

EXHIBIT 5. City of Westfield General Business District Zoning Ordinance

WC § 16.04.050 Business Districts

A. General Requirements (other than historical district) -

1. Groups of users requiring parking space may join in establishing group parking area with capacity aggregating that required for each participating use, with the approval of the Plan Commission.
2. Public parking area and loading and unloading berths shall be paved with a dust proof or hard surface.
3. One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.
4. Loading and unloading berths shall not be required for business uses, which demonstrate that they do not receive or transmit goods or wares in quantity by truck delivery.
5. Parking may be permitted in the required front yard for business uses.
6. On a through lot, front yards shall be provided on each street in the local business, general business and historical districts.
7. The maximum building height requirements may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirement.
8. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, distribution poles and lines, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
9. A suitable planting screen shall be provided on any business yard that abuts a residential area in accordance with the landscaping provisions in this section. Such plantings shall provide an effective screen at the time of construction of the development.
10. The Plan Commission shall review and approve plans to assure adherence to developmental standards and overall conformity to the Master Plan and Zoning Ordinance.
11. There shall be no storage or display of merchandise outside of a building except in a sales lot established for that purpose and except for merchandise associated with sidewalk-type sales events of less than one (1) week in duration and with a frequency of no more than once every six (6) calendar months.

B. GO - General Office District - This district is established to provide for general office development.

1. Special Requirements -

- No outside storage, vending machines or outside sales display.
- General office business shall be conducted within buildings so constructed that no noise, dust, or dirt shall be audible or visible beyond the confines of the building.

2. Permitted Uses -

- General business and professional offices
- Insurance offices
- Manufacturing representatives offices
- Medical or veterinarian offices
- Financial institutions
- Real estate offices
- Multi-family housing (3 units or more with MF1 standards)
- Municipal or government buildings
- Public or private schools
- Agriculture
- Accessory buildings and uses customarily incidental to any of the above uses

3. Special Exceptions -

- Office/warehouse buildings
- Day care facilities

4. Minimum Lot Area - 3 acres

5. Minimum Lot Frontage on Road - 250 feet

6. Minimum Setback Lines -

- Front Yard - 60 feet
- Side Yard - For side yards adjoining a road or street - not less than 60 feet
For side yards abutting a residential area - 60 feet
All other side yards - 20 feet
- Rear Yard - 20 feet unless the rear yard abuts a residential district in which case the rear yard setback shall be 60 feet

7. Maximum Building Height - 50 feet

8. Minimum Ground Level Square Footage - None. However, not more than eighty (80) percent of the total area of any lot or any development on multiple lots shall be occupied by buildings, roads, parking area, drainage facilities and other accessory uses.
9. Parking - Off-street and/or private parking shall be provided in accordance with the provisions in this ordinance.
10. Exemption - Any residence which is located in this district, as of December 1990, that is converted into offices, is exempt from the standards of this subsection. Such exemption does not apply to additions or exterior modifications which increase the size of the structure.

C. GO -PD - General Office - Planned Development - This district is established to permit the development of lands to provide offices as contained in this subsection, single family homes and low density multi-family units when such lands are developed in a comprehensive plan of which business use may not exceed 20 percent and multi-family shall not exceed 30 percent.

1. Special Requirements -

- No outside storage, vending machines or outside sales display.
- General office business shall be conducted within buildings so constructed that no noise, dust, or dirt shall be audible or visible beyond the confines of the building.

2. Permitted Uses -

- Single family - with minimum SF 4 standards
- Cluster homes
- General business and professional offices
- Insurance offices
- Manufacturing representatives offices
- Medical or veterinarian offices
- Financial institutions
- Real estate offices
- Multi-family housing (2 units or more with MF-1 standards)
- Municipal or government buildings
- Public or private schools
- Accessory buildings and uses customarily incidental to any of the above uses

3. Special Exceptions -

- Office/warehouse buildings
- Day care facilities

4. Minimum Lot Area - 30 acres
5. Minimum Lot Frontage on Road - 500 feet
6. Minimum Setback Lines -
 - Front Yard - 100 feet
 - Side Yard - For side yards adjoining a road or street - not less than 60 feet
For side yards abutting a residential area - 60 feet
All other side yards - 20 feet
 - Rear Yard - 20 feet unless the rear yard abuts a residential district in which case the rear yard setback shall be 60 feet
7. Maximum Building Height - 40 feet
8. Minimum Ground Level Square Footage - None. However, not more than eighty (80) percent of the total area of any lot or any development on multiple lots shall be occupied by buildings, roads, parking areas, drainage facilities and other accessory uses.
9. Parking - Off-street and/or private parking shall be provided in accordance with the provisions in this ordinance.
10. Application Procedures - Applications for General Office Planned Developments shall consist of the following steps:
 - a) Preliminary plans presented to the building commissioner must:
 - Be drawn to scale.
 - Show dimensional boundaries of property to be developed.
 - Indicate location, type and size of structures, and use and arrangement of all structures (details are not necessary).
 - Show the proposed number of parking and loading spaces.
 - Show the proposed locations and width of driveways, entrances and exits.
 - Show all areas to be maintained as permanent open space.
 - Provide a traffic study to include:
 - 1) A comparative analysis of present capacity of streets adjacent to the proposed development with potential capacity volumes, taking into consideration the effect the proposed development will have upon engendering additional traffic; and

- 2) A circulation plan for all streets (existing and proposed) which will show recommendations for controlling, signaling, channeling, storing and warning traffic.
 - Include a statement of financial responsibility which demonstrates the ability of the developer to proceed with construction and development.
 - Show locations and dimensions of sidewalks.
 - Provide for dedication of any rights-of-way that may be necessary.
 - Show location of any easement for utilities, public or private.
 - Include a statement of proposed covenants to insure that the development plan is reasonable.
 - Insure proper drainage.
 - Provide a statement as to the proposed timetable for development if the project is to be done in phases.
 - Submit a preliminary plan indicating the proposed location of land within the property to be developed. Such plan shall indicate the proposed general location of such future buildings and construction requirements such as exterior design and height that shall be met by the developer, tenant, or owner including landscaping requirements, parking, traffic control patterns, and other information which will satisfy the Plan Commission as to the total size and impact of the planned business development.
- b) The Building Commissioner shall review all materials, plans and schedules and make recommendations to the Plan Commissions as to the suitability of the development as to:
 - Unified design
 - Safe ingress and egress
 - Adequate and properly located parking and loading facilities
- c) After approval of the preliminary plans by the Plan Commission, the following is required for final plan approval:
 - Engineering plans and specifications for all sanitary sewers, storm sewers, and water distribution lines, as well as telephone, gas and electric utility lines.
 - Any changes from preliminary plans.
 - Deed or easement agreements.
 - Final construction schedule stating the date for final construction on the proposed development.
 - File a surety bond or escrow agreement to insure the final completion of all site improvements which includes streets, drives, walks, walls, water mains, storm and sanitary sewers, and landscape plantings. The bond shall be made to the town for an amount to be specified by the Town Council.
 - Landscaping Plan.

D. LB - Local and Neighborhood Business District - This district is established to provide a local or neighborhood residential community with retail services, convenience shopping, and professional services to meet the daily needs of the community. As such, this district typically will be ten (10) to twenty (20) acres in total area. Permitted uses in this District include general office, neighborhood shopping centers, financial institutions and other small to moderate size businesses. Development within this district requires attachment to public or semi-public water and sewers.

1. Special Requirements

Development Plan – Any proposed development in the LB District shall be subject to the requirements for the filing of a Development Plan as set forth in WC 16.04.065 and Section 15, below.

When the standards of this Section are found to be in conflict with other standards of the Westfield - Washington Township Zoning Ordinance, the stricter standards shall prevail.

2. Permitted Uses - See Figure 2 for list of permitted businesses.

Notwithstanding the provisions of Figure 2, the following uses shall also be considered Permitted Uses in the Local and Neighborhood Business District:

- Liquor stores and taverns
- Carry out food and beverage business (excluding drive-in or drive-through service)

3. Special Exception Uses – None.

4. Minimum Lot Area – Five (5) acres.

5. Minimum Lot Frontage - 50 Feet.

6. Minimum Setback Requirements

a. Front Yard Adjacent to All Districts –

Required front yards adjacent to all districts shall be 60 feet. Exception: The required front yard may be reduced to the average setback of the legally established buildings or structures where an existing front yard setback is established by two or more existing, legally established buildings or structures within the same block and within three-hundred (300) feet in either direction.

b. Side Yards Adjacent to Residential Districts -

Required side yards adjacent to residential districts shall be 60 feet. Exception: If the required side yard abuts an alley, the required side yard setback shall be 40 feet from the right-of-way line of the alley.

c. Side Yards Adjacent to Non-Residential Districts –

Required side yards adjacent to non-residential districts shall be 15 feet.

d. Rear Yards Adjacent to Residential Districts -

Required rear yards adjacent to residential districts shall be 60 feet. Exception: If the required rear yard abuts an alley, the required rear yard setback shall be 40 feet from the right-of-way line of the alley.

e. Rear Yard Adjacent to Non-Residential Districts –

Required rear yards adjacent to non-residential districts shall be 20 feet.

7. Use of Required Yards

All required yards shall be maintained as green space and landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials in compliance with the requirements of Chapter 6. Landscape Standards of this Ordinance, and shall remain free from buildings or structures except where expressly permitted below:

a. Front Yard Adjacent to Non-Residential Districts –

Required front yards adjacent to non-residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than ten (10) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from buildings or structures.

b. Front Yard Adjacent to Residential Districts –

Required front yards adjacent to residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than thirty (30) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from buildings or structures.

c. Side and Rear Yards Adjacent to Non-Residential Districts –

Required side and rear yards may include interior access driveways, provided that the remainder of said required side or rear yard shall be maintained as green space free from buildings or structures.

d. Side and Rear Yards Adjacent to Residential Districts –

Required side and rear yards shall be maintained as green space free from buildings or structures.

8. Maximum Building Height

No building or structure shall be erected above a projected 1:3 proximity slope line (See WC 16.04.040, B., 11).

The maximum height of any building or structure shall be forty-five (45) feet above grade.

9. Square Footage Requirements

- a. Minimum Business Size – 800 square feet.
- b. Maximum Business Size – 30,000 square feet.
- c. Aggregate Maximum of All Building(s) within the Development – 90,000 square feet.

10. Parking

- a. See WC 16.04.120, Off-Street Loading and Parking; and,
- b. All access drives, parking areas, loading areas, driveways, interior access drives and interior access driveways shall be constructed with a durable, dust free surface of concrete or asphalt.

11. Loading – See WC 16.04.120.

12. Signs – See WC 16.08, et seq.

13. Landscaping – See WC 16.06, et seq.

14. Lighting – See WC 16.07.010.

15. Development Plans

Development Plans filed for any new construction, building additions, new or expanded surface parking areas, new or expanded surface loading areas, exterior building renovations or signs in the LB District shall, in addition to any Development Requirements contained elsewhere in this Ordinance, also comply with the following additional Development Requirements:

a. Pedestrian Access and Orientation:

Developers of sites in the Local Business District shall provide sidewalks or pathways along all adjoining public or private streets. Such sidewalks or pathways shall be designed so as to connect to an existing or proposed sidewalk, pathway or trail network.

b. Building Fascia:

All buildings and structures within a Local Business District development shall share a common architectural style.

c. Vehicle Access:

Each vehicle access point shall be designed in compliance with the criteria set forth in this Ordinance and the "Town of Westfield Construction Standards", administered by the Westfield Utilities Department.

d. Development Pattern:

Developments may be either: (i) a freestanding individual development; or, (ii) an integrated development containing more than one (1) business in one (1) or more buildings.

In order to create an integrated development that may include Out Lots, a rezone to the LB-PD shall be required.

In the case of an integrated development, documentary assurances shall be filed with the Plan Commission indicating that all lots or uses within the integrated development shall be provided with, at a minimum, the following: (i) regular trash pick-up; (ii) snow removal; (iii) common vehicle access point(s), and drive(s) and parking area(s), including maintenance thereof.

e. Outside Storage or Display –

- (1) No outside storage or display of materials or merchandise shall be permitted.
- (2) No outside vending machines shall be permitted.
- (3) All business uses shall be conducted within buildings so constructed that no noise, dust or dirt shall be audible or visible beyond the confines of the building or structure.
- (4) Trash containers shall: (i) be screened on all sides with a solid walled or fenced enclosure not less than six (6) feet in height above grade and equipped with wood covered gates; (ii) not be located between the front line of the primary building and the front lot line; and, (iii) not be located in any required yard.

E. LB-H - Local Business - Historical District - The purpose for establishing this district is to provide for the needs of local business in the central business district of the Town of Westfield and also to provide for the preservation, restoration, adaptive use and/or reconstruction of properties and historic buildings in the district.

1. Permitted Uses - See Figure 2 for list of permitted local businesses. Other business not listed which can be classified as local business will also be eligible with the approval of the Plan Commission

2. Special Exceptions -

- Auto Rustproofing
- Auto sales, new or used, service and repair
- Gasoline service stations
- Liquor stores and taverns
- Fruit stands, temporary
- Any outdoor food and beverage business
- Self-service food and beverage business
- Carry-out food and beverage business
- Drive-in food and beverage stores
- Convents, monasteries, theological schools, rectories, parish houses
- Multi-family housing
- Single family dwelling
- Recycling collector system

3. General Requirements and Guidelines - Historical

- a) Commercial Buildings - Structures to be remodeled or altered to be utilized for commercial purposes shall retain original design and features of the existing structure.

Materials used for restoration and repair for windows, doors, exterior siding, roofing and other exterior needs shall replicate to the extent possible the existing materials utilized in the period of initial construction.

- b) Exterior modifications for porches, overhangs, chimneys and room additions shall be compatible in design of the original structure or like structures. Wood products and white and earth tone colors shall be utilized to the extent possible.
 - c) Residences - New homes, single or multi-family, to be located in the district shall be of a design and constructed with materials to be contemporary with existing structures. Modifications to existing homes and accessory buildings shall also be compatible with the period of original construction utilizing white, earth tones or historical colors and emphasis on wood exteriors.
 - d) Approval Procedure - An applicant requesting a building permit shall provide to the Building Commissioner three copies of the specifications and design for all renovation, restoration or new construction and signage in the local business - historical district (LB-H). The Building Commissioner will provide information to all applicants on the type of facilities that are being encouraged and the materials for construction that the Plan Commission has endorsed. Any person who shall make application for an improvement location permit for a new building or the substantial alteration of an existing building whether it be the restoration, rehabilitation, or its adaptive use shall submit preliminary drawings, including site plan, sign plans, floor plans and elevations to the Plan Commission for review and approval.
 - e) Exemption - All requirements or conditions pertaining to setback lines, lot area sized, parking requirements and loading and unloading berths may be waived by the Plan Commission without a variance based upon the general purpose and intended use of the facility to be restored or rehabilitated.
- F. GB - General Business District - This district is established to accommodate the general business needs of the township including incorporated and unincorporated towns and is served by public water and sewers. This district is more comprehensive than the local business district.
1. Special Requirements - None
 2. Permitted uses - See Figure 2 for list of permitted businesses. Any other business not listed which can be classified as general business will be eligible with the approval of the Plan Commission
 3. Special Exceptions -
 - Auto rustproofing

- Gasoline service stations
- General construction company
- Coal yards
- Mobil home sales
- Salt storage - outside
- Book stores, adult
- Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
- Lumber yards - including millwork
- Multi-family housing
- Taverns
- Industrial schools or training facilities
- Amusement parks
- Convents, monasteries, theological schools, rectories, parish houses
- Large animal hospitals
- Manufactured home parks (in accordance with provisions of WC 16.04.090)
- Outdoor theaters
- Material recycling facilities (MRFs)
- Commercial composting facilities

4. Minimum Lot Area - None

5. Minimum Lot Frontage on Road - 80 Feet

6. Minimum Setback Lines -

- Front Yard -
 - ⇒ General Business - 60 feet for newly established area
Average of other businesses in the block for established business areas
 - ⇒ Planned business development (see WC 16.04.050 F)
- Side Yard -
 - ⇒ General Business - For side yards adjoining a road or street - not less than 60 feet in new area.
For side yards abutting a residential area, 60 feet, or if there is an alley between a residential district and the general business district, the side yard setback shall be 20 feet from the alley.
In established business districts where it is customary to have the businesses abut one another, side yard requirements may be waived except on corner lots when the street side setback shall prevail

- Rear Yard - General business - 20 feet
 - Minimum Lot Width at Building Line - None
7. Maximum Building Height - Not to exceed 60 feet
 8. Minimum Ground Level Square Footage - None
 9. Parking - Off-street and/or private parking shall be provided in accordance with the provisions in this ordinance.
 10. Loading and Unloading Berths - Loading and unloading berths shall be provided as identified in this ordinance.
- G. SB - Special Business District - This district is established to provide for the needs of general business planned business development and multi-family uses. Business developments in this district are subject to the requirements and standards of planned business development for general business as outlined in Article I, except where other requirements and standards for special business districts are specifically set forth.
1. Permitted Uses -
 - All general and local businesses as outlined in Figure 2. Any other business not listed which can be classified as local or general business will also be eligible with the approval of the Plan Commission
 - Multi-family Housing
 2. Special Exceptions -
 - Auto rustproofing
 - Auto sales, new or used, service and repair
 - Fruit stands, temporary
 - Any outdoor food and beverage business
 - Self-service food and beverage business
 - Gasoline service stations
 - Coal yards
 - Salt storage - outside
 - Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
 - Lumber yards - including millwork
 - Liquor stores and taverns
 - Restaurants - drive-in and carry-out food and beverage stores
 - Industrial schools or training facilities

- Amusement parks
- Convents, monasteries, theological schools, rectories, parish houses
- Large animal hospitals
- Manufactured home parks (in accordance with provisions of WC 16.04.090)
- Outdoor theaters
- Material recycling facilities (MRFs)

3. Minimum Lot Area - As required under Planned Business Development district.
4. Minimum Lot Frontage on Road - As required under Planned Business Development district.
5. Minimum Setback Lines - As required under Planned Business Development district.
6. Maximum Building Height - As required under Planned Business Development district.
7. Minimum Ground Level Square Footage - As required under Planned Business Development district
8. Parking - Off-street and/or private parking shall be provided in accordance with the provisions of this ordinance.
9. Loading and Unloading Berths - Loading and unloading berths shall be provided as identified in this ordinance.

H. LB-PD and GB-PD - Local Business - Planned Development and General Business - Planned Development - The purpose of these districts is to allow commercial development of such a nature that the areas will be developed in a compatible design and that overall supporting services including roads and utilities can be provided in a proper manner to accommodate the needs of business in these districts. Outlot development should be compatible in general exterior design, coloration, and use of materials to that of the primary development structure or structures.

1. General Requirements - The general requirements for obtaining a building permit for a planned business development in any district shall be in accordance with the following procedures. In any district in which rezoning of land, or a special exception, or an exemption from special exception restrictions, or a variance from the ordinance requirements is requested in connection with the development of land or buildings subject to the provisions, requirements, and standards of this ordinance governing planned business development, the petitioner for such rezoning, special exception, exemption or variance, in connection with such planned business development shall petition the Plan Commission or Board of Zoning Appeals, as appropriate, for such rezoning, special exception, exemption or variance, and shall notify surrounding property owners of such petition. Prior to the hearing on such petition, the petitioner shall submit evidence to the

Plan Commission or Board, as appropriate, that all land owners located within a 500 foot radius of the proposed development have been notified in writing of the petitioner's request for such rezoning, special exception, exemption or variance. Such notice shall inform the notified land owners of the date for the public hearing to be held by the Board of Zoning Appeals or Plan Commission. For the purpose of determining the names and addresses of such land owners, the most recent real estate tax assessment records as they appear in the office of the assessor of Hamilton County, Indiana on the date the petition for rezoning, special exception, exemption or variance is filed shall be deemed the true names and addresses of persons entitled to notice. Outlot development area shall not exceed 25 percent of the total development.

2. Minimum Tract Requirements -

- In Planned Business Developments for General Business districts - A minimum of 10 acres
- In Planned Business Developments for Local business districts - A minimum of 5 acres
- Enclosed Industrial districts (Industrial Parks) - A minimum of 10 acres
- Where Local and General Business are included in the same Planned Business Development, the 10 acre minimum shall apply

3. Permitted Uses -

- All businesses approved for Local Business as shown on Figure 2 are eligible for Planned Local Business Development.
- All businesses approved for General Business as shown on Figure 2 are eligible for Planned General Business Development.

