

PUBLIC COMMENTS

Summary of Submitted Written Comments:

- 1) **Bob Whitmoyer** (3510 Westfield Road): Comments attached are as presented and submitted at the July 21, 2014, Plan Commission meeting, and additional comments provided on August 11, 2014.
- 2) **Ginny Kelleher** (3920 W 116th Street): Comments attached are as presented at the July 21, 2014, Plan Commission meeting and submitted to the Department on July 22, 2014, and additional comments provided August 5, 2014.
- 3) **Jen Smith** (16941 Joliet Road): Exhibit attached is as presented and referenced at the July 21, 2014, Plan Commission meeting.
- 4) **Bryan Stumpf** (Estridge Development): Exhibit attached is as provided to the Department on August 13, 2014.

Bob Whitmoyer

(3510 Westfield Road)

Bob Whitmeyer 3510 Westfield Rd. Westfield 46062
~~Name & address...~~ rural setting with small grain farm.

Lived in this area for 88 years and have seen a lot of changes over the years. I am here tonite to try to understand what is going on with our zoning. I might add that many years ago I worked with Bill Castner to canvas our neighborhoods to get homeowners to support township zoning..and that was not an easy job. So, I am not an anti-zoning farmer. I will try to be brief..I have three suggestions.

First, do we really need new documents with 354 pages of words..30 pages of definitions..some deleted..some revised..and some are brand new..15 pages of overview and 45 pages that describe 16 processes needed for permits. Gee whiz, we are recognized on a National level as one of the best cities in the Nation...so what we are doing must be working...so what problems are we trying to solve. I suggest we make a list the needed changes, hold a public hearing and just revise our current ordinances.

Next, it is hard to follow what is added for the rural areas. It appears this new ordinance is setting up all kinds of new concepts..eg. ^{Fed. Taxes?} Hobby farms, 3 and 5 acre definitions...all for the farming areas. I quote directly from the proposed ord. "...a refinement to address existing issues, such as: agriculture uses..." Yet, these issues are not defined. Just what are the problems we are trying to solve? You know, a lot of people leave cities and sub-divisions to pursue their dreams of living in the country, dreams that can vary from chickens, a truck patch, horses, or a child's 4h calf. When people make these moves, they must realize that there is a risk involved, because others may have a different dream for their small acreage. They are protected in many ways by state laws that control agriculture and also prohibit many so-called public nuisances. Even so, there is a risk that a neighbor will come in and pursue a dream you do not like. I do not think that more zoning rules, with all kinds of little details should address this situation.

My last suggestion relates to the concept of PUDs. It appears we are being PUDed to death. We have a very serious flaw in our zoning that needs to be addressed..mainly in our residential sub-divisions. Once a PUD is initially approved, a change should be considered, only if two-thirds of the current homeowners sign a written petition for such change. This gives current homeowners some security that their property will not lose value because others are trying to pursue their own self-interests.

An idea has been floated that more rules will decrease BZA activity..in reality the more rules.. the more exceptions requested. 0 rules 0 exceptions.

345 PAGES - LOTS OF EXCEPTIONS.

From: [Bob Whitmoyer](#)
To: [Jesse Pohlman](#)
Subject: Revised UDO
Date: Monday, August 11, 2014 5:52:49 PM

Jesse: I appreciate the time you took with me to discuss the new UDO. You have made some good changes to the document...but I have these comments going forward to the final adoption.

1. It appears you are still trying to solve non-zoning problems with the addition of new or changed zoning ordinances. For example, you will not solve the problem of a manure pile "neighbor nuisance" with a revised 100' setback of the barn. He can still pile the manure (with the flies) over by the neighbors' fence and probably will.
2. You cannot solve the problem of a guy who puts a non conforming business in a farm building with more zoning laws and definitions. He will not pay any more attention to the new law than he did the old one. You solve these kind of problems with your enforcement personnel.
3. Section 8-9-D regarding added R/W needs rewritten. When development of land requires the widening of any street, then the land for this widening should ALL come out of the Developers' property. I am not sure what was intended with your current wording, but it appears you want to use Eminent Domain and taxpayer money solely to aid a private enterprise.

Thank you for your consideration to these inputs.

Bob Whitmoyer, 8/11/14

Ginny Kelleher

(3920 West 166th Street)

July 21, 2014

Westfield/Washington Township Advisory Plan Commission

Re: New proposed Unified Development Ordinance

From: Ginny Kelleher

In a nutshell:

- Uses in AG-SF1 that are not appropriate. Please remove these.
- Definitions that state Hobby Farms and Equestrian uses are not Agriculture. This is incorrect and may have tax consequences. Please remove all of these references
- Required that any agricultural uses be at least 10 acres. Again, may have tax implications and is unfair to small farmers or farmer who farm 100's of acres that are not contiguous (and may contain some small 10 acre parcels). It is just wrong.
- Equestrian facilities and Agritourism facilities that house livestock should have the same setbacks as Hobby Farms (but not the same maximum structure standards).
- The amount of land for a stable (now hobby farm) has increased from 3 to 5 acres. I have mixed feelings about this since the new definition includes animals other than horses (? 5 acres for rabbits, chickens). You will also create many nonconforming uses. Maybe best to leave it at 3 for now rather than create new issues (and make it impossible for a family to buy 3 acres and raise a llama for 4-H).

Upon review of **Chapter 4 Zoning Districts Ag-SF1 Agriculture/Single Family Rural**

1. **Uses have changed.**

Added uses that were previously NOT permitted:

Commissary/Food catering

Assembly Halls/Auditoriums

I think these are OK as long as the Assembly Hall and Auditorium are not free standing but are associated with a school or religious institution. Use is too intense to be freestanding next to residential.

2. **New uses have been added. Definitions have been added and changed.**

Agricultural - New Definition - The new Agricultural use now requires 10 acres (previously no acreage requirement). The acreage requirement should be removed as there are many existing tracts being farmed that are less than this. The last sentence added that "A Hobby Farm and Equestrian Facility are not Agricultural Uses for purpose of this Ordinance." This sentence should be removed as it may have tax implications that make these uses prohibitive to anyone but the wealthy AND because these uses definitely are of an agricultural nature.

This is Westfield's old definition of Agriculture

The art or science of cultivating the ground, and raising and harvesting crops, also often including feeding, breeding and management of livestock; tillage, husbandry, farming; in a broader sense, the science and art of the production of plants and animals useful to man. In this broad use it includes farming, horticulture, forestry, dairy farming, etc.

Agritourism - New Definition - good

Equestrian Facility - (I assume to replace riding stable). The last sentence states "An Agricultural Use or Hobby Farm is not an Equestrian Facility for purposes of this Ordinance." The words An Agricultural Use or - should be removed.

Hobby Farm - (I assume to replace stable). The last sentence states that "A Hobby Farm is not an Agricultural Use, Agritourism Use, Equestrian Facility or Kennel for purposes of this Ordinance." The words an Agricultural Use should be removed.

Office, Construction Trade - New definition. This is intense, storage of materials (septic contractor), storage of vehicles (large bulldozing equipment) with no mention of being all inside storage. It also allows service areas for vehicles and retail space. This should NOT be in AG-SF1.

It used to be that AG-SF1 was thought of as a dumping ground for anything that no one else wanted. Westfield is now developing AG-SF1 into large lot nice, residential and small farms. This use should not be here.

3. Changes have been made in development standards that affect AG-SF1

Article 6.1 Accessory Use and Building Standards.

Under 6.1 (I) (2) please add Equestrian Facilities and Agritourism (that house animals) to the same minimum lot area and side and rear yard building setback line as Hobby Farms. Equestrian Facilities and Agritourism that houses

animals are just as offensive as any hobby farm housing animals and just as likely to be in close proximity to homes.

gk



4.2 AG-SF1: Agriculture / Single-Family Rural District

- A. **Purpose and Intent:** The purpose of this district is to accommodate agricultural land uses and large-lot Single-family Dwellings.
- B. **Permitted Uses:** See [CHAPTER 13: USE TABLE](#).
- C. **Minimum Lot Area:** Three (3) acres
- D. **Minimum Lot Frontage:** 250 feet
- E. **Minimum Building Setback Line:**
 - 1. Front Yard:
 - a. Expressways/Arterials: 100 feet
 - b. On all other Streets: 80 feet
 - 2. Side and Rear Yard: 30 feet
- F. **Minimum Lot Width:** 100 feet
- G. **Maximum Building Height:** Two and one-half (2 ½) stories or 35 feet, whichever is lower. See also [Article 6.6 Height Standards](#).
- H. **Minimum Living Area (Ground Floor):**
 - 1. Single story: 1,350 square feet
 - 2. All others: 800 square feet
- I. **Subdivisions:** A Major Subdivision shall not be permitted in this district.
- J. **Development Plan Review:** Required except for Single Family Detached Dwellings, Agricultural Uses, and associated Accessory Uses.
- K. **Agriculture-Related Buildings:** See also [Article 6.1 Accessory Use and Building Standards](#) and [Article 6.4 Building Standards](#).

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Quick Cross-References:	
Article 6.1 Accessory Use and Building Standards	Article 8.6 Open Space and Amenity Standards
Article 6.3 Architectural Standards	Article 10.8 Improvement Location Permit
Article 6.8 Landscaping Standards	Article 10.7 Development Plan Review
Article 6.9 Lighting Standards	Article 10.8 Improvement Location Permit
Article 6.14 Parking and Loading Standards	Article 10.12 Subdivision

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FIGURE 6.1(3): DUMPSTER MAN-DOORS



I. **Agriculture-Related Accessory Buildings and Uses:**

1. **Regulated as Principal Buildings:** Accessory Buildings for the following uses shall be exempt from Sections (B)(2) General Standards, (D) Building Location, and (F) Maximum Accessory Building Height of this Article: Agricultural Uses, Agritourism Uses, Equestrian Facilities, Hobby Farms, and Nurseries. Rather, Accessory Buildings for these uses shall be meet the maximum Building Height and minimum Building Setback Line standards of the underlying Zoning District. See also [Article 6.4 Building Standards](#).

2. **Hobby Farms:** In addition to the applicable standards of this Article and those of the applicable Zoning District set forth in [CHAPTER 4: ZONING DISTRICTS](#), the following shall apply to Hobby Farms:

- a. **Minimum Lot Area:** Five (5) acres
- b. **Minimum Side and Rear Yard Building Setback Line:** 100 feet; however, there shall also be a Building Separation of two hundred (200) feet from an existing Dwelling Unit on an adjacent Lot (at the time of installation of the Hobby Farm structure). If the abutting Property Owner executes a consent to a reduced setback, then the Building Setback Line may be reduced along that shared Lot Line, but in no instance may the setback be less than thirty (30) feet.
- c. **Maximum Structure Standards:**
 - i. Maximum Size of Hobby Farm structure: 2,400 square feet
 - ii. The maximum aggregate floor area of all Hobby Farm structures on a single Lot shall not exceed two percent (2%) of the Lot Area.
 - iii. No more than five (5) total Hobby Farm structures shall be permitted on a single Lot.

