



## *Westfield City Council Report*

<b>Ordinance Number:</b>	16-34
<b>APC Petition Number:</b>	1609-PUD-18
<b>Petitioner:</b>	Heather Raymond by Perma Pools Corp.
<b>Requested Action:</b>	An amendment to the Enclave and Springs Planned Unit Development (the "PUD Ordinance") District to modify the minimum rear yard building setback line from twenty-five (25) to fifteen (15) feet at 15807 Longship Court to accommodate a swimming pool.
<b>Current Zoning:</b>	The Enclave & Springs PUD District (Ordinance 13-16)
<b>Current Land Use:</b>	Single Family Residential
<b>Exhibits:</b>	<ol style="list-style-type: none"><li>1. Location Map</li><li>2. Concept Plan</li><li>3. PUD Development Standards Matrix</li><li>4. Amendment Ordinance</li><li>5. APC Certification</li></ol>
<b>Prepared by:</b>	Daine Crabtree, Associate Planner

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### **PETITION HISTORY**

The petition received a public hearing at the September 6, 2016, Advisory Plan Commission (the "APC") meeting. This petition was forwarded to the City Council with a favorable recommendation (Vote: 7 in favor, 1 opposed (R. Smith)) at the October 4, 2016, APC meeting.

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### **PROJECT OVERVIEW**

**Project Location:** The subject property (collectively, the "property") is located at 15807 Longship Court within The Springs at Viking Meadows subdivision, which is located at the northwest corner of 156<sup>th</sup> Street and Oak Ridge Road (see **Exhibit 1**).

**Amendment Description:** The petitioner is requesting an amendment to modify the minimum rear yard building setback from twenty-five (25) to fifteen (15) feet to accommodate a proposed swimming pool. The proposed ordinance requires that the swimming pool be in substantial

compliance with the Concept Plan (see **Exhibit 2**), which includes fencing and landscaping around the entirety of the pool and deck as well as a locking pool cover. This amendment is required in order to accommodate the proposal because the property is located within a PUD District.

Development Standards: Article 6.1(G)(3) of the UDO, Accessory Use and Building Standards, states that swimming pools “shall be required to meet the same minimum Building Setback Line as the Principal Building to which they are accessory”. The PUD Ordinance (Exhibit C of the PUD Ordinance attached as **Exhibit 3**) establishes the minimum rear yard building setback line as twenty-five (25) feet.

The proposed ordinance and Concept Plan specifies an iron fence around the pool and deck and an automatic locking cover will also be affixed to the pool (building code and Article 6.1(G)(4) of the UDO would otherwise require only one of these).

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## **PROCEDURAL**

Public Hearing: Amendments to a Planned Unit Development (PUD) Ordinance are required to be considered at a public hearing by the Plan Commission. The public hearing for this petition was held at the September 6, 2016, Plan Commission meeting. Notice of the public hearing was provided in accordance with Indiana law and the Plan Commission’s Rules of Procedure.

### Statutory Considerations:

Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes that reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

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## **RECOMMENDATIONS / ACTIONS**

### Plan Commission Recommendation

At its October 4, 2016, meeting, the Plan Commission forwarded a favorable recommendation of this petition to the Council (Vote: 7 in favor, 1 opposed (R. Smith)) (see **Exhibit 5**).