4. Special Exceptions -

a) Planned Business Development - Local Business -

- Auto rustproofing
- Auto sales, new or used, service and repair
- Gasoline service stations
- Liquor stores and tavern
- Fruit stands, temporary
- Any outdoor food and beverage business
- Self-service food and beverage business
- Carry-out food and beverage business
- Drive-in food and beverage stores
- Convents, monasteries, theological schools, rectories, parish houses
- Manufactured home parks - in accordance with the provisions of WC 16.04.090

- Material recycling facilities (MRFs)
- b) Planned Business Development - General Business -
- Auto rustproofing
 - Gasoline service stations
 - Coal
 - Salt storage - outside
 - Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
 - General construction companies
 - Lumber yards - including millwork
 - Mobile home sales
 - Liquor stores and taverns
 - Industrial schools or training facilities
 - Amusement parks
 - Convents, monasteries, theological schools, rectories, parish houses
 - Large animal hospitals
 - Manufactured home parks - in accordance with the provisions of WC 16.04.090
 - Outdoor theaters
 - Material recycling facilities (MRFs)
- c) Where in districts requiring Planned Business Development for Local Business, General Business and Special Business, there is proposed to be developed an enclosed shopping center with 100,000 square feet or more of gross leasable area, the special exception businesses and other uses as listed in 4.a) and 4.b) of this subsection may be exempted from such special exception restrictions if written approval is obtained from the Board of Zoning Appeals indicating which businesses and other uses listed as special exceptions may be included in such enclosed shopping center or in areas adjacent to such enclosed shopping center as appurtenant uses within 300 feet of the shopping center. The written approval by the Board of Zoning Appeals for such exemption must be granted on or before final plans are approved by the Plan Commission for the project. Such approval shall be recorded in the minutes of the Board of Zoning Appeals and a copy transmitted to the petitioner.

5. Minimum Frontage Required on Street of Primary Access-

- 10 acre minimum - 660 feet
- 5 acre minimum - 330 feet

6. Minimum Setback Lines -

- Front Yard - 10 acre minimum - 60 feet
 5 acre minimum - 30 feet

- Side Yard - 10 acre minimum - 15 feet
 5 acre minimum - 15 feet
 - Rear Yard - 10 acre minimum - 20 feet
 5 acre minimum - 20 feet
 - Minimum Lot Width at Building Line - None
7. Minimum Number of Structures - None
8. Minimum Size of Structures - None
9. Application Procedure - Applications for a Planned Business Development shall consist of the following steps:
- a) Preliminary plans presented to the Building Commissioner must:
- Be drawn to scale.
 - Show dimensional boundaries of property to be developed.
 - Indicate location, type and size of structures, and use and arrangement of all structures (details are not necessary).
 - Show the proposed number of parking and loading spaces.
 - Show the proposed locations and width of driveways, entrances and exits.
 - Show all areas to be maintained as permanent open space.
 - Provide a traffic study to include:
 - 1) A comparative analysis of present capacity of streets adjacent to the proposed center with potential capacity volumes, taking into consideration the effect the proposed center will have upon engendering additional traffic; and
 - 2) A circulation plan for all streets (existing and proposed) which will show recommendations for controlling, signaling, channeling, storing and warning traffic.
 - Include a statement of financial responsibility which demonstrates the ability of the developer of the center to proceed with construction and development
 - Show locations and dimensions of sidewalks
 - Provide for dedication of any right-of-ways that may be necessary
 - Show location of any easements for utilities, public or private
 - Include a statement of proposed covenants to insure that the development plan is reasonable
 - Insure proper drainage

- Provide a statement as to the proposed timetable for development if the project is to be done in phases
 - Submit a preliminary plan indicating the proposed location of land within the property to be developed which may be developed as out-lots of the shopping center or other business. Such plan shall indicate the proposed general location of such future buildings and construction requirements such as exterior design and height that shall be met by the developer, tenant, or owner including landscaping requirements, parking, traffic control patterns, and other information which will satisfy the Plan Commission as to the total size and impact of the planned business development.
- b) The Building Commissioner shall review all materials, plans and schedules and make recommendations to the Plan Commission as to the suitability of the development as to:
- Unified design
 - Safe ingress and egress
 - Adequate and properly located parking and loading facilities
- c) After approval of the preliminary plans by the Plan Commission, the following is required for final plan approval:
- Engineering plans and specifications for all sanitary sewers, storm sewers, and water distribution lines, as well as telephone, gas and electric utility lines
 - Any changes from preliminary plans
 - Deed or easement agreements
 - Final construction schedule stating the date for final construction on the proposed development
 - File a surety bond or escrow agreement to insure the final completion of all site improvements which includes streets, drives, walks, walls, water mains, storm and sanitary sewers, and landscape plantings. The bond shall be made to the Town for and amount to be specified by the Town Council.
- I. General Variance - Where the developer of business located in a planned business development district can show the provisions of this ordinance would cause unnecessary hardship if strictly followed, and where in the opinion of the Plan Commission because of the type and number of businesses to be located in such planned business development, the required number of parking spaces or the required size of such parking spaces or the; number of loading berths or the required size or configuration of such loading berths for such businesses are not practical, then the Plan Commission may authorize a variance from such required standards of this section and such variance shall be entered into the minutes of the Plan Commission together with the reasoning for the departure from the required standards.

EXHIBIT 6. General Business Permitted Use List (Zoning Ordinance)

WC 16.04.180 Figures

The following figures are hereby declared to be a part of this Article:

Figure 1. Schedule of Fees

The Schedule of Fees shall be as established by annual resolution of the Town Council of the Town of Westfield. Such Schedule of Fees shall be available for review in the office of the Town Clerk and in the office of the Community Services Department.

Figure 2. Use List

Commercial Businesses

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Advertising and Business Signs, Fabrication		X	X	X
Amphitheaters	X	X		
Antiques	X	X		
Apartment-Hotels, Motels, Hotels		X		
Art School	X	X		
Artisan School	X	X	X	
Assembly Halls	X	X		
Auction Rooms		X	X	
Auditoriums		X		
Auto Parts Sales		X	X	
Auto Rental		X	X	
Auto Repair Garages			X	
Auto Rustproofing			X	
Auto Storage			X	
Auto Sales, New or Used, Service and Repair		X		
Bakeries	X	X	XP	
Banks and Savings & Loan Assn.	X	X		
Barber and Beauty Schools	X	X		
Barber and Beauty Shops	X	X		
Bicycle Sales, Rental & Service	X	X		
Billiard Parlor		X		
Blueprinting, Photocopying Job Printing		X	X	
Boat and Trailer Sales & Service		SP. EX.		X
Book Stores	X	X		
Bowling Alley		X		
Business and Clerical Schools		X		
Bus Stations		X	X	
Camera Stores	X	X		
Car Wash (Indoor)	SP. EX	X		
Caskets and Casket Supplies (Mortuary)		X	X	
Cemetery Monument Sales		X	X	X
Cemetery Monuments & Tombstones Manufacture (Including Engraving)			X	X
Charitable Donation Pick-Up Station	X	X		
Charitable Institutions		X		
China and Glassware Shops	X	X		
Churches	X	X		
Civic Centers	X	X		
Civic Clubs	X	X		
Coin Shops	X	X		
Commercial Parking Lots and Structures, Public	X	X	X	

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Commissary, Food Catering Serv.		X	X	
Concrete Contractors - Heavy Commercial			X	X
Consumer Service Offices	X	X		
Crating and Packaging Service			X	
Credit Union Offices	X	X		
Custard Stands	X	X		
Dancing Schools	X	X		
Delicatessen	X	X		
Dentists	X	X		
Department Stores - Under 10,000 Sq. Ft.	X	X		
Department Stores - Over 10,000 Sq. Ft.		X		
Discount Stores - Under 10,000 Sq. Ft.	X	X		
Discount Stores - Over 10,000 Sq. Ft.		X		
Distributors - Inside Storage			X	
Distributors - Outside Storage				X
Drive-In Food and Beverage		X		
Drug Stores	X	X		
Dry Cleaning & Laundry Pickup	X	X		
Educational Institutions Public and Private	X	X		
Electrical Contractors, Heavy Commercial			X	X
Electrical Supply Store		X	X	
Embalming School		X	X	
Employment Agencies	X	X	XP	
Exhibition Halls	X	X		
Exterminators		X	X	
Fabric Shops	X	X		
Farm Implement Sales & Service		X	X	X
Feed Stores		X	X	
Fire Stations	X	X	X	X
Floor Coverings	X	X		
Florists	X	X		
Frozen Food Stores & Lockers		X	X	
Fruit Stands, Permanent	X	X		
Fruit Stands, Temporary	SP.EX.	X		
Furniture Stores	X	X		
Furrier Shops	X	X		
Galleries	X	X		
Garden and Lawn Materials and Supply Stores	X	X	X	
Gasoline Service Station	SP.EX.	SP.EX.		
General Construction Company		SP.EX.	X	X
Gift Shops	X	X		
Glass Fabrication & Installation			X	
Government Offices-Universities	X	X	XP	
Greenhouses, Retail		X		

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Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Grocery Stores	X	X		
Health, Fitness, and Exercise Center		X		
Hardware Stores	X	X		
Hobby Shops	X	X		
Home Remodeling Company		X	X	
Home Remodeling Supplies and Materials		X	X	
Hospitals (Minor), Medical and Dental Clinics and Labs	X	X	X	
Industrial Laundry and Dry Cleaning Plants			X	
Insurance Companies	X	X		
Interior Decorating	X	X		
Jewelry Stores	X	X		
Language Schools	X	X		
Laundromats and Self-Service Dry Cleaning	X	X		
Lawyers	X	X		
Libraries	X	X		
Liquor Stores	SP.EX.	X		
Loan Offices	X	X		
Locksmith Shops	X	X	SP. EX.	
Luggage Stores	X	X		
Lumber Yards - Including Millwork				X
Mail Order Store	X	X		
Major Appliance Store		X		
Millinery	X	X		
Miniature Golf, Archery, Driving Range, Trampoline Centers		X		
Mobile Home Sales			X	
Model Display Homes & Garages			X	
Mortuaries		X		
Motorcycle Sales, Service, Repair and Outdoor Display		X		
Museums	X	X		
Music, Records, Instruments	X	X		
Music Schools	X	X		
Newspaper Distribution Station		X	X	
Newspaper Publishing		X	X	
Nursery - Plants, Retail	X	X		
Optometrists	X	X		
Paint and Wallpaper Stores	X	X		
Painting and Decorating Contractors-Heavy Commercial			X	X
Pet Grooming	X	X		
Pet Obedience Schools		X		
Pet Shops	X	X		

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Philanthropic Institutions	X	X		
Photography School	X	X		
Photography Studio	X	X		
Photography Supplies	X	X		
Physicians	X	X		
Picture Framing	X	X		
Plumbing Contractors - Heavy Commercial			X	X
Plumbing Showrooms and Shop		X	X	
Police Stations	X	X	X	X
Post Offices	X	X	X	X
Printing and Photocopying, Small Jobs	X	X		
Professional & Technical Schools		X	X	
Radio and TV Service	X	X	X	
Real Estate Offices	X	X		
Recycling Collection Systems				X
Restaurants and Cafeterias Having More Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins	X	X		
Restaurants and Cafeterias Having Less Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins	SP. EX.	X		
Restaurants With Live Entertainment		X		
Roller & Ice Skating Rinks		X		
Roofing Contractors - Heavy Commercial			X	X
Root Beer Stands		X		
Self-Service Car Wash		X		
Semi-Automatic Car Wash	SP.EX.	X		
Septic System Contractors			X	X
Sewing Machine Sales & Service	X	X		
Sheet Metal Contractors - Heavy Commercial			X	X
Shoe Repair	X	X		
Shoe Stores	X	X		
Sporting Goods	X	X		
Stationery Stores	X	X		
Storage and Transfer (Household Goods)			X	X
Storm Doors, Windows, Awnings, Siding Contractors - Manufacture			X	X
Taylor or Seamstress	X	X		
Taxidermist			X	
Tennis Facilities		X		
Testing Laboratories			X	
Theaters - Indoor		X		
Tire and Auto Service Center		X	X	
Tire Recapping			X	

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Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Tobacco Shops	X	X		
Tool and Light Equipment Rental		X	X	
Toy Stores	X	X		
Trailer Rentals		SP.EX.		X
Travel Bureaus	X	X		
Travel Trailer Sales & Rentals		SP.EX.		X
Truck Cleaning, Service, Rental and Repair			X	X
Trucking Companies			X	X
Typewriter Sales, Rental and Service	X	X		
Upholsters	X	X	XP	
Veterinarians - Small Animals, No Outdoor Runs	X	X		
Warehouses - Inside Storage			X	X
Wearing Apparel & Accessory Shops	X			
Wholesalers - Inside Storage			X	X

Industrial Businesses

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Assembly Operations of Pre-Manufactured Parts, Components			X	X
Assembly, Repair & Manufacture of Light Component Parts			X	X
Bottling of Alcoholic and Non-Alcoholic Beverages			X	X
Bulk Storage, Petroleum Prod.				X
Canning, Bottling, Processing & Packaging of Food				X
Coffee Roasting			X	X
Concrete Mixing - Permanent				X
Data Processing		X	X	X
Engineering and Research Labs			X	X
Granaries, Grain Processing, Starch Manufacturing				X
Industrial Schools & Training Facilities		X	X	X
Leather Products Manufacturing From Finished Leather			X	X
Machine, Welding, Tool and Die Shops			X	X
Mfg. & Assembly of Communication Equipment			X	X
Mfg. & Assembly of Major Household Appliances			X	X
Mfg. & Assembly of Marine Equipment			X	X
Mfg. & Assembly of Office Equipment			X	X
Mfg. of Boiler Tanks				X
Mfg. of Cabinets			X	X
Mfg. of Cans and Containers			X	X
Mfg. of Cement				X
Mfg. of Cloth Products from Finished Cloth			X	X
Mfg. of Detergents & Soaps				X
Mfg. of Furniture			X	X
Mfg. of Glass & Glass Products			X	X
Mfg. of Jewelry, with Retail	X	X		
Mfg. of Jewelry, without Retail			X	X
Mfg. of Musical Instruments			X	X
Mfg. of Non-Alcoholic Beverages			X	X

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Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Mfg. of Office Machinery			X	X
Mfg. of Optical Goods			X	X
Mfg. of Paper Boxes and Paper Products From Finished Paper			X	X
Mfg. of Portable Household Appliances, Electric Hand Tools, etc.			X	X
Mfg. of Railroad Equipment, Repair and Service				X
Mfg. of Recording Instruments, Phonograph Records, etc.			X	X
Mfg. Tools, Implements, Machinery			X	X
Mattress Mfg. & Upholstering			X	X
Milk Processing, Bottling & Mfg. of Milk Products			X	X
Motor Truck Terminals				X
Outdoor Advertising Signs, Mfg. and Construction				X
Pharmaceutical, Medicine, & Cosmetic Mfg.			X	X
Production of Concrete Blocks, Shapes, Cinder Blocks, etc.				X
Secondary Food Processing and Packaging & (Initially Processed off the Premises)			X	X
Stamping & Fabricating Metal Shops			X	X
Structural Steel Fabricating				X
Warehousing & Distribution Operations (Outside Storage)				X
Well Drilling				X

Miscellaneous Businesses

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial	AG – SF1	Multi-Family
Airports & Landing Fields					SP.EX	
Amusement Parks		SP.EX.			SP.EX	
Boarding & Lodging Houses	X	X				MF 1-2
Book Stores, Adult				X		
Cemeteries					X	
Cemeteries - Pet					X	
Christmas Tree Sales	X	X			SP.EX.	SP.EX. ALL MF
Convents, Monasteries, Theological Schools, Rectories, Parishes	SP.EX.	SP.EX.			SP.EX.	SP.EX. ALL MF
Fraternities, Lodges	X	X				
Day Care Centers	X	X				MF 1-2
Golf Courses - Country Clubs					SP.EX. SF 1-2	
Heliports		X	X	X	SP.EX. SF 1	
Hospitals, Major		X				
Kennels - Including Outdoor Runs			SP.EX.		SF 1 SP.EX.	
Livestock Auction Sale Barns					SP.EX. SF 1	
Large Animal Hospital					SP.EX. SF 1	
Mobile Home Parks						SP.EX.
Multi-Family Housing						X
Nursing Homes		SP EX				MF 2
Office Buildings - General Purpose	X	X	X			
Private and Public Schools with Dorms					SP.EX. SF 1	SP.EX. MF 1-2
Private Clubs, Lodges	X	X			SP.EX. SF 1	
Public & Private Camps					SF 1	
Raising Small			X		SP.EX.	

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Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial	AG – SF1	Multi-Family
Animals for Biological Purposes					SF 1	
Raising Animals for Furs or Pets			X		SP.EX. SF 1	
Riding Academies					SP.EX. SF 1	
Riding Stables					SP.EX. SF 1	
Sanitariums		X				MF 2
Schools and Kindergartens	X	X			X	X
Stockyards - Shipping, Holding & Sale of Animals					SP.EX.	
Tennis & Swim Clubs		X			SP.EX. SF 1-2	
Utilities-Regulated by Indiana Utility Regulatory Commission	SP.EX. - All Areas					
Utilities - Not Regulated by Indiana Utility Regulatory Commission	Permitted All Areas					
Wireless Communication Service Facilities (including Cell Towers)			SP.EX.	SP.EX.		

P = Eligible in Planned Business Development

NOTE: General Purpose Office Buildings are also Eligible to be Located in LB-H, SB-PD

NOTE: Where this table conflicts with other sections of the zoning ordinance that address “permitted uses” or “special exception uses” in the various zoning districts, then this table shall supercede those other sections.

NOTE: Land uses not listed on Figure 2 or in other sections of the zoning ordinance that address “permitted uses” or “special exception uses” in the various zoning districts shall be prohibited.

(As amended by Ordinance 01-05 on July 9, 2001)

EXHIBIT 7. Zoning Ordinance Temporary Events & Uses

WC 16.04.095 *Temporary Uses and Events*

A. Purpose and Intent

The purpose of this Article is to ensure that the public health, safety and general welfare of the community is protected within temporary uses and during temporary events.

B. Exemptions

1. Events hosted on an individual homeowner's parcel including but not limited to garage sales, estate sales, private parties.
2. City sponsored events as approved by the City Council.
3. Events held on public park property (see rules established in the City of Westfield's Special Event Policy PK 01-11 administered by the Westfield Parks Department).

C. Standards for Temporary Uses, Events and Structures The review of temporary uses, events, or structures shall be reviewed in accordance with the following standards:

1. General Standards

- i. Parking requirements for the site at the time of development or if the parcel is vacant, present development standards; shall not substantially be impacted by the temporary event.
 1. The Director may limit the location for traffic flow or public safety reasons.
- ii. All temporary structures must meet the setbacks as defined in the zoning ordinance for the district in which they are being installed.
- iii. A proposed temporary event or use shall be located on a parcel with a permitted principle building or on a vacant parcel when the minimum required setbacks for the district are met.
 1. Temporary event/use shall be incidental to the principal permitted use or structure existing on the property or an abutting property.
 - a. Holiday Tree and Temporary Greenhouse Sales are exempt from this standard.
- iv. Goods and display materials must be stored inside either a permanent or temporary structure during non-event hours
 1. Holiday Tree and Temporary Greenhouse Sales are exempt from this standard.
- v. The temporary event shall not eliminate or negatively impact required parking for the underlying use. Additional parking may be required upon finding that the proposed temporary event/use increases the need for parking.
- vi. All equipment, materials, goods, poles, wires and other items associated with the event shall be removed from the premises within two (2) days of the conclusion of the temporary use or event.
- vii. All temporary events shall conform to all State and County Health Department regulations and codes including IC16-42-5 and 410 IAC 7-24.
- viii. Temporary events held in City of Westfield Parks and Playing Fields shall follow the requirements as outlined in the Westfield Park and Recreation Department's Policies and Procedures Manual.
- ix. Any temporary events that require the assignment of additional Westfield Police Officers and/or Westfield Fire Department Responders shall be responsible for the cost of said employees.
 1. Payments shall be made directly to the City of Westfield Police Department and/or the City of Westfield Fire Department.

2. Tent Events

- i. All tent events must meet the applicable standards under the General Standards subsection of this section of code.
- ii. Tent events are allowed in nonresidential districts and for non-residential uses in residential districts.

