.

- D. Design:
 - 1. The design of the signs shall be as generally as depicted on Page 2 of this Exhibit A,
 - 2. The materials and detail of the sign structure shall be as generally depicted on Page 3 of the Exhibit A including a brick base and columns and cast stone accents,
 - 3. Sign caps and bases shall not be used for display or advertising purposes,
 - 4. Signs shall have a minimum base height of six (6) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed six (6) feet,
 - 5. Electronic Signage as Defined in the Zoning Ordinance, as amended, shall be permitted in the area as conceptually depicted on Page 2 of this Exhibit A and shall include green colored illumination of the LED fuel pricing area.
 - 6. Individual sign panels (i) shall have a common opaque background color as conceptually depicted on Page 2 of this Exhibit A and (ii) shall be illuminated in such a manner that only the copy area (letters and logos) are illuminated when the sign is lit.
 - 7. Identification with the City of Westfield (“of Westfield”) shall be required.
 - 8. The replacement of individual panels on nonresidential center monument signs does not require a permit.
 - 9. Individual tenant panels may occupy up to seventy-five (75) square feet of the sign area.
 - 10. The signs shall not be illuminated between 12:00a.m. and 6:00a.m., unless one of the businesses advertised on the sign is open between those hours, at which time the sign may not be illuminated at the time all businesses establishments are closed.

Section 2: Identification signs – Identification signs permitted under Section 14 (D) (2) of the Bridgewater PUD Ordinance shall not be permitted at the two road cuts into the Real Estate.

Section 3: Free-standing signs – Free-standing signs permitted under Section 14 (C) (6) of the Bridgewater PUD Ordinance shall not be permitted on the Real Estate.

EXHIBIT "A"
(Page 2 of 3)



EXHIBIT "A"
(Page 3 of 3)



EXHIBIT "B"

Page 1 of 2

(Legal Description)

Lot 1, Lot 2, Lot3, Lot 4, C.A. #1 and C.A. #2 in the Bridgewater Center at 146th Street, an Addition to Hamilton County, Indiana, as per plat thereof recorded September 16, 2013, as Instrument No. 2013-59163, in the office of the Recorder of Hamilton County, Indiana.

EXHIBIT "B"

Page 2 of 2

(Legal Description)

LEGEND

- AREA X 
- AREA Y 
- AREA Z 

