

ORDINANCE NUMBER 16-06

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the "**IHC PUD DISTRICT**") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 16- -PUD- -**), requesting an amendment to the Unified Development Ordinance, the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 16- -PUD- -** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a recommendation (-) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on , 2016;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**IHC PUD District**" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented

or expressly made inapplicable by this Ordinance.

1.3 Chapter (“*Chapter*”) and Article (“*Article*”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

2.1 **Cemetery Renovation Area.** A part of the Real Estate more particularly described in **Exhibit B** attached hereto (the "Cemetery Renovation Area").

2.2 **Underlying Zoning District:** The Zoning District of the Unified Development Ordinance that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance.

Section 3. **Concept Plan.** The Concept Plan for the Cemetery Renovation Area, attached hereto as **Exhibit C**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Cemetery Renovation Area shall be developed in substantial compliance with the Concept Plan.

Section 4. **Underlying Zoning District(s).** The Underlying Zoning District shall be the SF2: Single Family Low Density District.

4.1 **Article 5.2 US Highway 31 Overlay District,** as set forth in Chapter 5 and Chapter 13 of the UDO, shall not apply to the use and development of the Cemetery Renovation Area.

Section 5. **Permitted Uses.** The permitted uses shall be as set forth below.

5.1 All uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13 of the UDO, shall be permitted.

Section 6. **General Regulations.** The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District except as otherwise modified below.

6.1 The minimum side and rear yard in the Cemetery Renovation Area shall be five (5) feet.

Section 7. **Development Standards.** The standards of Chapter 6: Development Standards shall apply to the development of the District except as otherwise modified

below for the Cemetery Renovation Area.

7.1 Article 6.8 Landscaping Standards: Shall apply, except as otherwise modified below.

- A. A tree inventory of existing trees shall not be required to allow credit for tree preservation in meeting applicable landscaping requirements.
- B. Replacement of trees that die within areas designated for tree preservation shall not be required.
- C. Trees along interior drive aisles shall have no required setback.
- D. Street Trees shall not be required along the 161st Street frontage or the frontage.
- E. The Open Space / Common Area Minimum Lot landscaping Requirements shall be applied in calculating required plant materials.
- F. Existing landscaping identified on the landscape plan associated with a Development Plan for the Cemetery shall satisfy all External Street Frontage Landscaping Requirements.
- G. Buffer Yard Requirements shall be required as provided below:
 - 1. The existing natural landscape edge along the Monon shall remain. A temporary clearing of approximately 4' in width shall be permitted to facilitate the installation of a 6' tall chain link fence north of the existing fence. The east side of the new fence shall be planted with 7' tall arborvitae which will match the spacing and arrangement of the existing perimeter arborvitae (along the 161st Street frontage) along the full length of the new fence noted above. The minimum buffer yard width along the west property line shall be 5'.
 - 2. No buffer yards shall be required internal to the Cemetery Renovation Area adjacent to property within the Real Estate.
- H. Parking Area Landscaping shall not be required.

7.2 Article 6.9 Lighting Standards: Shall apply, except as otherwise modified below.

- A. No lighting shall be required for off-street parking areas.

7.3 Article 6.14 Parking and Loading Standards: Shall apply, except as otherwise modified below.

- A. Parking of vehicles shall not be subject to the Off-street Parking requirements of Article 6.14. Parking for funeral processions and visitation will be along the

internal drives.

B. No Bicycle Parking shall be required.

7.4 Article 6.17 Sign Standards: Shall apply, except as otherwise modified below.

A. No minimum setback shall be required from a Residential District for an illuminated sign.

B. A Monument Sign for the cemetery may be placed on an entry wall provided the sign area and height do not exceed the meet the Monument Sign requirements of Article 6.17.

Section 8. **Infrastructure Standards.** The District’s infrastructure shall comply with the Unified Development Ordinance and the City’s Construction Standards (see Chapter 7: Subdivision Regulations), unless otherwise approved by the Plan Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

Section 9. **Design Standards.** The standards of Chapter 8: Design Standards shall apply to the development of the District, except as otherwise modified below.

9.1 Article 8.9 Street Right-of-Way Standards: Shall apply, except as otherwise modified below for the Cemetery Renovation Area.