- iii. Tents must be located on the parcel of the primary business or on a vacant lot adjoining that of the primary business.
 - iv. Tents shall be subordinate in size to the primary structure.
 - v. Signs shall be limited to two (2).
 - 1. Signs shall not exceed twelve (12) square feet each.
 - 2. Signs must be affixed to the temporary structure associated with the event.
 - 3. No other signs shall be allowed.
 - 4. Signs shall not be illuminated.
 - 5. Signs must meet all other applicable standards of the Sign Ordinance.
 - vi. Tent events shall be an extension of the existing uses on site and not in addition to.
 - vii. No sale displays outside the tent shall be allowed.
 - 1. All items or products shall be under a tent or inside the store after business hours.
 - viii. Lighting shall be allowed inside the tent only.
 - ix. Noise must be kept to a level that is not audible from forty (40) feet or more away from the source or is at a level of ninety (90) decibels or less when measured six feet from its source on a dB(A) meter.
 - x. Hours of operation shall not exceed the hours of the business.
 - xi. Permitting
 - 1. Temporary Use/Event Permits are issued by the Community Development Department.
 - 2. Tent events are allowed per parcel for up to thirty (30) days per permit with a sixty (60) day total per calendar year maximum.
 - 3. Permits may be issued for consecutive days.
 - 4. Applicants must provide dates of events.
 - 5. Inspections by Community Development and the Fire Department will be required.
 - a. Tents must meet Uniform Fire Code or International Fire Code standards.
 - 6. Limited Exception – Temporary Use/Events conducted in accordance with the following standards shall not be required to obtain a Temporary Use/Event Permit. However, such Temporary Use/Event shall comply with the other standards of this Ordinance.
 - a. Tent events lasting no more than 3 days; and
 - b. The tent size does not exceed 600 square feet; and
 - c. The sale of any item, product, or service shall be prohibited.
3. Sidewalk Sales
- i. All sidewalk sales must meet the applicable standards under the General Standards subsection of this section of code.
 - ii. All sidewalk sales must be located within ten (10) feet of the business's pedestrian entrance.
 - iii. Such sales events shall not impede pedestrian traffic or force pedestrians into vehicle traffic lanes.
 - 1. A five (5) foot pedestrian access area on the sidewalk shall be maintained at all times.
 - 2. The pedestrian access area on the sidewalk shall not be interrupted or impeded with building, utility or landscaping elements such as but not limited to columns, supports, plantings or other such materials.
 - iv. Tents are prohibited.
 - v. No permit required
4. Temporary Greenhouse and Holiday Tree Sales shall meet the standards of all Federal, State and City Building and Fire Codes outlined below.

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- i. All Temporary Greenhouse and Holiday Tree Sales must meet the applicable standards under the General Standards subsection within this section of code.
 - ii. Holiday Tree Lots and Temporary Greenhouse sale areas are restricted to three thousand eight hundred (3,800) square feet.
 1. With the permission of the Community Development Director, Holiday Tree Lots may be increased up to five thousand (5,000) square feet.
 - iii. Temporary Greenhouse Sales and Holiday Tree Lots operations shall be conducted between the hours of 6:00 a.m. and 8:00 p.m.
 - iv. Such sales are restricted to nonresidential districts and permitted nonresidential uses in residential districts.
 - v. Bagged, bulk items must be stored within an adjacent permanent or temporary structure.
 - vi. Signs shall be limited to two (2).
 1. Signs shall not exceed twelve (12) square feet each.
 2. Signs must be affixed to the temporary structure associated with the event.
 3. No other signs shall be allowed.
 4. Signs shall not be illuminated.
 5. Signs must meet all other standards of the Sign Ordinance.
 - vii. Music must be kept to a level that is not audible from forty (40) feet or more away from the source or is at a level of ninety (90) decibels or less when measured six feet from its source on a dB(A) meter.
 - viii. Permitting
 1. Temporary Use/Event Permits are issued by the Community Development Department.
 2. Permit for these sales shall be valid for a maximum of sixty (60) consecutive calendar days.
 - a. Applicants must provide dates of sales.
 3. A permit is required for each location of operation.
 4. No more than two (2) permits shall be issued per parcel per calendar year.
 5. Inspections by Community Development and the Fire Department will be required.
5. Outdoor Café and Eating Area In addition to the standards outlined in the above subsection, standards for Temporary Event/Use, outdoor cafes and eating areas are subject to the following conditions:
- i. All outdoor cafés and eating areas shall conform to all State and County Health Department regulations and code including IC16-42-5 and 410 IAC 7-24.
 - ii. Lighting must be compliant with the standards set in this chapter.
 1. Festoon lighting is not allowed.
 - iii. Music must be kept to a level that is not audible from forty (40) feet or more away from the source or is at a level of ninety (90) decibels or less when measured six feet from its source on a dB(A) meter.
 - iv. Such cafes and eating areas shall not impede pedestrian traffic or force pedestrians into vehicle traffic lanes.
 1. A five (5) foot pedestrian access area on the perimeter of the outdoor café and eating area shall be maintained at all times.
 - a. The pedestrian access area on the sidewalk shall not be interrupted with building, infrastructure, utility or landscaping elements such as but not limited to columns, supports, plantings or other such materials.
 - v. Proposed area must be compliant with all Federal, State and City Building Codes and access requirements.
 1. Proposed outdoor cafés and eating areas that would occupy or extend into public rights-of-way may not be located in such a manner that renders any public right-of-way, sidewalk, or path non-compliant with Federal, State, or City Building Code.

- vi. Permitting
 - 1. Temporary Use/Event Permits shall be issued annually by Community Development Director and the Fire Marshal.
 - 2. Outdoor cafés and eating areas located in areas requiring an encroachment permit are not allowed prior to April 1st or after October 31st.
 - 3. All furniture and fencing or other separation devices used in areas requiring an encroachment permit must be removed completely by October 31st of each year leaving the area free of all obstructions.
 - a. No modifications or alterations shall be made to or within the public right-of-way to accommodate or support furniture or fencing devices without the written consent of WPWD.
 - b. Any modifications or alterations permitted by WPWD shall be of such nature as to be completely removed, repaired and replaced, and shall allow for unobstructed access to the public right-of-way upon the conclusion of the permitted outdoor café operation.
 - 4. For outdoor cafés and eating areas located within rights-of-way, encroachment permit applications shall be submitted along with the Temporary Use permit.
- D. Temporary Use/Event Permit Submittal and Procedure Information In addition to the required information pertaining to the request as contained within this section, the applicant shall submit the following to the City of Westfield, Community Development Department.
 - 1. A completed application form and required fee.
 - 2. A written statement describing the requested use, operations plan, traffic control and the proposed time period.
 - 3. An 8.5” x 11” plot plan or sketch that illustrates:
 - i. The property lines of the site.
 - ii. Adjacent uses and zoning districts.
 - iii. Location of fire hydrants.
 - iv. Existing and proposed buildings or structures.
 - v. Boundaries of proposed sales/activity area.
 - vi. Proposed lighting and method of power.
 - vii. Parking calculations based upon standards set within this Chapter.
 - viii. Proposed traffic circulation.
 - ix. Location and size of proposed signs.
 - x. Location and method of trash disposal.
 - xi. Any other information deemed necessary by the Community Development Director or their designee.
 - 4. Proof of ownership, or if the applicant is not the owner of the land, written permission from the property owner for said use/activity.
 - 5. If standards above require an Improvement Location Permit or Encroachment Permit, those applications shall be submitted with Temporary Use/Event Permit application.
 - 6. Proof that reasonable liability insurance is carried depending on the use/activity.
 - i. The City of Westfield and Washington Township shall be added as an additional insured at the applicant’s expense.
 - 7. If alcohol is sold or consumed, proof of appropriate permits from the State of Indiana, Alcohol and Tobacco Commission is required.
 - i. No aspect of the City of Westfield Temporary Event, Use or Structure permit shall exempt any entity or individual from all applicable State laws regarding the serving of alcoholic beverages.
 - 8. If cooking or eating is involved in a temporary event, outdoor café or some other eating area, proof of review and approval from the Hamilton County Health Department is required.
 - 9. The Community Development Department will coordinate reviews with Westfield Police and Fire departments. Submittals must be made to the Community Development Department thirty (30) days prior to the scheduled event.

E. Penalties

1. Any person or entity that violates any part of the provisions of this Article shall have the permit revoked for the event.
 - i. If the violation is abated, a permit may be re-instated after a review by the Community Development Director, Chief of Police, Fire Chief or their designees.
2. Any person or entity that has their permit revoked more than once in a one (1) year period will be prohibited from applying for any Temporary Use/Event permits for one (1) year.
3. In the event of a Public Safety emergency the Mayor, Deputy Mayor, Chief of Police, or Fire Chief may revoke the permit.
 - i. If a permit is revoked for Public Safety reasons, the person and entity that were issued the permit may not apply for any Temporary Use/Event permits for a period of two (2) years.
4. Continued non-compliance after the revocation of said permit necessitating additional enforcement action on the part of the City of Westfield may result in:
 - i. The assessment of fines, fees, attorney's fees and court costs as provided for in applicable City and State enforcement statutes.

F. Fees

1. The fee for application for a Temporary permit shall be as per the approved Community Development Department Fee Schedule at the time of application.
2. Fees for application shall be separate from and not applied to any other permits or deposit fees associated with the Temporary event, use or structure.
3. Fees for any Temporary event, use, or structure application which is denied shall be non-refundable.
4. For events located in City Parks and Playing Fields, fees are required per the City of Westfield Parks and Recreation Department Policies and Procedures Manual.
 - i. Parks and Recreation Department fees shall be paid directly to the City of Westfield Parks and Recreation Department.

G. Appeal

1. Any decision to deny a Temporary Use/Event Permit by the Community Development Director may be appealed to the Board of Zoning Appeals.

EXHIBIT 8. City of Westfield State Road 32 Overlay Zone Zoning Ordinance

WC 16.04.065 State Highway 32 Overlay Zone.

1) Purpose and Intent.

- a) The purposes of the State Highway 32 Overlay Zone are: (1) to preserve and enhance the aesthetic qualities of the State Highway 32 corridor by regulating building architecture, building placement and building orientation, landscaping, design of water detention areas and transitions between the corridor and adjacent uses; and (2) to preserve and enhance the transportation functionality and safety of the State Highway 32 thoroughfare by limiting road access, regulating building setbacks, providing for alternative transportation, and providing for the future development/redevelopment of the State Highway 32 corridor into an “employment corridor” as contemplated in the Westfield - Washington Township Comprehensive Plan.
- b) Several figures are referenced within this State Highway 32 Overlay Zone ordinance. Such figures are intended to illustrate the specific subjects of the paragraphs in which they are referenced. Not every figure included in this State Highway 32 Overlay Zone ordinance is intended to illustrate a structure that fully complies with all standards of this ordinance.

2) Applicability. The provisions of this State Highway 32 Overlay Zone ordinance shall apply in the following instances:

- a) The State Highway 32 Overlay Zone standards shall apply to any petition, application, development or improvements within the State Highway 32 Overlay Zone that require a change in zoning, variance of use or development plan review.
- b) The State Highway 32 Overlay Zone is hereby established as the land area within six hundred (600) feet of the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline (the “32 Overlay Zone”).
- c) If any building, structure or improvement is only partially located within the 32 Overlay Zone, the provisions of this Section shall apply to all of such building, structure or improvement.
- d) To the extent the provisions of this State Highway 32 Overlay Zone ordinance conflict with the provisions established elsewhere within the Westfield–Washington Township Zoning Ordinance, the provisions of this State Highway 32 Overlay Zone ordinance shall supersede and apply.

- 3) Exceptions. The provisions of this Section shall not apply to the following geographic areas which are at least partially contained within the 32 Overlay Zone:
 - a) The area identified as “Downtown Westfield” in Figure 16.04.065.A;
 - b) The area identified as “Eagletown” in Figure 16.04.065.B;
 - c) The area identified as “Jolietville” in Figure 16.04.065.C; and
 - d) The platted area of Sandpiper Lakes Subdivision.
- 4) Permitted Uses. All uses permitted in the underlying zoning districts within the 32 Overlay Zone shall be permitted unless otherwise excluded herein.
- 5) Access Control Requirements.
 - a) The purpose of this Section is to make the closing of all private curb cuts along State Highway 32 possible by establishing a common access road to provide access to and through lots abutting State Highway 32.
 - b) New road cuts shall not be permitted unless specifically approved by the Westfield City Council and the Indiana Department of Transportation prior to installation.
 - c) Access roads in substantial compliance with the design plan included at Figure 16.04.065.D shall be provided by developers of lots along State Highway 32 unless the Westfield City Council approves development of a lot without providing the normally required access road.
 - d) Approval of an illustrative concept plan showing vehicular drive cuts as part of a zoning petition shall not constitute approval of the drive cuts by the Westfield City Council.
 - e) In those cases where tracts can be accessed via a connection to an arterial, collector, frontage road or an adjoining parking lot, new curb cuts shall not be permitted on State Highway 32.
 - f) All developments along State Highway 32 shall provide for vehicular and pedestrian interconnectivity between neighboring uses, parking lots and developments in order to encourage and facilitate east/west vehicular movements without directly accessing State Highway 32. Cross access easements shall be provided to ensure continued access and connectivity between and through uses along the 32 Overlay Zone.
 - g) Any existing road cuts along State Highway 32 shall be vacated and eliminated as a condition of any discretionary approval for use or development of land on which such road cuts are present, if an alternative vehicular access is available.

6) Setback Requirements. The following setback requirements regulating the distance from State Highway 32 that buildings may be constructed shall supersede all conflicting setback standards of the Westfield Washington Township Zoning Ordinance.

- a) **Maximum Setback.** The building elevation of all primary structures nearest to State Highway 32, on lots abutting State Highway 32, shall be located no more than one hundred and twenty (120) feet from the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline.
- b) **Minimum Setback.** The building elevation of all primary structures and all signs nearest to State Highway 32, on lots abutting State Highway 32, shall be located at least thirty (30) feet from the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline.
- c) **Accessory Structures.**
 - i) No accessory structures shall be erected between State Highway 32 and the setback line established by the building elevation of a primary structure nearest to State Highway 32, on a lot abutting State Highway 32.
 - ii) For the purpose of paragraph WC 16.04.065.6.c.i, the term “accessory structure” shall not include the following if provided for public use and enjoyment: ponds, fountains, gazebos, picnic shelters, benches, public restrooms, drinking fountains, utility installations, bike racks, decorative walls and fences (not to exceed an average height of four (4) feet), hardscape amenities, landscaping, pavement, curbs and other similar improvements.
 - iii) For the purpose of paragraph WC 16.04.065.6.c.i, monument signs shall not constitute accessory structures.

7) Height and Area Requirements.

- a) **Building Height.**
 - i) **Minimum Building Height.**
 - (1) Buildings constructed, or substantially modified to the point of requiring development plan review, shall be at least eighteen (18) feet in height.
 - (2) Buildings with flat roofs shall not be required to meet the eighteen (18) feet minimum building height requirement as long as such buildings include parapet walls on all sides which extend to a minimum height of eighteen (18) feet.
 - ii) **Multiple Stories –** Buildings with multiple stories shall be encouraged, but not required.

- iii) Maximum Building Height – No Maximum Building Height.
- b) Gross Floor Area – The gross floor area square footage requirements set forth below are intended to create a certain massing for structures to be located within the State Highway 32 Overlay Zone. Although it is contemplated that some retail structures within the Overlay Zone may be acceptable with square footages below the minimum floor area set forth below, decisions to lower the minimum gross floor area requirement within the Overlay Zone shall be considered on a case-by-case basis. In instances where the minimum square footage requirement set forth below is lowered, enhanced architectural materials and features may be required.
 - i) Minimum Gross Floor Area – Five Thousand (5000) square feet.
 - ii) Maximum Gross Floor Area – No Maximum Gross Floor Area.
- 8) Architectural Design Requirements.
 - a) Design Theme – General Standards.
 - i) Architectural variation is encouraged within the State Highway 32 Overlay Zone. The architectural requirements included in these State Highway 32 Overlay Zone standards are intended to provide consistent architectural quality among buildings and other improvements within the State Highway 32 Overlay Zone.
 - ii) All structures within the State Highway 32 Overlay Zone shall be thoughtfully designed in a manner that visually and functionally complements existing topography of the building site.
 - b) Building Elevations.
 - i) All building elevations shall be encouraged to have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice as illustrated in Figure 16.04.065.E.
 - ii) Building elevations which are ninety (90) feet or greater in length, shall be designed with aggregate offsets (projecting or recessed) of not less than ten (10) percent of the building elevation length. Offsets shall be constructed at intervals of not greater than sixty (60) feet (see Figure 16.04.065.F).
 - iii) All buildings shall be constructed with the same quality of building materials and the same level of architectural detail on all elevations of such buildings.

iv) Openings.

- (1) Design elements of the building elevations shall be organized such that openings (including, but not limited to, windows, doors, loading berths, faux windows and architectural or painted elements resembling openings) line up horizontally and vertically with other openings (see Figure 16.04.065.G).
- (2) Openings in a building elevation shall be arranged in a balanced, relatively uniform fashion (see Figure 16.04.065.H).
- (3) Exceptions to these standards may be permitted if openings are organized in an aesthetically pleasing manner and constitute an essential artistic design element appropriate for the building type, scale, orientation, location and building site.

- v) Gutters and downspouts shall be visually integrated with the architectural style of the structure. The color of gutters and downspouts shall be selected to complement or to be consistent with the building materials used.

c) Roofs.

i) Pitched Roofs.

- (1) Pitched roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12 (see Figure 16.04.065.I).
- (2) Pitched roofs shall be clad in wood shingles, slate, composition shingles, clay tiles or standing seam panels.
- (3) If asphalt composition shingles are used:
 - (a) They shall be gray, black, dark blue, dark green, barn red or dark brown.
 - (b) They shall be of the dimensional asphalt shingle grade.
 - (c) They shall be made of a non-reflective material.
- (4) If standing seam panels are used:
 - (a) They shall be gray, black, dark blue, dark green, barn red or dark brown.
 - (b) They shall be made of a non-reflective material.

ii) Flat Roofs.

(1) Flat roofs are permitted if edged by architectural moulding, an articulated cornice feature or a decorative parapet wall (see Figure 16.04.065.J).

(2) Parapets shall be fully integrated into the architectural design of buildings to create seamless design transitions between the main building mass and roof-mounted architectural elements (which may include roof-mounted equipment screening).

iii) Modulation of the roofs and/or roof lines shall be required in order to eliminate the appearance of box-shaped buildings (see Figure 16.04.065.K).

iv) Dormers shall be designed with appropriate details, proportion and style consistent with the overall building composition and roofed with symmetrical gable, hip or barrel roofs (see Figure 16.04.065.L).

v) All visible vents, attic ventilators, turbines, flues and other visible roof penetrations:

(1) Shall be painted to match the color of the roof or flat black; and

(2) Shall be oriented to minimize their visibility from adjacent parcels and thoroughfares.

d) Main Entrances.

i) All buildings shall be designed with a main entrance and at least two (2) window openings associated with the main entrance (see Figure 16.04.065.M).

ii) Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the architectural style and details of the building as a whole (see Figure 16.04.065.N).

iii) The location, orientation, proportion and style of doors shall complement the style of the building.

e) Windows.

- i) All window designs shall be compatible with the style, materials, color, details and proportion of the building. The number of window panes, the number of window openings, window trim and other architectural design elements designed to accent the windows (e.g., shutters, keystones, ledges, etc.) shall be consistent with and complementary to the architectural style of the building (see Figure 16.04.065.O).
- ii) Window trim and other architectural design elements designed to accent the windows (e.g., shutters, keystones, ledges, etc.) shall be required for all windows unless, by determination of the Director, such trim or design elements would detract from the design objectives of the State Highway 32 Overlay Standards.

f) Awnings.

- i) Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors and details (see Figure 16.04.065.P).
- ii) Awnings shall be made of a non-reflective material.
- iii) All awnings shall be kept in good repair.
- iv) Awnings used to comply with the architectural design requirements of the State Highway 32 Overlay Zone shall not be removed from a building elevation unless the building elevation would comply with such architectural design requirements without such awnings.

g) Drive-thrus and Fueling Stations. On parcels adjacent to the State Highway 32 right-of-way line (and also including parcels where the parcel line may not be immediately adjacent to the State Highway 32 right-of-way line, but such parcel line is located in such a manner that no significant structures can reasonably be constructed between the parcel and the State Highway 32 right-of-way line) the following standards shall apply:

- i) Drive-thru windows and lanes shall not be permitted between the right-of-way line of State Highway 32 and the side of a structure that is nearest to said right-of-way.
- ii) Vehicular fuel pumps and canopies shall be located at least thirty (30) feet farther away from the State Highway 32 right-of-way line than the elevation of the primary structure, to which the fuel pumps or canopies are appurtenant or associated, that is nearest to said right-of-way line (see Figure 16.04.065.Q).

h) Building Materials.

