ORDINANCE 22-29

Woods - Robinson - Briggs PUD Amendment II

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

This is an Ordinance to amend the Westfield-Washington Township UDO of the City of Westfield and Washington Township, Hamilton County, Indiana (the "UDO"), 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 Common Council enacted Ordinance No. 21-10, The Woods-Robinson-Briggs Planned Unit Development on March 22, 2021;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**2207-PUD-XX**), requesting (i) an amendment to the Unified Development Ordinance and the Zoning Map with regard to the subject real estate more particularly described in **Exhibits A** (the "Gerth Property") and **Exhibit B** (the "Original Woods-Robinson-Briggs PUD Real Estate"), and (ii) an amendment to the District and Concept Plans of the Woods-Robinson-Briggs PUD Ordinance;

WHEREAS, the Commission forwarded Petition No. **2207-PUD-XX** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation **(X-X)** 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 _____, 2022; and,

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.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Woods-Robinson-Briggs PUD Ordinance, 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 incorporate the Gerth Property into the **Woods-Robinson-Briggs Planned Unit Development District** (the "District").

1.2 This Ordinance shall also amend the Woods Robinson Briggs PUD Ordinance as applicable to the Original Woods Robinson Briggs PUD Real Estate.

1.3 Development of the Gerth Property and the Original Woods-Robinson-Briggs PUD Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, the Woods-Robinson-Briggs PUD Ordinance; and (iii) 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.

1.4 Chapter ("*Chapter*") and Article ("*Article*") cross-reference of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.5 All provisions and representations of the (i) Unified Development Ordinance and (ii) the Woods-Robinson-Briggs PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Gerth Property and the Original Woods Robinson Briggs PUD Ordinance and shall be superseded by the terms of this Ordinance.

Section 2. District Area Assignment

2.1 The Gerth Property is hereby assigned to District 1/the Commercial District, as originally set forth in Ordinance 21-10 (the "Assigned Area"). The standards of the Woods-Robinson-Briggs PUD Ordinance applicable to the Assigned Area shall apply to the development of the Gerth Property.

2.2 The District Plan attached hereto and incorporated herein by reference as **Exhibit C** (the "District Plan") hereby amends the Woods Robinson Briggs PUD District Plan.

Section 3. Water Feature

3.1 A Water Feature, as originally required in Article 8.1 of Ord. 21-10, shall still be required. However, the Water Feature may not contain a fountain, and the size, scale, and features of the Water Feature shall be amended so that substantial compliance shall be required with what is shown on the revised Concept Plan (see **Exhibit D**).

In addition, Character Exhibits of fountain Water Features in Ord. 21-10 shall not apply. Instead, new Character Exhibits of a linear waterfall have been added (see **Exhibit E**) for which substantial compliance must be achieved.

Section 4. District 2: Park/Trail Head District

4.1 Article 8.2 of Ordinance 21-10, "District 2 Park/Trail Head District" shall be replaced with following:

The Park District (a minimum of 3 acres in size up to a maximum of 5 acres) is to be a donation or designated conservatory by Wood Family Farm of Hamilton County, LLC or a successor in interest (the "Owner") with respect to the Park District. The Park District shall be developed as a nature-focused park/recreation area available to the general public (the "Park"). The Park District shall serve as a trail head of the Monon Trail. The following standards shall apply to District 2:

1. Open-sided shelters shall be permitted.
2. Enclosed buildings for park-related activities and/or facilities such as restrooms, maintenance, and similar other uses deemed appropriate for a passive activity park as determined by the Director of Community Development, shall be permitted.
3. Park amenities shall include the following:
    a. Lighting and safety features as may be reasonably required for a dusk-to-dawn community park;
    b. Exercise stations;
    c. Lawn area for recreational play such as frisbee, croquet, corn hole, etc;
    d. Sculptured walking areas;
    e. Crushed stone trails similar to Cool Creek connecting features within the Park; and
    f. Other similar amenities and features commonly related to a passive park use as determined by the Director of the Community Development Department
4. An application for Detailed Development Plan Review for the park/trail head in District 2 shall be submitted to the Community Development Department within one year from the issuance of the first Improvement Location Permit for the Real Estate. The park amenities listed above shall be installed within District 2 within one year of the aforementioned Detailed Development application submittal unless The Director of the Community Development Department approves an extension due to unforeseen circumstances.

3.2 Development of District 2, the Park District, shall be in substantial compliance with **Exhibit F**, the Park Plan, as determined by the Director of Community Development.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2022.