J. **Home Businesses:** See [Article 6.7 Home Business Standards](#).

K. **Outside Storage and Display:** See [Article 6.12 Outside Storage and Display](#).

L. **Outdoor Cafe and Eating Areas:** See [Article 6.13 Outdoor Café and Eating Areas](#).

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- 1 - Change to Hobby Farms, Equestrian Facilities + Accessory Buildings in Agritourism that house livestock (animals)
- 2 - Remove c from this section and make it # 3 Hobby Farms alone.

gk



13.1 Application

- A. **Applicability:** No Building, Structure or land shall be used and no Building or Structure shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a Zoning District in which such a Building, Structure or land is located.
- B. **Land Use Specified:** Each land use is either a permitted, not permitted, or a special exception use in each Zoning District as set forth in [Article 13.2 Use Table](#) (the "Use Table") or elsewhere in this Ordinance.
- C. **Special Exception Uses:** A Special Exception designation is not meant to imply that the use will be disallowed, but that the use requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a Special Exception uses and its characteristics and impacts to determine its suitability in a given location for those Zoning Districts in which its permitted. The determination of whether the Special Exception may be approved shall be subject to a public hearing by the Board of Zoning Appeals and review in accordance with [Article 10.11 Special Exceptions](#).
- D. **Unlisted or Questionable Land Uses:** Any use not listed in the Use Table or otherwise permitted by this Ordinance shall be prohibited. The Director shall determine into which category a land use is placed if it is not specifically listed. This determination may be appealed to the Board of Zoning Appeals consistent with [Article 10.3 Appeals of Administrative Decisions](#).

USE
IT IS

13.2 Use Table

- A. [SEE FOLLOWING PAGES]

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My Comments relate ONLY to AG-SF I

JK

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P = Permitted Use • SE = Special Exception • E = Excluded by Overlay • Blank = Prohibited Use

LAND USE	ZONING DISTRICTS													OVERLAYS				
	AG-SF1	SF1	SF2	SF3	SF4	SF5	MF1	MF2	GO	LB	LB-H	GB	[reserved for future use]	EI	OI	SR 32	US 31	
RESIDENTIAL USES																		
Assisted Living Facility							P	P										
Convent, monastery	SE		SE	SE	SE	SE	SE	SE		SE	SE	SE				SE		
Dwelling, Single-family	P	P	P	P	P	P					SE							
Dwelling, Duplex							P				SE							
Dwelling, Efficiency Unit																		
Dwelling, Multi-family							P	P	P		SE	SE						
Dwelling, Quadraplex									P		SE							
Dwelling, Townhouse							P											
Dwelling, Triplex									P		SE							
Group Home						SE	SE	SE										
Home Business	P	P	P	P	P	P	P	P										
Hospices							P	P										
Manufactured Home																		
Manufactured Home Park							SE	SE				SE						E
Mobile Home Park																		E
Nursing Home							P	P				SE						
Residential Facility	P	P	P	P	P	P												
BUSINESS USES																		
Auction rooms												P				P	P	E
Childcare / daycare centers							P		SE	P	P	P						
Commissary, food catering service	SE											P			P			E
Garden and Lawn Center												P			P			E
Gasoline Service Station										SE		SE						E
Health, fitness and exercise center										P	P	P						
Hotels (or Motels)												P						E
Kennel	SE														SE	SE		E

1 - This use has been added to AG-SF1
 If you are using Polomino Ballroom as an example, it is the exception, not the rule.
 It started as a pot. club (IN Force Patrol). That is why it had so much land (pasture, hay-fields) bordering it from the residential neighbours. No one else will locate a facility like this on 50 acres.
 "Mountains" on Counsel Drive.
 Consider removing this from AG-SF1

AK

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Mortuaries												P						E
Office, General Services									P	P	P	P						P
Office, Medical									P	P	P	P						P
Office, Professional									P	P	P	P						P
Restaurant, Fast Food											SE	P						E
Restaurant, Sitdown										P	P	P						
Restaurant, Specialty										P	P	P						
Restaurant, Takeout and Deli-style										P	P	P						E
Retail, High Intensity												P						E
Retail, Low Intensity										P	P	P						
Retail, Medium Intensity										P	P	P						
Retail, Special Handling												SE					SE	E
Retail, Very High Intensity												SE						E
School, Fine Arts or Commercial									P	P	P	P						
School, Professional Trade										SE	SE	P					P	
Veterinary hospital, large animal	SE	SE										SE					SE	E
CULTURAL & INSTITUTIONAL USES																		
Amphitheater / outdoor theater										P	P	P						E
Assembly halls / auditoriums	SE									SE	SE	P						
Civic center										P	P	P						
Educational Institution, without dormatory accomodations	P		P	P			P	P	P			P						
Educational Institution, with dormatory accomodations	SE	SE			P		P	P										
Hospitals (major)												P						
Museum / exhibition hall										P	P	P						
Public Safety and Service Uses	P	P	P	P	P	P	P	P	P	P	P	P					P	

2 - This has been added to AG-SF1, but is too intense a use next to residential as a stand alone use. Please remove from AG-SF1. You might consider

a) adding another use

Assembly Halls/Auditoriums as an accessory use to schools and religious institutions. That would be acceptable in AG-SF1 (and might also be OK in other districts)

epk

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Religious Institutions	P		P	P			P			P	P	P					
ENTERTAINMENT & RECREATIONAL USES																	
Amusement parks	SE											SE		SE	SE		E
Race track or speedway, outdoor															SE		E
Camp, public or private	P	SE															E
Club, Civic									P	P	P						
Club, Private	SE	SE		SE					P	P	P						
Development Amenity		P	P	P	P	P	P	P	P	P	P						
Entertainment Facility, Commercial											P						E
Golf Course	P	P	P														
Park, public or private	P	P	P	P													
Tavern (or Nightclub)									P	P	P			SE			E
Theater, indoor											P						E
Zoo	SE																
INDUSTRIAL USES																	
Agricultural Processing															P		E
Composting facility, commercial											SE			SE	SE		E
Data processing / call centers											P			P	P		
Engineering, research and testing laboratories														P	P		
Industry, Extraction														SE	SE		E
Industry, Heavy														SE			E
Industry, Light														P	P		
Industry, Medium															P		E
Material Recycling Facility											SE			SE			E
Office, Construction Trade	SE											SE		P	P		E
Recycling Collector System											SE				P		E

3 - New definition

Office, Construction Trade: Electrical contractors, general contractors or construction offices, home remodeling companies, septic system contractors, heating and cooling contractors, painting contractors, landscaping contractors, and plumbing contractor offices, and the like, where such use is typically characterized to include some or all of the following aspects: storage of product for sale or for installation, storage of materials related to the business, storage of equipment or other implements, office space, parking of company vehicles,

service areas for equipment and vehicles, warehouse space, showroom space, and/or retail sales.

This belongs in GB, EI or OI - Not AG-SF1
 Please remove from AG-SF1. We don't want a septic system contractor storing product outside or any parking of heavy equipment near residential. AG is not appropriate to use as a dumping ground because nobody lives out there.

gk

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Salvage Yard																		SE	E	
Trucking companies																		P	P	E
Warehousing and distribution operations (inside storage)																		P	P	E
Warehousing and distribution operations (outdoor storage)																			P	E
Wholesalers (inside storage)																		P	P	E
AGRICULTURE-RELATED USES																				
Agricultural Uses	P																			
Agritourism Uses	SE																			E
Auction barn for sale of livestock	SE																			E
Equestrian Facility	SE	SE																		E
Hobby Farm	P																			
Nursery	P											P								E
Stockyard	SE																	SE		E
MISCELLANEOUS & TEMPORARY USES																				
Cemetery	P		P																	E
Farm Stand	P								SE	SE	SE	SE								E
Model Home		P	P	P	P	P	P	P	SE			SE								
Temporary Uses & Events	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
TRANSPORTATION & COMMUNICATION USES																				
Airport and landing fields	SE																			E
Bus stations / transit stops												P						P		E
Commercial parking lots and structures, public												P						P		
Heliports	SE	SE										P						P	P	E
Motor Truck Terminal																			P	E

4
5
6
7

- 4 - Agricultural Uses
 Changed definition from Agriculture to Agricultural Uses. Permitted in AG-SF1 is good but, please modify definition (see definition sheet) and change this use to AGRICULTURE
- 5 - Agritourism - new definition
 Permitted in AG-SF1 is good, but please change to just Agritourism (scratched use) and modify definition (see def. sheet).
- 6 - Equestrian - replaces riding stable, OK in AG-SF1, but change definition.
- 7 - Hobby Farm - replaces stable, OK in AG-SF1, but change definition

gk

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Utilities - not regulated by Indiana Utility Regulatory Commissions							P	P		P	P	P			P	P		E
Utilities - Regulated by Indiana Utility Regulatory Commission	P	P	P	P	P	P	P	P		SE	SE	SE			SE	SE		
Wireless Communication Service Facilities	SE														P	P		E

gk



12.1 Definitions

The general rules of construction as set forth in [Article 2.4 Interpretation & Application](#) shall apply. Words used in a special sense in this Ordinance are defined below. All other words shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

Abutting: Bordering or contiguous.

Accessory Use: A use incidental to and customarily associated with a use otherwise permitted and located on the same Lot or parcel.

Agricultural Processing: The use of land for activities involving a variety of operations on crops or livestock which may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties. Example uses include, but are not limited to: slaughterhouses, mills, refineries, canneries, coffee roasting, food processing, granaries, grain processing, commercial hatcheries, poultry processing plants, fat rendering, manufacturing of commercial fertilizer, starch manufacturing, and milk processing plants or other treatment of agricultural products which changes the naturally grown product for consumer use.

1 - **Agricultural Uses:** The use of land comprising an area of at least ten (10) contiguous acres, for farming, including plowing, tilling, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in confined feed yards); dairy farming; aquaculture; sod production; horticulture; orchards; tree farms; and the cultivation of products as part of a recognized commercial enterprise; and related buildings. A Hobby Farm and Equestrian Facility are not Agricultural Uses for purposes of this Ordinance.

2 - **Agritourism Uses (or Agritainment Uses):** An agriculturally-based operation or activity that brings visitors to an operational farm, and that may include, but is not limited to, uses and activities such as: pumpkin patches, Christmas tree sales, animal interaction exhibits (i.e. petting zoo, pony rides), apple or strawberry picking, seasonal or holiday activities (i.e. corn mazes, hay or wagon rides, straw piles, haunted houses), family-oriented activities (i.e. bounce houses, pedal cars, kiddie rides), creamery, vineyards, breweries, educational experiences or tours, limited retail sales of products not produced on-site (i.e. country store, activity ticket sales), related beverage or food sales (i.e. tasting facilities, lunch counters, dairy bar, refreshment or specialty food stands), and related ancillary uses and buildings.

Airport: Any area of land or use devoted to the take-off, landing and storing and servicing of aircraft, and any appurtenant areas designated, set aside, used, or intended for use for related buildings and facilities located thereon.

Alley: A Right-of-way which provides a secondary means of access to abutting lands. An Alley is not a Street for purposes of this Ordinance.

Alternative Transportation Plan: A plan which illustrates bicycle and pedestrian corridors throughout the Jurisdiction of the Plan Commission, as incorporated

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1 - Changed definition from Agriculture to Agricultural Uses. This created problems.

Recommend

title

a) Change definition to Agriculture (do same in Use Table)

b) remove 2 underlined sections

2 - New definition.

Recommend removing underlined portion. This isn't agritourism, it's a "Entertainment Facilities, Commercial" (pg 12-8 definitions)



totally exposed front and rear walls, used for access, light, and ventilation.

Dwelling Unit: Any room or group of rooms located within a building, which forms a single habitable unit for occupancy for one (1) family unit and includes facilities that are used, or intended for use as living, sleeping, cooking, and eating accommodations.

Easement: A legal interest in land, granted by the Property Owner to another person or entity, which allows the use of all or a portion of the Property Owner's land for the purpose stated therein, which may include but is not limited to: access, signage, landscaping, conservation, drainage, temporary construction, utilities, or other infrastructure.

