2015055341 ORDINANCE $36.00
10/23/2015 11:00:45A 13 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 15-29

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, ORDINANCE 14-44 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; (xiii) Ordinance 14-16, enacted by the City Council on May 12, 2014 and (xiv) Ordinance 14-44, enacted by the City Council on September 22, 2014 (collectively, the "Bridgewater PUD Ordinance");

WHEREAS, the Commission took action to forward said petition (Docket 1510-PUD-20) to the Westfield City Council (the "Council") with a favorable recommendation (by a vote of 9 in favor and 0 opposed) in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505, on October 5, 2015;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on October 6, 2015; 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 15-29 was fully passed by members of the Council this __ day of _____, 2013. Further, this Ordinance 15-29 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 Ordinance15-29 are hereby amended. To the extent that this Ordinance 15-29 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 15-29 shall prevail.

[Remainder of page intentionally left blank, signature page follows.]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 12 DAY OF Oct, 2015.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
Jim Ake	Jim Ake	Jim Ake
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Chuck Lehman	Chuck Lehman	Chuck Lehman
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

WESTFIELD CORPORATION SEAL WESTFIELD INDIANA

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. 15-29 was delivered to the Mayor of Westfield

on the 13 day of Oct, 2015, at 10:25 Am.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 15-29

This _____ day of _____, 2015.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 15-29

this _____ day of _____, 2015.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

Prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger
550 Congressional Blvd, Carmel, IN 46032, (317) 844-0106

Bridgewater - Justus - TA Ordinance 100615

EXHIBIT "A"

DEVELOPMENT STANDARDS FOR APARTMENT USES. The below terms, conditions, and provisions shall apply only to the use and development of Apartments on Parcel M2 of the Bridgewater PUD Ordinance.

A. Definitions: The definitions of the capitalized terms, as they appear throughout this Ordinance 15-29, 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: Sixty-six (66).

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. Seventy (70) foot front yard along 151st Street.

2. Thirty (30) foot front yard along Gray Road.

3. Five (5) foot front yard along Internal Streets.

4. Side Yard: Not applicable.

5. Rear yard: Not applicable.

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

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

J. Additional Standards:

1. Apartments shall be permitted to occupy all floors of all buildings with a maximum of twelve (12) apartment units per building.

2. The total building square footage and total building footprint of all building shall be permitted in addition to the total building square footage and building footprints permitted under Section 10.G.(1) of the Bridgewater PUD.

3. The square footage of Apartments shall not be subject to Section 10.G.(7) of the Bridgewater PUD Ordinance.

K. Architectural Standards and Building Materials: Exhibit 17 – General Architectural Standards of the Bridgewater PUD shall be replaced and superseded by the following standards included in this Section K.

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.

L. Parking:

1. Two (2) vehicle parking spaces per dwelling are required. Tandem parking 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, Gray Road and Market Center Drive minimum setbacks.

3. Bicycle Parking: Bicycle parking, designed to accommodate a minimum of six (6) bicycles, shall be installed at the Community Area and the Dog Park.

M. 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.

N. Landscaping Requirements: Section 11 – Landscaping of the Bridgewater PUD Ordinance shall not apply to the Real Estate. Required landscaping shall comply with the Landscape Plan illustrated in what is attached hereto and incorporated herein by reference as Exhibit "E".

O. Signage: Section 14 – Signage of the Bridgewater PUD shall be applicable to all signs on the Real Estate. In addition (i) a Residential Complex Sign meeting the standards of Section 14.D.(2)(a) of the Bridgewater PUD Ordinance may be placed at the northeast corner of Market Center Drive and Riversdale Drive. This sign may include the name of the apartment use on Parcel M2 and (ii) a Residential Complex Sign meeting the standards of Section 14.D.(2)(a) of the Bridgewater PUD Ordinance may be placed at the southeast corner of the Real Estate and Gray Road. This sign may include the names of the apartment use on Parcel K2 and any use on the Real Estate.

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

1. Dog Park

2. Amenity Area including outdoor seating, fire pit and grilling station Justus to add specificity.

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.

5. In addition to the Amenities noted above all amenities on Parcel K2 shall be available to the residents of the Apartments.