A. The half right-of-way along the 161st Street frontage shall be 27.68 feet which shall be installed at the time of development of the portion of the Real Estate adjacent to the Cemetery Renovation Area is developed.

B. A 6’ wide concrete sidewalk shall be required along the 161st Street frontage which shall be installed at the time of development of the portion of the Real Estate adjacent to the Cemetery Renovation Area is developed.

Section 10. **Development Plan Review.** The standards of Article 10.7 Development Plan Review shall apply to the development of the District, except as otherwise modified below.

10.1 Article 10.7.E Development Plan Review Criteria: The review and approval process for Development Plan Review within the Cemetery Renovation Area shall be delegated to the Director of the Economic and Community Development Director of the City.

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

ALL OF WHICH IS ORDAINED/RESOLVED THIS __ DAY OF _____, 2016.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

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 16-█** was delivered to the Mayor of Westfield
on the _____ day of _____, 2016, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-█**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-█**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

This document prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenger
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

IHG - PUD District Ordinance Draft #1 022916

SCHEDULE OF EXHIBITS

- Exhibit A Real Estate (Legal Description)
- Exhibit B Cemetery Renovation Area
- Exhibit C Concept Plan

EXHIBIT A
REAL ESTATE
(Page 1 of 3)

Add legal Part of the Northeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, described as follows:

Commencing at the Southwest Corner of the Northeast Quarter of Section 12, Township 18 North, Range 3 East; thence North 87 degrees 33 minutes 49 seconds East (assumed bearing) 47.73 feet along the South Line of said Northeast Quarter to the eastern boundary line of a tract of land granted to the City of Westfield hereafter referred to as "City Tract" recorded as Instrument Number 2007-74185 in the Office of Recorder of Hamilton County, Indiana; thence North 00 degrees 00 minutes 20 seconds West 540.60 feet along said eastern boundary line to the POINT OF BEGINNING of this description; thence continue North 00 degrees 00 minutes 20 seconds West 915.20 feet along the eastern boundary line of said City Tract to the northern boundary line of a tract of land granted to Indianapolis Hebrew Congregation recorded as Instrument Number 85-6565 in said Office of the Recorder; thence North 87 degrees 26 minutes 02 seconds East 822.21 feet along said northern boundary line to the western right of way line of US 31 as described in Cause No. 29C01-1204-PL-004108 and recorded as Instrument Number 2012047155 in said Office of the Recorder; the next four (4) courses are along said western right of way line; (1) thence South 18 degrees 40 minutes 16 seconds East 285.20 feet; (2) thence South 12 degrees 50 minutes 41 seconds East 265.07 feet; (3) thence South 12 degrees 56 minutes 48 seconds East 400.00 feet; (4) thence South 08 degrees 41 minutes 21 seconds East 246.93 feet to the northern boundary line of a tract of land granted to the State of Indiana hereafter referred to as "State Tract" recorded as Instrument Number 2012-029931 in said Office of the Recorder; the next two (2) courses are along the northern and western boundary lines of said State Tract; (1) thence South 87 degrees 33 minutes 49 seconds West 277.71 feet; (2) thence South 00 degrees 19 minutes 15 seconds West 192.44 feet to the northern right of way line of 161st Street as described in Cause No. 29C01-1204-PL-004108 and recorded as Instrument Number 2012047155 in said Office of the Recorder; thence South 75 degrees 03 minutes 06 seconds West 107.04 feet along said northern right of way line to a point on the eastern line of a tract of land granted to the City of Westfield recorded as Instrument Number 2012-044204 in said Office of the Recorder; then next two (2) courses are along the eastern and northern boundary lines of said tract' (1) North 50 degrees 01 minutes 01 seconds West 97.61 feet; (2) thence South 71 degrees 18 minutes 34 seconds West 86.40 feet; thence North 30 degrees 36 minutes 56 seconds East 20.71 feet to a rebar set; thence North 02 degrees 09 minutes 21 seconds West 150.10 feet to a rebar set; thence North 26 degrees 11 minutes 18 seconds West 287.51 feet to a rebar set; thence South 87 degrees 35 minutes 12 seconds West 438.26 feet to the Point of Beginning, containing 24.480 acres, more or less.