Economic Development Area: Any redevelopment project area, economic development area, or urban renewal project area duly established by a Redevelopment Commission in accordance with Indiana law.

Educational Institution: Public or parochial pre-primary, primary, grade, junior high, high, preparatory school or academy; junior college, college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

Entertainment Facility, Commercial: A commercial use conducted for profit and open to the general public that offers active recreational opportunities and is predominantly conducted in enclosed or screened facilities. Commercial Entertainment Facilities may include, but are not limited to: arcades, bowling alleys, driving ranges, miniature golf, motorized cart tracks, motorized model airplane flying facilities, paintball, laser tag, batting cages, roller or ice skating rink and trampoline facilities.

need — **Equestrian Facility:** A horse, donkey, or mule facility operated for business purposes including, but not limited to: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations, barns, stables, riding arenas (indoor or outdoor), corrals, and paddocks accessory and incidental to the above uses. An Agricultural Use or Hobby Farm is not an Equestrian Facility for purposes of this Ordinance.

Evergreen: A coniferous or broad-leaved plant whose leaves remain throughout the year and are continually dropping and being replaced by new springtime growth.

Expressway (Street): A Street identified on the Thoroughfare Plan as a Primary Arterial 1, which is intended as a highway for through traffic with full or partial access control and a limited number of at-grade intersections.

Family: One (1) or more persons occupying a Dwelling Unit and living as a single housekeeping unit, as distinguished from a group occupying a Hotel (or Motel), Boarding House, Residential Facility, Assisted Living Facility, Nursing Home, fraternity or sorority house.

Farm Stand: A temporary structure, capable of being dismantled or removed, from which agricultural products (i.e. fresh fruits, vegetables, flowers, herbs, plants) produced on the premises are seasonally sold.

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Equestrian facility is now a new definition and has a place on the use table separate from agriculture. It is clear that it is considered a special use that can't be regulated. Please remove "An Agricultural Use or" from the last sentence and change it to read. A Hobby Farm is not and Eq. F,

Might consider starting definition with "An Agriculturally-based" (from agriculture def).



Fiber Cement Siding: A composite material made of cement, sand, cellulose fiber and various additives mixed with water and manufactured into an exterior siding material.

Fixture, Light: The assembly that houses a lamp(s) and may include some or all of the following parts: an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens.

Floodplain: The channel proper and the areas adjoining any wetland, lake or watercourse that have been or hereafter may be covered by the regulatory flood, which shall include both the floodway and the floodway fringe as shown on the Flood Insurance Rate Map (FIRM), as prepared by the National Flood Insurance Program by the Federal Emergency Management Agency (FEMA).

Floor Area, Gross: The sum area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Foot-candle: A unit of illumination produced on a surface, all points which are one foot from a uniform point source of one candle.

Frontage Road: A Right-of-way which runs near to and characteristically, but not necessarily, parallel to a limited access Right-of-way.

Garden and Lawn Center: A place of business or portion of a business where retail and wholesale products and produce are sold to the consumer and where most items sold are not produced on the Lot and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other lawn, garden and farm variety tools and utensils.

Gasoline Service Station: Any building or land used for the retail sale of automobile fuels and lubricants and which typically includes fuel pumps and underground storage tanks.

Glare: Glare means light emitted by a luminaire at an intensity that causes a reduction in visibility, eye fatigue, or in extreme cases momentary blindness.

Golf Course: A tract of land providing a private or public golf recreation area, including at least nine (9) holes, designed for executive or regulation play, and including supporting facilities as accessory uses (e.g., practice facilities, clubhouse, locker rooms, maintenance buildings, recreational facilities, related retail sales such as a pro shop and restaurant), but excluding miniature golf.

Grade: The average level of the finished surface of ground adjacent to the exterior walls of the building.

Groundcover: Ornamental plants growing less than two (2) feet in height at maturity and used as an alternative to grass.

Group Home: The use of land and a building for the purposes as defined by [I.C. 31-9-2](#) and regulated by [I.C. 31-27-5](#), as amended.

Hobby Farm: The Accessory Use of land and related improvements (e.g., stables, sheds, feeding bins) for the keeping of animals for the private use, enjoyment and benefit of the property owner and their guests, but in no event for commercial use or hire, that is operated incidental and secondary to a permitted primary

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Hobby Farm - new definition - replaces "Stable"

Please change to

An agriculturally based, accessory use of land

Please remove underlined words Agri. Use (next page)

new

Remove as used

PK

use on the Lot. A Hobby Farm is not an Agricultural Use, Agritourism Use, Equestrian Facility or Kennel for purposes of this Ordinance.

Home Business: An Accessory Use incidental and secondary to the use of a property as a Dwelling Unit and which use complies with the standards of the Zoning District in which the property is located and complies with the standards set forth in [Article 6.7 Home Business Standards](#).

Home Garage Sales: The conducting of home rummage sales for the benefit of the family or a group of families.

Hospice: A facility that provides inpatient support care and attends to the emotional, spiritual, social, and financial needs of terminally ill patients and their families.

Hospital: An institution licensed by the State Board of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by or treatment is given under direct supervision of a licensed physician. Types of hospitals may include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests; in contradistinction to a Boarding House.

Improvement Location Permit: A document signed by the Building Commissioner stating that a proposed Improvement complies with the provisions of this Ordinance. [See also [Article 10.8 Improvement Location Permit](#).]

Improvement: Any building, structure, parking facility, fence, gate, wall, work of art, underground utility service, Land Disturbing Activity, or other object constituting Development, a physical alteration of real property, or any part of such alteration.

In-line Tenant: Any tenant within a multi-tenant building where each individual tenant has an exterior store front and public entrance for its patrons.

Industry, Extraction: The use of land for activities involving on-site extraction of surface or subsurface mineral products or natural resources and immediate processing of material. Example uses include: a quarry, outside salt storage, borrow pits, lumber yard, coal yard, sand and gravel operation, mining, soil mining, well drilling operations, milling (i.e. crushing, screening, washing and flotation) and other preparation customarily done at extraction site or as part of the extractive activity. Specifically excluded from this use are site development activities in preparation of infrastructure installation or vertical construction and Agricultural Uses.

Industry, Heavy: Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides or other hazardous



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From: [Ginny Kelleher](#)
To: [Jesse Pohlman](#)
Cc: [Jen Smith](#)
Subject: APC/UDO
Date: Tuesday, August 05, 2014 10:42:56 AM

Hi Jessie,

Sorry I could not make the meeting last evening, but I think you had most of my thoughts on AG-SF 1.

There was one other item that you and I discussed that wasn't brought up at the committee meeting: That equestrian facilities should also have a home (residence) on them.

Every commercial riding facility that I know of in Washington Township and in Eagle Township (Zionsville) has a home on the property. This is appropriate because having an owner living on site makes the facility "fit" in the rural residential neighborhood. Owners living on site take pride in the appearance of the facility and maintain it better. If they don't, their neighbors can usually deal with them better than the City. I can give you a list of properties or take you on a tour if you like.

Owners should also live on site because horses require more care than most livestock. They need twice daily feeding and cleaning of stalls. They need to be turned out in the morning, brought inside in the evening or inclement weather and a host of other things. They need someone to do a late night check (11pm) to feed more hay and generally check on their welfare. You would be amazed at how quickly any animal facility can become an eyesore if no one is properly caring for it. An equestrian facility should be an accessory use or a home occupation (still requiring a SPEX). It should be an accessory use because we currently do not have any regulations to govern it (like we do for other businesses for which we do have dumpster requirements, etc.). Not sure the best way to wordsmith this.

I also want to clarify the issue of distance of an animal facility from the lot line. In my comments, I suggested raising it to 150' (from staff's suggested 100'). Some of my neighbors are fine with that, most would like it to stay at 200'. Staff's added conditions of 200' from the neighboring residence and allowing neighbors to work it out without going the BZA involved are excellent.

We talked about the "footprint" of the facility including not only the stable but the added small area of confined feeding/dry lot next to the building. I was to come up with a definition for you. This was more difficult than I thought to get right. In the end, I think it would make the ordinance more wordy and not (in my opinion) help us fix the problem of keeping animal waste away from someone's home.

If the City doesn't want to start regulating manure management (some cities do, but I don't think we want to go there), the simple solution is distance. I suspect that is why the people who crafted our current (1977) ordinance, just made it a simple 200 feet.

Maybe it should stay that way with the new condition that staff added "If the abutting Property Owner executes a consent to a reduced setback, then the Building Setback Line may be reduced along that shared Lot Line...

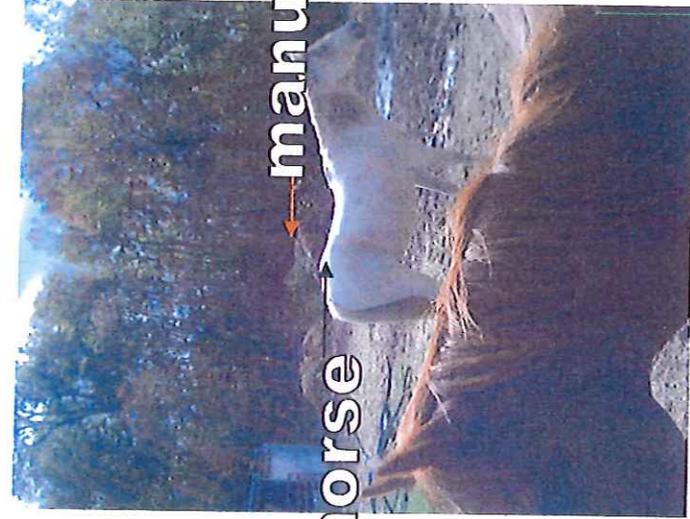
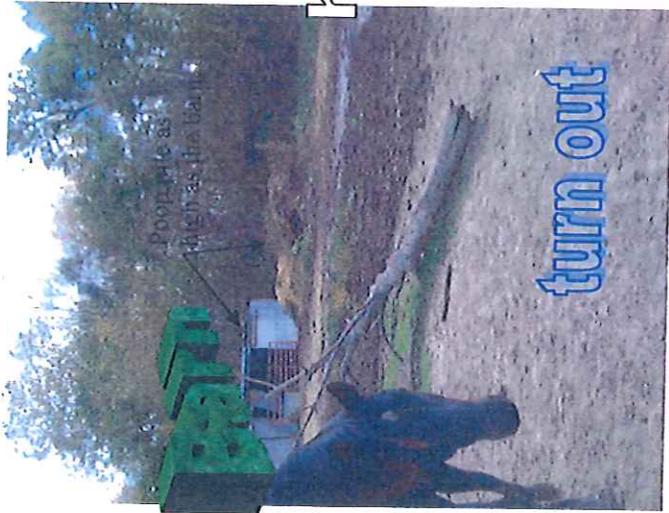
I still don't like the term Hobby Farm as I worry about tax implications. How about Mini Farm? It sounds trivial, given all the work required to maintain one, but isn't that what it really is - a small version of a farm? Although the house and an acre are taxed as residential, the rest may be in crops (for the family) or animals, for pleasure or food (milk - goat, cow), fiber (wool, alpaca). How about Mini Farm to replace Hobby Farm?? Any takers!!!

Thanks again for lending me your ear and all the work you have done. Could you please pass this on to the committee and the APC?