Q. Development Plan: The Real Estate shall be developed in substantial compliance with the Concept Plan attached hereto and incorporated herein by reference as Exhibit "D".

EXHIBIT "B"

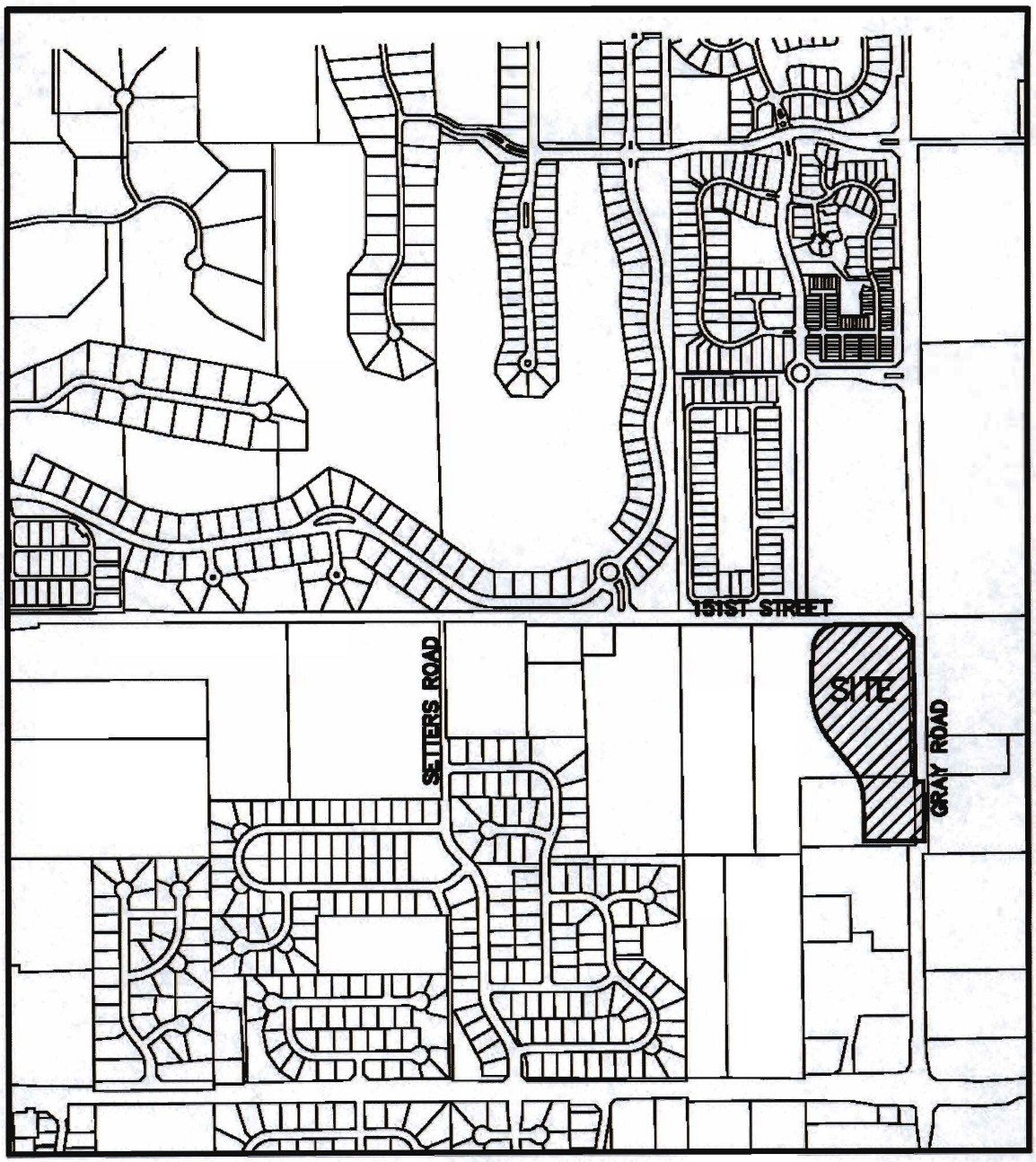
(Legal Description)

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:

Lot 2 and Lot 3 of Bridgewater Marketplace, Section 3 Recorded as Instrument No. 2013-048576, Plat Cabinet 5, Slide 108 in the office of the Recorder of Hamilton County, Indiana.