ALSO:

Part of the Northeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, described as follows:

Commencing at the Southwest Corner of the Northeast Quarter of Section 12, Township 18 North, Range 3 East; thence North 87 degrees 33 minutes 49 seconds East (assumed bearing) 47.73 feet

EXHIBIT A
REAL ESTATE
(Page 2 of 3)

along the South Line of said Northeast Quarter to the eastern boundary line of a tract of land granted to the City of Westfield hereafter referred to as "City Tract" recorded as Instrument Number 2007-74185 in the Office of Recorder of Hamilton County, Indiana said point being the POINT OF BEGINNING of this description; thence North 00 degrees 00 minutes 20 seconds West 540.60 feet along said eastern boundary line to a rebar set; thence North 87 degrees 35 minutes 12 seconds East 438.26 feet to a rebar set; thence South 26 degrees 11 minutes 18 seconds East 287.51 feet to a rebar set; thence South 02 degrees 09 minutes 21 seconds East 150.10 feet to a rebar set; thence South 30 degrees 36 minutes 56 seconds West 20.71 feet to the northern right of way line of 161st Street as described in a tract of land granted to the City of Westfield recorded as Instrument Number 2012-042504 in said Office of the Recorder; the next six (6) courses are along said Westfield Tract; (1) thence South 30 degrees 36 minutes 56 seconds West 62.13 feet; (2) thence South 87 degrees 26 minutes 13 seconds West 27.00 feet; (3) South 50 degrees 17 minutes 25 seconds West 41.40 feet; (4) South 87 degrees 26 minutes 13 seconds West 30.00 feet; (5) thence South 77 degrees 45 minutes 48 seconds West 76.08 feet; (6) thence South 02 degree 34 minutes 33 seconds East 19.10 feet to the South Line of said Northeast Quarter; thence South 87 degrees 33 minutes 49 seconds West 366.21 feet along said South Line to the Point of Beginning, containing 6.427 acres, more or less.

EXHIBIT A
REAL ESTATE
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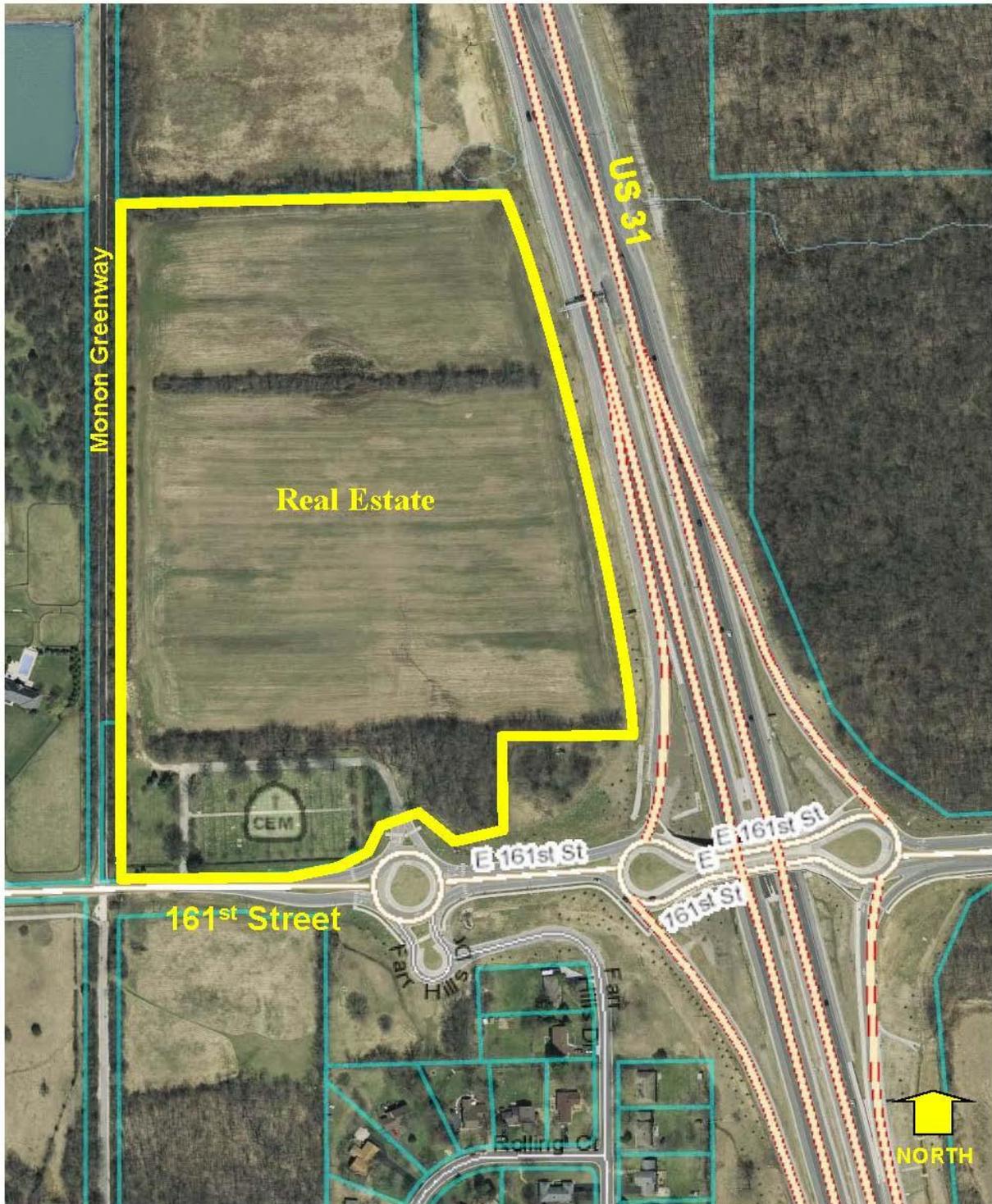