WESTFIELD COMMON COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
James J. Edwards	James J. Edwards	James J. Edwards
_____	_____	_____
Scott Frei	Scott Frei	Scott Frei
_____	_____	_____
Jake Gilbert	Jake Gilbert	Jake Gilbert
_____	_____	_____
Mike Johns	Mike Johns	Mike Johns
_____	_____	_____
Troy Patton	Troy Patton	Troy Patton
_____	_____	_____
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
_____	_____	_____
Scott Willis	Scott Willis	Scott Willis

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: R. Birch Dalton

This Instrument prepared by: Birch Dalton, EdgeRock Development, 555 E. Main Street, Westfield, IN 46074

I hereby certify **ORDINANCE 22-29** was delivered to the Mayor of Westfield on the _____day of__ _____, 2021.

_____
Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 22-29
this _____ day of _____, 2022.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 22-29
this _____ day of _____, 2022.

_____
J. Andrew Cook, Mayor

ATTEST:

_____
Cindy J. Gossard, Clerk Treasurer

EXHIBIT A

GERTH PROPERTY LEGAL DESCRIPTION

~~**Acreage 4.54 Section 25, Township 19, Range 3**~~

NEED ACTUAL METES AND BOUNDS LEGAL DESCRIPTION

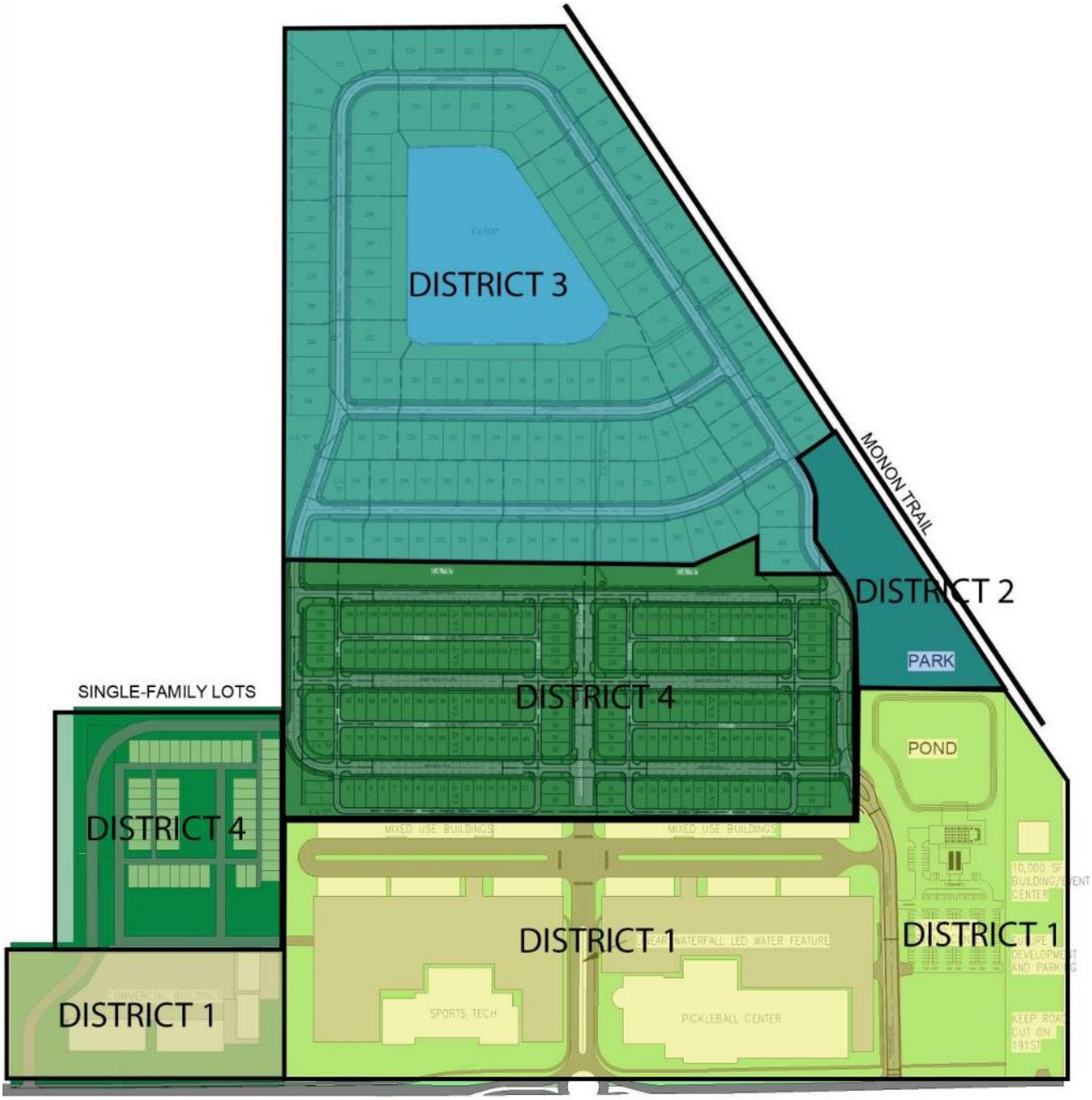
EXHIBIT B

ORIGINAL WOODS-ROBINSON-BRIGGS PUD LEGAL DESCRIPTION (sans GERTH PROPERTY)

A part of the Southeast Quarter of Section 23, part of the Northwest Quarter of Section 25, and part of the Northeast Quarter of Section 26 all in Township 19 North, Range 3 East Hamilton County, Indiana, described as follows:

BEGINNING at the Southeast Corner of the Northeast Quarter of Section 26; thence along the south line of said Quarter South 89 degrees 54 minutes 14 seconds West (bearings are derived from coordinates based on the Indiana State Plane Coordinate System East Zone NAD 83 (2011) epoch 2010.0) a distance of 1323.22 feet to the Southeast Corner of the West Half of said northeast Quarter; thence continue along the south line of said Quarter Section