

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. 1604-PUD-05**), 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. 1604-PUD-05** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a Favorable 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 May 3, 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.
- 2.2 **Remaining Real Estate.** The Real Estate except the Cemetery Renovation Area.

Section 3. **Concept Plan.** The Concept Plan, 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 District is hereby divided into two (2) geographic areas as illustrated on the Concept Plan. The Cemetery Renovation Area shall be developed in substantial compliance with the Concept Plan.

Section 4. **Remaining Real Estate.** The permitted uses and applicable standards for the Remaining Real Estate shall be those of the UDO applicable to the SF2: Single Family Low Density District and the US Highway 31 Overlay District.

Section 5. **Cemetery Renovation Area.** The following shall apply to the Cemetery Renovation Area only:

- 5.1 **Permitted Uses.** All uses permitted in the Underlying Zoning District shall be permitted within the District. In addition, a Cemetery shall be permitted within the Cemetery Renovation Area.
- 5.2 **Underlying Zoning District(s).** The Underlying Zoning District shall be the SF2: Single Family Low Density District. The US Highway 31 Overlay District (Article 5.2) shall not apply.
- 5.3 **General Regulations.** Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply with the exception that the Minimum Building Setback Line for the Front, Side and Rear Yard shall be five (5) feet.

5.4 **Development Standards.** Chapter 6: Development Standards, as applicable to the Underlying Zoning District, shall apply except as otherwise modified below:

- A. **Landscaping Standards:** Article 6.8 shall apply except as modified below.
- i. Article 6.8(E)(3) Tree Inventory and Article 6.8(E)(5) Replacement shall not apply.
 - ii. Article 6.8(G)(4)(d) Minimum Distance from Sidewalk and Curb shall only apply to a public Street.
 - iii. Article 6.8(K) Minimum Lot Landscaping Requirements shall apply; however, the Open Space / Common Area land use standards shall be applied to the Cemetery Renovation Area.
 - iv. Article 6.8(M) External Street Frontage Landscaping Requirements shall not apply; rather, the existing landscaping as generally identified on the Concept Plan shall apply.
 - v. Article 6.8(N) Buffer Yard Requirements shall not apply. The existing vegetation along the Cemetery Renovation Area's Monon Trail lot line shall be preserved. A temporary clearing of approximately four (4) feet in width shall be permitted to facilitate the installation of a six (6) foot tall chain link fence north of the existing fence. The east side of the new fence shall be planted with seven (7) feet tall arborvitae at a quantity and spacing consistent with the spacing and arrangement of the existing arborvitae along the Cemetery Renovation Area's 161st Street frontage.
 - vi. Article 6.8(O) Parking Area Landscaping shall not apply.
- B. **Parking and Loading Standards:** Article 6.14 shall apply, except as otherwise modified below.
- i. Article 6.14(G) Off-street Parking shall not apply. Parking for visitors and funeral processions shall be permitted and provided along the Cemetery Renovation Area's internal drive.
 - ii. Article 6.14(H) Bicycle Parking shall not apply.
- C. **Sign Standards:** Article 6.17 shall apply, except as otherwise modified below.
- i. Monument Sign for the Cemetery Renovation Area may be incorporated into a landscape feature, wall or other decorative feature as long as the Monument Sign's Sign Area and Sign

Height otherwise complies with Article 6.17.

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

D. Vision Clearance Standards: Article 6.19 shall not apply.

Section 6. **Design Standards.** The standards of Chapter 8: Design Standards shall apply except as modified below.

A. Pedestrian Network Standards: Article 8.7 shall apply, except for Article 8.7(D) Perimeter/External Pedestrian Network Standards, which shall be modified to require an eight (8) foot wide asphalt path along the Cemetery Renovation Area's 161st Street frontage unless an alternative is submitted to the Director and approved by the Director. The path shall be installed within 12 months from the approval of a Detailed Development Plan for development activities on the Cemetery Renovation Area.

B. Street and Right-of-Way Standards: Article 8.9 shall apply, except for Article 8.9(D) Dedication of Right-of-way, which shall be modified to require a half right of forty (40) feet along the Cemetery Renovation Area's 161st Street frontage which shall be dedicated as part of the secondary plat for the Real Estate or prior to the renovation development activities of the Cemetery Renovation Area, whichever occurs first.

Section 7. **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 8. **Development Plan Review.** The standards of Article 10.7 Development Plan Review shall apply; however, the review and approval of the Detailed Development Plan for the Cemetery Renovation Area shall be delegated to the Director.

[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 16-06** was delivered to the Mayor of Westfield

on the _____ day of _____, 2016, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-06**

this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-06**

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 #5 050916

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
(Page 3 of 3)



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 LAYOUT PLAN (1/18) @ JACOBS' SCALE 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 1604-PUD-05.