- i) Brick and other masonry materials (as defined in WC 16.04.165.D.4.f.) shall be the preferred exterior building materials within the State Highway 32 Overlay Zone.

- ii) The installation of brick or other masonry materials to create a wainscot or brick-wrap effect around buildings shall be encouraged.
- iii) A minimum of sixty percent (60%) of each building elevation shall be covered with brick or other masonry materials, exclusive of windows (including faux windows and glazing), doors and loading berths. For the purposes of meeting the 60% masonry requirement in the paragraph, E.I.F.S shall not constitute a brick or masonry material.
- iv) No more than twenty-five percent (25%) of each building elevation may be covered with metal or vinyl exterior building materials, exclusive of windows (including faux windows and glazing), doors and loading berths.
- v) Increased and enhanced use of brick or other masonry materials and other architectural ornamentation shall be required around building entrances and on building elevations visible from State Highway 32 in order to create an aesthetically pleasing appearance and to create an appearance of high-quality, visually interesting architecture.
- i) Accessory Structures. All detached accessory structures shall be architecturally compatible with the primary building(s) with which they are associated.

9) Landscaping and Amenity Requirements.

a) Purpose.

- i) The purpose of the following provisions is to establish an alternative transportation corridor along both sides of State Highway 32 by requiring an alternative transportation trail and various other amenities to be installed along State Highway 32 on all lots abutting State Highway 32.
- ii) It is the policy of the City of Westfield that the Trail Corridor (defined below) and the improvements therein will be owned and maintained by the City of Westfield. It is the policy of the City of Westfield to have the real estate within the Trail Corridor acquired, pledged, contracted or granted prior to development of adjacent parcels.

b) Trail Corridor Requirements.

- i) Requirement. A linear greenspace (the "Trail Corridor") along each side of State Highway 32 that contains the required alternative transportation trail mentioned in the previous paragraph shall be provided.
- ii) Width. The Trail Corridor shall be a minimum width of thirty (30) feet, running parallel and immediately adjacent to State Highway 32. The thirty (30) feet wide Trail Corridor shall be measured from the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline.

- iii) Alternative Transportation Trail.
 - (1) Alternative transportation trail improvements shall be installed in substantial compliance with the design plan included at Figure 16.04.065.R.
 - (2) The alternative transportation trail shall be at least eight (8) feet in width and shall be constructed of asphalt material in compliance with the Westfield Construction Standards and Specifications. Construction of the trail with a meandering design shall be encouraged.
- iv) Interconnectivity. All developments along State Highway 32 shall provide for alternative transportation interconnectivity between neighboring uses, developments and the Trail Corridor in order to encourage and facilitate alternative transportation movements without directly accessing State Highway 32. Cross access easements and connections to the alternative transportation trail referenced above shall be appropriately provided to ensure continued alternative transportation access and connectivity between and through uses along the Trail Corridor.
- c) Corridor Plantings. The primary landscaping materials used in the Trail Corridor shall be shade trees, ornamental trees, shrubs, ground cover and grass.
 - i) A minimum of three (3) shade trees and one (1) ornamental tree shall be provided per every one hundred (100) linear feet of Trail Corridor along State Highway 32. Installation of plantings on both sides of the alternative transportation trail referenced above shall be encouraged. All trees shall be at least two and one half (2.5) inches in caliper at the time of planting.
 - ii) Shade trees planted within the Trail Corridor shall be spaced at least fifteen (15) feet apart and no more than forty (40) feet apart.
 - iii) Landscaping required to be planted within the Trail Corridor under this Ordinance shall be counted toward meeting the planting requirements established in WC 16.06 as if the Trail Corridor property were a part of the parcel being developed.
- d) Mound/Berms.
 - i) The construction of intermittent, undulating mounds or berms within the Trail Corridor shall be encouraged, but not required.
 - ii) If mounds or berms are installed, they should be designed in a manner that complements other improvements in the vicinity and in no event shall such mounds or berms be installed in a manner that unsafely inhibits vehicular line of sight or use of the alternative transportation trail required herein.

10) Miscellaneous Requirements.

a) Loading Berths.

- i) Loading berths shall be oriented in a manner so that they are not visible from State Highway 32.
- ii) Loading berths shall be oriented in a manner that minimizes their visibility from all other public rights-of-way.
- iii) The use of loading berth enclosures shall be utilized where appropriate in order to accomplish these design objectives as established in paragraphs (i) and (ii) above.
- iv) Loading berths shall comply with the following standards:
 - (1) All loading berths shall be adjacent to the primary structure and shall be located entirely within the side or rear yards of lots.
 - (2) Loading berths shall be screened, to the extent reasonably necessary to accomplish the design objectives referred to paragraphs (i), (ii), and (iii), by installing solid, opaque walls or fences. Special attention shall be given to minimize the visibility of loading berths from adjacent properties or rights-of-way.
 - (3) A chain link fence or a variation of a chain link fence shall not constitute an acceptable screen.
 - (4) Loading berth walls or fences shall be softened by installing the following landscaping materials adjacent to such screens, except no landscaping shall be required where access/delivery doors or gates are present.
 - (i) 1 ornamental or evergreen tree every 30 feet
 - (ii) 5 shrubs every 30 feet
- v) The use of mounds or berms shall also be an acceptable method for screening loading berths. Such berms may also be utilized in combination with a wall or fence enclosure to accomplish the screening objectives set forth in this ordinance.

b) Dumpsters

- i) Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas and other similar facilities shall be completely and permanently screened from view of public rights-of-way and adjoining properties.

- ii) Screening methods for dumpsters shall include a solid wall or fence enclosure of a material that matches or complements the primary structure to which it is associated (see Figure 16.04.065.S).
 - iii) Dumpster enclosures which are structurally connected to the primary use on a given parcel shall be encouraged, but not required.
 - iv) Man-doors which do not include swinging, moveable doors shall be encouraged in order to provide daily access to dumpsters for waste disposal (see Figure 16.04.065.T).
 - v) Dumpster enclosures, which include swinging, moveable doors, shall be kept closed at all times when said doors are not in active use.
 - vi) Direct access to dumpster enclosures from within primary structures shall be encouraged.
- c) Mechanical Equipment
- i) Mechanical equipment, satellite dishes and other similar improvements shall be completely and permanently screened from view of public rights-of-way and adjoining properties.
 - ii) When attached to the ground, screening methods shall include mounding/berming or an opaque wall or fence enclosure of a material that matches or complements the primary structure to which it is appurtenant.
 - iii) When roof mounted, screening methods shall include parapet walls, enclosures or other similar architectural treatment that matches or complements the primary structure to which it is appurtenant.
- d) Water Retention/Detention Ponds
- i) Natural Appearance. Water retention/detention ponds shall be located and designed to be natural in appearance, with undulating perimeters, to enhance the entrance to sites and/or view of buildings. Wetlands/aquatic vegetation planted around the wet perimeter of ponds may be utilized to further this design objective.
 - ii) Water retention facilities (wet ponds) and water features. Side slopes above the water line shall not exceed 4:1.
 - iii) Water detention facilities (dry ponds). Side slopes above the water line shall not exceed 4:1 and shall be graded to harmonize with the overall open space design of the site.

e) Walls and Fencing

- i) The following wall and fence types are permitted within the 32 Overlay Zone: masonry, decorative metal (wrought iron, or wrought iron in appearance) or finished wood (stained or painted). In areas requiring security, decorative metal fencing with a spiked or curved top profile or razor/concertina/barbed wire mounted inside a solid fence or wall is recommended. This type of fence shall only be permitted with the express written approval of the Director and may not be permitted in all cases based on the visibility of the fence.
- ii) The following wall and fence types are prohibited in areas visible from outside the parcel on which such walls or fences are installed: non-solid and/or unfinished wood, chain link (with or without slats), non-decorative corrugated metal, electrified fences and razor/concertina/barbed wire.
- iii) Walls and fencing shall not be located in a front yard.
- iv) If walls or fencing consists of the same building materials as those used on the primary structure to which they are appurtenant, they shall be permitted to extend into a side yard in a manner that is flush with the front building elevation of the primary structure.
- v) If walls or fencing does not consist of the same building materials as those used on the primary structure to which they are appurtenant, they shall not be permitted to extend into a side yard in a manner that is flush with the front building elevation of the primary structure. Instead such walls or fencing shall be setback at least eight (8) additional feet from the plane established by the front elevation of the primary structure.