South 89 degrees 54 minutes 14 seconds West 850.18 feet to a point 188.57 feet west of the Southwest Corner of the East Half of said Half Quarter Section; thence parallel with the west line of said East Half of said West Half Quarter Section North 00 degree 13 minutes 27 seconds East 462.01 feet; thence parallel with aforesaid south line North 89 degrees 54 minutes 14 seconds East 188.57 feet to the west line of the East Half of said West Half; thence along said west line North 00 degree 13 minutes 27 seconds East 723.04 feet to the northwest corner of 18 acres off the entire south end of said Half Half Quarter Section; thence along the north line of said 18 acres North 89 degrees 54 minutes 14 seconds East 661.74 feet to the northeast corner of said 18 acres; thence along the west line of the East Half of said Northeast Quarter North 00 degrees 13 minutes 50 seconds East 1463.08 feet to the Southwest Corner of the South Half of the of the Southeast Quarter of the Southeast Quarter of said Section 23; thence along the west line of said Half Quarter Quarter of said Section 23 North 00 degrees 01 minute 08 seconds West 663.50 feet to the Northwest Corner of the South Half of the Southeast Quarter of said Southeast Quarter; thence along the north line of said Half Quarter Quarter Section North 89 degrees 39 minutes 04 seconds East 866.88 feet to the westerly line of the lands of the City of Westfield (Former Monon Railroad); thence along said westerly line South 33 degrees 30 minutes 30 seconds East 2461.68 feet to the east northeast corner of the lands of the Wood Family Farm of Hamilton County, LLC as described in Instrument No. 2015012811; thence along the east line of Wood South 00 degrees 16 minutes 39 seconds East 1242.37 feet to the south line of the Northwest Quarter of said Section 25; thence along said south line South 88 degrees 46 minutes 09 seconds West 919.30 feet to the place of beginning, containing 157.53 acres, more or less.

