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Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

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ORDINANCE 11-01

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF PLANNED UNIT DEVELOPMENT, BRIDGEWATER CLUB BEING THAT OF ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-05, ORDINANCE 10-08, ORDINANCE 10-19 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 1007-PUD-09), 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; and (vi) Ordinance 10-19, enacted by the City Council on September 13, 2010;

WHEREAS, on December 20, 2010, the Commission took action to forward Docket 1007-PUD-09 to the Westfield City Council with a unanimous favorable recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

WHEREAS, on December 21, 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 AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The document as referenced 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 and Ordinance 10-19 (collectively, the "Bridgewater PUD Ordinance") is hereby amended as follows:

(i) 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".

(ii) The amendment to allow six (6) road cuts on Carey Road, as established by what is attached hereto and incorporated herein by reference as Exhibit "C", applies to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit "D".

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 ordinances 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.

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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMITON COUNTY, INDIANA THIS 10 DAY OF Jan, 2011.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	Voting Against	Abstain
John Dippel	John Dippel	John Dippel
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Kenneth Kingshill	Kenneth Kingshill	Kenneth Kingshill
Robert J. Smith	Robert J. Smith	Robert J. Smith
Thomas Smith	Thomas Smith	Thomas Smith
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

Cindy J. 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: Kevin M. Todd

Prepared by: Kevin M. Todd, AICP, Senior Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law"

Signed

I hereby certify ORDINANCE 11-01 was delivered to the Mayor of Westfield on the

11 day of Jan, 2011, at 9:00 m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-01

this 11th day of Jan., 2011.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 11-01

this_____ day of _____, 2011.

J. Andrew Cook, Mayor

EXHIBIT A

Section 1. **Description of Real Estate:** See Exhibit "B" of Ordinance 11-01

Section 2. **Office /Flex Area – Area Z:**

The Real Estate shall be classified as Area Z as defined in Section 7 of The Bridgewater Club Restated and Consolidated Planned Unit Development District, as amended (the "Bridgewater PUD").

The Real Estate shall be known as Parcel L2, as identified on the revised Concept Plan, attached hereto and incorporated herein as Exhibit "1".

The original Area Z, Parcel L shall be known as Parcel L1, as identified on the revised Concept Plan.

Section 3. **Permitted Uses:**

The following uses shall be permitted on Parcel L2:

1. Assisted Living Facilities
2. Independent Living Facilities
3. Medical Offices
4. Office Buildings – General Purpose
5. Limited Retail Uses, ancillary to Medical Offices or Office Buildings – General Purpose

All other uses permitted in Area Z are prohibited on Parcel L2.

Section 4. **Definitions:**

Assisted Living Facility. A commercial facility for persons having such disabilities as to require assistance with daily living tasks. Such facilities contain four (4) or more dwelling units and/or rooming units, provide a combination of housing, support services, personalized assistance, and healthcare, and respond to the individual needs of persons requiring assistance with the activities of daily living.

Section 5. **Development Standards:**

1. All development standards in the Bridgewater PUD which apply to Area Z (Section 10) shall apply to Parcel L2, unless otherwise stated herein.

2. The maximum building height shall not exceed two-stories.

3. The maximum square footage for an Assisted Living Facility, an Independent Living Facility, or combination thereof shall not exceed 95,000 square feet.

4. The maximum first floor square footage for a Medical Office building or Office Buildings – General Purpose shall not exceed 20,000 square feet per building.

5. The total aggregate square footage of all buildings for Medical Office and Office Building – General Purpose shall not exceed 150,000 square feet.

Section 6. **Parking Standards:**

All parking standards in the Bridgewater PUD which apply to Area Y (Section 10, G8) shall apply to Parcel L2.

Section 7. **Architectural Standards:**

1. All architectural standards in the Bridgewater PUD which apply to Area Z shall apply to Parcel L2, unless otherwise stated herein.

2. All buildings shall have masonry on at least fifty (50) percent of the exterior, excluding doors, windows and other openings.

3. The use of vinyl shall be prohibited, excluding trim, soffits, windows and other architectural ornamentation.

4. The use of sheet metal shall be prohibited, excluding trim, soffits, windows, other architectural ornamentation and roofs.

Section 8. **Landscaping Standards:**

1. All Perimeter Yard landscaping requirements in the Bridgewater PUD which apply to Area Y (Section 11, C2) shall apply to Parcel L2.
2. All Perimeter Yard landscaping requirements in the Bridgewater PUD which apply to Area Z (Section 11, C3) shall not apply to Parcel L2.
3. All Buffer Yard landscaping requirements in the Bridgewater PUD which apply to Area Z (Section 11, F) shall only apply to eastern perimeter of Parcel L2.
4. All other landscaping requirements in the Bridgewater PUD (Exhibit 18) which apply to Area Z shall apply to Parcel L2.