Ginny

Jen Smith

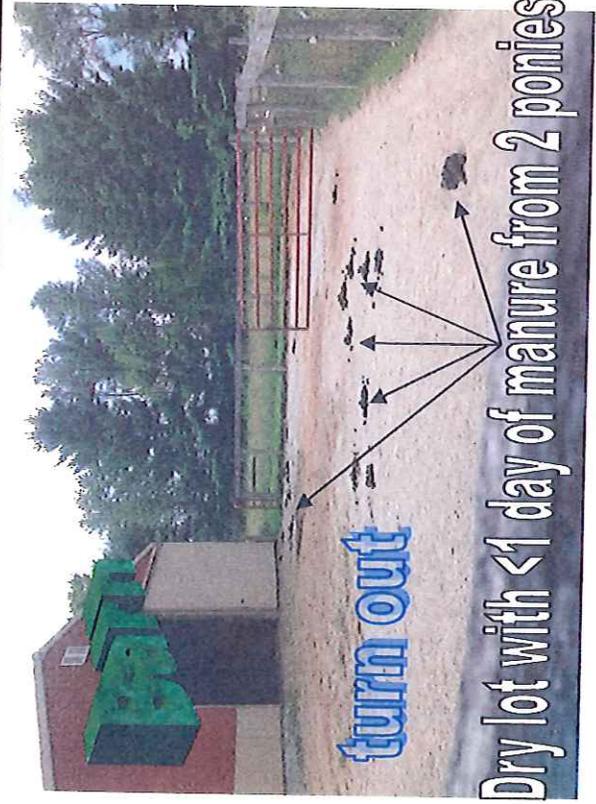
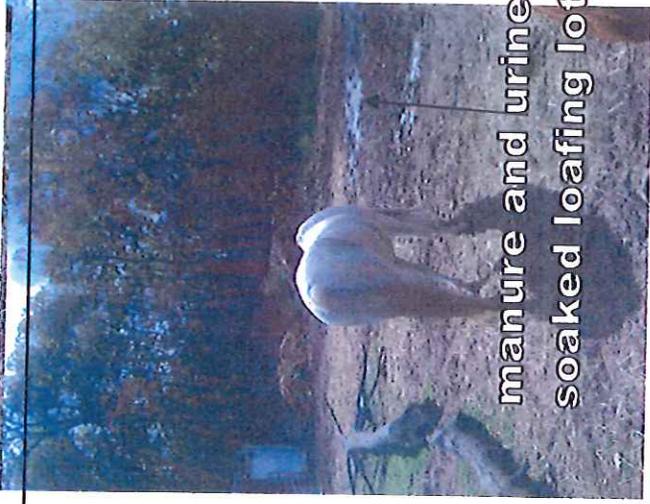
(16941 Joliet Road)



A 1000 lb horse will produce:

- 37 lbs of manure a day
- 6-10 gallons of urine a day
- 9 tons of manure a year

*Two horses can fill an 18 wheeler tanker truck with urine in 1 year



The 200 foot setback from any neighboring house should include the entire footprint of the barn plus any loafing area/dry/lot/turn out because:

- Most barns/stables have a turn out area next to it where animals are penned, and not on pasture. They may be fed and watered in this area as well. They poop and pee in this area. They seek shade and shelter near the barn.
- Location of the turn out area is critical in relationship to neighbors homes and living spaces. It extends the footprint of the barn/stable to encompass the turn-out area in terms of manure management.
- Would you want to BBQ 50 feet from the flies and smells of a urine and manure loafing area? 100 feet? 150 feet?

Linda Naas

(1122 East 161st Street)

(on behalf of 161st Street neighbors)

07/21/14 APC Meeting Proposed UDO

08/04/14 APC Public Hearing

Presented by Linda Naas, 1122 East 161st Street

Representing 161st Street neighbors

1407-ZOA-01

“IC 36-7-4-611(a) Any ordinance adopted under the 600 series is presumed to have been adopted after due deliberation in regard to the facts upon which the comprehensive plan was formulated.” (Can only adopt a 600 series zoning ordinance after adopting a 500 series Comp Plan – seems to put some weight on the Comp Plan for developing Zoning standards.

- This proposed UDO contains fundamental changes that change the character of our community and does not correlate to the 2007 Comprehensive Plan or the intent of ordinances as stated by I.C. 36-7-4-611(a). The 2007 Comprehensive Plan recommended ordinance changes for each section, yet they are mostly not addressed. We believe the people spoke at that time and the Administration should not usurp the authority of the people. As public servants, the people’s desires should be followed.
 1. The Comp Plan emphasizes the rural, small-town atmosphere of Washington Township which is dramatically changed in this proposed UDO.
 2. The purported purpose to protect agricultural uses, seems by analysis and questioning to protect uses like **Grand Park** built in an agricultural area and then affect change to neighboring properties which is **contrary to Indiana State Code**.
 3. An example used was to prevent uses such as **Stuckey Farm**, which to us is an acceptable and desirable use in our community and we wish and desire there were more of these rural/agricultural/family friendly/public friendly uses which would benefit us – we made this clear in the 2007 Comprehensive Plan.
 4. Increased taxation clearly presents as a motivation in several of the ordinance sections, forced increases versus a natural, developmental increase. The promise of lower property taxes to residents cannot be substantiated and in agricultural uses there is an evident plan to increase potential property taxes by ordinance definitions and changes in acreage, i.e. 3, 5, 10 acre, all no longer agricultural uses by ordinance change, and deletions of previous ordinance, i.e. 16.04.030 B.11.

5. Conservation Subdivisions – described in Comp Plan but not defined or used in UDO
6. Comp Plan mentions establishing a rural equestrian district, but UDO does not mention it, in fact, equestrian seems to be diminished from current rural/agricultural uses
7. A lot of work was put into the 2007 Comprehensive Plan and each zoning district has suggestions for implementation tools and development policies for zoning regulations which were to be formulated. These should be reviewed and incorporated into this UDO.
8. UDO: IC 36-7-4-610(h).
9. Suggest we define in UDO Suburban vs Urban vs Rural Densities per Zoning District; i.e. MF1 and MF2 could have density restrictions based on location in the Land Use Concept Map. There should be a connection defined. Density in PUD's has been a large issue and is not addressed.
10. 3 Acre lots are only listed for AG-SF1 and SF2 = not even AG-SF1-I.
11. Only other residential zoning district with a max density is SFA for 4/Acre. No Densities listed on other residential zoning districts. Suggest a maximum density, change minimum lot size or differentiate Suburban/Rural/Urban Density as described in Comp Plan.
12. Can PUD Districts make up new terms and criteria not found anywhere else in UDO? Seems they can.
13. Limiting of mass grading mentioned in Comp Plan but not UDO.
14. Many other examples, must peruse the Comp Plan and use it as the Indiana Code requires.

- There should be a red-line copy or at least a detailed list of all changes for the use of the Public, APC and Council in understanding and analyzing the proposed UDO.
- Why is there such a hurry and rush to pass this ordinance without proper scrutiny? This was the presentation to the committee we were told that time was critical. If there are parts which are so critical to pass immediately, they should be presented individually and amended to the existing ordinance.
- Have we addressed some of the issues that have been concerning and challenging to people at APC or BZA public hearings for years? A review of this UDO does not correlate to a significant number of issues of the past. BZA will always have an important role in exercising its authority in appeals and variances. We make this point as we were told part of the reasons for this proposed UDO is to make the job of the BZA easier, clarify and remove the need for many appeals and variance requests. Can you delineate the specific cases from the past that would be affected and how?

- Does the Public clearly understand why and how we are making these changes? These changes did not initiate in the Ordinance Committee or Council or APC, as we were told, but came from the Planning Department. Previous ordinance changes have been presented with a red-line of changes and/or explanation and in an amount of information that can be digested by everyone involved in the review and approval process including the Public.
- Some changes presented as simple wording, are significant, i.e. agricultural zonings and uses districts.
- The Economic Development District Overlay is an example of a poor ordinance structure as most of it is not ordinance.
- We are concerned not all the affected parties even know these changes are being made. Legally, you can notice and hold public hearing, however, there is insufficient information and quite honestly an overwhelming size to the UDO to invite perusal by the Public. We were told some involved in developing this document didn't believe anyone would actually read the UDO except sections that might pertain to them. Our concern is that the APC and Council and even the Ordinance Committee will not read this ordinance or make a comparison to the existing ordinance – this has been our discovery to date.
- The agenda explanation would not alert most affected people that they are affected – too many omissions.
- Proposing to repeal and replace all zoning ordinances is a BIG deal, especially without an upfront explanation of all changes!
- Making the format more user friendly is a very good idea. However, the existing ordinance was in a much more user friendly format before separating it into individual pdf files per chapter heading, and that could be restored.

We do not want to have to pass this ordinance to know what is in it!

Zoning Map – GIS map per link doesn't match 2/19/14 prepared by Leanne Kmetz and found on website. Difficult to read.

Jesse said in Presentation there were no changes to Chapter 4 Zoning Districts, keeping each to 1 page, but we think those involving AG have significant changes. Changes to Agricultural definitions, uses, adding "Hobby Farm", acreages of 3, 5 and 10

1. Confirm AG-SF1 and AG-SF1-I
2. AG-SF1-I seems void of anything agricultural, where is this used now and in future?

3. AG-SF1-I not in "Use Table"
4. Changes rural atmosphere of City as defined in Comp Plan per desires of citizenry of City and Township
5. If you can't have horses, ponies, mules, goats, sheep on AG-SF1 and AG-SF1-I, where does it go? Where do the 4-H and competition kids go with their animals. Some competition horses do not require pastureland with all the feeds available, not my preference but some live in barns most of the day. This is true of some other animals. Are we not interpreting all this new wording properly?
6. Effects on taxation categories? AV on AG properties is less but taxed at 2%. Raising taxes would make AG land prohibitive to many and to some current landowners. Is this your intent?
7. If a family splits an AG property and jointly use it as AG, does the 10 Acres apply?

Confusion with AG-SF1-I and SF1 – what is the difference with the new UDO? 3 Acres, 30,000sf or 20,000sf? AG uses, no AG uses? What are AG uses? per state, per city, per taxing authority?

IC 36-7-4-616(e) Agricultural nonconforming use – defines agricultural use for this section

Grandfathering, effective date??? What applies and when to all the projects in progress and amendments that may come?

Thoroughfare Plan – are there any links other than in "definitions" section

Comprehensive Plan – are there any links other than in "definitions" section – this one should be front and center per IC code weight.

Natural - used alot in Comp Plan and in UDO - been an issue, especially at Viking Meadows.

1. 5-37
2. 5-39
3. 6-24
4. 6-25
5. 6-26
6. 6-30
7. 8-16
8. 12-5 Conservation Easement
9. 12-14
10. 12-16

Natural Areas: An area possessing one or more of the following environmental characteristics: steep slopes; floodplain; soils classified as having high water tables; soils that are subject to erosion; land incapable of meeting percolation requirements; Riparian Corridors; mature stands of Native Vegetation; aquifer recharge and discharge areas; wetlands and wetland transition areas; and Significant Wildlife Habitats.

Significant Wildlife Habitat – in definition of Natural Area: Are we applying this in DPRs?

Anytime “etc.” is used in ordinances it becomes vague. (search document); these should be reviewed for possible clarifications:

1. 5-26 Floodplain Controls
2. 5-30
3. 5-42, 2 times
4. 5-46
5. 6-15, 2 times
6. 6-16
7. 6-18
8. 6-56
9. 6-60
10. 6-61
11. 8-12
12. 10-35, 2 times
13. 12-5
14. 12-7 definition of Dwelling, Multi-family
15. 12-11 Industry, Medium

DPR Ordinance section seems to give more power to Director and less input from public. Divided this into 2 processes.

We marked the following for more review: Chapters 6.1, 6.3, 6.17, 8.9, 10, 12, 13.