EXHIBIT "B"

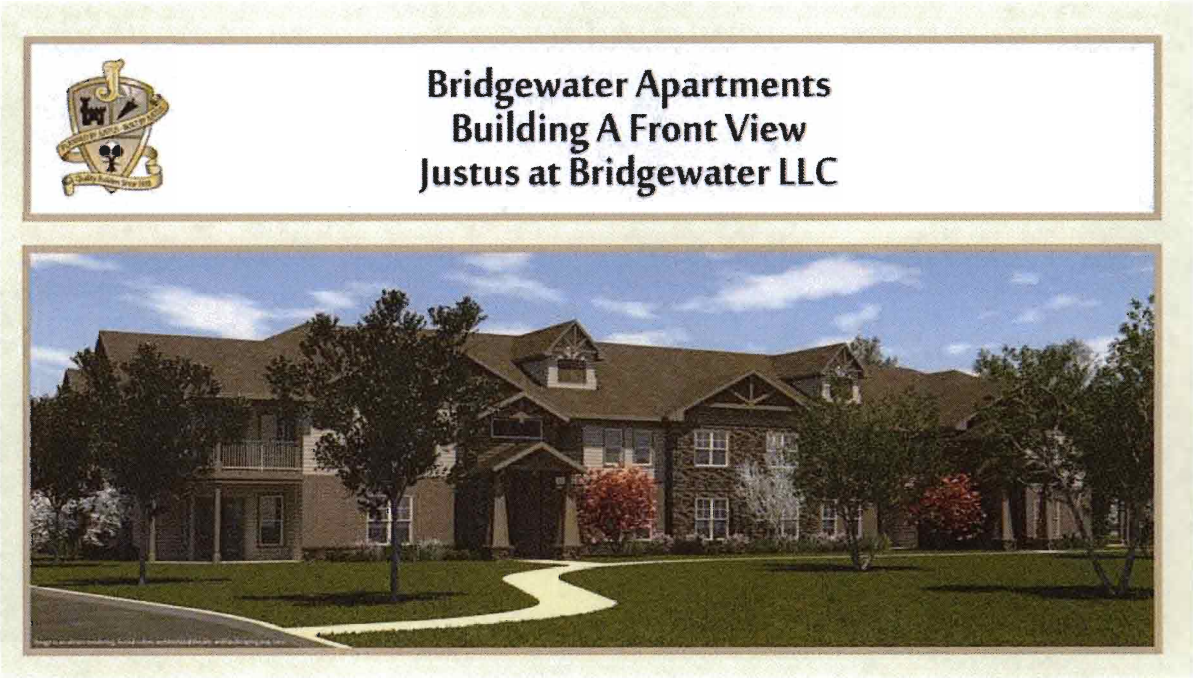
(Legal Description)



LOCATION MAP
N.T.S.

EXHIBIT "C"

(Architectural Style)