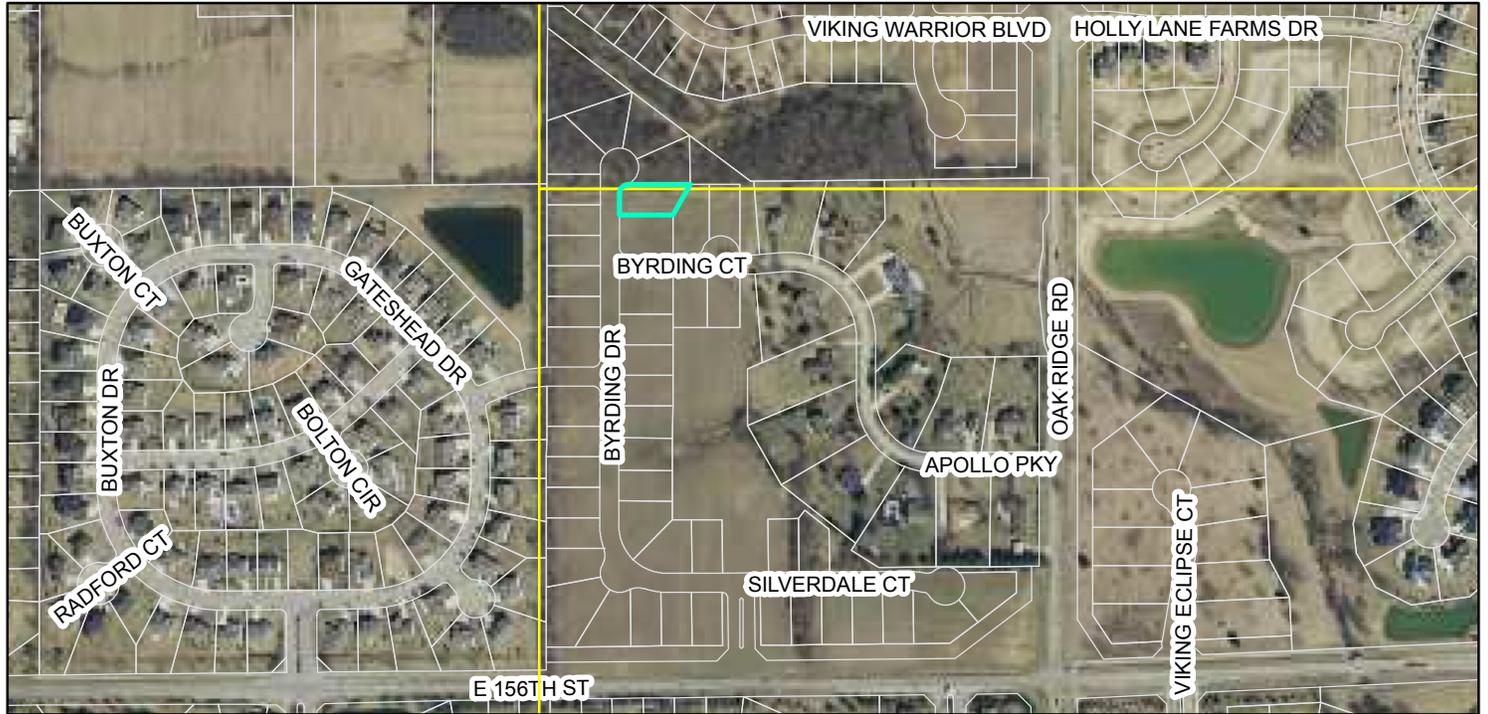
### City Council

Eligible for Adoption: October 10, 2016

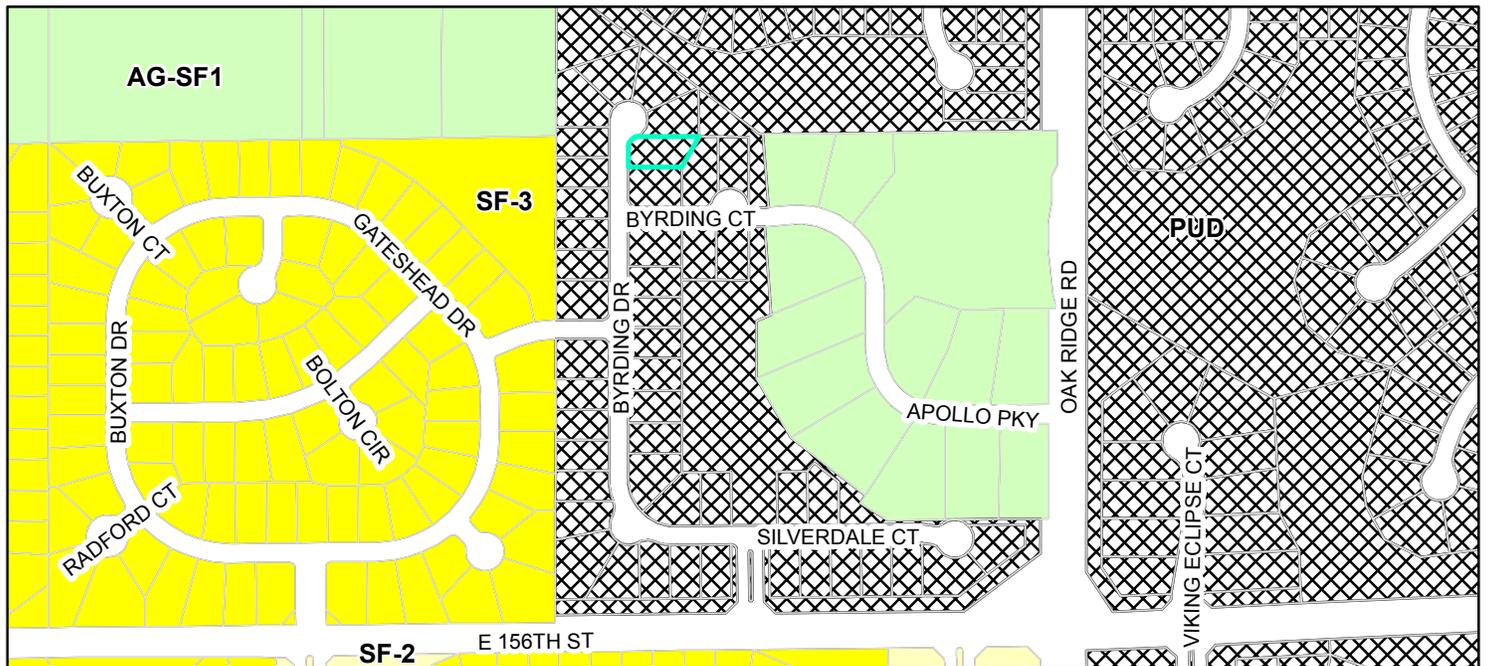
Submitted by: Daine Crabtree, Associate Planner  
Economic and Community Development Department