Chapter 4. Zoning Districts

- AG-SF1 – it was presented as no changes in Zoning Districts, however, this district is changed significantly in Chapters 6, 12 and 13.
We are opposed to “Hobby Farms” (Chapter 6.1) requiring 5 Acres and Agriculture Uses requiring 10 acres, and Hobby Farms and Equestrian Facilities noted as “not agricultural for purposes of this ordinance”. 12.1 Many agriculture uses do not require 5 acres, 3 is sufficient per existing ordinance.

- 4.2 a 250' frontage, and 3 acre minimum; 30-foot setbacks have been historically allowed for buildings other than stables, and should continue to be adequate for animals; i.e. a chicken coop doesn't require 100-150-200' setback. 200' for stables is also excessive. See 6.1 in new UDO,
- **Taxation:** 16.04.030 B.11 should be reinserted as it speaks directly to the taxation of agricultural parcels:
 - For purposes of determining what portion of any parcel shall be classified for zoning purposes as agricultural and exempt from property tax liability under IC 33-4-3-4.1, any parcel larger than three (3) acres in size with livestock or crops located on a portion of the parcel and within the AG-SF1 district shall be classified as agricultural.
- MF2
 1. "rental" removed from MF2 Zoning – should this term be dealt with in ordinances?
 2. Now same as MF1, but is there an area for build to rent
 3. Can a PUD determine "for sale" vs "rental", for example?
 4. Neighbors tend to want to know what is "for rent" or "for sale".

Chapter 5.2 US 31 Overlay

1. Based on 1320 feet from ROW of US 31, should be addressed since ROW has changed and is changing
2. Discussions in past to set District per Monon Trail in some areas or per parcels, not slicing through parcels.
3. Most PUD's have waived the Overlay
4. Does Carmel still have a 600' overlay?

Chapter 5.3 US 32 Overlay

- "Most" changes are here and we all need to know these to compare and review.
- Access roads: "by developers" has been removed – this is significant.
- New section D. for Administrative Waiver for Existing Development
- Access roads ROW has been decreased from 100' to 70'. Why?
- Additions to Design and Building Standards could be done in an amendment to existing ordinance.

Changes to State Highway 32 Overlay District

Removed from existing:16.04.065

2)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.

Added in UDO 5.3.D

D. **Administrative Waiver for Existing Developments:** The Director is hereby authorized to determine whether the standards of this Article shall apply to the entire Lot or if the standards of this Article may be limited only to the proposed improvements for Lots that were developed or improved prior to the effective date of this Article. The following factors shall be taken into consideration:

1. The extent and location of the proposed improvements (e.g., drainage, landscaping, parking, buildings) on the Lot.
2. The extent of conflicts in applying the standards of this Article with existing and/or planned improvements.

5) Access Control Requirements

Reference F.3. UDO

Removed "by developers"; adds "dedicated as Right-of-Way"; ROW changed from 100' to 70' as shown in diagrams

"Access roads in substantial compliance with the design plan included . . . 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."

"Access roads in substantial compliance with the design plan included in FIGURE 5.3(2) ACCESS ROADS shall be provided for Lots along State Highway 32 unless the Council approves the development of a Lot without providing the normally required access road, **and shall be dedicated as Right-of-Way.**

Chapter 5.4 ECONOMIC DEVELOPMENT DISTRICT OVERLAY

- Is this designed to correct the problem of including inappropriate parcels in an EDA district?
- This could be corrected by a simple vote, as each parcel is specifically added to an EDA district by legal description.
- Taxation or the lack thereof seems to be the driver of this entire page.
- The Westfield Southside Economic Development Area seems to point this out.
- We suggest Westfield should not have used the EDA designation.

Chapter 5.6 PUD Districts

- There have been many issues over the years with PUD's and even a call for a moratorium on them and yet this new UDO does not deal with these – evidently not seen by the City as a need for revision.
- This section should be reviewed.

Chapter 6.5B

- Proposed UDO state fences may not be constructed within "proposed ROW per Thoroughfare Plan". This conflicts with State Code and is unacceptable to think the City can restrict basic property rights.

Chapter 12: Definitions

- 2ND MOST CHANGES IN DEFINITIONS - I've made a list which I have not reviewed for errors so it could contain some errors – but it contains “about”:
 - 377 TOTAL from both ordinances
 - § 86 REMOVED from existing
 - § 111 CHANGED from existing
 - § 87 NEW added in UDO
 - § 93 REMAINED THE SAME
- Indiana Codes define livestock (15-11-5-1), agricultural uses, etc, should be reflected in our ordinances.
- Stables were defined in the past as horse stables but this ordinance seems to group all animals housed with shelter and requiring 5 acres or more, this just isn't necessary. Need to revisit.
- Existing ordinance 16.04.210 #3 “Buildings which are portable and do not have permanent foundations are also classified as Accessory Buildings but are not subject to improvement location permits.” This should remain.
- We suggest it would be a good idea for the Planning Department to supply everyone a list of these for review before the Public Hearing and vote.
- Missing definitions:
 - Bed and breakfast
 - Dog Park – Viking Meadows Amendment from 2013 has this as an amenity but it is nowhere to be found in the UDO. Are there other examples like this? Should UDO be amended to include these?

Chapter 13. Uses

Not in Use Table Chapter 13:

1. AG-SF1-I
2. SFA
3. GO-PD
4. SB-PD
5. LB-PD and GB-PD
6. EI-PD
7. OI-PD
8. Condominiums
9. Triplex and Quadraplex showing only in GO
10. Where may Townhouses be built – only MF1?
11. Confusion in that above terms don't match in all locations and are missing in some.

Chapter 14.

PUD Ordinance Links

1. All ordinances and amendments should have active links
2. Viking Meadows 04-22 is not the final filed with Ham Co.

3. All should be accurate

Powers granted to Director: An overall search of the entire UDO shows many changes in granting more power to the Director which in many cases should be settled by ordinance or BZA and allow input from the Public and property owners. **(A list could be submitted.)**

Conflict with State Code: Any conflicts with State Code and protections should be eliminated from this ordinance.

A comparison of the existing ordinance to the new UDO shows many changes whose significance is a matter of opinion of City and Public but should be further scrutinized with more input from the public after a list of changes or red-line copy is available.

We can sit down and review page by page existing ordinances to the proposed UDO>

Thank goodness the U.S. Constitution from 1787 and the Indiana State Codes from 1824 remain, have not become outdated, and have been and continue to be amended to govern us. We do not agree that our 1977 Westfield/Washington Township Zoning Ordinance is outdated (that was mentioned as the first reason to repeal and present this new UDO). Just because the State Codes allow repeal and UDO by IC 36-7-4-610(h), doesn't mean we need to repeal. Our format was already UDO. We suggest you amend as does the federal and state government. State Codes eliminate the need for some definitions and regulations and ordinances at the local government level. **We should reference sections of Indiana Codes and definitions included therein in our Ordinances.**

In the area of Agriculture, the Indiana Code has many sections defining and protecting this part of our state, city, and township. We think our ordinances should not conflict with those. Leave in a definition of "livestock" for example and use the one from IC Chapter 15. The State and Indiana Farm Bureau and 4-H and many others embrace our agriculture.

An attempt to "zone out" agricultural uses will fundamentally change our community and take one type of land use from the reach of many. Should the motivation be to increase property taxes on agricultural properties under 10 acres or those proposed to be defined as hobby farms, Westfield should not use that avenue to increase tax revenues – it is in conflict with State Code. Again in a group of people this week, young couples shared their dream of one day owning a little acreage and having a rural lifestyle for their family. How they love the rural atmosphere and farms of Westfield! The changes in the proposed UDO in regards to agricultural uses and those on AG properties will irrevocably change our community. That is not a change we believe in.

(Definitions excel document following.)

Definitions Removed	Definitions Changed	Comments
	Abutting	
Access Way		
Accessory Building		
Active Recreation		
Aggregate Lot Area		
Agriculture		
	Airport	
	Alley	
Alley Line		
	Alternative Transportation Plan	
Apartment		
	Art Studios	
	Assisted Living Facilities	
	Banner	
	Banner Ornamental	
	Basement	
	Beauty Shop	
	Block	
Block Frontage		
	Boarding House	
	Buffer Yard	
Buffering		
	Building	
Building Area		
	Building Commissioner	
	Building Façade	
	Building, Front Line of	
	Building, Height of	
	Building Line (Building Setback Line)	
	Building Permit	
	Building, Principal	
Business		
	Caliper	
	Campgrounds, Public	
Cellar		
	Certificate of Occupancy	
Church		
Clergyman, Lawyer, Architect or Accountant		
Climbing (Play) Element		
Club		
Cluster Housing		
	Collector	
Commercial Farm Enterprise		
Commission		
	Condominium	
Contingent Use		
	Critical Root Zone (CRZ)	
Cul-de-loop		
	Cul-de-sac	
Cut-off fixtures, eighty-five degree		
Cut-off fixtures, full		
	Decibel	
District		
Dressmaking		
	Detention Pond	
	Development	
	Development Amenities	
	Director	
	Driveway	
Dwelling		
Dwelling, Detached		
	Dwelling, Duplex	
	Dwelling, Multi-family	
	Dwelling, Quadraplex	
	Dwelling, Single-family	

	Dwelling, Triplex	
	Dwelling, Townhouse	
	Dwelling Unit	
	Easement	
	Evergreen	
Evergreen Screen		
	Expressway	
	Family	
	Fiber cement siding	
Final Plat		
	Floodplain	
	Floor Area, Gross Ground	
Floor Area, Total		
	Foot-candle	
Front Façade		
Frontage		
Garage, Private		
Garage, Public		
Green Belt Space		
Gutter		
Home Occupations Permitted		
	Improvement Location Permit	
	Improvements	
Industrial Park		
	Interested Parties	
Junk Yard		
	Jurisdiction of the Pla Commission	
	Kennel	
	Land Disturbing Activity	
Land Use Plan		
	Landscaping	
	Landscaping Plan	
	Light emitting diode (LED)	
Light fixture		
	Light pollution	
	Light trespass	
	Lighting Plan	
Linear Footage, Wall		
Livestock		
	Loading and Unloading Berths	
	Local Road or Street	
	Lot	
	Lot, Depth of	
	Lot Line, Front	
	Lot Line, Rear	
	Lot Line, Side	
	Lot of Record	
Lot, Reversed Interior		
	Lot, Through	
	Lot, Width	
Mail Order Business		
Maintenance, Landscaping		
	Manufactured Home	
	Manufactured Home Park	
Master Plan		
	Mobile Home	
	Natural Areas	
Negative Space		
	Non-conforming Use	
	Nonresidential Center	
	Nonresidential Use, Individual	
	Nursing Home	
	Octave Band	
Octave Band Organizer		added to above
Opaque		