Figure 16.04.065 A

Downtown Westfield

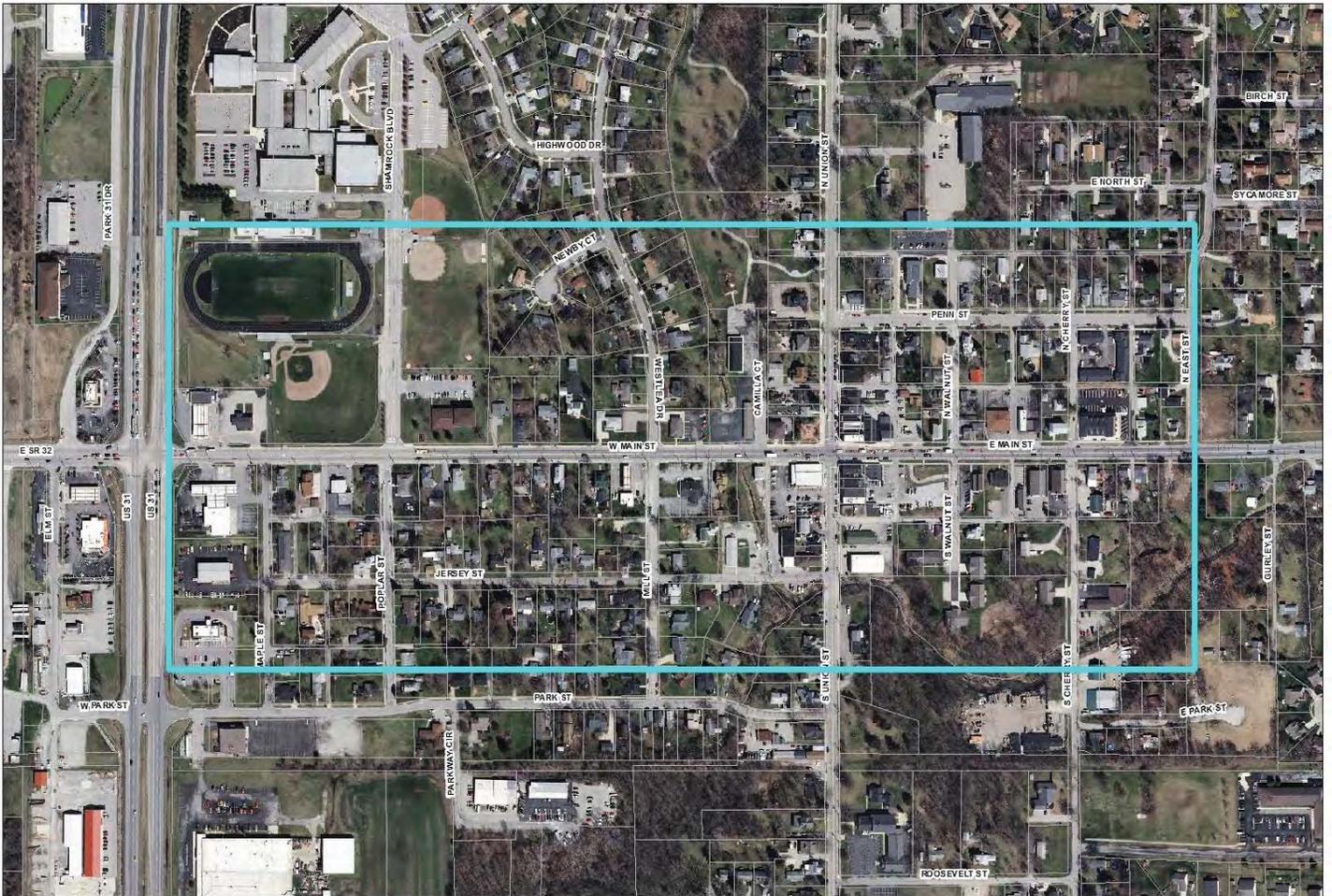


Figure 16.04.065.B

Eagletown

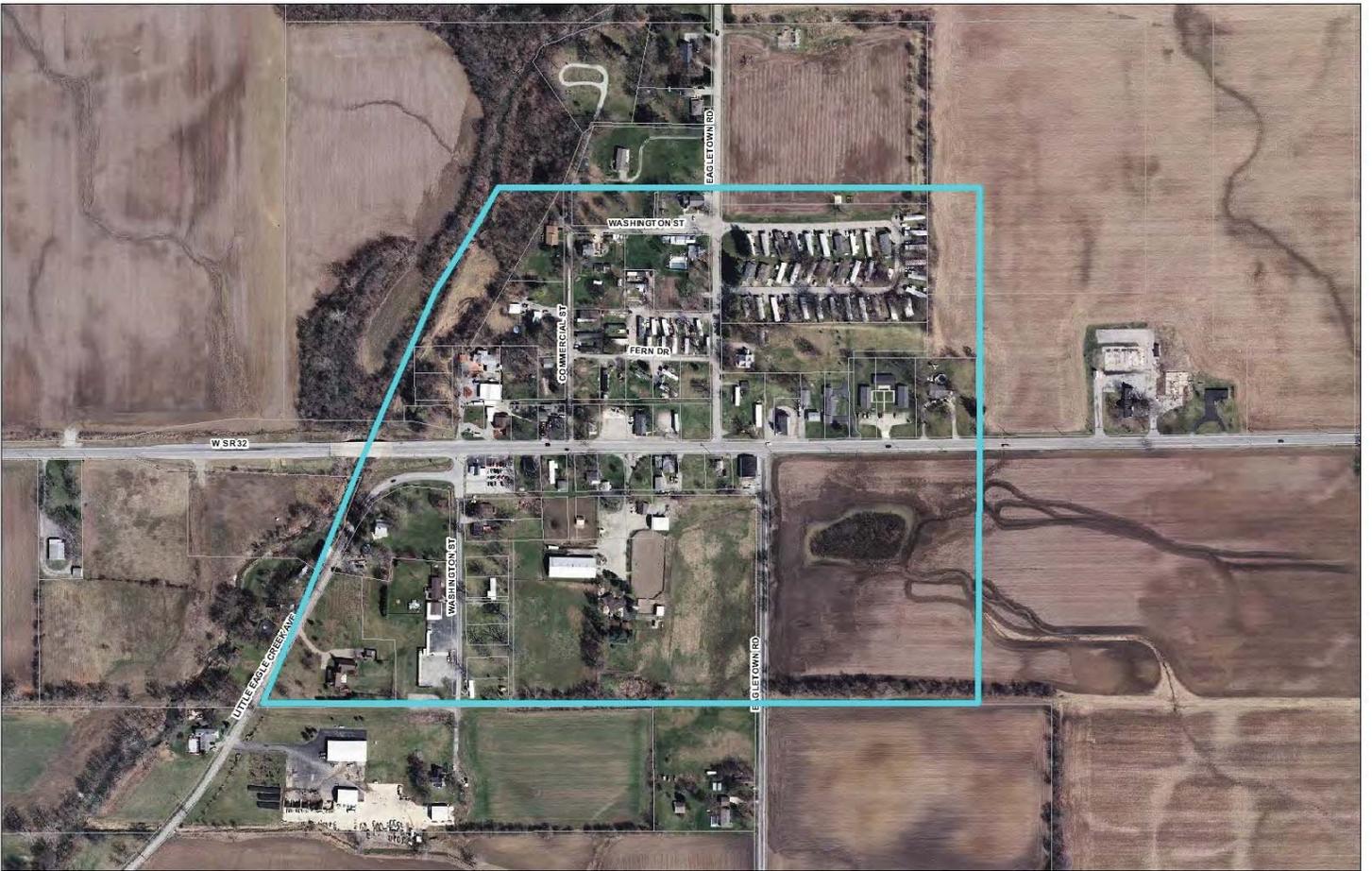


Figure 16.04.065 C

Jolietville



Figure 16.04.065.D

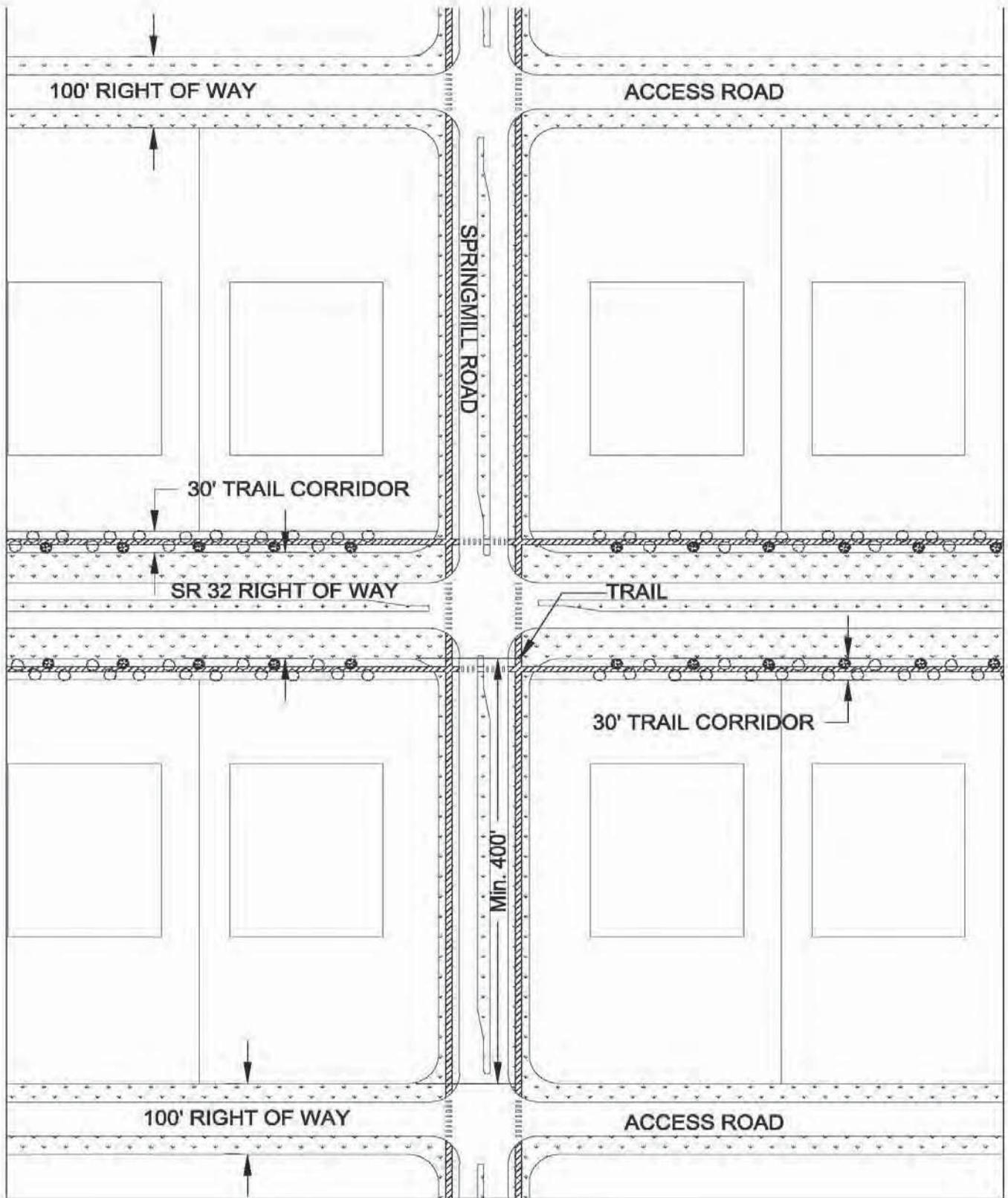


Figure 16.04.065.E



Figure 16.04.065.F



Figure 16.04.065.G



Figure 16.04.065.H



Figure 16.04.065.I



Figure 16.04.065.J



Figure 16.04.065.K



Figure 16.04.065.L

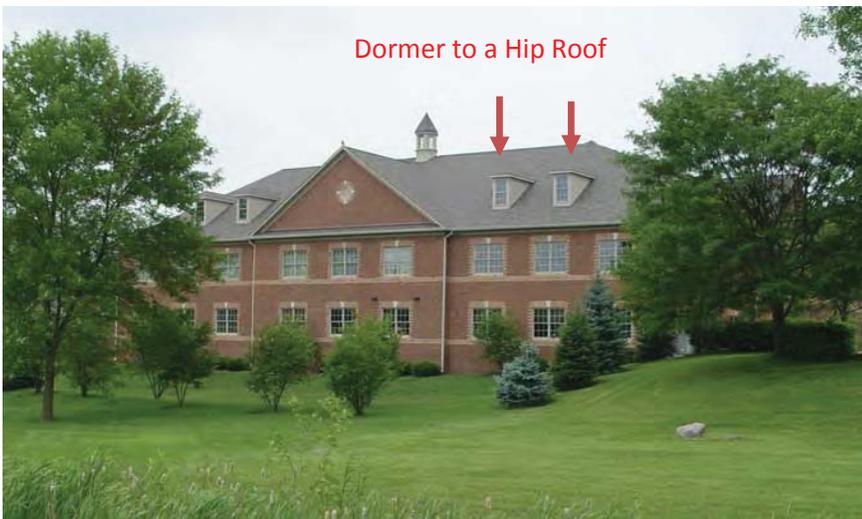


Figure 16.04.065.M



Figure 16.04.065.N

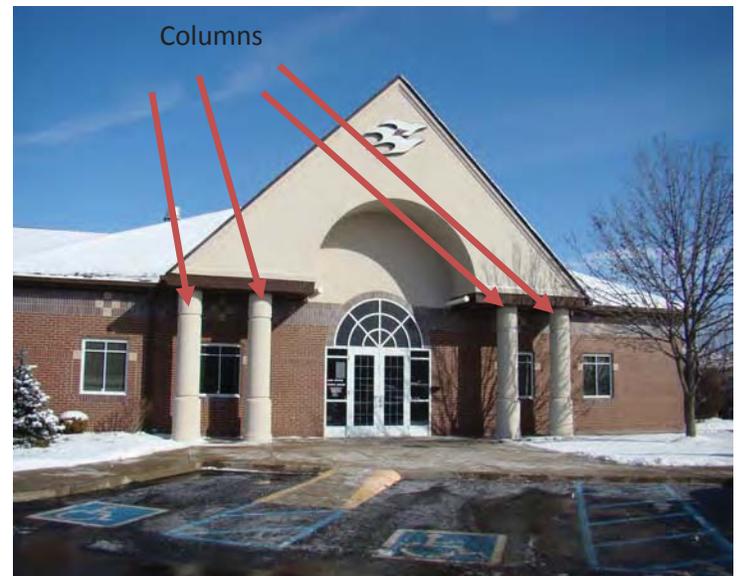


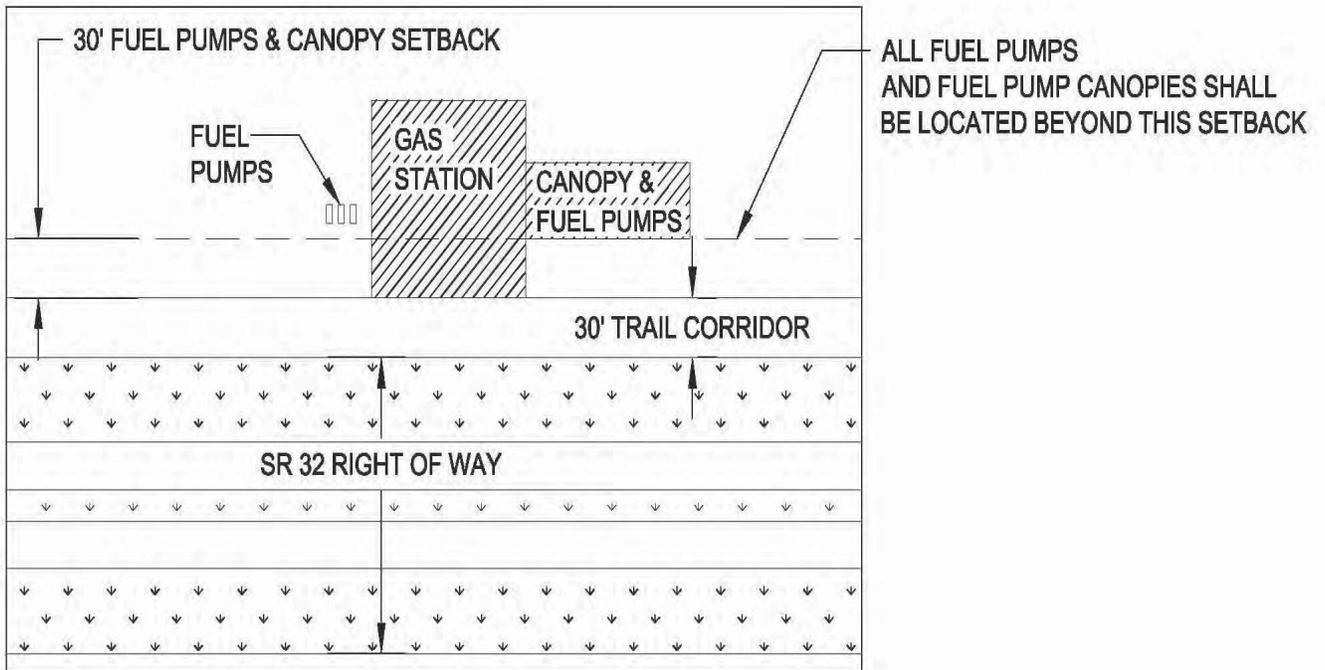
Figure 16.04.065.O



Figure 16.04.065.P



Figure 16.04.065.Q



ALL FUEL PUMPS AND FUEL PUMP CANOPIES SHALL BE LOCATED BEYOND THIS SETBACK

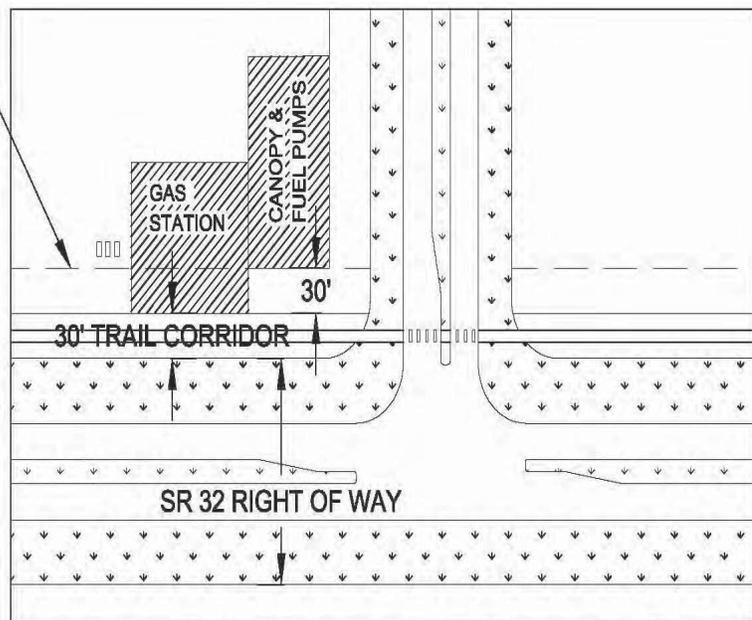


Figure 16.04.065.R

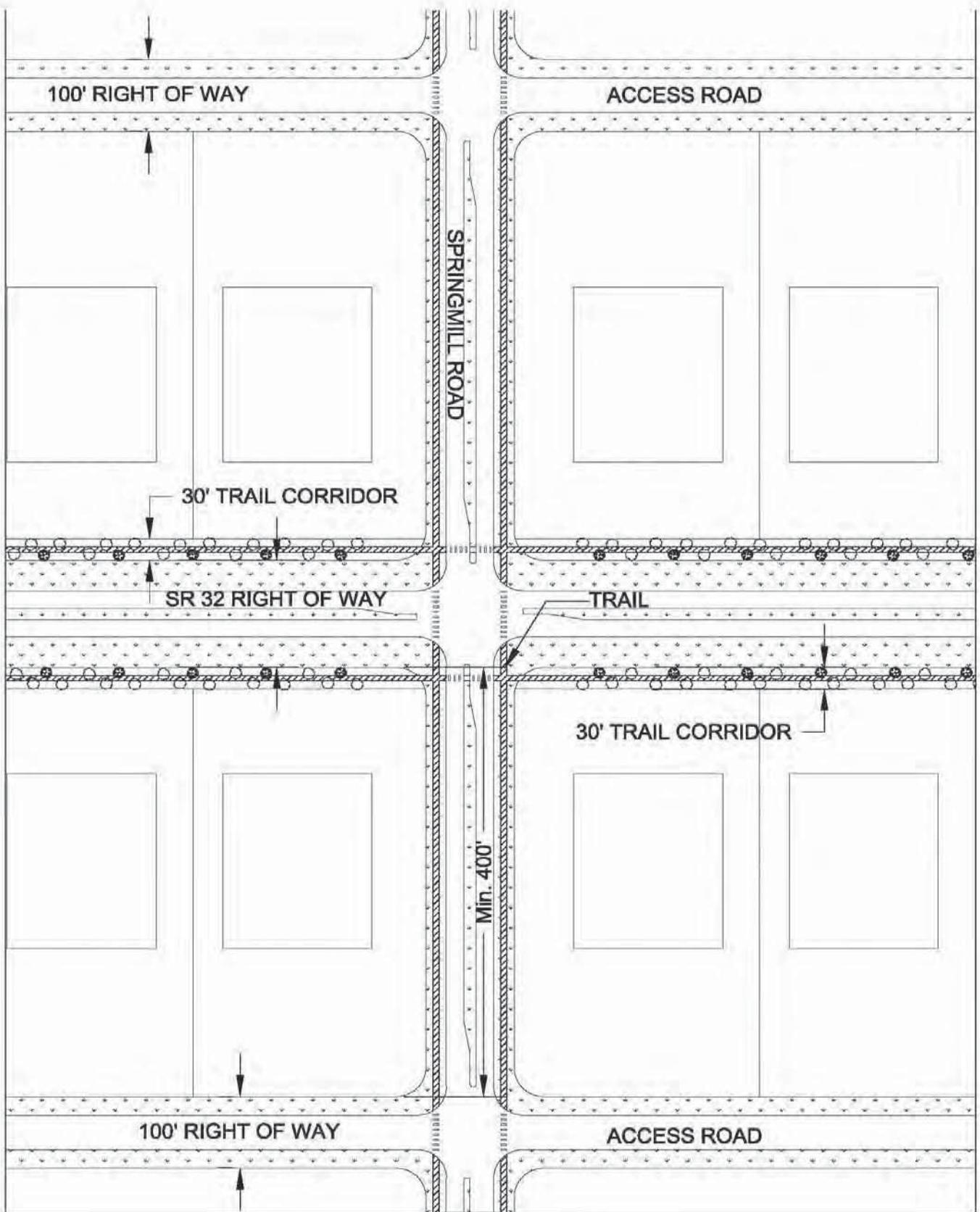


Figure 16.04.065.S



Figure 16.04.065.T



EXHIBIT 12. Zoning Ordinance Landscaping Standards

LANDSCAPING STANDARDS

Chapter 6. Landscaping Standards

WC 16.06.010 - General Landscaping Provisions

- A. Purpose and Intent - This Chapter establishes regulations for the preservation of natural features and minimum standards for the provision, installation, and maintenance of landscape materials. The regulations specified herein are intended to promote the health, attractiveness, and safety of the community; foster aesthetically pleasing and environmentally sensitive development that protects and preserves the appearance and character of the community; and encourages the preservation of natural areas such as mature tree stands and stream corridors.

This Chapter establishes standards to manage and control drainage and erosion; to increase the compatibility of development with the natural environment and adjacent developments; to encourage connectivity through the use of a pedestrian network; and to maintain and increase the value of land by requiring landscaping to be incorporated into developments. The standards set forth herein promote important physical and psychological benefits through the use of landscaping to reduce noise and lighting; promote innovative and cost conscious approaches to the design, installation, and maintenance of landscaping; and establish procedures and standards for the administration and enforcement of this Chapter.

B. Applicability

1. This Chapter shall apply to all zoning districts and all public, private, and institutional developments, except those approved prior to the enactment of this Chapter and those that have fulfilled filing requirements at the time of the enactment of this Chapter.
2. This Chapter shall apply to nonresidential uses, residential subdivisions, or other residential developments that require site development plan approval or a special exception.
3. This Chapter shall not apply to previously-authorized building permits, a previously-approved site development plans, or previously-approved subdivision plats.
4. This Chapter shall not apply to detached single-family residences not located within subdivisions.

C. Content of Landscape Plan - Landscaping plans shall comply with the following standards:

1. Landscape plans shall be submitted for all required green belt buffer areas, buffer yards, conservation easements, landscape easements, and areas owned in common within proposed developments. It is recommended that landscape plans be

- prepared by licensed landscape architects, nurserymen, or other professionals experienced in landscape design, installation, and maintenance. A narrative describing ownership, use, and maintenance responsibilities of these areas should be specified in the submittal.
2. Landscape plans shall show the entire project drawn to scale on standard sized sheets (minimum 24" x 36") and shall contain the following information:
 - a. Names and addresses of owners, developers, plan preparers, plan preparation dates, scale of drawings, and north arrows;
 - b. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;
 - c. Locations, quantities, sizes, and names (botanical names and common names) – of planting materials;
 - d. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;
 - e. Locations of barriers to be placed at or beyond driplines of trees to be preserved and types of materials to be used for barriers;
 - f. Planting and installation details as necessary to ensure conformance with required standards;
 - g. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill; and
 - h. Tables clearly displaying relevant statistical information, including numbers of existing trees and numbers of trees preserved, for example.
 3. Standard size sheets at the same scale as landscape plans that display locations, sizes, and common names of existing individual trees that measure twelve (12) inches or more in caliper, areas of dense trees or shrubs, and other natural areas.
- D. Modifications - When a change in use occurs, or when modifications that require a building permit are made to existing structures, landscaping shall be required to be installed in a manner that is comparable in nature and extent to the impact of the proposed change or modification.

WC 16.06.020 - Preservation and Replacement of Trees

- A. Developers shall take reasonable measures to design and locate proposed structures in a manner that minimizes the destruction of significant tree specimens.
- B. Prior to site development plan approval or the issuance of a building permit, developers shall inventory all trees which possess a caliper measure of at least twelve (12) inches. Tree inventories shall depict locations, sizes, and common names of existing trees and individual shrubs; areas containing dense trees or shrubs; and other natural site features. Existing trees that are to be preserved shall be credited toward required landscaping requirements based on the sizes of such preserved trees.
- C. The following considerations shall be made in regard to tree preservation efforts:
 - 1. The practicability of arranging site plan components around existing features. Plans for groups of structures should be designed so as to preserve areas of high tree concentrations, desirable individual tree specimens, and desirable stands of trees and shrubs;
 - 2. The condition of vegetation with respect to continued vitality;
 - 3. The possibility of preserving vegetation through pruning rather than removal.
 - 4. The desirability of a particular tree or species by reason of its appearance; historic or ecological significance; botanical characteristics; and the function the vegetation would fulfill as a site plan component;
 - 5. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation; and
 - 6. The potential for interference with utility services along the use of roads and walkways.
- D. Tree preservation plans shall be submitted with site plans that detail locations, sizes, and common names of preserved trees; individual shrubs; areas of dense tree or shrub concentrations, and other natural features which are to be preserved or removed. No disturbance shall be permitted in the critical root zones of preserved trees. Disturbances include trenching, backfilling, driving or parking equipment, and dumping trash, oil, paint, or other materials detrimental to plant health.
- E. Should any tree designated for preservation die within five (5) years of project completion, the owner shall replace such tree with a tree (or trees) of equal tree preservation value within 180 days (see following paragraph for value calculation).
- F. Incentives to Preserve Trees – Existing trees that are preserved shall contribute to required on-site landscaping, based proportionally on their caliper measure. Certain “cull” species and deformed trees may not be permitted to be credited. Preserved trees under eight (8) inches in caliper shall be credited at the rate of one (1) times the caliper measure of such trees. However, trees with a caliper of less than two (2)

inches shall not qualify for credit. Preserved trees between eight (8) and sixteen (16) inches in caliper shall be credited at the rate of two (2) times the caliper measure of such trees. If preserved trees possess caliper measures of sixteen (16) inches or greater, credit shall be calculated at the rate of four (4) times the caliper measure of such trees. A qualifying six (6) inch caliper preserved tree shall be credited as three (3) required two (2) inch caliper trees. A qualifying fourteen (14) inch caliper preserved tree shall be credited as twenty-eight (28) required two (2) inch caliper trees. And, a qualifying eighteen (18) inch caliper preserved tree shall be credited as thirty-six (36) required two (2) inch caliper trees.

- G. Barriers shall be used to protect trees during site development. Barriers shall be specified on landscape plans and shall be placed at or beyond the driplines of trees to be preserved. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.
- H. Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve identified tree specimens.

WC 16.06.030 - Selection, Installation, and Maintenance of Plant Materials

A. Selection

1. Shade Trees - Shade trees shall be a minimum of eight (8) feet in height and have a caliper measure of at least two (2) inches, measured twelve (12) inches above finished grade. Shade trees shall be of a variety that will attain an average mature spread greater than twenty (20) feet.
2. Evergreen Trees - Evergreen trees shall be a minimum height of six (6) feet.
3. Ornamental Trees - Ornamental trees shall have a minimum trunk size of two (2) inches in caliper, measured six (6) inches above finished grade.
4. Shrubs shall possess a minimum height of eighteen (18) inches at the time of planting.
5. Substitutions – If plant substitutions become necessary due to seasonal planting problems or a lack of plant availability, revisions to planting plans shall be permitted based on the substitution list below. For on-site requirements only, substitutions may be made for up to one-half (50%) of required plants. If plant substitutions do not fulfill the following criteria, changes to previously-approved plans shall be resubmitted and reviewed for new approval.
 - a. 1 shade tree = 2 ornamental trees = 2 evergreen trees
 - b. 1 ornamental tree = 1 evergreen tree

B. Installation

1. Landscaping materials shall be installed in accordance with planting procedures established by the American Association of Nurseryman.
2. Required landscaping of development projects shall be completed prior to the issuance of Certificates of Occupancy for non-residential and multi-family projects, and prior to the issuance of building permits for more than fifty percent (50%) of the lots within each section of residential subdivisions. Landscaping installation may be delayed up to 120 days due to the following:
 - a. Periods of adverse weather, or
 - b. Conflicts between construction scheduling and proper planting conditions.

C. Maintenance

1. All newly planted vegetative material shall meet minimum American Standard for Nursery Stock Standards.
2. Landscaping shall be maintained in healthy growing condition. This includes:
 - a. Regular irrigation, weeding, fertilizing, pruning, mowing, and other maintenance of outside plant materials on the property;
 - b. Mature trees shall not be topped. They shall be pruned according to procedures established in the National Arborist Association Standards, published by the National Arborist Association;
 - c. Treating plant materials that exhibit evidence of insect pest or disease damage;
 - d. Replacement of dead or dying plant materials with specimens in good, healthy, growing condition. Replacement shall be completed using the same plant materials approved on landscape plans.
 - e. Replenishing natural landscape materials such as rock, stone, bark chips and shavings that no longer cover the area in which they were originally deposited.
 - f. Repairing, replacing, or maintaining structural landscaping features including, but not limited to fountains, reflecting pools, outdoor art work, screening walls, retaining walls, fences, benches or other street furniture elements, as necessary to maintain these items in good condition.
 - g. Any other action necessary to maintain landscaping installed in accordance with an approved landscape plan.
3. Plantings and landscaping features required by this Chapter shall be subject to inspection to verify continued compliance with this Chapter.