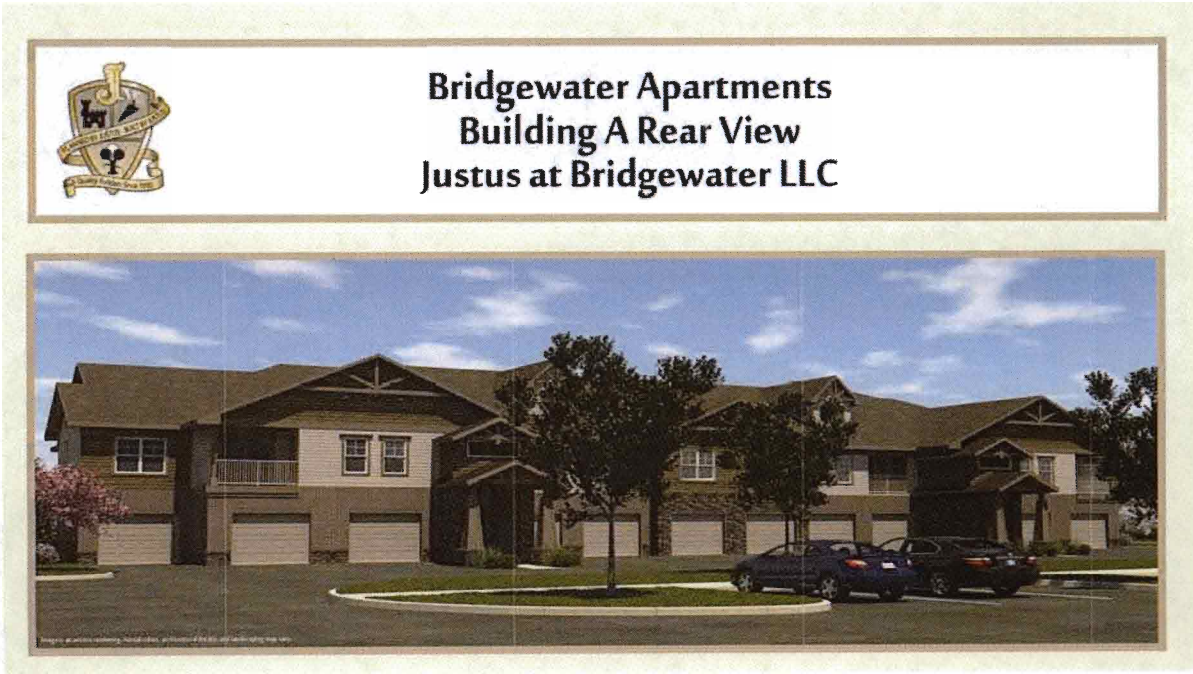


EXHIBIT "C"

(Architectural Style)