	Open/Green Space	
	Outlet	
	Outside Sales Display, Permanent	combined
	Outside Sales Display, Temporary	combined
	Outside Storage	
Overhead (Play) Element		
	Park	
	Parking Area, Public	
Parking Lot Planting Areas		
Passive Recreation		
Person		
Planned Business Development		
Play Equipment, Detached		
Play Panels		
Public Way		
Preliminary Plat		
Primary Arterial		
Primary Green Space Areas		
Private School		
Private Street		
Professional Office		
Professional Office Center		
	Proximity Slope	
Prune		
	Public Sewer System	
	Pylon Sign	changed to Sign, Pylon
	Recreational Facility	
Reapir, Service or Refurbishing of Equipment and Parts		
	Retention Pond	
	Right-of-way	
	Riparian Corridor	
Secondary Arterial		
Secondary Green Space Areas		
Shopping Center		
Shopping Center-Gross Leaseable Area		
Shrubs, Dense		
	Sign area	
Sign, lawful nonconforming		
	Sign, Temporary	changed to Temporary Sign
	Sign, Under Canopy	
	Site Development Plan	
Sliding (Play) Element		
	Special Exceptions	
	Street	
Subdivider		
	Subdivision	
Swimming Pool, Private		
Teaching		
	Temporary	
Thoroughfare		
	Thoroughfare Plan	
Topped		
Tourist Home		
Town		
	Tree, Street	
Trees, Dense		
Typing and Other Office Services		
Upland Buffer		
	Use	
	Variance	
Vegetative Screen		
	Vision Clearance on Corner Lots	
	Yard	
	Yard, Front	
	Yard, Rear	

Religious Institution		
Residential Facility		
Restaurant, Specialty		
Restaurant, Sit Down		out of place
Restaurant, Fast Food		out of place
Restaurant, Takeout and Deli-style		
Retail, High Intensity		
Retail, Low Intensity		
Retail, Medium Intensity		
Retail, Special Handling		
Retail, Very High Intensity		
Salvage Yard		
School, Fine Arts or Commercial		
School, Professional Trade or Business		
Screen, Vegetative		
Sign Height		
Sign, Pylon		
Street, External		
Street, Internal		
Street, Private		
Subdivision, Major		
Subdivision, Minor		
Tavern (or Nightclub)		
Temporary Use and Event		
Variance, Development Standards		
Variance, Use		
Yard, Established Front		
Yard, Established Rear		
Yard, Established Side		
	Builder/Developer Directional Signage Offsite	
	Builder/Developer Direction Signage Onsite	
	Builder/Developer Kiosk Directional Signage Onsite	
	Builder/Developer Sequential Sign Collections	
	Building, Detached	
	Carnival/Festival	
	Cemetery	
	Conservation Easement	
	Deciduous	
	Decorative Pole	
	Dripline	
	Dwelling, Efficiency Unit	
	Educational Institution	
	Frontage Road	
	Glare	
	Hospital	
	Grade	
	Groundcover	
	Home Garage Sales	
	Hospice	
	Hotel	
	In-line Tenant	
	Lamp	
	Lodging House	
	Lot, Corner	
	Lot, Interior	
	Lumen	
	Luminaire	
	Luminance	
	Material Recycling Facilities (MRFs)	
	Motel	
	Parking Space	
	Plat	
	Premises	
	Public Utility Installations	
	Recreational Vehicle	

	Recycling Collector System	
	Ringelmann Number	
	Screen	
	Shield	
	Shielded, fully	
	Shrub	
	Sign	
	Sign, Acreage for Sale	
	Sign Area Allocation	
	Sign, awning	
	Sign, center	
	Sign, construction	
	Sign Copy	
	Sign, direction	
	Sign, Election	
	Sign, Electronic	
	Sign, entrance	
	Sign, flashing	
	Sign, Gas Price	
	Sign, Home Construction or Home Remodeling Sign	
	Sign, illuminated	
	Sign, Interior Circulation	
	Sign, monument	
	Sign, Nonresidential Real Estate	
	Sign, Nonresidential Special Event	
	Sign, off-premises	
	Sign, Open House Directional	
	Sign, Plane	
	Sign, pole	
	Sign, projecting	
	Sign, Real Estate	
	Sign, Residential Event	
	Sign, Residential Real Estate	
	Sign, sandwich board	
	Sign, Special event	
	Sign, Time and Temperature	
	Sign, wall	
	Sign, Window	
	Smoke Unit	
	Story	
	Story, Half	
	Structural Alternation	
	Structure	
	Township	
	Tree	
	Tree, Ornamental	
	Tree Protection	
	Tree Protection Area	
	Tree, Shade	
	Tree Specimen, Significant	
	Tree Well	
	Vegetation, Native	
	Vibration	
	Vines	
	Wildlife Habitat, Significant	
	Window	
	Wireless Communication Service Facilities	

Bryan Stumpf

(Estridge Development)

Page	Section	Text	Comment/ Question	Proposed Alternative
6-3	6.1.D.1.b.i.	"An Accessory Building...shall be located outside of all easements."	The word "all" is unnecessarily restrictive. This language prohibits encroachment into non-exclusive easements that would otherwise permit the encroachment.	Remove the word "all".
6-5	6.1.H.4	"Enclosures shall be constructed of a Masonry Material..."	This standard applies to all but single-family dwellings. Does the enclosure need to be made of Masonry Materials even if the Principal Building is not?	Add language that if the Principal Building is not made of Mason Materials the enclosure shall be made of the same materials as the Principal Building.
6-11	6.3.C.1	"[Perimeter Lot]...design objectives shall be met for Dwellings on Lots adjacent to an External Street, adjacent to a common area abutting an External Street, or adjacent to an alternative transportation corridor..."	As written this standard is applied to homes far away from the houses abutting External Streets, as intended. All homes adjacent to the common area would be required to meet the perimeter lot standard even though they are internal to the neighborhood and not visible from the External Street.	Set a distance limit of how far into the neighborhood the Perimeter Lot architectural standards would apply. An appropriate standard may be 50-100 feet.
6-11	6.3.C.1.b.i.	Minimum Building Façade Enhancements	The requirements are adding many additional costs to houses at the same time perimeter buffers are becoming wider and more densely planted making the houses less visible from External Streets.	
6-11	6.3.C.1.b.ii.	Perimeter Lot Architectural Features	(1) Additional landscaping should be an option for enhancing the Perimeter Lot/External Road interface. (2) What about preserving existing landscape buffers? There appears to be no architectural credit for doing so. (3) The architectural features are common to conventional buildings. There should be provisions/exceptions for traditional architectural styles that would be compromised by adding	

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			elements that do not fit with the architectural style.	
6-12	6.3.C.2.a.	“The front façade of a front-load garage shall be recessed from the Front Building Facade by at least one-half (0.5) of the depth of the Principal Building on the Lot.”	This standard penalizes deeper buildings further cutting into the lot. It requires changing what would be space in the backyard to paved driveway in the front yard. Residents would prefer the space in the backyard over having a longer driveway in the front yard. Do screened porches count toward the building depth? Would this standard prevent future additions to the back of the house given that it will be near impossible to move the garage back further on the lot to meet the standard?	Establish a consistent minimum setback from the front façade. Carmel uses four (4) feet.
6-12	6.3.C.2.b.	“Building Setback Lines shall vary within each Block to eliminate monotonous building placement.”	How much do the building setback lines need to vary? How many homes along the Block have to vary? This may work against the character the City desires. Uniform setbacks are important to traditional character and establishing the street wall (the perceived edge of the street).	
6-13	6.3.C.2.c.i.	“[Homes on adjacent lots shall] Be a significantly different front Building Facade (i.e. architectural style, roof lines, window placement, proportion of siding materials) than the adjacent Lot. Minor variations in architectural features or materials (i.e. shutters, door styles, siding patterns) shall not qualify as significantly different if the Dwelling on the adjacent Lot is of a similar floorplan;”	How is the term “significantly different” determined?	
6-13	6.3.C.3.b.	“Vinyl siding on more than twenty-five percent (25%) of any Building Façade, exclusive of window, doors or other openings, shall be prohibited.”	The stated purpose of the building materials requirement is the create variation and interest, but limitations on the percentages of materials	

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			that can be used decrease the variety and encourage uniformity.	
6-13	6.3.C.4.	“All Dwelling Units in the SFA: Single-Family Attached District shall have a two (2) car garage with matching driveway and all garage door openings shall be off set from the Street (on which the Dwelling is addressed from or fronts) by at least thirty (30) degrees.”	How does the angled garage requirement work?	
6-13	6.3.D.2.	Building Materials: In order to insure compatibility of non-residential uses with surrounding residential uses in Residential Districts, all nonresidential uses shall use exterior building materials, roof line treatments and roofing materials that are compatible with and consistent with residential construction methods and materials.	How does this standard apply to recreation centers within residential subdivisions? There are conditions (such as pool buildings) where residential construction standards are not desirable for the long-term health of the building.	
6-14	6.3.E.1.	Building(s) shall be designed so the distance between a window of a room intended for human habitation shall be not less than forty (40) feet from the wall of any adjacent structure (such distance to be measured by a line perpendicular to the plane of the surface of said window); however, this distance may be reduced to not less than thirty (30) feet for an exposure to a utility room (e.g., bathroom, laundry) or community room (e.g., group meeting room or similar purpose).	Structure has a very broad definition. Does this mean there needs to be a 40 foot clear area around all buildings with windows? What is the distance if there are no windows?	
6-14	6.3.E.2.b.	Four-Side Architecture: Design detailing shall be continued completely around the building consistent with the building’s intended architectural style. Detailing	How do these requirements apply to building facades with garages? In such situations such first floor detailing cannot be consistently applied on all four sides of the building.	

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		elements shall include, but are not limited to, number and style of windows, window placement, trim detailing, roof design, and exterior materials.		
6-14	6.3.E.3.b.	Masonry Materials: A minimum seventy-five percent (75%) of each Building Facade, excluding windows and doors, shall be Masonry Materials.	Is there an exception to this requirement if you are following a specific architectural style? Percentage of material requirements like this one and 6.3.E.3.c. can actually reduce variety and increase monotony.	
6-14	6.3.E.4.	Windows: All windows shall be a minimum size of fifteen (15) square feet and...	This standard is unnecessarily restrictive. It does not allow for bathroom windows or transom windows. The ability to use these types of windows adds to the architectural character of the building.	
6-15	6.3.F.2.	External Facades: Each Building Façade visible from a Street, oriented to an adjoining Residential District, or oriented to an alternative transportation corridor bearing a designation on the Thoroughfare Plan (collectively, "External Facade"), shall comply with the following:	"...visible from a Street..." is a very broad standard. Does this standard apply if only a small portion of the building is visible from a street? What if the visibility from the street is only a temporary condition due to the phased construction of the development?	
6-16	6.3.F.2.c.ii.	No loading spaces, loading docks or oversized service doors shall be permitted on an External Facade, as defined herein.	How does this standard apply to buildings with four-sided visibility that require a loading space or dock. An example of this would be a restaurant or b-shop building on an outlot.	
6-16	6.3.F.3.	Architectural Theme: Buildings and structures within a single development shall share a common architectural style.	This standard is unnecessarily restrictive and will result in limiting diversity. A cohesive design can be achieved using a variety of architectural styles.	
6-19	6.5.B.	Location: Fences may be built directly along Lot Lines; however, fences shall not encroach into either the existing or proposed Right-of-way, as indicated on	The requirement to locate fences so they do not encroach into future ROW indicated on the Thoroughfare Plan seems like an unnecessary	

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		the Thoroughfare Plan, nor into easements that otherwise prohibit the installation of fences (e.g., drainage and utility easements).	intrusion of property rights, especially for large lot owners and farmers.	
6-25	6.8.C.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 which are to be preserved or removed.	The cost of surveying each tree 12” or greater can be very expensive. This is especially true where the trees are part of a larger wooded area to be protected. Conversely, why would I have to survey and identify weed trees planted by birds along a fence row just because of their caliper?	
6-26	6.8.E.3.	Tree Inventory: Prior to Development Plan approval or the issuance of an Improvement Location Permit or Building Permit, Applicants shall inventory all trees on the subject property which possess a Caliper measure of at least twelve (12) inches.	Same comments as above. There are more characteristics contributing to whether a tree should be preserved than just caliper. You should only inventory the trees you plan to keep.	
6-26	6.8.E.6.a.	Existing trees over two-inch (2”) Caliper that are preserved in accordance with this Article may be credited for required landscaping based on a ratio of one (1) tree credit per one (1) tree preserved. Certain “cull” species and deformed trees, however, shall not be permitted to be credited.	This standard conflicts with the standard in 6.8.F.1.e. A size-based credit system should be used to encourage the protection of larger trees. How do you define “certain ‘cull’ species and deformed trees”?	
6-27	6.8.F.1.e.	Shade Trees: A minimum of eight (8) feet in height and two (2) inches in Caliper. Shall be of a variety that will attain an average mature spread greater than twenty (20) feet.	This definition prohibits the use of columnar varieties of shade trees, such as oaks, maples, and ginkgos. Columnar trees are important in creating a unifying streetscape while maintaining visibility to the uses outside the street edge.	
6-27	6.8.F.1.d.	Shrubs: A minimum of eighteen (18) inches in height.	The height requirement prohibits the use of many valuable low, spreading shrubs and perennials.	