WC 16.06.040 - General Landscape Design Standards

- A. Consultation - A landscape architect, nurseryman, or other professional experienced in the installation and care of plant materials shall be consulted to ensure that proposed plants are appropriate and will survive.
- B. Scale and Nature of Landscaping - The scale and nature of landscaping materials shall be appropriate to the size of proposed structures. Large-scale buildings should be complemented by large-scale plants. Form, texture, color, pattern of growth, and adaptability to local conditions shall be considered when selecting plant materials.
- C. Clearance - Trees shall be planted so that when they reach maturity, there will be a minimum of ten (10) feet of clearance between tree trunks and structures, building overhangs, walls, fences, and other trees.
- D. Materials - Grass and other vegetative ground cover shall be used in all green space areas, including parking lot islands, except for decorative mulch planting beds containing trees and/or shrubs; and inert stabilization in areas subject to severe runoff or erosion.
- E. Lines of Sight – Plantings in landscaped areas shall not obstruct sight lines as per WC 16.04.230 2.v).
- F. Energy Conservation - Plantings shall be arranged to promote energy conservation wherever practical. This includes using deciduous trees on the south and west sides of buildings to provide shade from summer sun and planting evergreens on the north of buildings to insulate against winter winds.
- G. Noise Reduction - Properties adjacent to highly trafficked roads or businesses shall arrange landscaping to reduce the intensity of noise by reflecting, deflecting, or absorbing sound. Some techniques to accomplish this include using earth berms, walls, fences, or plantings to provide physical separation and to absorb noise. When a berm is used to form a visual screen in lieu of or in conjunction with a hedge or wall, it shall not exceed a slope of thirty (30) degrees and shall be completely covered with shrubs, grass, or other living ground cover.
- H. Landscape plans shall clearly identify areas where stone or other inert materials are to be used as ground cover. Areas not so designated shall be required to have grass or other vegetative ground cover.
- I. Trash and Loading Facilities - Trash dumpsters, trash pads, loading areas consisting of two or more loading spaces, loading docks, service areas, and maintenance areas shall be screened from residential uses and public roads. Screening of such facilities shall be achieved by using a six (6) feet high, completely opaque fence or wall, a six (6) feet high berm, or a six (6) feet high evergreen screen planted nine (9) feet on center in a double staggered row.
- J. Heating and Cooling Facilities - Ground-mounted heating and cooling units for nonresidential or multi-family structures shall be completely screened.

- K. Softening of Walls and Fences - Plant materials other than ground cover shall be placed intermittently (approximately every 40 feet) against long expanses (over 80 feet) of building walls, fences, and other barriers to create a softening effect. However, ground cover plants may supplement the plant materials required by this paragraph.
- L. Detention/Retention Basins and Ponds - Detention/retention basins and ponds shall be landscaped in a manner that replicates the natural form of ponds. Such landscaping shall include shade trees, ornamental trees, evergreens, shrubbery, hedges, and/or other plant materials.

WC 16.06.050 - On-Site and Street Frontage Landscaping Requirements

A. On-Site Standards

- 1. Yards, setback areas, and green space areas within developments shall be landscaped with live vegetation.
- 2. The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted are set forth in Table 16.06.050-01.

Table 16.06.050-01: Minimum On-Site Requirements

Land Use Type	Plant Materials		
	Shade Trees	Ornamental or Evergreen Trees	Shrubs
Single-Family Residential	4 per dwelling unit	2 per dwelling unit	4 per dwelling unit
Multi-Family in MF 1&2 districts only	1 per dwelling unit	1 per dwelling unit	4 per dwelling unit
Institutional Uses	2 per acre	3 per acre	10 per acre
Business Uses	10 per acre	10 per acre	25 per acre
Industrial Uses	5 per acre	5 per acre	25 per acre

A proportional decrease in the required number of trees is allowed if larger caliper trees are planted. Trees with caliper measures of four (4) inches may replace two (2) required two (2) inch caliper trees.

- 3. Institutional uses include, without limitation, schools, churches and government offices.

4. For Institutional uses:
 - Trees required to be planted in interior parking lot landscaping areas may be counted toward meeting on-site landscaping requirements as set forth in the table above.
 - Identified acreage for constructed athletic fields and courts (including the adjacent perimeter for coaching and spectator viewing), and constructed playgrounds with equipment may be subtracted from the total acreage before computing on-site requirements.
5. Trees should be grouped together whenever possible to simulate natural tree stands, versus trees being planted in straight rows.
6. Required trees and plantings within residential land uses must be planted somewhere within such residential land uses. Required trees and plantings within such land uses are not intended to be requirements per each lot, but are intended to be aggregate requirements per subdivision section or per multi-family development.
7. Required trees and plantings within non-residential land uses must be planted per each lot requirement. Trees and plantings are not credited to overall development requirements.
8. Existing trees or woodlands that are preserved may be counted toward minimum planting requirements.

B. Road Frontage Standards

1. In residential developments, where property abuts primary arterials, secondary arterials, or collector roads not internal to subdivisions, at least one shade tree per thirty (30) linear feet of road frontage shall be planted adjacent to road rights-of-way. Trees planted along road frontage in residential developments may be credited toward overall on-site landscaping requirements set forth in Table 16.06.050-01.
2. In non-residential developments where property abuts any public right-of-way, at least one shade tree per forty (40) linear feet of road frontage shall be planted adjacent to road rights-of-way. Trees planted along road frontage in non-residential developments may be credited toward overall on-site landscaping requirements set forth in Table 16.06.050-01.
3. Shade trees required to be planted along road frontage shall be located outside drainage and utility easements, shall be located in a manner that mitigates interference with infrastructure located within such easements and may be clustered or grouped in order to attain creative site design.

4. When evergreen and/or ornamental trees are preserved along road frontage and qualify for preservation credit, they may count 1:1 toward road frontage requirements.

WC 16.06.060 - Buffer Yard Requirements

- A. Plantings in buffer yards should physically separate and visually screen different land uses and/or zoning districts from one another without precluding connectivity between uses. Plants used for screening must reach a minimum height of forty-eight (48) inches within three years of installation, and be at least eighteen (18) inches tall when planted. Plantings in buffer yards shall consist of two (2) or more species of both trees and shrubs.
- B. Buffer sizes shall be determined by adjacent zoning districts and/or land uses in accordance with Table 16.06.060-01. If adjacent properties possess a mix of land uses, then the highest intensity use shall determine the required buffer yard size.

Table 16.06.060 – 01 : Minimum Required Buffer Yard

Land Uses	Adjoining										
	AG	SF <i>AG-SF1</i> <i>AG-SF1-I</i>	SF <i>SF1</i> <i>SFA</i> <i>SF2</i>	SF <i>SF3</i>	SF <i>SF4</i> <i>SF5</i>	MF	Institutional <i>Churches</i> <i>Schools</i> <i>Gov't Offices</i>	Commercial	Industrial <i>EI</i>	Industrial <i>OI</i>	
Proposed	AG	-	40	40	40	40	40	15	15	15	15
	SF <i>AG-SF1</i> <i>AG-SF1-I</i>	40	-	20	20	20	20	40	40	40	40
	SF <i>SF1</i> <i>SFA</i> <i>SF2</i>	40	20	-	20	20	20	40	40	40	40
	SF <i>SF3</i>	40	20	20	-	20	20	40	40	40	40
	SF <i>SF4</i> <i>SF5</i>	40	20	20	20	-	20	40	40	40	40
	MF	40	20	20	20	20	-	40	40	40	40
	Institutional <i>Churches</i> <i>Schools</i> <i>Gov't Offices</i>	15	40	40	40	40	40	-	15	40	40
	Commercial	15	40	40	40	40	40	15	-	15	15
	Industrial <i>EI</i>	15	40	40	40	40	40	40	15	-	15
	Industrial <i>OI</i>	15	40	40	40	40	40	40	15	15	-

1. Institutional uses include, without limitation, schools, churches and government offices.
2. For primary institutional structures on lots of record (as of December 10, 2001, when Ordinance 01-16 was adopted) less than ten (10) acres in size adjacent to residential uses, the Plan Commission may approve a buffer yard width of less than 40 feet (but no less than 15 feet) provided that:

- The proposed structure shall be finished in a manner that is in character with the adjacent neighborhood.
- The buffer yard landscaping may be required to be supplemented with a fence or masonry wall to assist in addressing the impact of the proposed use on adjacent existing uses.

No drives or parking areas shall be permitted in the reduced buffer yard area.

- C. Within buffer yards, at least one (1) evergreen tree per thirty (30) linear feet and five (5) evergreen shrubs per thirty (30) linear feet shall be planted. Such plantings should be arranged in a manner that creates a visual barrier between uses without precluding connectivity between uses. In order to create a more effective buffer, the Plan Commission may approve evergreen trees to be substituted in lieu of evergreen shrubbery on a 1:3 basis (tree:shrub). Up to 60% of shrubbery may be substituted for trees. (Staff note: Additional trees may be substituted to lessen required shrubbery planting, but additional shrubbery may not be substituted to reduce required tree plantings).
- D. If woodlands are located within buffer yards, preserved trees may be substituted for required plants in buffer yards (see WC 16.06.030, Selection, Installation, and Maintenance of Plant Materials for substitution guidelines).
- E. In residential districts, plantings required to be placed in buffer yards shall not be credited toward total on-site landscaping requirements set forth in Table 16.06.050-01.
- F. In non-residential districts, trees required to be planted in buffer yards shall be credited toward total on-site landscaping requirements set forth in Table 16.06.050-01.
- G. Buffer yards shall not be required between uses within planned developments or within subdivisions.

WC 16.06.070 - Parking Area Landscaping

The following landscape requirements shall be applied to parking lots to screen parking areas from streets, to prevent the creation of large expanses of paving, and to provide shade to paved areas.

A. Interior Parking Lot Landscaping

1. Area Required - A portion of vehicular use areas shall be maintained as landscaped area. The total amount of interior parking lot area that must be landscaped shall be based on the total number of proposed parking spaces. Such standards are set forth in Table 16.06.070-01:

EXHIBIT 10. Zoning Ordinance Parking Standards

Table 16.06.070 – 01 : Percentage of Parking Lot Landscaping

Number of Parking Spaces	Percentage of Vehicular Use Area to Be Landscaped
0 to 4	0 %
5 to 24	5 %
25 to 49	7.5 %
50 or more	10 %

2. Parking Lot Islands

- a. Parking lot islands shall be dispersed throughout parking lots in a design and configuration that aesthetically corresponds to the size and shape of parking lots. Combining or placing parking lot islands together such that more than one tree may be planted in the island shall be considered when possible.
- b. Parking lot islands shall be constructed at least six (6) inches above the surface of parking lots; they shall be a minimum of one hundred twenty (120) square feet in area; and they shall be a minimum of seven (7) feet in width, measured from back of curb to back of curb.
- c. Interior landscaped areas shall be curbed in a manner that restricts vehicles from driving over landscaped areas.
- d. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking spaces to a maximum of two hundred (200) feet in length.
- e. Parking lot islands shall include at least one (1) tree and four (4) shrubs per parking lot island. One hundred (100) percent of every parking island shall be covered with permitted groundcover material to achieve complete coverage.
- f. No landscaping within parking lot islands may unreasonably obstruct visibility for vehicles entering, maneuvering in, or exiting parking areas. Such landscaping shall be constructed in compliance with visibility standards set forth in WC 16.04.230 2.v).

B. Perimeter Parking Lot Landscaping

1. Application

- a. Perimeter landscaping is required for parking lots with ten (10) or more spaces where:
 - 1.) the parking lot is located within a required yard; or
 - 2.) the parking lot is located within twenty (20) feet of a lot line or right-of-way line.

- b. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings should be grouped in an aesthetically pleasing manner.
 - c. Trees required to be planted in perimeter parking lot landscape areas may be counted toward meeting total on-site landscaping requirements as set forth in Table 16.06.050-01.
2. Requirements - Perimeter parking lot landscape areas shall include the following landscape improvements:
- a. There shall be one tree per thirty (30) linear feet of parking lot length. Trees may be clustered.
 - b. There shall be one shrub per three (3) feet of parking lot length. Shrubs may be clustered.
 - c. Perimeter parking lot landscape areas not planted with trees or shrubs shall be covered with grass or other permitted groundcover or mulch.

WC 16.06.080 - Recommended Plant Materials

- A. Table 16.06.080-01, Table of Recommended Plant Materials, lists plant materials recommended for use in fulfilling landscaping requirements.
- B. Table 16.06.080-02, Plant Use Table, suggests appropriate uses for each species of tree, shrub, ground cover, and vine.
- C. A minimum of three (3) different species of shade trees shall be used per each development site.

EXHIBIT 9. Grand Park Village Design Images

Amphitheater or Gathering Place



Village Marina



PRIVATE AND CONFIDENTIAL



GRAND PARK VILLAGE

Small Shops



Relaxing Patio
Areas



Mixed-Use Housing



GRAND PARK VILLAGE

Village Temporary Food



Farmers
Market



GRAND PARK VILLAGE

Playground/Splash Pads



Shade protection
for child safety



Safe playing
surface and shade
protection



GRAND PARK VILLAGE

Walk-Up Window Shops



Stores & Services

Building
Detail

Unique
Signage



Spacious
Walkways

PRIVATE AND CONFIDENTIAL



GRAND PARK VILLAGE

Medical Offices



Upscale Signage



The Villages
Healthcare Facility

GRAND PARK VILLAGE

Lighting, Signage, Windows



Beautiful windows and signage that looks great year around!



Village Offices/Retail Style



PRIVATE AND CONFIDENTIAL



GRAND PARK VILLAGE

Village Building Style



PRIVATE AND CONFIDENTIAL



GRAND PARK VILLAGE

EXHIBIT 11. Zoning Ordinance Signage Standards

WC 16.08.010 Sign Standards - General Provisions

A. Purpose and Intent.

Westfield-Washington Township wishes to establish sign regulations for the design, placement, and maintenance of signs in Washington Township which provide a reasonable and impartial means to permit communication, protect the public health, safety, and general welfare, minimize hazards to pedestrians and motorists along thoroughfares and at intersections, enhance the aesthetic environment of Westfield-Washington Township, safeguard property values, minimize possible adverse effects of signs on nearby property, protect public and private investment in buildings and open spaces and implement relevant provisions of the comprehensive plan as updated on an annual basis.

Westfield Washington Township wishes to balance the rights of businesses to identify themselves with the rights of the public to have uncluttered, safe and attractive public rights-of-way. The responsible regulation of signs will foster business opportunities and improve the quality of life in Westfield-Washington Township.

B. Applicability.

These regulations shall be applicable to all Signs within Westfield-Washington Township, including but not limited to changes in Sign Copy.

C. Exceptions.

All signs require a sign permit from the Community Development Department. Exceptions to the sign standards and permit requirements under this chapter shall include:

1. All regulatory, informational, identification, or directional signs required by law or government entity;
2. Temporary signs advertising annual events put on by Westfield or Washington Township public entities and school districts;
3. Scoreboards for public and private recreational facilities and institutions that do not provide for commercial or business advertising displays;
4. Permanent drive-thru menu boards where drive-thru uses are permitted;
5. Historic site markers or plaques, flags of government, gravestones, and address numbers;
6. Flags of commercial or noncommercial institutions:
 - a. Shall be displayed on a flag pole;
 - b. May only be displayed with an accompanying United States flag on the same flagpole or nearby flag pole within the same display;
 - c. Shall be subordinate in size to the accompanying United States flag;
 - d. May be displayed at the rate of no more than one (1) commercial or noncommercial institution flag per displayed United States flag;
 - e. All flags shall be displayed per U.S. Code 36-10.

7. Structures and/or containers intended for separate use such as phone booths, waste management containers, and point-of-purchase advertising displays;
8. Lettering or symbols placed directly onto a licensed and operable motor vehicle or trailer operating in the normal course of business provided that a vehicle or trailer is not parked or positioned solely for advertising purposes;
9. Private informational signs such as “no trespass,” “private,” “sale,” etc. which do not exceed four (4) square feet in surface area;
10. Signs advertising construction projects, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, are limited to a maximum of one (1) sign per street frontage, and shall be removed at the end of construction;
11. Political signs which do not impair lines of sight for vehicles or pedestrians; and
12. Seasonal decorations within the appropriate holiday season or civic festival season.

D. Prohibitions.

Prohibitions to these sign standards shall include the following:

1. No signs or sign structure shall be similar in coloring, shape, function or location nor resemble, conflict with or be confused with any approved traffic-control sign or device;
2. No sign shall create a safety hazard for vehicles or pedestrians as determined by the City of Westfield Public Works Department;
3. No sign shall be placed in any public right-of-way except publicly owned traffic-control and transit signs, informational, identification, directional signs, and temporary signs per WC 16.08.010 K;
4. No pole signs shall be permitted within Westfield-Washington Township (See Pole Sign in definitions);
5. No off-premise sign shall be permitted within Westfield-Washington Township except temporary signs per WC 16.08.010 K;
6. No display of temporary signs such as banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, balloons or inflatable signs shall be permitted except for banners permitted on a limited basis pursuant to Section WC 16.08.010 K, 10 and Ornamental Banners, pursuant to Section WC 16.08.010 K, 12;
7. No sign shall project into the public right-of-way; except that a business sign mounted on a building may be permitted to project eighteen (18) inches from the face of a building elevation. Relief from this standard may be granted by the City Council or designee;
8. No sign shall be mounted on a roof or extend above an eave or parapet of a building wall;
9. No sign shall be permitted to revolve, flash, blink, swing or appear to move;
10. No sign shall be affixed to trees, fence posts, utility poles or other support structures; and
11. No sign shall be placed on a personal or commercial vehicle or trailer which is then parked or positioned for the primary purpose of displaying the said sign.

E. General Sign Regulations.

All signs shall conform to the following regulations:

1. Maintenance and Repair:
 - a. All Signs and sign structures shall be kept and maintained in a good state of repair and in a safe condition at all times.
 - b. Maintenance and repair shall include, but not be limited to:
 - i. The replacement of defective parts;
 - ii. The replacement of missing or damaged sign panels, supports or other components and parts;
 - iii. Cleaning Sign and sign structure components, and;
 - iv. Repainting Sign and sign structure components;
 - c. Replacing damaged sign panels with different Sign Copy does not constitute maintenance and repair. Replacing damaged sign panels with different Sign Copy shall be treated as replacing any sign with new Sign Copy;
 - d. Taking a Sign or a sign structure down for the purposes of maintenance and repair is permitted;
2. Abandoned sign copy shall be removed by the owner or lessee of a site upon which the sign is located within three (3) months after the business or service advertised by the sign ceases operations;
3. Sign foundations and structures with copy removed may remain upon a site for twenty-four (24) months with the property owner's written consent provide that the foundations and structure are maintained pursuant to WC 16.08.010 E, 1.
4. All monument signs shall be designed and located to maintain clear lines of sight along public rights-of-way;
5. Maximum sign height shall be measured from the natural grade elevation upon which the sign is placed or crown height of the adjacent roadway, whichever is higher;
6. Illumination of signs shall be regulated per Section WC 16.07 of the Westfield-Washington Township Zoning Ordinance;
7. Illuminated signs shall be setback a minimum distance of twenty-five (25) feet from any residential district;
8. In no instance shall a permitted nonresidential use or tenant be restricted to less than twenty-five (25) square feet -of sign area, nor shall any permitted nonresidential use or tenant be permitted to display more than five (500) hundred square feet of sign area;
9. Sign area shall be computed as the smallest continuous rectangular figure that circumscribes a single sign display including writing, representations, emblems, logos or other displays, exclusive of the supporting framework, base, or structural bracing clearly incidental to the sign display;
10. In no instance shall wall sign square footage exceed the linear footage of the wall on which it is placed (See "Linear Footage, Wall" in Definitions);
11. Manual Changeable Copy Signage.
 - a. Manual changeable copy signage shall be allowed only when incorporated into a permanent sign structure as allowed by this ordinance; and,

- d. Nonresidential Center Sign Plan. A ten (10%) percent sign area allotment bonus shall be granted if a uniform and complimentary sign plan is mandated for all signage on site, including center, tenant, and outlot signage. A sign plan must address colors and materials and be approved by the Community Development Director prior to the issuance of individual permanent sign permits for tenants and outlots.
- 2. Wall Sign Bonuses:
 - a. Individual Letters. A ten (10%) percent wall sign area bonus shall be granted for individual nonresidential uses, tenants, or outlots whose wall signs consist only of individual letters mounted directly on a building surface.
- 3. Monument Signs:
 - a. Materials. A ten (10%) percent monument sign area bonus shall be granted for using brick, stone or equivalent substitute in the construction of a sign base, cap and supporting structure.
 - b. Matching Materials. A ten (10%) percent monument sign area bonus shall be granted if over fifty (50%) percent of the sign base, cap, and supporting structure matches the building materials used on a front elevation of the building(s).
 - c. Landscaping. A ten (10%) percent monument sign area bonus shall be granted for landscaping the area around a base of a monument sign. Refer to Section WC 16.06.010 of the Zoning Ordinance for landscaping details.

K. Temporary Signage.

1. General.

- a. Temporary Signs shall not be placed or erected upon any public infrastructure including, but not limited to, telephone poles, benches, regulatory signs, trash cans and right-of-way fences.
- b. Temporary Signs shall not obstruct vehicular line of site in compliance with the City of Westfield’s Construction Standards and Specifications.
- c. Temporary Signs shall not be erected within five (5) feet of a Public Way surface or, if a curb exists, within five (5) feet of a Public Way’s back-of-curb.
- d. Temporary Signs shall not obstruct or be placed upon sidewalks, pathways or other pedestrian infrastructure.
- e. Temporary Signs shall not be illuminated.