Section 9. **Sign Standards:**

All sign standards in the Bridgewater PUD which apply to Area Z shall apply to Parcel L2.

Exhibit 1
Concept Plan

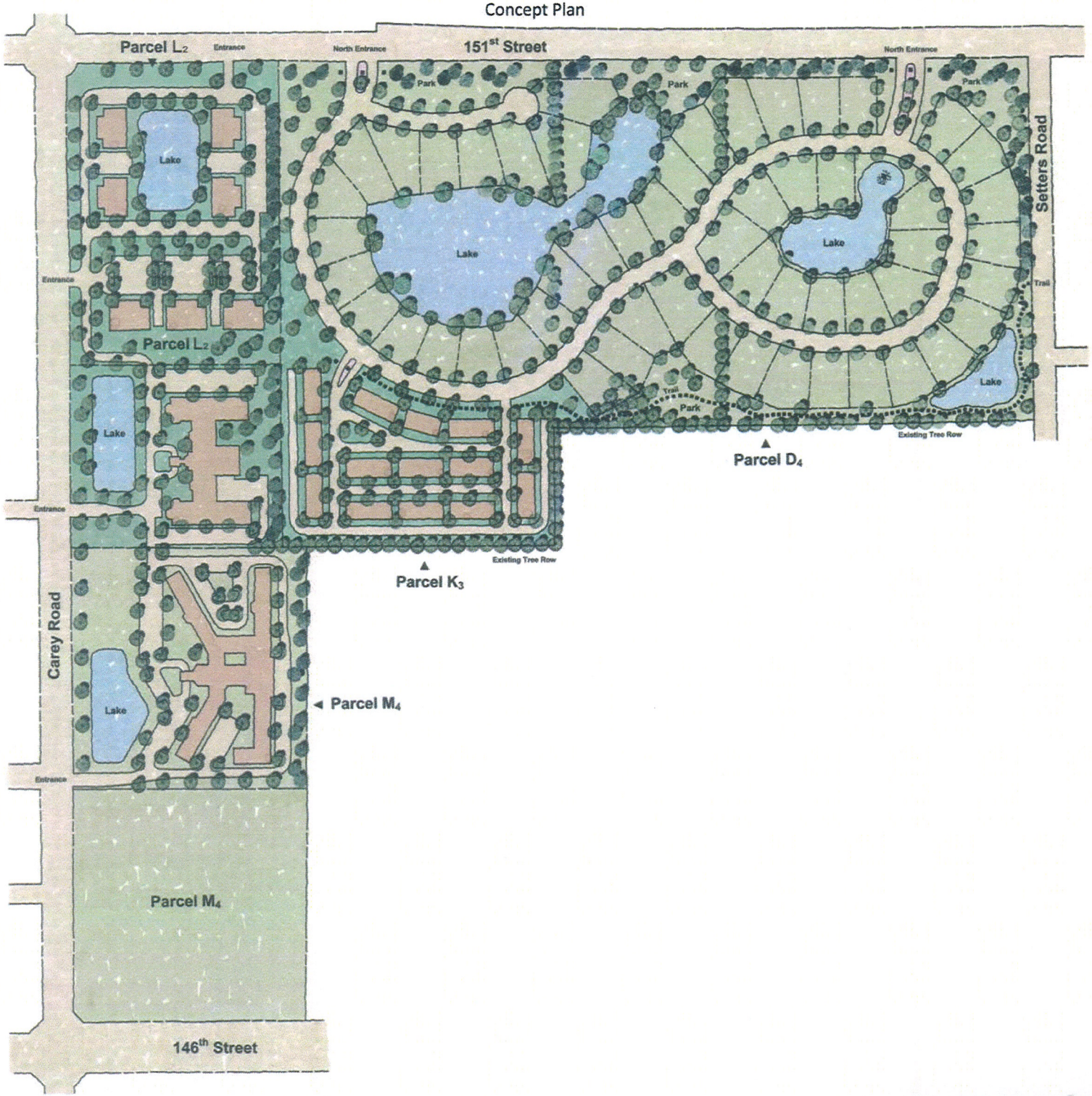

EXHIBIT B

Legal Description

Part of the Northwest Quarter 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 Quarter; thence along the West line of said Quarter Quarter Section, North 00 degrees 54 minutes 43 seconds West 486.69 feet to the point of beginning; thence continue along the West line of said Quarter Quarter Section, North 00 degrees 54 minutes 43 seconds West 841.68 feet to the Northwest Corner of the Southwest Quarter of said Section; thence along the north line of said Quarter Section, North 89 degrees 46 minutes 22 seconds East 602.30 feet; thence South 00 degrees 39 minutes 48 seconds East 837.09 feet; thence South 89 degrees 20 minutes 12 seconds West 598.63 feet to the point of beginning and containing a gross area of 11.570 acres.