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6-27	6.8.F.2.b.	Maximum Slope: The maximum slide slope of mounds shall not exceed a three (3) (horizontal units) to one (1) (vertical unit) ratio.	The maximum slope is very shallow (18.5°). Mounds, especially those that do not need to be mowed, can be steeper. This standard also conflicts with the mound sloping standard in 6.8.G.6. which allows up to a 30° slope.	
6-29	6.8.G.4.a.	Clearance with Structures: 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.	This standard is unnecessarily restrictive. A more common industry standard is five feet of clearance.	
6-29	6.8.G.4.d.	Minimum Distance from Sidewalk and Curb: Trees shall be planted a minimum distance of four (4) feet from the edge of a Street curb or pedestrian pathway or sidewalk.	This distance is excessive. The new city standard local street section with street trees requires a 10 foot wide planter between the curb and sidewalk. A 63-foot wide ROW is required. This is a dramatic increase from the 50-foot wide ROW for local streets. The unintended consequence is that the cost of land needed to plant street trees is too high and therefore street trees will no longer be planted between the curb and sidewalk. This is a move in the wrong direction. There are three key elements to great residential streets: narrow street width, on-street parking, and street trees planted in the parkway between the curb and sidewalk. Westfield is moving away from all of these elements.	
6-29	6.8.G.4.f.	Easements: Required landscaping should be located in landscape easements or designated common areas that are exclusive of utility or drainage easements.	This standard does not work. Common areas are required by the utility companies to have blanket drainage, utility, & sewer easements. A strict read of the language does not allow any planting within common areas.	
6-29	6.8.H.1.	Heating and Cooling Facilities: Ground-mounted heating and cooling units for nonresidential or multi-family structures	What is the intent? Are we trying to screen from ALL viewpoints (e.g. from the upper stories of buildings) or from all ground plane viewpoints.	

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		shall be completely screened from all viewpoints.		
6-30	6.8.H.2.	Dumpster enclosures, trash pads, loading areas, loading docks, service areas, and maintenance areas shall be screened from residential uses and Rights-of-way. Screening shall be achieved by using either: (i) a six (6) feet high, completely opaque fence or wall; (ii) a six (6) feet high berm; or (iii) a six (6) feet high screen of evergreen trees planted nine (9) feet on center in a double staggered row.	Can I use a combination of these techniques. A strict read of the language does not allow it.	
6-30	6.8.I.1.c.	Detention and Retention Areas shall be designed to be natural in appearance, with meandering edges.	How is this determined?	
6-30	6.8.I.2.	Location: Detention and Retention Areas should be located to enhance view sheds and incorporated as amenities to the development (see also Article 8.6 Open Space and Amenity Standards).	Is the City trying to enhance the viewsheds from streets? If so, this requirement is contrary to the pond barrier requirements in the City's Construction Standards. The guardrail or berming and landscaping requirements negate the ability of beneficial views of ponds from streets.	
6-30	6.8.J.1.	Street Trees shall be required with all new or re-developed Local Streets (public or private) within Residential Districts.	Street trees should also be required on Collector and Arterial streets that are internal to developments.	
6-30	6.8.J.2.	Location: Street Trees shall be located within the Right-of-way and installed in accordance with the City's Construction Standards (see also Article 7.3 Principles and Standards of Design). If an adequate planting strip is not available within the Right-of-way, in accordance with the City's Construction Standards, or is otherwise determined to not be feasible	The City's new Construction Standards require a 10-foot wide planter area between the curb and walk in a 63-foot wide ROW for local roads. Who determines if adequate space is available and what is the criteria? The additional ROW width is very expensive and a dramatic departure from previous ROW requirements. I expect street trees will no longer be planted within the ROW.	

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		by the Public Works Department, then Street Trees shall be installed within the Established Front Yard of the adjacent Lot.		
6-30	6.8.J.3.	Street Trees shall be required at a maximum spacing of sixty (60) feet and minimum spacing of forty (40) feet.	The spacing range should be dictated by the tree species. Forty feet is very wide for many species of street trees. Does this requirement prohibit planting street trees in clusters? It appears so. I also have concerns about the City's new street tree list. Dogwoods and American Beech appear to interchangeable despite being dramatically different trees.	
6-31	6.8.K.	Minimum Lot Landscaping Requirements: Yards and Open Space areas of all Lots shall be landscaped in accordance with this section (the "Minimum Lot Landscaping Requirements"):	The single family residential standard is a major change and very problematic for smaller lots. There is simply not enough room on a small lot to plant four shade trees and two ornamental or evergreen trees and meet the separation requirements. Nor would such tight spacing be healthy for the trees.	
6-31	6.8.L.1.	"[Foundation Planting] Plant materials shall be required intermittently (approximately every forty (40) feet) against long expanses (over eighty (80) feet) of Building Facades, fences, and other barriers to create a softening effect.	What is the required level of planting? Does this requirement apply to fences installed by homeowners private lots? It appears so. Do the guardrails and berming for pond barriers qualify as barriers that trigger this requirement?	
6-31	6.8.L.3.	The primary landscaping material used shall be ornamental trees, shrubs, and ornamental grasses. Groundcover plants...	Why are shade trees and evergreens excluded? They can provide needed height or texture and color.	
6-32	6.8.L.4.	Plantings shall be located within fifteen (15) feet of the Building Facade, fence or other barrier being softened, and shall	The width wording is confusing. Is the minimum width eight feet or ten feet?	

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		occur within planting beds at least eight (8) to ten (10) feet in width.	Depending upon the design and circulation pattern, a planter six feet wide may be the best size while allowing ample room for plant growth.	
6-32	6.8.M.	The landscaping in this section shall be required where any portion of a development abuts an External Street.	The definition of External Street assumes it is always on the perimeter of a development. That is not always the case. Where Collector or Arterial Streets are internal to a development they should be treated like internal streets, not perimeter streets.	
6-32	6.8.M.1.	Residential Uses: A landscaping area with a minimum depth of thirty (30) feet shall be required abutting an External Street along any residential development. The landscaping area shall include a minimum of four (4) evergreen trees, three (3) shade trees, three (3) ornamental trees and twenty-five (25) shrubs per one hundred (100) lineal feet. In addition, a minimum three-foot (3') tall undulating mound shall required along the entire External Street frontage. Meandering mounds are encouraged.	Does the landscape area exclude ponds abutting External Streets? A heavy landscape buffer against ponds is contrary to the viewsheds desired elsewhere in the UDO. How do these standards apply to homes facing the External Street? This standard encourages reverse frontage (homes backing up the External Street) while the City is promoting homes facing out on External Streets. Mounding conflicts with a development standard in the comprehensive plan. (I disagree with that standard in the comp plan.) There is a problem with requiring the mound along the entire street frontage. Mounds are not allowed within utility easements.	
6-32	6.8.M.2.	Non-residential Uses: A landscaping area with a minimum depth of ten (10) feet shall be required abutting an External Street along any non-residential development. The landscaping area shall include a minimum of three (3) shade or evergreen trees, two (2) ornamental trees and twenty-five (25) shrubs per one hundred (100) lineal feet. This requirement may be credited toward required Parking Area Landscaping requirements if the required Parking	There is a conflict between the ten-foot minimum depth and the mounding height. At the 3:1 slope required by the UDO, the planter would need to be at least 18 feet wide to accommodate a three-foot high mound and 30' wide to accommodate a five-foot high mound.	

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		Area Landscaping is located within twenty (20) feet of the Right-of-way. In addition for Industrial Districts, a minimum three-foot (3') tall undulating mound shall be required along the entire External Street frontage.		
6-32	6.8.M.3.	Easements: Trees required to be planted along External Streets should be located outside drainage and utility easements and shall be located in a manner that mitigates interference with infrastructure located within such easements. Trees may be clustered or grouped in order to attain creative site design and/or to accommodate utility infrastructure.	Common areas are required to be blanket drainage and utility easements so it is impossible to meet this standard.	
6-33	6.8.N.2.	Location: Buffer Yards shall apply along the entire length of all abutting Lot Lines where conflicting Zoning Districts are adjacent.	Do the buffers have to be against the property line? There are situations where it is better to place the drainage easement along the property line and then the bufferyard.	
6-33	6.8.N.3.	Chart: Buffer Yard Types	<p>The width of the buffers has increased by 10 feet. Wide buffers force common area acreage to be placed on the perimeter of the project rather than in the center of the community. As a result, the common area that is provided tends to benefit only the homes that abut it rather than common area used as a park that benefits more residents. The column heading "Canopy Trees" should be changed to "Shade Trees" to be consistent with the terms used in the UDO.</p> <p>There should be credit provided for existing landscape buffers on adjoining property.</p> <p>The buffer widths are too restrictive for downtown Westfield. I'm concerned this will discourage redevelopment in Grand Junction.</p>	

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6-34	6.8.N.5.	Chart: Required Buffer Yard	The buffers should be based upon zoning districts, not general use types (e.g. Agriculture). Also, provision should be made for property that will be developed. For example, the bufferyard adjacent to agriculture land owned by developers and shown as residential on the Comprehensive Plan land use map should be buffered for its future use rather than have to provide a wider buffer just because the property is currently being farmed.	
6-38	6.9.F.6.	Thirty percent (30%) of all Parking Area lighting for nonresidential uses shall be turned off within thirty (30) minutes of closing of the last business or no later than 11:00 p.m.	To reflect current lighting technology, an alternate to this standard would be allowing the diming of LED lights by X percent.	
6-39	6.10.D.	Residential Corner Lots shall be of sufficient width to permit appropriate Building Setback Lines and driveway setbacks from both Streets (see also <i>Article 6.16 Setback Standards</i>).	The current definition of corner lot identifies the narrower side of the lot abutting the street as the front of the lot. The longer lot line abutting the street is a side yard. These yards had front and side yard setbacks, respectively. The new definition of corner lot requires both frontages along a street to be front yards and have front yard setbacks. This can be a problem for narrow lots because the deeper setback makes the building envelope narrower.	
6-41	6.12.B.1.a.	No more than one (1) Recreational Vehicle or any towable vehicle shall be stored or parked outdoors on a residential parcel at any time.	Provide a definition for “towable vehicle”. It appears that a car would be a “towable vehicle”, but I don’t think the intent is to ban parking cars outdoors on residential property.	
6-42	6.12.C.1.c.	Screening: Outside Storage areas shall be incorporated into the building’s design as part of the Principal Building as follows:	The screening options listed are all architectural and structural. Berming and landscaping should be offered as an alternative.	