2. Residential Event Signs.

- a. Maximum Sign Area (per side): Six (6) Square Feet.
- b. Maximum Sign Height: Three (3) Feet.
- c. Installation: Residential Event Signs shall not be erected or installed more than five (5) days prior to the advertised event.
- d. Removal: Residential Event Signs shall be removed immediately after the advertised event.
- e. Maximum Number of Signs Per Event: Five (5) Signs.
- f. No permit required.

- b. The entire manual changeable copy area shall be counted toward sign display area square footage, regardless of the amount of information placed upon the changeable copy area.

12. Electronic Signage. Electronic Signage shall be allowed and shall comply with the following:

- a. Electronic Signage shall be limited to Gas Price Signs and Time and Temperature Signs;
- b. Electronic Signage shall count against wall signage or monument signage display area allotments, as applicable, as permitted in this chapter;
- c. The entire electronic display area shall be counted towards the total allotted sign display area;
- d. The maximum height of any letter, number or character shall be twenty (20) inches;
- e. The sum of all Electronic Signage for an Individual Nonresidential use or a Nonresidential Center shall not exceed thirty (30) percent of the total sign area allotment, as permitted in this chapter;
- f. The effects or use of moving, flashing, blinking, animation, scrolling, twirling, or other similar effects (including but not limited to video) are prohibited;
- g. Changes of image may not occur more than once per hour, except for displays containing only time and/or temperature;
- h. Changes of image must be instantaneous as seen by the human eye and may not use fading, rolling, window shading, dissolving, or similar effects as part of the change;
- i. Electronic Signage must use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the standards established in this subsection. All Electronic Signage must have installed ambient light monitors, and must at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. Maximum brightness levels for electronic signage may not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between sunset and sunrise;
- j. If mounted to a canopy, Electronic Signage shall not project beyond the canopy.

13. Identification with the City of Westfield. Title signs shall include, as an integral part of the sign design, the words "of Westfield" following any designation of an industrial park, office park, apartment development, subdivision development or shopping center name and alike. The size of the words "of Westfield" shall be a minimum of 50% of the size of the development's name on the sign, and shall not be counted toward square footage allowed or cost. If the word "Westfield" is already part of the development's name on the sign, there shall be no requirement for the location of the words "of Westfield" on the sign. Further, where "of Westfield" is required on a sign, the design and material used to include this wording shall be the same as the other lettering on the sign.

14. Reverse channel letters may be used for signage in accordance with the following:
 - a. Reverse channel letters shall be illuminated in accordance with WC 16.07.010 G, 3.
 - b. Individually mounted letters may be used; however, if the letters are mounted on a track, then the track shall be the same color as the background building material on which the track is mounted.
15. Window Signage
 - a. Maximum Sign Area: window signs shall not exceed twenty-five (25) percent of the window pane.
 - b. Maximum Height: none.
 - c. Installation: The use of fluorescent colors is prohibited, excluding small signs used inside businesses to indicate that they are open for business.
 - d. Removal: Damage or faded signs shall be removed or maintained to “new” appearance.
 - e. Maximum Number of Signs: No Maximum.
 - f. No permit required.

F. Residential District Signs.

No sign shall be erected in a residential district except for the following:

1. Residential complexes and subdivisions shall be permitted either of the following entrance signage options:
 - a. One (1) monument sign per residential complex or subdivision entrance, which shall not exceed nine (9) feet in height, and shall not exceed thirty-two (32) square feet per sign face; or,
 - b. Two (2) separate sign display areas per entrance, provided that the sign display areas are directly incorporated into an entrance landscape feature, wall, or other decorative feature. In no instance shall the sign display area exceed fifteen (15) feet in height or total more than one hundred (100) square feet of sign area.
2. Home occupations shall be permitted one (1) sign per residence which shall not exceed 4 square feet in total sign area; and
3. Home occupation signs shall only be affixed to a wall or door of the structure containing the business.
4. Permitted non-residential uses located in residential districts shall be allowed signage as per WC 16.08.010 (G) below.
5. Signs allowed per WC 16.08.010 K.

G. Individual Nonresidential Signs.

All individual nonresidential uses shall be permitted signage as detailed below, unless otherwise permitted in this chapter. Outlots of nonresidential centers are NOT considered individual uses, and are permitted signage as detailed in WC 16.08.010 (I).

1. Sign Area Allocation:
 - a. For all permitted individual nonresidential uses, total sign area allocation permitted shall be one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way; and,
 - b. The total permitted sign area allocation may be divided between monument, wall, awning, projecting signs (projecting signs permitted in Downtown Center only), and all legally-established nonconforming signs; and
 - c. Both sides of a monument or projecting sign shall count against sign allotment for a site.
2. Monument Signs:
 - a. A maximum of one (1) monument sign shall be permitted for each public street frontage per lot in all zoning districts;
 - b. Monument signs may have a maximum sign display area of sixty (60) square feet per sign face;
 - c. Monument sign display area may have a maximum height dimension of six (6) feet and a maximum width dimension of twelve (12) feet;
 - d. Monument signs may have a maximum sign height of nine (9) feet only when incorporating a sign base and sign cap features;
 - e. Monument signs incorporating a cap or base shall have a minimum base height of six (6) inches, a maximum base height of twenty-four (24) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed three (3) feet; and,
 - f. Sign caps and bases shall not be used for sign display or advertising purposes.
3. Setbacks:
 - a. All signs shall conform to the side and rear yard setback requirements for structures as set forth in the underlying zoning district; and
 - b. Signs shall have a minimum front yard or right-of-way setback requirement of five (5) feet from a property line or right-of-way.

H. Downtown Center.

The Local Business Historical District (LB-H) shall be regulated per Section WC 16.08.010 G of the Westfield-Washington Township Zoning Ordinance. In addition to these sign standards the following sign type is also permitted within the Downtown Center:

1. Projecting signs which do not exceed sixteen (16) square feet per sign face.
2. Signs allowed per WC 16.08.010 K.

I. Nonresidential Center Signs.

All nonresidential centers shall be permitted signage as detailed below, unless otherwise permitted in this chapter.

1. A sign plan shall be submitted for a nonresidential center prior to receiving the first sign permit for the center or its tenants. Sign plan must include the following:
 - a. Site plan, to scale, depicting the location of all nonresidential center signage;
 - b. Building elevation, to scale, depicting the approximate location of all wall, awning and under-canopy signage;
 - c. Description of uniform lighting method (for example: reverse channel, channel, panel, exterior above, or exterior below lighting);
 - d. Description of landscaping for all monument signs.

2. *Monument Sign(s) (Center Only):*
 - a. Size:
 - i. Nonresidential centers less than 25,000 building square feet in size shall be permitted one monument sign per nonresidential center, which shall be no greater than nine (9) feet in height and have no more than sixty (60) square feet of sign area per face;
 - ii. Nonresidential centers which range in size from 25,000 building square feet to one hundred thousand (100,000) building square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face;
 - iii. Nonresidential centers greater than one hundred thousand (100,000) building square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face;
 - b. Nonresidential center monument signs shall have a minimum base height of six (6) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed six (6) feet; and,
 - c. Sign caps and bases shall not be used for display or advertising purposes.
 - d. The replacement of individual panels on nonresidential center monument signs does not require a permit.

3. *Entrance Sign(s) (Center Only):*
 - a. In addition to a nonresidential monument sign, a nonresidential center shall be permitted one (1) entrance sign per point of ingress; and,
 - b. Nonresidential center entrance signs shall be limited to a maximum of six (6) feet in height, a sign area of thirty (30) square feet per sign face, and shall not contain tenant information.

4. *Interior Circulation Sign(s) (Center Only):*
 - a. Nonresidential centers are permitted interior circulation signage containing traffic directing information only (such as “Enter”, “Exit”, “Do Not Enter”, etc.).

Circulation signage shall be limited to a maximum of three (3) feet in height, and a sign area of two (2) square feet per sign face.

5. *Center In-Line Tenant Signage:*

- a. All in-line tenants of nonresidential centers shall be permitted one (1) square foot of signage for each linear foot of tenant space front façade (See “Front Façade” in Definitions);
- b. Corner in-line tenants shall have only one (1) front façade, that being the façade with the primary public entrance.
- c. The total permitted sign area allocation may be divided between wall and awning signs;
- d. Wall signs in nonresidential centers shall be located on the front façade except that those tenants with corner locations are permitted to place signage on a side wall; and,
- e. Any side wall sign square footage shall be deducted from the total sign allocation for the tenant space;
- f. Center in-line tenants shall not be permitted individual monument signs.

6. Two-Story, Multi-Tenant Signage:

a. Ground Floor In-Line Tenant Signage:

- i. All ground floor in-line tenants of two-story, multi-tenant structures shall be regulated per Section WC 16.08.010 I, 5 of the Westfield-Washington Township Zoning Ordinance;
- ii. Ground floor in-line tenant signs shall be located on a building façade and shall not be located higher than twenty-six (26) feet, from grade;
- iii. Ground floor in-line tenants shall not be permitted individual monument signs;

b. Second Floor Tenant Signage:

- i. The sign area allotment shall be calculated at the rate of 0.35 square foot of signage for each linear foot of the front building elevation;
- ii. Each two-story, multi-tenant structure shall be permitted second-floor tenant signage using the following chart:

<i>Linear Feet of Front Building Elevation</i>	<i>Number of Signs Allowed</i>
0-199 feet	1
200-399 feet	2
400 feet or greater	3

- iii. No tenant shall be permitted more than one (1) sign on the front building elevation
- iv. All second floor tenant signs shall be located no less than twenty-six (26) feet above grade on the front building elevation;
- v. The total permitted second floor sign area allocation may be divided between wall and awning signs;
- vi. Second floor tenant signs shall be located on the front building elevation;

- vii. Each patron entrance for second floor tenants is permitted one (1) wall directory sign OR one (1) ground directory sign AND one (1) building identification sign
 - (a) Directory Signs:
 - (i) General:
 - 1. Directory signs shall be located within fifteen (15) feet of the patron entrance for second floor tenants;
 - 2. Directory signs shall not be illuminated;
 - 3. Directory signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 J.
 - (ii) Wall Directory Signs:
 - 1. Wall directory signs shall not exceed four (4) square feet in size;
 - 2. Wall directory signs shall not be located more than five (5) feet above grade;
 - (iii) Ground Directory Signs:
 - 1. Ground directory signs shall not exceed six (6) square feet per face;
 - 2. Ground directory signs shall not exceed five (5) feet in height from grade;
 - (b) Building Identification Signs
 - (i) General:
 - 1. One (1) building identification sign is permitted per patron entrance.
 - 2. Building identification signs shall be located either on an exterior wall above a patron entrance OR on a canopy over a patron entrance;
 - 3. Building identification signs shall not include tenant information;
 - 4. Building identification signs shall not be illuminated;
 - 5. Building identification signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 J;
 - (ii) Building Identification Signs on a Canopy:
 - 1. Shall not exceed twelve (12) inches in height;
 - 2. Shall not exceed twelve (12) feet in length;
 - 3. Channel letters and sign panels are prohibited from use on building identification signs on a canopy;
 - 4. Reverse channel letters are permitted;
 - (iii) Other Building Identification Signs:
 - 1. Shall not exceed six (6) inches in height;
 - 2. Shall not exceed six (6) feet in length or the width of the patron entrance doorway, whichever is less;
 - 3. Building identification signs shall not protrude from the building façade;
 - a. Channel letters, reverse channel letters, and sign panels are prohibited from use on building identification signs;
 - b. Transom window signs are permitted and may exceed the provision found in WC 16.08.010 C, 5.
- viii. Second Floor Tenant signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 J;
- ix. Second floor tenants shall not be permitted individual monument signs.

7. Multi-Story, Multi-Tenant Signage (Three Stories or More):
 - a. Ground Floor In-Line Tenant Signage:
 - i. All ground floor in-line tenants of two-story, multi-tenant structures shall be regulated per Section WC 16.08.010 I, 5 of the Westfield-Washington Township Zoning Ordinance;
 - ii. Ground floor in-line tenant signs shall be located on a building façade and shall not be located higher than twenty-six (26), from grade;
 - iii. Ground floor in-line tenants shall not be permitted individual monument signs;
 - b. Upper Floor Tenant Signage:
 - i. Second Floor Tenant signage, as defined per WC 16.08.010 I, 5b, is prohibited on structures three or more stories;
 - ii. Each multi-story, multi-tenant structure shall be permitted one (1) wall sign per each building façade that is adjacent to a public right-of-way;
 - iii. The sign-area allotment shall be calculated at the rate of one percent (1%) of the building façade square footage, including fenestration;
 - iv. Upper Floor Tenants signs shall be located at the top edge of the building façade;
 - v. Each patron entrance for second floor tenants is permitted one (1) wall directory sign OR one (1) ground directory sign AND one (1) building identification sign
 - (a) Directory Signs:
 - (i) General:
 1. Directory signs shall be located within fifteen (15) feet of the patron entrance for second floor tenants;
 2. Directory signs shall not be illuminated;
 3. Directory signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 J.
 - (ii) Wall Directory Signs:
 1. Wall directory signs shall not exceed four (4) square feet in size;
 2. Wall directory signs shall not be located more than five (5) feet above grade;
 - (iii) Ground Directory Signs:
 1. Ground directory signs shall not exceed six (6) square feet per face;
 2. Ground directory signs shall not exceed five (5) feet in height from grade;
 - (b) Building Identification Signs
 - (i) General:
 1. One (1) building identification sign is permitted per patron entrance.
 2. Building identification signs shall be located either on an exterior wall above a patron entrance OR on a canopy over a patron entrance;
 3. Building identification signs shall not include tenant information;
 4. Building identification signs shall not be illuminated;
 5. Building identification signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 J;
 - (ii) Building Identification Signs on a Canopy:
 1. Shall not exceed twelve (12) inches in height;
 2. Shall not exceed twelve (12) feet in length;
 3. Channel letters and sign panels are prohibited from use on building identification signs on a canopy;

4. Reverse channel letters are permitted;
 - (iii) Other Building Identification Signs:
 1. Shall not exceed six (6) inches in height;
 2. Shall not exceed six (6) feet in length or the width of the patron entrance doorway, whichever is less;
 3. Building identification signs shall not protrude from the building façade;
 - a. Channel letters, reverse channel letters, and sign panels are prohibited from use on building identification signs;
 - b. Transom window signs are permitted and may exceed the provision found in WC 16.08.010 C5.
 - vi. Upper Floor Tenant signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 (J);
 - vii. Upper floor tenants shall not be permitted individual monument signs.
8. Outlot Signage:
- a. All outlots of nonresidential centers shall be permitted one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way;
 - b. The total permitted sign area allocation may be divided between wall, awning, and under canopy signs;
 - c. Signs may be located on any building elevation; and,
 - d. All sign square footage shall be deducted from the total sign allocation for the outlot;
 - e. Outlots within a nonresidential center shall not be permitted monument signs.

J. Sign Area Bonus.

The total sign allotment for an individual nonresidential use, tenant, or a nonresidential center may be increased by a specified percentage for compliance with design criteria as listed below. Percentage increases shall be based on the original sign allotment calculation. If more than one criterion is met, then sign area bonuses will be granted cumulatively.

The sign area allotment bonus provisions found in this section (WC 16.08.010 J) shall not apply to Second-Floor Tenant signage (WC 16.08.010 I, 6b), Upper-Floor signage (WC 16.08.010 I, 7b), or Building Identification signage (WC 16.08.010 I, 6b,vii,b and (WC 16.08.010 I, 7b,v,b).

1. Sign Area Allotment Bonuses:

- a. Sign Number: A five (5%) percent sign area allotment bonus shall be granted for limiting the total number of signs to three (3) or less;
- b. Where monument signs are permitted, a ten (10%) percent sign area allotment bonus shall be granted for not having a monument sign.
- c. Alternative Materials. A ten (10%) sign area allotment bonus shall be granted when all signage on site is primarily comprised of decorative wood, sculpted metal, or equivalent substitutes. This bonus is also available on a Tenant/Outlot basis in Nonresidential Centers.

3. Nonresidential Special Event Signs.
 - a. Maximum Sign Area (per side): Six (6) Square Feet.
 - b. Maximum Sign Height: Four (4) Feet.
 - c. Installation: Special Event Signs shall not be erected or installed more than thirty (30) days prior to the advertised event.
 - d. Removal: Special Event Signs shall be permitted to remain for no longer than five (5) days after the advertised event.
 - e. Maximum Number of Signs Per Event: One hundred (100).
 - f. No permit required.

4. Real Estate Signs.
 - a. Open House Directional Signs.
 - i. Maximum Sign Area (per side): Six (6) Square Feet.
 - ii. Maximum Sign Height: Three (3) Feet.
 - iii. Installation: Open House Directional Signs shall not be erected or installed more than two (2) days prior to the open house event.
 - iv. Removal: Open House Directional Signs shall be removed immediately after the open house event.
 - v. No permit required.

 - b. Residential Real Estate Signs.
 - i. Maximum Sign Area (per side): Six (6) Square Feet.
 - ii. Installation: Residential Real Estate Signs shall only be erected or installed on the parcel that is being marketed for sale.
 - iii. Removal: Residential Real Estate Signs shall be removed immediately after the closing of the parcel being marketed.
 - iv. Maximum Number of Signs: One (1) per street frontage.
 - v. No permit required.

 - c. Nonresidential Real Estate Signs.
 - i. Maximum Sign Area (per side): Sixty-four (64) Square Feet.
 - ii. Maximum Sign Height: Six (6) Feet.
 - iii. Installation: Non-residential Real Estate Signs shall only be erected or installed on the parcel that is being marketed for sale.
 - iv. Removal: Non-residential Real Estate Signs shall be removed immediately after the closing of the parcel being marketed.
 - v. Maximum Number of Signs: One (1) sign for every five hundred (500) feet of street frontage.
 - vi. No permit required.

5. Builder/Developer Directional Signage Off-Site.
 - a. Maximum Sign Area (per side): Six (6) Square Feet.
 - b. Maximum Sign Height: Three (3) feet.
 - c. Installation: Signs shall not be erected or installed until Friday evenings at 6:00 p.m.
 - d. Removal: Signs shall be removed by 8:00 p.m. Sunday evenings.
 - e. Maximum Number of Signs: Six (6).
 - f. No permit required.

6. Builder/Developer Directional Signage On-Site.
 - a. Maximum Sign Area (per side): Six (6) Square Feet.
 - b. Maximum Sign Height: Three (3) feet.
 - c. Installation: Signs shall be erected within the development and not visible from the off-site adjacent arterial or collector roads.
 - d. Removal: Signs shall be removed at time of turnover to Homeowners Association or when eighty (80) percent of the development's lots are sold.
 - e. Maximum Number of Signs: Unlimited.
 - f. No permit required.

7. Builder/Developer Kiosk Directional Signage On-Site.
 - a. Maximum Sign Area (per side): Eighteen (18) Square Feet.
 - b. Maximum Sign Height: Six (6) feet.
 - c. Installation:
 - i. Signs shall be erected within the development.
 - ii. Signs shall not be located outside the subdivision entrance signage.
 - d. Removal: Signs shall be removed at time of turnover to Homeowners Association or when eighty (80) percent of the development's lots are sold.
 - e. Maximum Number of Signs: One (1) per development entrance.
 - f. No permit required.

8. Home Remodeling Signs or Home Construction Signs.
 - a. Maximum Sign Area (per side): Six (6) Square Feet.
 - b. Installation:
 - i. Home Remodeling Signs or Home Construction Signs shall only be erected or installed on the parcel on which the advertised business is conducting remodeling or construction activities.
 - ii. Home Remodeling Signs or Home Construction Signs shall not be erected or installed prior to the advertised business commencing remodeling or construction activities.
 - c. Removal: Home Remodeling Signs or Home Construction Signs shall be removed immediately upon completion of work activities.
 - d. Maximum Number of Signs: One (1) per street frontage for each business entity.
 - e. No permit required.

9. Banner Signs.

- a. Maximum Sign Area (per side): Shall not exceed thirty-two (32) Square Feet.
- b. Height: Shall not exceed eight (8) feet.
- c. Length: Shall not exceed ten (10) feet
- d. Installation: Shall be permitted in nonresidential districts and for nonresidential uses in residential districts.
- e. Removal: Shall be limited to 15 consecutive days per quarter.
- f. Maximum Number of Signs: One (1) per use, per street frontage.
- g. Permit Required.