EXHIBIT C
REVISED DISTRICT PLAN



1 WOODS/ROBINSON/BRIGGS PUD DISTRICT PLAN
1" = 400'-0"

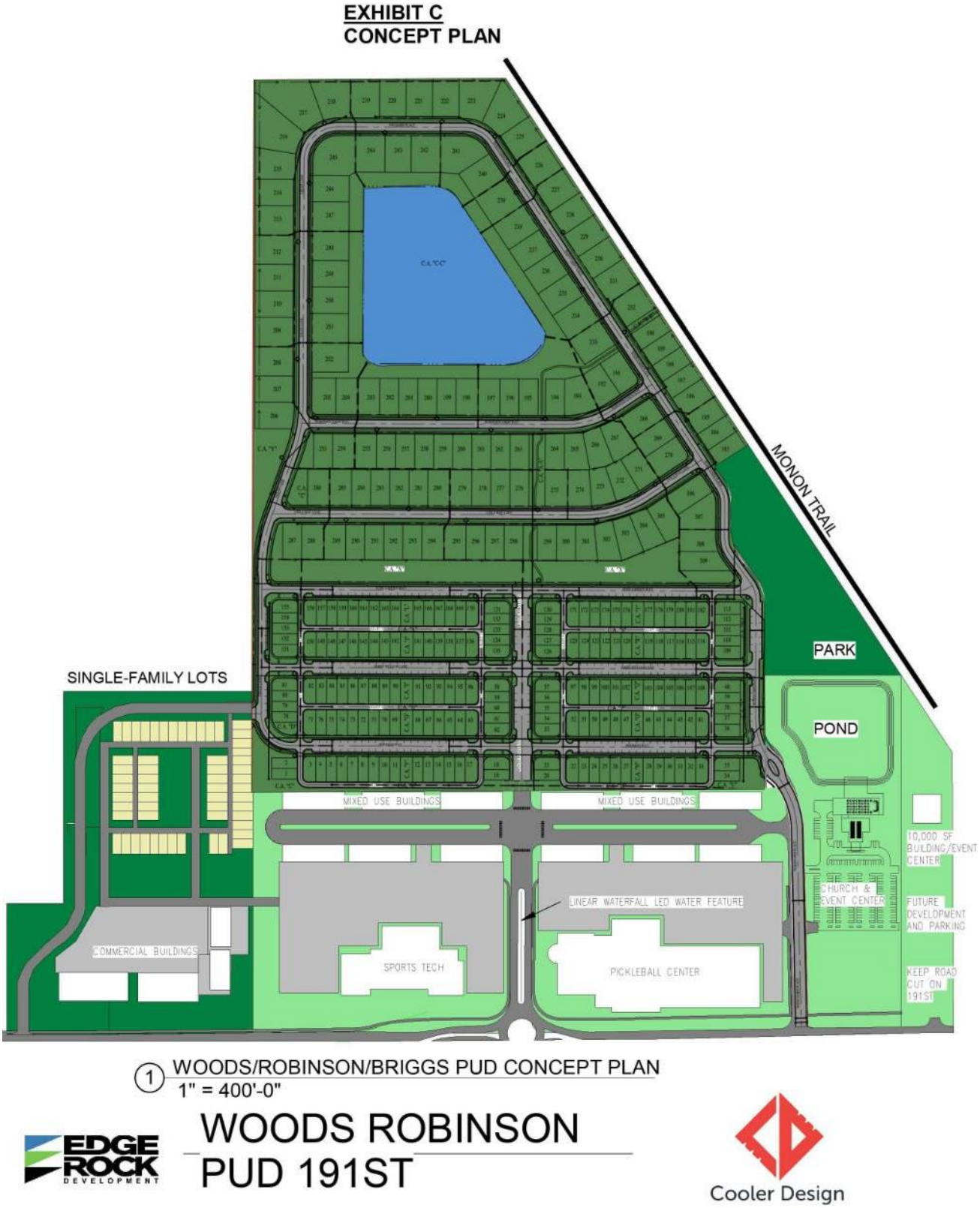
EDGE ROCK DEVELOPMENT

WOODS ROBINSON
PUD 191ST

Cooler Design

EXHIBIT D

REVISED CONCEPT PLAN