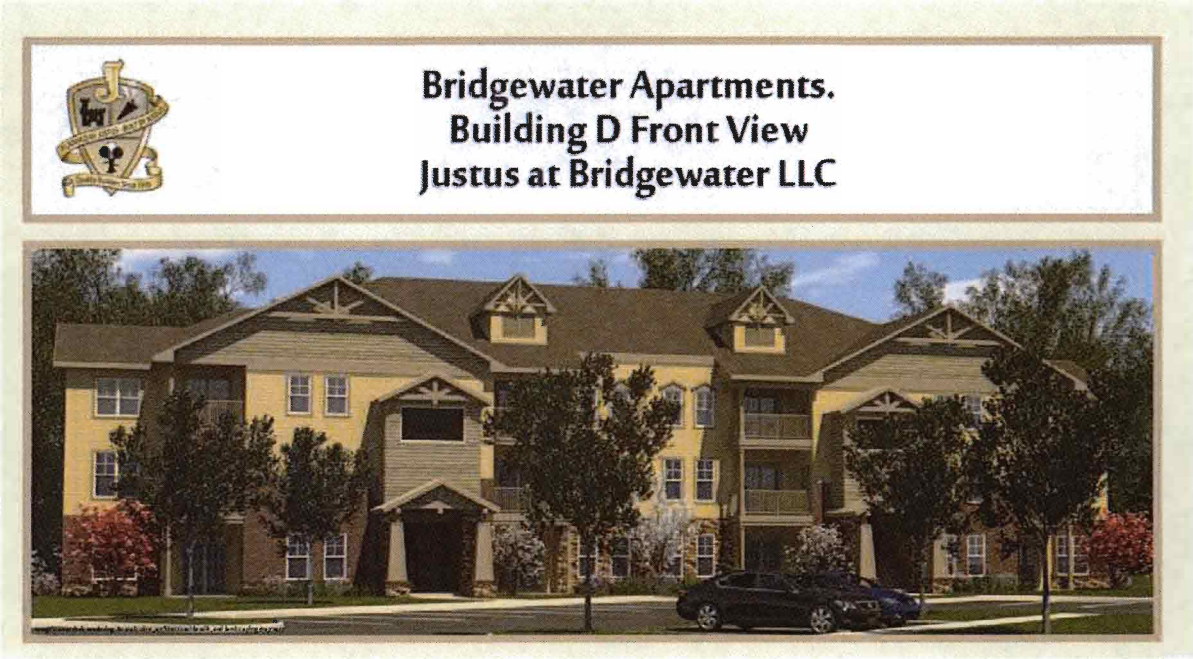
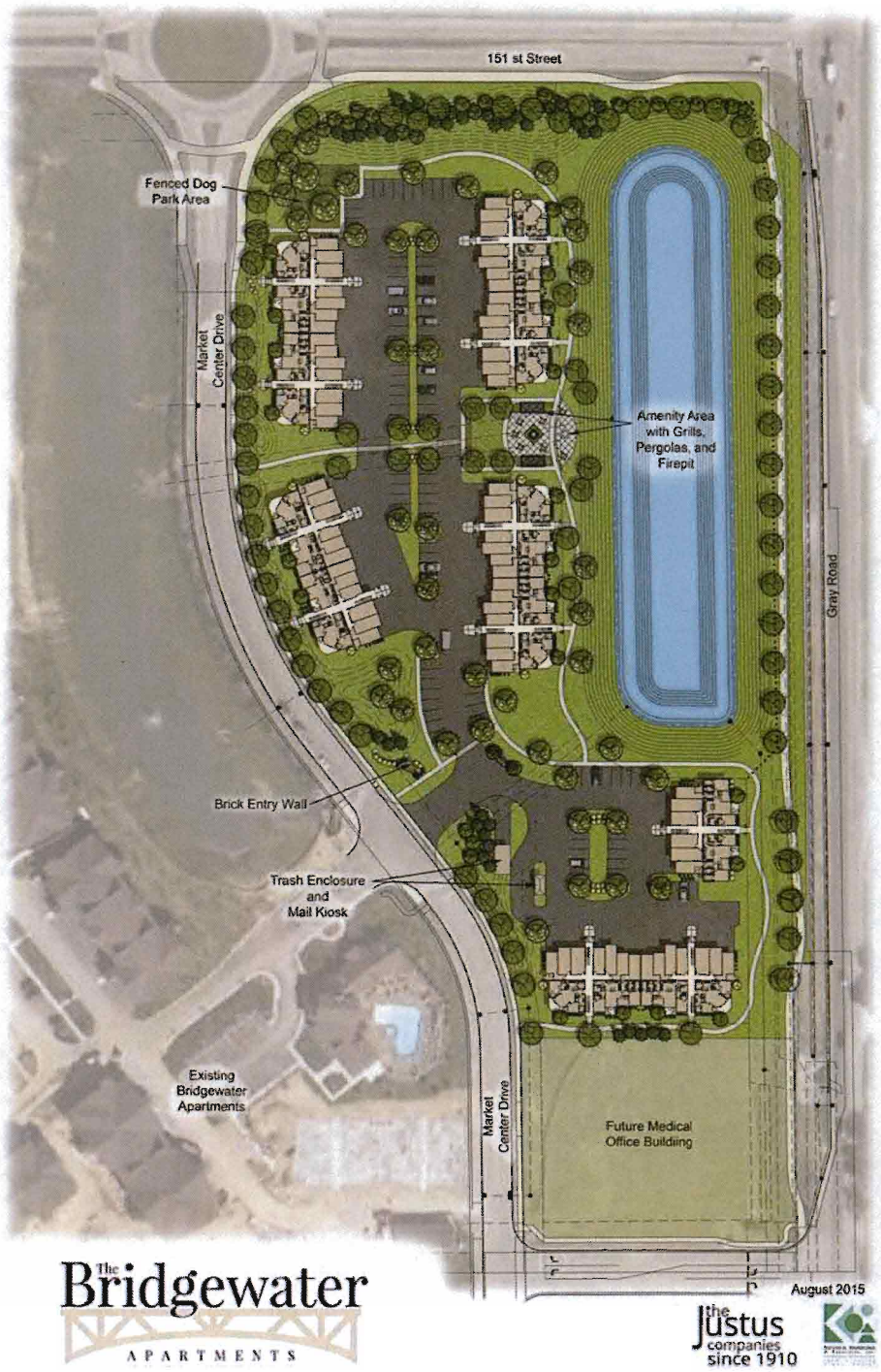


EXHIBIT "D"