Subject to all easements, rights-of-ways, restrictions and covenants of record.

AND

Part of the Northwest Quarter 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:

Beginning at the Southwest Corner of said Quarter Quarter; thence along the West line of said Quarter Quarter Section, North 00 degrees 54 minutes 43 seconds West 486.69 feet; thence North 89 degrees 20 minutes 12 seconds East 598.63 feet; thence South 00 degrees 39 minutes 48 seconds East 490.83 feet to a point on the south line of said Quarter Quarter Section; thence along the south line of said Quarter Quarter Section, South 89 degrees 44 minutes 05 seconds West 596.53 feet to the point of beginning and containing a gross area of 6.705 acres.

Subject to all easements, rights-of-ways, restrictions and covenants of record.

EXHIBIT 16

DEVELOPMENT STANDARDS PERTAINING TO SHARED DRIVES, PRIVATE STREETS, PUBLIC STREETS, PATHS, TRAILS AND GATES

1. Street Standards. Streets may be either private or public.

2. Accessory Lane. An Accessory Lane (i) shall be a minimum of five feet (5') in width, (ii) may be located within the right-of-way of some or all public streets internal to the development as determined by Developer in Developer's sole discretion, (iii) shall be identified by striping and (iv) may be used by pedestrians, golf carts, and bicycles. The location and number of Accessory Lanes shall be determined by Developer in Developer's discretion.

3. Cart Paths. Cart Paths within the Golf Course shall be of size, dimensions, configurations, number, and location determined by the Developer. They shall be maintained by the Developer for use by golf club employees, authorized patrons of the golf club, and electric-powered golf carts associated with authorized golf patrons.

4. Cul-de-Sacs. In Developer's discretion, shared drives may stub and need not conclude in a cul-de-sac. Private Streets or Public Streets shall conclude in a cul-de-sac. There shall be no limitation on the length of a Cul-de-sac Street; provided, however, that if the length of a Cul-de-sac Street exceeds seven hundred fifty feet (750'), there shall be installed along such street a turn around of dimensions, configuration and location acceptable to the Department.

5. Curbing. Curbing shall not be required for Private Streets, Shared Drives, or parking lots within the clubhouse maintenance and storage areas of the Golf Course.

6. Entrances, Curb Cuts, and Road Cuts. Four (4) road cuts shall be permitted off of 161st Street, seven (7) road cuts shall be permitted off of Gray Road, four (4) road cuts shall be permitted off of 151st Street, and six (6) road cuts shall be permitted off of Carey Road. Road cuts from Public Streets internal to the development shall be determined during the DPR process. Road cuts from Private Streets shall be determined by the Developer in the Developer's sole discretion.

7. FauxGates. Faux gates, or gates which do not function, shall be permitted on Shared Drives, Private Streets, or Public Streets, including the right-of-way. The number and location of Faux Gates shall be determined by the Developer in the Developer's sole discretion. Faux gates shall be maintained by the Developer and its successors or assigns.

8. Frontage. Homes adjacent to Private Streets need not have frontage on a public right-of-way.

9. Functioning Gates. Functioning gates shall be permitted on Private Streets and Shared Drives, only. The number and location of functioning gates shall be determined by the Developer in the Developer's sole discretion. Utility and emergency vehicles shall be assured access. Functioning gates shall be maintained by the Developer and its successors or assigns.

10. Greenway Trails. The Greenway Trail shall be (i) located in common areas or easements in the general area shown on the Concept Plan, and (ii) ten feet (10') wide, and may be used by pedestrians, golf carts, and bicycles.