1 WOODS/ROBINSON/BRIGGS PUD CONCEPT PLAN
1" = 400'-0"

EDGE ROCK DEVELOPMENT

WOODS ROBINSON
PUD 191ST

Cooler Design

EXHIBIT E

LINEAR WATERFALL EXHIBITS

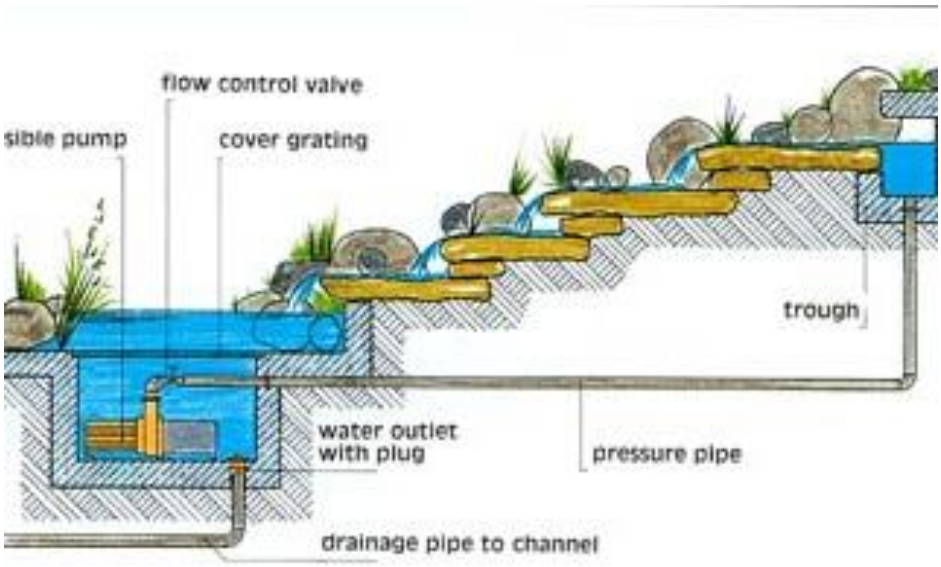
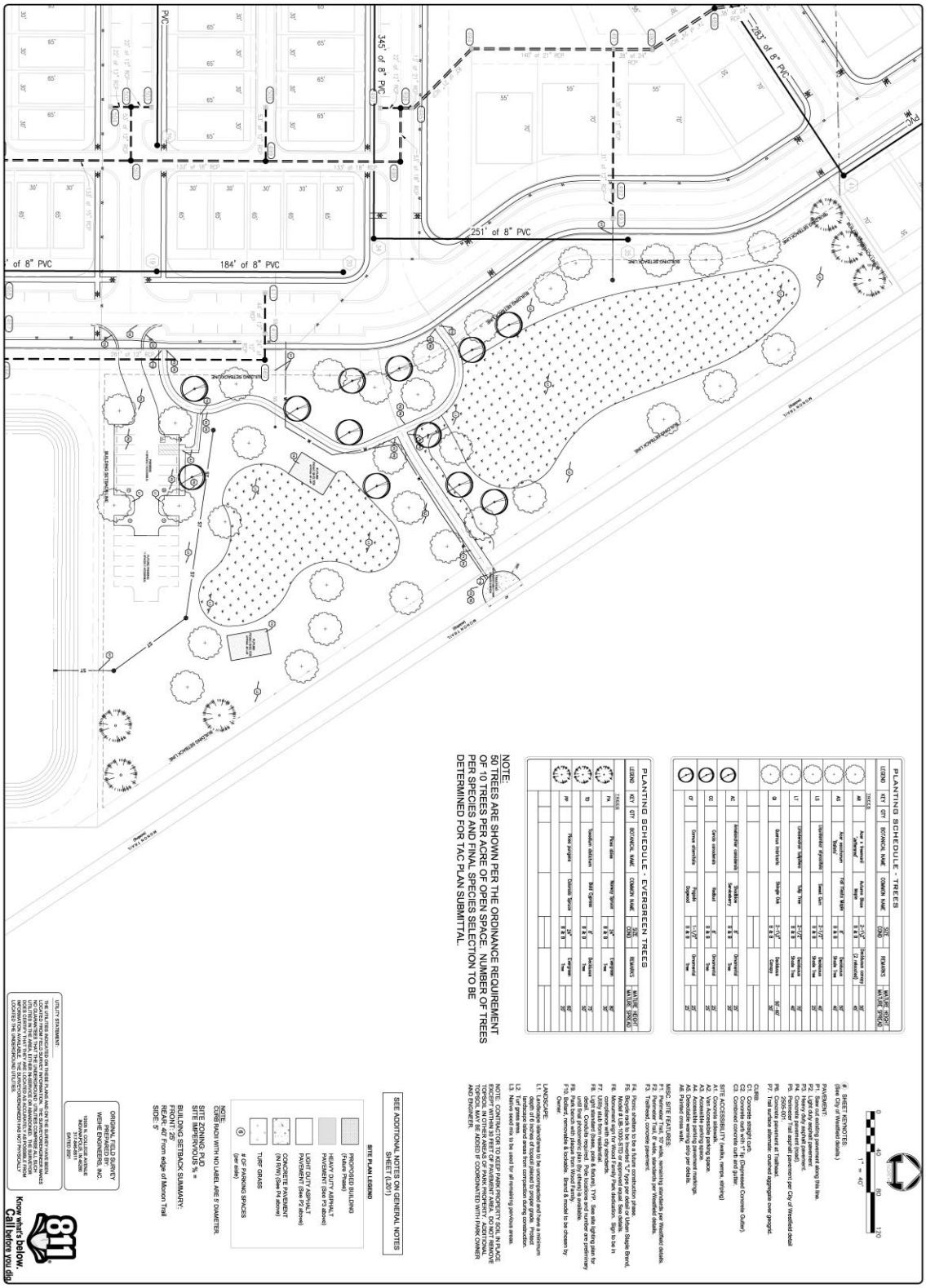



EXHIBIT F
PARK PLAN