EXHIBIT B
Cemetery Renovation Area
(Page 1 of 2)

Part of the Northeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, described as follows:

Commencing at the Southwest Corner of the Northeast Quarter of Section 12, Township 18 North, Range 3 East; thence North 87 degrees 33 minutes 49 seconds East (assumed bearing) 47.73 feet along the South Line of said Northeast Quarter to the eastern boundary line of a tract of land granted to the City of Westfield hereafter referred to as "City Tract" recorded as Instrument Number 2007-74185 in the Office of Recorder of Hamilton County, Indiana said point being the POINT OF BEGINNING of this description; thence North 00 degrees 00 minutes 20 seconds West 540.60 feet along said eastern boundary line to a rebar set; thence North 87 degrees 35 minutes 12 seconds East 438.26 feet to a rebar set; thence South 26 degrees 11 minutes 18 seconds East 287.51 feet to a rebar set; thence South 02 degrees 09 minutes 21 seconds East 150.10 feet to a rebar set; thence South 30 degrees 36 minutes 56 seconds West 20.71 feet to the northern right of way line of 161st Street as described in a tract of land granted to the City of Westfield recorded as Instrument Number 2012-042504 in said Office of the Recorder; the next six (6) courses are along said Westfield Tract; (1) thence South 30 degrees 36 minutes 56 seconds West 62.13 feet; (2) thence South 87 degrees 26 minutes 13 seconds West 27.00 feet; (3) South 50 degrees 17 minutes 25 seconds West 41.40 feet; (4) South 87 degrees 26 minutes 13 seconds West 30.00 feet; (5) thence South 77 degrees 45 minutes 48 seconds West 76.08 feet; (6) thence South 02 degree 34 minutes 33 seconds East 19.10 feet to the South Line of said Northeast Quarter; thence South 87 degrees 33 minutes 49 seconds West 366.21 feet along said South Line to the Point of Beginning, containing 6.427 acres, more or less.

EXHIBIT B
Cemetery Renovation Area
(Page 1 of 2)



EXHIBIT C Concept Plan



And the earth returns to the land as it was,
and the spirit returns to God, who gave it
Ecclesiastes 12:7



Earth you are, and to
earth you will return
Genesis 3:19

DAVID RAUSCH STUDIO
Architecture & Interiors
18 FEBRUARY 2019 PRELIMINARY

CEMETERY RENOVATION
INDIANAPOLIS HEBREW CONGREGATION
EAST 161ST STREET WESTFIELD INDIANA

CEMETERY PLAN - PHASE 1
GENERAL SCALE PRINTED @ 1/8" = 1'-0"

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 16- -PUD- -.