11. Lanes. A Lane is a private way or easement located through the interior of a Parcel and providing vehicular, pedestrian, and service access to the side or rear of residential lots. Lanes (i) may, in the Developer's sole discretion, be located in what are identified on the Concept Plan as Parcel H, Parcel I, Parcel J, and Parcel K, and (ii) shall conform to the following requirements:

    a. Any Lane shall be a perpetual easement or private drive and shall not be dedicated to the public. Lanes may be conveyed to the owner's association or may be dedicated as common easements across the rear portions of lots;
    b. The minimum width of a Lane shall be 24 feet;
    c. The minimum setback of garages on Lanes shall be 20 feet;
    d. No parking is permitted on either side of the cartway of a Lane, but is permitted on a drive, garage apron or other paved area between the cartway and the Lane easement lines;
    e. Curbing is not required; and
    f. Water and sewer utilities shall not be located in Lanes.

12. Multi-Use Paths. Multi-Use Paths shall conform to the Zoning Ordinance and Subdivision Control Ordinance; provided, however, that the Multi-Use Path along Carey Road may be installed, in the Developer's discretion, (i) entirely along the eastside of Carey Road, (ii) entirely along the west side of Carey Road, or (iii) partially along the east side of Carey Road and partially along the west side of Carey Road, subject to the approval by Town Council of the final construction plans.

13. Private Streets. Private streets shall be 24' in width and need not be curbed. Private Streets shall (i) be maintained by an owner's association in accordance with provisions for such maintenance set forth in a declaration and (ii) be permitted in number and location as determined by the Developer in the Developer's sole discretion. Private Streets shall be constructed to depth and material standards set forth by the Town of Westfield. An owner's association shall maintain a reasonable reserve for the maintenance, repair and replacement of Private Streets within the District. Private Streets shall not be dedicated for public use and shall not be accepted for maintenance by the Town of Westfield, unless complying with Town Standards.

14. Public Streets. All Public Streets are to be dedicated for public use and accepted for maintenance by the Town of Westfield and shall be constructed to the standards of the Town of Westfield for depth and materials, except as otherwise provided in this Bridgewater PUD. The width of Public Streets, from back of curb to back of curb, shall be a minimum of 24'.

15. Shared Drive Width. A Shared Drive is a drive, extending from a Private Street, intended for pedestrian and motor vehicle use only by the Owners of residential lots having frontage on the Shared Drive. Shared Driveways shall be private, need not be curbed and shall be 24 feet in width. Shared driveways shall be permitted in number and location as delivered by the Developer in the Developer's discretion.

16. Sidewalks. Sidewalks shall not be required on Private Streets or Shared Drives. Sidewalks shall be developed to Town standards and shall be installed within all segments of Public Streets, abutting residences, on the side of the street on which residences are located. Within those segments of Public Streets in which there are houses on neither side, the Developer shall install a sidewalk on either side but need not install a sidewalk on both sides. Developer may substitute Greenway Trails for sidewalks.

EXHIBIT D
LEGAL DESCRIPTION

The North Half of Section 17, part of the South Half of Section 17, part of the South Half of Section 8, and part of the Northwest Quarter of Section 8, all in Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter of said Section 17; thence North 00 degrees 58 minutes 50 seconds West (assumed bearing) along the West line of said Northwest Quarter 2655.78 feet to the Southwest corner of the Southwest Quarter of said Section 8; thence North 01 degrees 06 minutes 34 seconds West along the West line of said Southwest Quarter Section 2644.77 feet to the Southwest corner of the Northwest Quarter of said Section 8; thence North 00 degrees 59 minutes 45 seconds West along the West line of said Northwest Quarter 478.67 feet to the North line of land described in Instrument No. 87-26248, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 51 minutes 13 seconds East along said North line 1328.34 feet to the East line of the West Half of said Northwest Quarter; thence South 00 degrees 56 minutes 12 seconds East along said East line 475.30 feet to the North line of the Southwest Quarter of said Section 8; thence South 89 degrees 59 minutes 55 seconds East along the North line of said Southwest Quarter 1327.79 feet to the Northwest corner of the Southeast Quarter of said Section 8; thence North 89 degrees 54 minutes 45 seconds East along the North line of said Southeast Quarter 634.93 feet to the Northwest corner of land described in Instrument No. 89-17726, recorded in said Recorder's Office; thence South 01 degrees 43 minutes 25 seconds East along the East line of said described land 810.63 feet to the North line of land described as Parcel 2 in Instrument No. 99-42295, recorded in said recorder's office; thence North 89 degrees 54 minutes 45 seconds East along said North line and parallel with the North line of said Southeast Quarter 680.00 feet to the West line of the East Half of the Southeast Quarter of said Section 8; thence South 00 degrees 58 minutes 30 seconds East along said West line 369.44 feet to the Northwest corner of land described in Instrument No. 96-26426, recorded in said recorder's office; thence North 89 degrees 54 minutes 45 seconds East along the North line of said described land and parallel with the North line of the Southeast Quarter of said Section 8 a distance of 1325.26 feet to the East line of said Southeast Quarter; thence South 00 degrees 57 minutes 45 seconds East along said East line 1462.26 feet to the Northeast corner of the Northeast Quarter of said Section 17; thence South 01 degrees 00 minutes 50 seconds East along the East line of said Northeast Quarter Section 2646.29 feet to the Southeast corner thereof; thence South 00 degrees 46 minutes 18 seconds East along the East line of the Southeast Quarter of said Section 17 a distance of 2056.39 feet to the Northeast corner of land described in Instrument No. 200000012365, recorded in the Office of the Recorder of Hamilton County, Indiana (the following 5 courses are along the North and Western boundary of said described land);