10. Sandwich Board Signs.

a. General:

- i. The placement of sandwich board signs shall not impede pedestrian or vehicular traffic;
- ii. Sandwich board signs shall not exceed six (6) square feet per sign face;
- iii. Sandwich board sign width shall not exceed three and one-half (3.5) feet when measured from the outside of a sign support and/or sign face;
- iv. Sign height shall not exceed five (5) feet when measured from the ground to the top of a sign face or sign support structure;
- v. Sandwich board signs shall have a base support and the base support shall be weighted with a minimum ten (10) pound ballast to ensure sign stability;
- vi. Sandwich board signs shall not be permanently affixed to any structure or sidewalk;
- vii. Placement of sandwich board signs in a public right-of-way shall require approval by the Westfield City Council, or designee;
- viii. More than two (2) sign violations of this ordinance in one calendar year shall result in the termination of the sandwich board sign permit and require removal of the sandwich board for that calendar year;
- ix. A permit must be obtained from the Community Development Department.

b. Residential Districts:

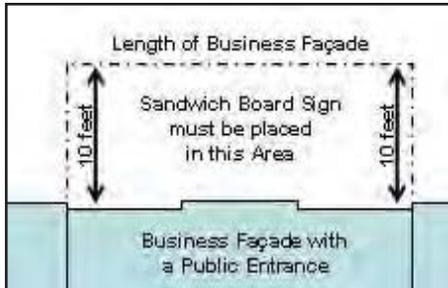
- i. One (1) sandwich board sign shall be permitted per entrance from a public right-of-way per subdivision;
- ii. Sandwich board signs advertising subdivision events may be placed in the common area adjacent to the subdivision entrance from a public right-of-way;
- iii. Signs shall be posted for no more than seven (7) consecutive days.

c. Commercial Districts:

- i. One (1) sandwich board sign shall be permitted per individual commercial or business use;
- ii. Sandwich board signs shall not count toward the total sign allotment for a commercial use or business;

- iii. Sandwich board sign faces shall be constructed of a chalk board type material or equivalent substitute which permits the application of any identification, message or information with a non-permanent type of text, design or logo;
- iv. Signs must be removed at the end of each business day;
Signs shall only be placed within 10 feet of, and directly in front of, a business façade having a public entrance. See the Figure K 10.1 below:

Figure K 10.1



11. Builder/Developer Sequential Sign Collections.

a. Residential (Not Apartments):

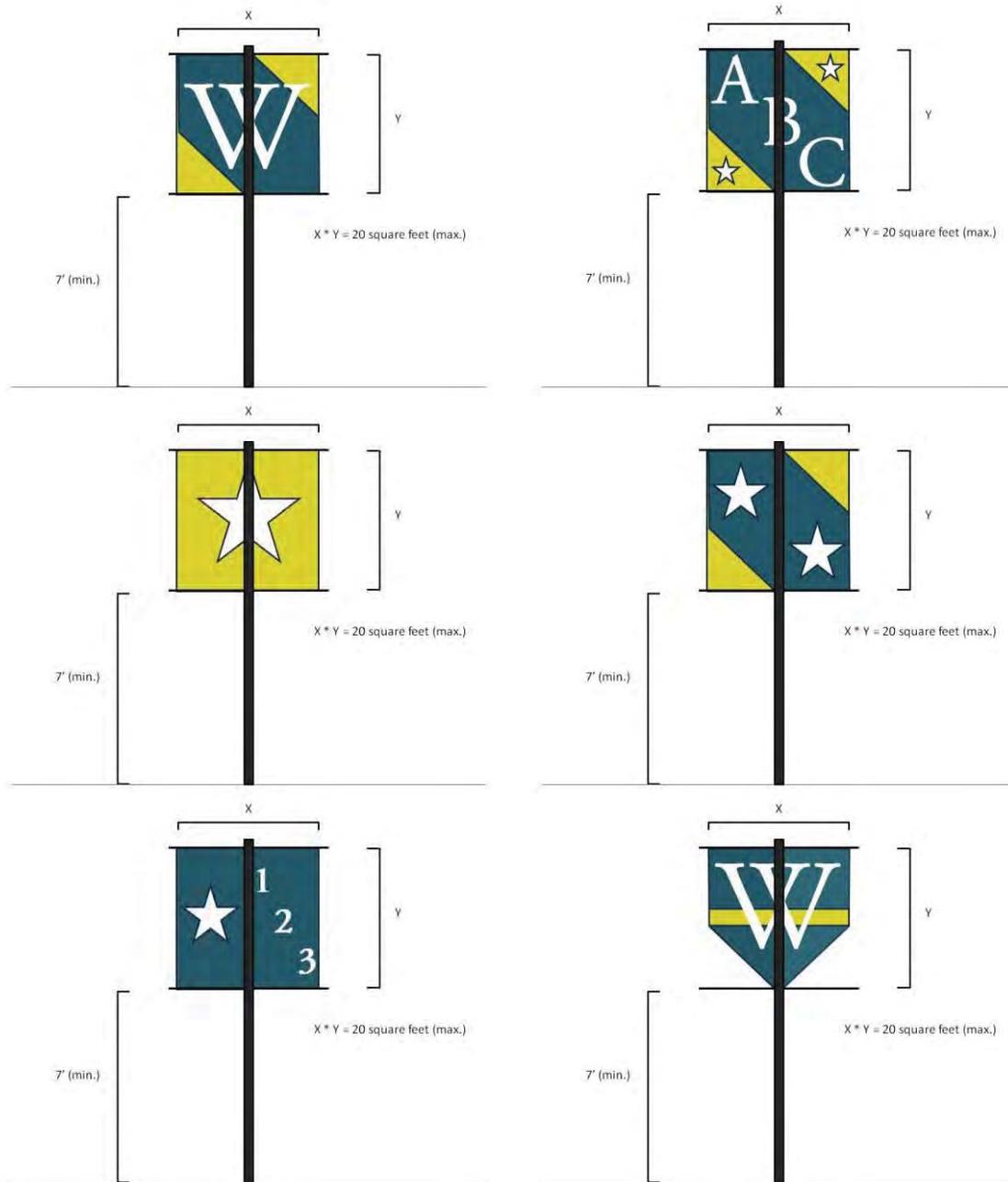
- i. Maximum Sign Area (per side): Fifteen (15) Square Feet.
- ii. Maximum Sign Height: Six (6) feet.
- iii. Installation:
 - 1. Signs shall be erected within the development.
 - 2. Signs shall only be allowed on Local Streets in subdivisions;
 - 3. Signs shall be fastened to Decorative Poles.
- iv. Removal: Signs shall be removed at time of turnover to Homeowners Association or when eighty (80) percent of the development's lots are sold.
- v. Maximum Number of Builder/Developer Sequential Sign Collections: One (1) per development entrance.
- vi. Maximum Number of Signs per Builder/Developer Sequential Sign Collection: Five (5)
- vii. Maintenance:
 - 1. Signs and Decorative Poles shall be maintained to look like new.
 - 2. Any Sign or Decorative Pole that does not look like new, as determined by the Director, shall be replaced or removed.
- viii. Any Sign or Decorative Pole that has been determined to not look like new may be removed by the Director, or designee, at the cost of the Builder/Developer.
- ix. Permit:
 - 1. A sign permit is required for all new Builder/Developer Sequential Sign Collections.
 - 2. A sign permit is required when there is a change in graphics to the Builder/Developer Sequential Sign Collections display.

3. A sign permit is not required when performing routine maintenance of the Builder/Developer Sequential Sign Collections or pole.
 4. A sign permit is not required when replacing Builder/Developer Sequential Sign Collections that do not look like new with new, identical Builder/Developer Sequential Sign Collections.
- b. Apartments:
- i. Maximum Sign Area (per side): Fifteen (15) Square Feet.
 - ii. Maximum Sign Height: Six (6) feet.
 - iii. Installation:
 1. Signs shall be erected within the development.
 2. Signs shall only be allowed on Local Streets or private drives within the development;
 3. Signs shall be fastened to Decorative Poles.
 4. Signs do not count against any signage permitted in WC 16.08.010, F.
 5. Changing sign display information does not require a new permit.
 - iv. Removal: None required.
 - v. Maximum Number of Builder/Developer Sequential Sign Collections: One (1) per development entrance.
 - vi. Maximum Number of Signs per Builder/Developer Sequential Sign Collection: Five (5)
 - vii. Maintenance:
 1. Signs and Decorative Poles shall be maintained to look like new.
 2. Any Sign or Decorative Pole that does not look like new, as determined by the Director, shall be replaced or removed.
 3. Any Sign or Decorative Pole that has been determined to not look like new may be removed by the Director, or designee, at the cost of the property owner of record.
 - viii. Permit:
 1. A sign permit is required for all new Builder/Developer Sequential Sign Collections.
 2. A sign permit is required when there is a change in graphics to the Builder/Developer Sequential Sign Collections display.
 3. A sign permit is not required when performing routine maintenance of the Builder/Developer Sequential Sign Collections or pole.
 4. A sign permit is not required when replacing Builder/Developer Sequential Sign Collections that do not look like new with new, identical Builder/Developer Sequential Sign Collections.
- c. Nonresidential: Builder/Developer Sequential_Sign Collections are not permitted for nonresidential uses.

12. Ornamental Banners:

The purpose and intent of permitting Ornamental Banners within this chapter is to provide a temporary themed, uniform, festive display along the perimeter of a residential development, particularly near the development's entrance. See Figure K 12.1 below for examples:

Figure K 12.1



- a. Ornamental Banners shall only be permitted within residential areas.
- b. All Ornamental Banners used by the City of Westfield shall be exempt from these regulations.
- c. Maximum Size of Ornamental Banners (per face of the entire display, including the pole): Twenty (20) Square Feet (see Figure K 12.1 above).
- d. Height of Ornamental Banners
 - i. The face of an entire Ornamental Banner display shall not be wider than it is tall.
 - ii. Ornamental Banners shall not extend above the top of the pole
- e. Ornamental Banners shall be two-dimensional.
- f. Ornamental Banners shall not be made using fluorescent colors.
- g. Ornamental banners shall not be made using reflective materials.
- h. Installation:
 - i. Ornamental Banners shall not be located within the right-of-way.
 - ii. Ornamental Banners shall be located along an adjoining Primary Arterial, Secondary Arterial, or Collector Street, as established in the Westfield-Washington Township Thoroughfare Plan
 - iii. Ornamental Banners shall be fastened to Decorative Poles.
 - iv. Ornamental Banners shall be fastened at the top and bottom of the banner to a rigid support.
 - v. Each Decorative Pole within the same development shall contain identical Ornamental Banners, in an identical configuration.
 - vi. Ornamental Banners shall be oriented so that they are perpendicular to the adjoining right-of-way.
 - vii. Minimum Distance between Decorative Poles: Fifty (50) feet.
 - viii. Maximum Height of Decorative Poles: Fifteen (15) feet.
 - ix. Minimum clearance of Ornamental Banner from the ground: Seven (7) feet (see Figure K 12.1 above).
- i. Removal: None required.
- j. Maintenance:
 - i. Ornamental Banners and Decorative Poles shall be maintained to look like new.
 - ii. Any Ornamental Banners or Decorative Pole that does not look like new, as determined by the Director, shall be replaced or removed.
 - iii. Any Ornamental Banners or Decorative Pole that has been determined to not look like new may be removed by the Director, or designee, at the cost of the property owner of record.
- k. Permit:
 - i. A sign permit is required for all new Ornamental Banners.
 - ii. A sign permit is required when there is a change in graphics (not including a change in color only) to the Ornamental Banner display.
 - iii. A sign permit is not required when performing routine maintenance of the Ornamental Banners or pole.
 - iv. A sign permit is not required when replacing Ornamental Banners that do not look like new with new, identical Ornamental Banners.

L. Under Canopy Signs.

Under canopy signs shall only be permitted in commercial zoning districts and shall conform to the following regulations:

1. Under canopy signs shall be placed under canopies or roof overhangs.
2. Under canopy signs shall not count toward the total sign allotment for a commercial use or business;
3. Under canopy signs shall not exceed one (1) per building entrance;
4. Under canopy signs shall not exceed three (3) square feet in area;
5. Under canopy signs shall not be separately illuminated; and,
6. Under canopy signs shall contain only the address, logo, or name of the occupant or business served by the entrance.

M. *This section is intentionally left blank and is reserved for future use.*

N. Nonconforming Signs.

All legally-established existing signs which do not conform to this chapter are designated legally nonconforming signs and shall be allowed to remain.

1. Maintenance and Repair – All nonconforming signs shall comply with the Maintenance and Repair requirements found in WC 16.08.010 E, General Sign Regulations.
2. The legal nonconforming status of a legally nonconforming sign shall be terminated if:
 - a. The nonconforming sign or sign structure is not kept in good maintenance and repair, as described in this chapter, for a period exceeding six (6) consecutive months;
 - b. The nonconforming sign or sign structure is relocated;
 - c. The Sign Copy is replaced;
 - d. The size of the nonconforming sign or sign structure is altered;
 - e. Any new signage is proposed for the property upon which the nonconforming sign is located;
 - f. A nonconforming sign that is taken down for maintenance and repair is down for longer than thirty (30) days;
 - g. A nonconforming sign is destroyed or damaged by fifty (50) percent or more of its value.
3. Upon the termination of legal nonconforming status:
 - a. Application shall be made with the Board of Zoning Appeals to obtain any variance(s) necessary to bring the nonconforming sign into conformity; or,
 - b. The nonconforming sign shall be removed within thirty (30) days.
4. In no case shall the replacement of individual tenant name panels on a nonresidential center sign constitute the need to bring the nonresidential center sign into compliance with these sign regulations.

O. Permits.

1. A sign permit shall be required for all signs (including but not limited to changes in Sign Copy), unless otherwise exempted within this chapter.
2. The Community Development Department Director and his/her designated staff shall have the authority to review and decide upon all sign permit applications.
3. Application for a permit shall be made in writing, upon forms prescribed and approved by the Director and shall contain the following information:
 - a. Name, address, and telephone number of applicant or business;
 - b. Site address;
 - c. Graphic scale;
 - d. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
 - e. A site plan indicating the location of any existing or proposed monument signs;
 - f. A square footage calculation of any proposed sign(s), as well as the location and square footage of all existing on-site sign(s);
 - g. Elevation of proposed signs including size, materials, color and dimensions;
 - h. A true color rendering of the proposed signs;
 - i. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination;
 - j. Indication of sign type(s) as defined in this chapter;
 - k. Written consent of the owner of the building, structure, or land on which the sign is to be erected if the applicant is not the owner; and
 - l. Temporary and special event sign displays shall provide a schedule for sign displays which indicate the dates and duration of the sign displays.
 - m. Any other information necessary to support a thorough review of the project and as requested in writing by the Director

All applications for permits shall be accompanied by payment of fees. The fee schedule shall be kept on file in the Community Development Department. If the proposed sign plan is in compliance with all the requirements of this zoning ordinance, a permit shall be issued.

P. Violations and Enforcement.

The Director is authorized to enforce all provisions of this chapter. Violations of this Ordinance shall be subject to the enforcement remedies and penalties provided by this Ordinance, by other City ordinances, and by state law. Remedies of the City shall include:

1. The Director shall advise the owner of the sign, business, building, structure or premise in writing of a violation of this chapter and specify a date for compliance which shall not exceed thirty (30) days;
2. The written notice shall describe the violation, appeal process, and enforcement provisions including penalties that may be assessed;
3. Issuing a stop work order for any and all work on any signs on a site;

4. Seeking an injunction or other restraint that requires the removal of the sign or correction of the nonconformity;
5. Imposing civil penalties in accordance with the following schedule:
 - a. \$50 for the first day of the violation;
 - b. \$100 for the second day of the violation;
 - c. \$250 for the third day of the violation; and
 - d. \$500 a day each day thereafter that violation continues; and
6. And other remedies provided for or allowed by state law or City Codes.

WC 16.08.100 Administration and Penalties.

Enforcement - The Community Development Director is hereby authorized and directed to enforce all of the provisions of this ordinance. Upon presentation of proper credentials, the Building Commissioner and Planner or his duly authorized representative may enter at reasonable times any building, structure or premises in the City of Westfield and Washington Township to perform any duty imposed upon him by this ordinance.

Interpretation - Where there is any ambiguity or dispute concerning the interpretation of this ordinance, the decision of the Director shall prevail subject to appeal as provided herein.

Right of Appeal - Any person aggrieved by any decision or order of the Director may appeal to the Board of Zoning Appeals. The Director shall take no further action on the matter pending the Board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this ordinance.

WC 16.08.110 Amendments.

All amendments to this ordinance shall be in conformance with IC 18-7-5-39, IC 18-7-5-40, IC 18-7-5-41, IC 18-7-5-42 and IC 18-7-5-44, and all acts amendatory thereto.

WC 16.08.120 Validity.

If any title, article, section, clause, paragraph, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other title, article, section, clause, paragraph, provision or portion of this ordinance.

WC 16.08.130 Adoption.

This ordinance shall be in full force and effect from and after this passage.

Passed by the Board of Trustees of the Town of Westfield, Indiana, on the 20th day of December, 1977.

Amended by the City Council of the City of Westfield, Indiana, on the 10th day of December, 2007.

Amended by the City Council of the City of Westfield, Indiana on the 9th day of November, 2009.

Amended by the City Council of the City of Westfield, Indiana on the 28th day of February, 2011.

Westfield City Council

President

ATTEST:

Clerk- Treasurer

EXHIBIT 13. DEFINITIONS

- A. "Boardwalk" shall mean and refer to an area partially-surrounding the lake that will be used for pedestrian and cycling traffic and as a trail adjoining lake activities, trails, restaurants and other commercial, residential or public areas.
- B. "Church" shall mean and refer to a building and property used for public worship. A Church may include a daycare and meeting space facilities open to the general public at the election of the Owner-Developer.
- C. "Commercial District" shall mean and refer to what is identified on the Zoning District Map as Commercial.
- D. "Community Garden Centers" shall mean and refer to a designated area within a subdivision common area set aside for use by residents for the growing of plants including fruits, vegetables and flowers. These areas may be segmented off for use by individual or operated by a company or co-operative of companies/individuals.
- E. "Developer" shall refer to any developer or development team of any part of the Real Estate.
- F. "Development" shall mean and refer to Grand Park Village.
- G. "District" shall mean and refer to any of the five (5) Districts within the Grand Park Village PUD.
- H. "Dormitories" shall mean and refer to shared housing and communal housing that is rented or leased by individuals, companies, teams, associations or others. Dormitories may include individual, shared or communal baths/living areas.
- I. "Elevation" shall mean and refer to the front, side or rear of a dwelling.
- J. "Grand Park Sports Campus" shall refer to the approximately 400+ acre sports complex development by the City of Westfield located just north of Grand Park Village.
- K. "Grand Park TIF District" shall refer to the area that was approved for tax increment financing district as associated with Grand Park and shown in Exhibit "2" of the Grand Park Comprehensive Plan by the City of Westfield.
- L. "Lake Village" shall refer to the 20+ acre lake that will exist in the Grand Park Village, the commercial, public areas, recreation, trails, and other uses outlined in the Grand Park Village PUD that surround it or located nearby.
- M. "Monon Trail" shall refer to the public pedestrian and bike trail way extension of the existing Monon Trail that runs from downtown Indianapolis and extends to Westfield, Indiana; the Monon Trail will be extended to 191st Street by the City of Westfield and will go through the middle of the Grand Park Village property along Wheeler Road.
- N. "Monon Bike Hub" shall mean and refer to the potential development of a hub or headquarter location for cyclist using the Monon Trail and surrounding roads, trails or other pathways for cycling; it may include food and beverage sales, personal refreshment (i.e. showers), changing areas, storage and lockers amongst other things.
- O. "Multifamily" shall mean and refer to any attached housing located above commercial or located alone in the Development and may be for rental or condo ownership.
- P. "Natural Materials" Brick, wood, limestone, fiber cement siding, or natural stone.
- Q. "Owner" shall mean and refer to any owner of any part of the Real Estate.
- R. "Parcel" shall mean and refer to a land area with properly recorded legal description.
- S. "Real Estate" shall mean and refer to the real estate described in what is attached hereto and incorporated herein by references as Exhibit A.
- T. "Single Family Residential" shall mean and refer to one through seven unit attached dwellings including but not limited to quadplex dwellings, triplex dwellings, duplex dwellings, and townhouse dwellings. It shall also refer to detached residential and refer to a dwelling unit which does not share a common wall with any other dwelling and is surrounded on all sides by open space and located on the same lot.
- U. "Owner-Developer" shall refer to the team that comprises the Owner and development team of Grand Park Village.
- V. "Zoning Ordinance" shall mean and refer to the Comprehensive Zoning Ordinance of Westfield-Washington Township, 1977, as amended.
- W. "Zone Map" shall refer to the Zone Map of the City of Westfield Zoning Ordinance.