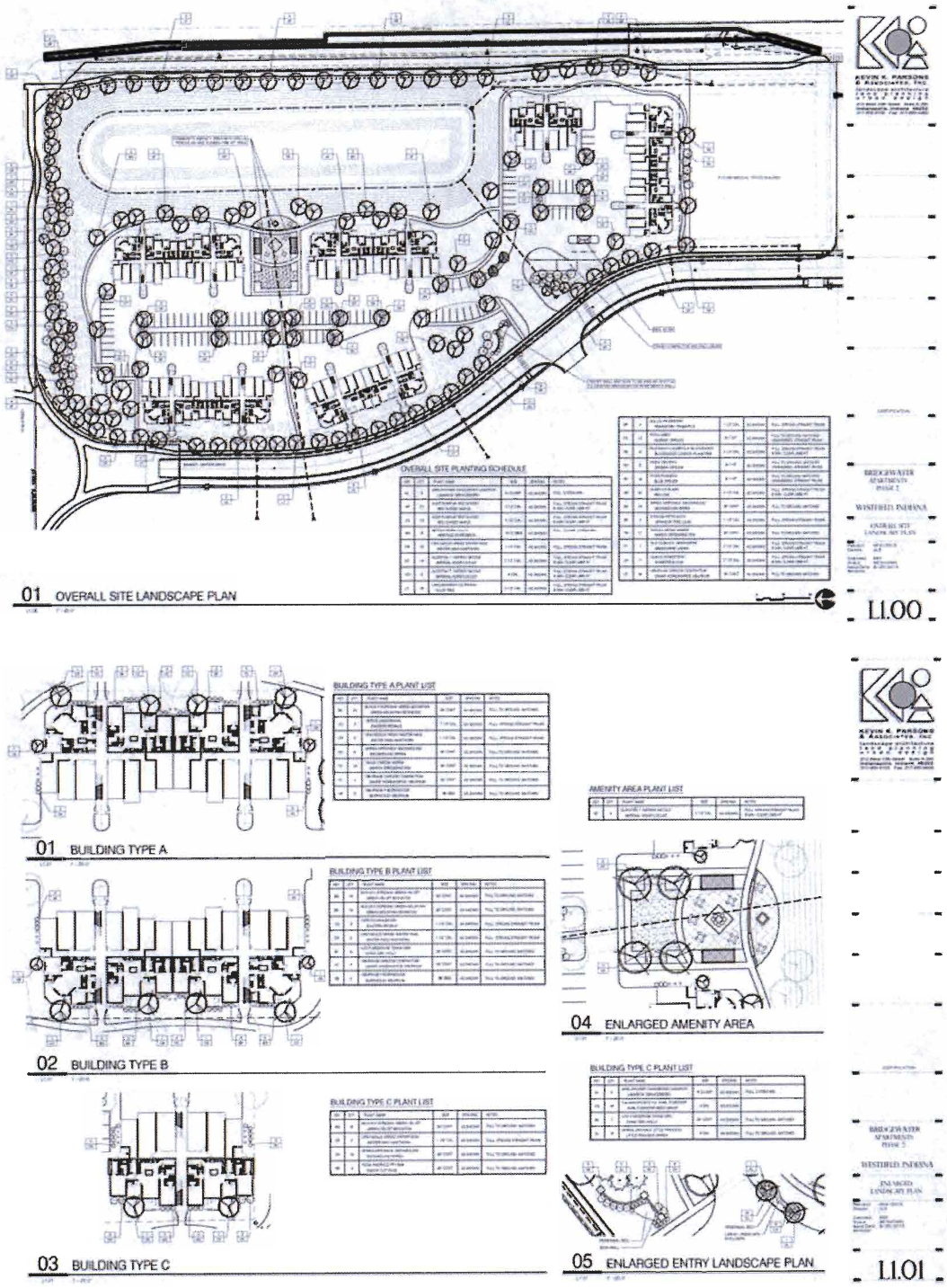
(Concept Plan)



Note: Larger scale paper and digital copies of the Concept Plan are on file with the Department of Economic and Community Development under Docket Number 1510-PUD-20.

EXHIBIT "E"

(Landscape Plan)



Note: Larger scale paper and digital copies of the Landscape Plan are on file with the Department of Economic and Community Development under Docket Number 1510-PUD-20.