1) thence South 89 degrees 13 minutes 42 seconds West 16.50 feet; 2) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 79.10 feet; 3) thence South 89 degrees 14 minutes 50 seconds West 9.71 feet; 4) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 114.83 feet; 5) thence South 07 degrees 24 minutes 15 seconds West 99.43 feet to the Northeasterly extension of the Western boundary of land described in Instrument No. 200000012364, recorded in said Recorder's Office; thence South 20 degrees 18 minutes 14 seconds West along said Western boundary, said Northeasterly extension, and the Western boundary of said Instrument No. 200000012364 a distance of 70.33 feet (the following four courses are along the Western boundary of said Instrument No. 200000012364); 1) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 124.67 feet; 2) thence South 31 degrees 07 minutes 37 seconds West 45.53 feet; 3) thence South 83 degrees 58 minutes 19 seconds West 296.75 feet; 4) thence South 89 degrees 40 minutes 57 seconds West parallel with the South line of said Southeast Quarter 276.74 feet to the West line of the East Half of the Southeast Quarter of said Southeast Quarter; thence North 00 degrees 48 minutes 53 seconds West along said West line 1287.07 feet to the Northwest corner of the East Half of the Southeast Quarter of said Southeast Quarter; thence South 89 degrees 46 minutes 53 seconds West along the North line of the South Half of said Southeast Quarter 1189.07 feet; thence North 00 degrees 51 minutes 28 seconds West parallel with the West line of the East Half of said Southeast Quarter 1069.22 feet; thence South 89 degrees 52 minutes 47 seconds West parallel with the North line of said Southeast Quarter 332.36 feet; thence North 00 degrees 56 minutes 37 seconds West parallel with the West line of said Southeast Quarter 256.00 feet to the South line of the Northeast Quarter of said Section 17; thence South 89 degrees 52 minutes 47 seconds West along said South line 469.00 feet to the Northeast corner of the Southwest Quarter of said Section 17; thence along the East line of said Southwest Quarter, South 00 degrees 56 minutes 37 seconds East 663.38 feet to the Northwest corner of the land described in Setters Run - Section 2 subdivision in Instrument No. 9709744238 in the Office of the Recorder of Hamilton County, Indiana; thence along a Westerly line of Setter Run - Section 2, South 00 degrees 56 minutes 37 seconds East 340.59 feet to the Easterly extension of the North line of the land described in Setters Run - Section 3 subdivision in Instrument No. 199909950775 in said Recorder's Office (the next three courses are along the North lines of said Setters Run - Section 3 subdivision); 1) thence South 89 degrees 35 minutes 48 seconds West 865.84 feet; 2) thence South 00 degrees 12 minutes 56 seconds East 1.90 feet; 3) thence South 89 degrees 40 minutes 15 seconds West 457.06 feet to the East line of the West Half of said Southwest Quarter; thence along said East line, South 00 degrees 55 minutes 47 seconds East 318.14 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; thence along the North line of said Quarter Quarter, South 89 degrees 44 minutes 06 seconds West 660.12 feet to a point, which point is the Northerly extension of the West boundary of the land described in Brentwood Village subdivision in Instrument No. 9561116 (Plat Cab. 1, Slide 633) in said Recorder's Office; thence along said Northerly extension of

the West boundary and the West boundary of said Brentwood Village subdivision, South 00 degrees 40 minutes 08 seconds East 1327.87 feet to the South line of said Southwest Quarter; thence along said South line, South 89 degrees 41 minutes 46 seconds West 657.19 feet to the Southwest corner of said Southwest Quarter; thence along the West line of said Southwest Quarter, North 00 degrees 54 minutes 56 seconds West 2656.74 feet to the POINT OF BEGINNING, containing 778.107 acres, more or less.