**Aerial Location Map**

Site



**Zoning Map**



- |        |  |                                |                          |
|--------|--|--------------------------------|--------------------------|
| Parcel | <b>Zoning</b>                            | PUD (Planned Unit Development) | SF-3 (Single Family - 3) |
|        | AG-SF1 (Agriculture - Single Family - 1) | SF-2 (Single Family - 2)       |                          |



**EXHIBIT C**  
**DEVELOPMENT STANDARDS MATRIX**

*Parcels A and B: Residential Development Standards*

Parcel	Base Underlying Zoning	Max. # of Units	Min. Lot Width		Min. Lot Area (Sq. Ftg.)	Max. Bldg. Height	Minimum Building Setbacks			Min. Home Size (Sq. Ftg. not including basement)		Architectural Standards
			at Bldg. Setback Line	at Right of Way			Front	Side	Rear	1-Story	2-Story	
"Springs"	SF-2	46	80'	40'	10,400	35'	25'	5' min. 14' Aggregate Between Structures	25'	1-Story 2,000	2-Story 2,200	See <u>Exhibit D</u>
"Enclave"	SF-2	81	65'	40'	8,000	35'	25'	5' min. 10' Aggregate Between Structures	20'	1-Story 1,500	1 ½ - Story 2,000	See <u>Exhibit E</u>

## ORDINANCE NUMBER 16-34

### AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE ENCLAVE AND SPRINGS PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is an Ordinance (this "Ordinance") 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 Council enacted Ordinance No. 13-16, the Enclave and Springs Planned Unit Development District (the "PUD Ordinance"), on October 14, 2013;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1609-PUD-18**), requesting an amendment to the PUD Ordinance with regard to the subject real estate commonly known as **15807 Longship Court, Westfield, Indiana 46074**, and more particularly described as:

Lot 29 in The Spring at Viking Meadows Plat, an addition in Hamilton County, as per plat thereof, recorded June 6, 2015 as Instrument No. 2015027282, in Plat Cabinet 5, Slide 353, in the Office of the Recorder of Hamilton County, Indiana (the "Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 1609-PUD-18** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **favorable recommendation** (7-1) 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 September 7, 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 PUD Ordinance and the Unified Development Ordinance are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 This Ordinance shall amend the PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by the PUD Ordinance, as amended by this Ordinance and its exhibits.
- 1.2 All other provisions of the PUD Ordinance shall remain in effect with the adoption of this Ordinance.
- 1.3 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 the PUD Ordinance, as amended.

**Section 2.** **Swimming Pool Setback Standards.** The standards of Exhibit C: Development Standards Matrix of the PUD Ordinance shall be amended to modify the Rear Yard Minimum Building Setback for a swimming pool from twenty-five (25) feet to fifteen (15) feet.

**Section 3.** **Swimming Pool Improvements.** If a swimming pool is installed on the Real Estate, then it shall be installed in substantial compliance with the Concept Plan, attached hereto as **Exhibit A**, including, but not limited to substantial compliance with the depicted landscaping. A power safety pool cover and fence surrounding the pool, as depicted on the Concept Plan, shall both be required and installed in accordance with the applicable building code requirements.

**ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

<b><u>Voting For</u></b>	<b><u>Voting Against</u></b>	<b><u>Abstain</u></b>
_____ 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

This document prepared by: Jesse M. Pohlman, City of Westfield Economic and Community Development Department, 2728 E. 171<sup>st</sup> Street, Westfield, IN 46074. 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: Jesse M. Pohlman

I hereby certify that **ORDINANCE 16-34** was delivered to the Mayor of Westfield

on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-34**

this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-34**

this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
J. Andrew Cook, Mayor



**WESTFIELD-WASHINGTON TOWNSHIP ADVISORY  
PLAN COMMISSION CERTIFICATION**

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The Westfield-Washington Township Advisory Plan Commission held a public hearing on Tuesday, September 6, 2016, to consider an amendment to the Enclave and Springs Planned Unit Development (PUD) modifying the rear yard building setback line at 15807 Longship Court from twenty-five (25) to fifteen (15) feet. Notice of the public hearing was advertised and noticed in accordance with Indiana law and the Advisory Plan Commission's Rules of Procedure. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The petition is as follows:

Docket No.	1609-PUD-18
Ordinance No.	16-34
Petitioner	Heather Raymond by Perma Pools Corp.
Description	The petitioner requests to modify the rear yard building setback at 15807 Longship Court from twenty-five (25) to fifteen (15) in the Enclave and Springs Planned Unit Development (PUD) District to allow for a swimming pool.

On October 3, 2016, a motion was made and passed to send a favorable recommendation to the City Council regarding this petition (Vote: 7 in favor, 1 opposed (R. Smith)).

The above-mentioned proposal and the Advisory Plan Commission's recommendation thereof are hereby certified.

  
\_\_\_\_\_  
Matthew S. Skelton, Secretary

October 4, 2016  
Date