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6-44	6.13.C.	Lighting: Shall comply with <i>Article 6.9 Lighting Standards</i> . Festoon lighting shall not be permitted.	Please define "festoon lighting".	
6-47	6.14.G.5.	Size: Off-street parking spaces shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives, aisles, ramps, columns, and office or work area.	This is a good change. This size is more in line with national standards and reflects the trends of car sizes getting smaller. It is also environmentally friendly because less stormwater is generated from a site because there is less hard surface.	
6-48	6.14.G.9.	Shared Parking: Groups of users requiring Parking Spaces may join in establishing group Parking Area with capacity aggregating that required for each participating use, with the approval of the Plan Commission.	Given the technical nature of shared parking, it appears this requirement should be delegated to the Planning Director and not have to go through a longer approval process with the Plan Commission.	
6-48	6.14.G.7.j.	Professional and General Service Offices: One (1) space per each two hundred (200) square feet of assignable office area	This rate seems high at 5 spaces per 1,000 sq. ft. of Gross Leasable Area (GLA). In his book <i>Parking Reform Made Easy</i> , Rick Willson analyzes office parking utilization rates. He identifies 3.25 spaces per 1,000 sq. ft. of GLA a more likely utilization rate.	
6-57	6.17.F.4.	In addition, illuminated signs shall be setback a minimum distance of twenty-five (25) feet from any Residential District.	Does this standard prohibit the illumination of residential entry monument signs? It appears so.	
6-58	6.17.F.6.f.	[Electronic signs] Changes of image shall not occur more than once per hour, except for displays containing only time and/or temperature.	The image change rate of once per hour is extremely low. Time and temperature signs typically alternate at a two second rotation rate. Typical electronic messaging signs operate at a two to six second rotation rate.	
6-58	6.17.F.7.	Identification with the City: Title signs shall include, as an integral part of the sign design, the words "of Westfield" following any designation of an industrial	Define Title Signs.	

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		park, office park, apartment development, Subdivision or Nonresidential Center name and alike.		
6-71	6.17.K.5.I.i.	Ornamental Banners shall only be permitted within residential areas.	Why are Ornamental Banners only permitted within residential areas?	
6-76	6.18.J.2.	Permit Duration: The duration of a Temporary Use permit for a Model Home shall be fixed by the Director, for an initial term not to exceed twenty-four (24) months; however, the Director may extend the permit for increments of six (6) months.	Are there any criteria for receiving the permit extensions? Are they automatically granted if requested? It takes five months to construct and furnish a model home, so there needs to be a high level of certainty that requested extensions will be granted.	
6-77	6.19.A.	Vision Clearance: No Sign, fence, wall, landscaping, Public Utility Installation or other Improvement which obstructs sight lines between three (3) and twelve (12) feet above a Street shall be permitted on a Corner Lot...	The sight line heights conflict with those listed in the City's Construction Standards (3' – 9'). Subsections 1, 2, and 3 of this section of the UDO are duplicates with the City's Construction Standards. These standards also do not address the different (smaller) sight triangles at roundabouts. Streets with wide rights-of-way are also disproportionately harmed by these requirements.	
6-77	6.19.A.1.	[sight triangles] Forty (40) feet from intersections of Collectors or Local Street.	This is a massive required clear area for Local Streets. Westfield is the only local community with such restrictions. Carmel requires 15 feet. Zionsville, Fishers, and Noblesville require 25 feet. Big sight triangle requirements unnecessarily restrict the buildable area of lots and are especially punitive on narrow lots.	
6-80	6.21.E.	Corner Lots and Through Lots: Corner Lots and Through Lots shall be deemed to have multiple Front Yards, one on each Street or Private Street the Lot abuts. Each Front Yard shall be subject to the	The current definition of corner lot identifies the narrower side of the lot abutting the street as the front of the lot. The longer lot line abutting the street is a side yard. These yards had front and side yard setbacks, respectively.	

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		Building Setback Lines set forth herein for Front Yards.	The new definition of corner lot requires both frontages along a street to be front yards and have front yard setbacks. This can be a problem for narrow lots because the deeper setback makes the building envelope narrower.	
8-2	8.1.A.	Blocks shall have sufficient width to provide for two (2) tiers of Lots of appropriate depth.	Why is this mandatory? It appears to run counter to the City's desire to have homes face out toward External Streets.	
8-2	8.3.B.1.	Drainage and Utility Easements: All development submitted for approval under the provisions of this Ordinance shall allocate areas of suitable size and location, wherever necessary, for drainage and/or utility easements. All easements and corresponding utility location plans shall be complete and approved prior to the final approval of any plan. Easements for utilities shall have a minimum width of twenty (20) feet, and where located along Lot Lines, one-half (0.5) of the width shall be taken from each Lot. Before determining the location of easements the plan shall be discussed with the local public utility companies to assure proper placement and installation of such services.	The 20-foot minimum width for utility easements is duplicated in the Westfield Construction Standards. The 20-foot minimum width does not work with traditional neighborhood developments. For example, the alley-load homes often only have a 10-foot front yard setback. The requirement that the easement be taken equally from abutting lots should not be mandatory. I can point to examples where a utility line is not right on the property line so the easement on lot with the pipe is 10-feet wider than normal. The abutting lot should not be required to have a wider easement just because it was needed on the lot with the utility pipe.	
8-6	8.3.F.1.d.	Prohibit the Property Owner or any other person from placing any obstruction within the easement.	The edge of pavement and the edge of the easement are not necessarily the same. Mailboxes should be exempted from this section.	
8-9	8.5.A.5.		The text of this section ends mid sentence.	
8-10	8.6.B.1.	The minimum Open Space required for each development, as a percentage of its Gross Acreage, shall be as set forth below	Are there any special definitions for Gross Acreage or is it simply the total acreage of the parent tract? Does it include right-of-way dedicated to the City or County?	

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8-11	8.6.F.2.	Open Space and Development Amenity improvements shall require approval a Detailed Development Plan, which shall be reviewed and approved by the Department as part of an Improvement Location Permit...	Good! This is the appropriate level for the review of development amenities rather than a public hearing at the Plan Commission.	
8-11	8.6.G.1.	A maximum of fifty percent (50%) of required Open Space may come from: wetlands, third party regulated utility easements, legal drains and equivalent land, as determined by the Plan Commission or Director.	This standard is unattainable. Common areas are covered with blanket drainage and utility easements. Therefore, it is impossible to have a minimum 50% unencumbered land as the standard implies.	
8-11	8.6.G.2.	Detention and Retention Areas may only qualify as Open Space if they comply with <i>Article 6.8 Landscaping Standards</i> and if such areas are located and designed for the use and benefit of the public as an amenity to the development.	How is “use and benefit of the public” defined? How can I know if the standard has been met?	
8-11	8.6.G.3.	Required Buffer Yards, External Street Frontage landscaping areas, and tree preservation areas, as set forth in <i>Article 6.8 Landscaping Standards</i> , may qualify towards required Open Space if placed within common areas or recorded preservation or conservation easements.	Landscaping placed within Landscape Easements should also county toward the required Open Space.	
8-11	8.6.H.2.	Multi-Family District Qualifying Amenities	The amenities listed in the ordinance assume a certain type of apartment renter. The amenities listed do not match the amenity desires of many of today’s renters.	
8-13	8.7.B.3.	When a sidewalk, pedestrian path, jogging path, and/or bicycle way crosses a Street intersection with an Arterial within or adjacent to a development, then safety devices (i.e. painted	This seems very open-ended. Is there a limit to the scope so potential costs could be better understood?	

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		crosswalks, signs, or other traffic control devices) shall be installed at the Developer's expense as deemed appropriate by the Public Works Department.		
8-14	8.7.D.3.	The Plan Commission or Director may require Developers, at their expense, to construct off-site pedestrian facilities adjacent to the proposed development to respond to the proposed development's impact and infrastructure demands.	This seems very open-ended. Is there a limit to the scope so potential costs could be better understood?	
8-17	8.9.G.3.b.	[Cul-de-sac] Terminus Design: Shall be nearly circular shape with a minimum Right-of-way diameter of one hundred (100) feet for streets abutting Single-family Zoning Districts and one hundred twenty (120) feet for Streets abutting all other Zoning Districts.	The 100-foot ROW diameter conflicts with the City's Construction Standards.	
8-17	8.9.G.3.c.	Drainage Easement: A drainage easement shall be provided near the center perimeter of the cul-de-sac, opposite of the cul-de-sac entrance. The easement shall be a minimum of twenty (20) feet wide and ten (10) feet deep. The easement and Right-of-way adjacent to the easement shall be free of improvements (e.g., driveways, mailboxes, fire hydrants, landscaping and Public Utility Installations), unless otherwise approved by the Public Works Department, in order to accommodate snow removal maintenance of the cul-de-sac.	It appears this requirement is for a 10' x 20' clear area in the front yard of lots outside of the 11½' to 16½' from the curb to the edge of the ROW. The lack of landscaping, especially street trees, will have a noticeable visual impact at a key focal point. Underground utilities should not be a problem for snow storage, so it should be clarified that the clear area is an above ground clear area. For narrow lots on cul-de-sacs it may be necessary to get creative with mailbox loctions.	

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8-18	8.9.G.5.a.	All Streets should intersect at ninety (90) degree angles for a minimum distance of one hundred (100) feet measured from the intersection of Right-of-way lines. In no instance shall they intersect at less than eighty (80) degree angles onto Expressways, Arterials, or Collectors; or less than seventy (70) degree angles onto Local Streets.	This standard is a duplicate of one in the City's Construction Standards.	
8-18	8.9.G.5.b.	Lot Line corners shall be rounded by arcs with radii of not less than fifteen (15) feet, or by chords of such arcs, at street intersections.	This standard conflicts with those in the City's Construction Standards.	
8-18	8.9.G.5.c.	If the smaller angle of the intersection of two (2) streets is less than sixty (60) degrees, then the radius of the arc at the intersection of Lot Lines shall be increased as deemed appropriate by the Public Works Department.	This standard is a duplicate of one in the City's Construction Standards.	
8-18	8.9.G.5.d.	Intersections of more than two (2) streets at one (1) point shall not be permitted.	This standard is a duplicate of one in the City's Construction Standards.	
8-18	8.9.G.5.e.	Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.	This standard is a duplicate of one in the City's Construction Standards.	
8-18	8.9.G.5.f.	No driveway shall be located within seventy-five (75) feet of the intersection of two (2) street lines.	This standard is a duplicate of one in the City's Construction Standards. It is a perennial problem as it is quite common to have driveways within 75-feet of an intersection on internal, local streets within subdivisions with no decrease in public safety.	

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8-18	8.9.G.7.	Curved Streets	The standards in this section either conflict with or duplicate standards within the City's Construction Standards.	
8-18, 8-19	8.9.G.8.	Street Grades	The standards in this section either conflict with or duplicate standards within the City's Construction Standards.	
8-19	8.9.H.	Delay of Surface Layer	The thickness of the surface layer conflicts with the standards within the City's Construction Standards. Since the thickness is not relevant to this provision, delete it and just refer to the surface layer.	
8-22	8.12.A.	<p>General: A bond, irrevocable letter of credit, or other guarantee acceptable to the City ("financial surety") shall be provided for all required public improvements and shall be executed prior to the time of Improvement Location Permit issuance for single site developments or prior to subdivision plat recording, whichever ever applies. Improvements that shall be guaranteed include facilities which shall become public, and may include other facilities or improvements set forth in the City's Construction Standards and as may be specified in the Detailed Development Plan approval. If the project is to be built in phases, then the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall be in accordance with this Article and the City's Construction Standards.</p>	<p>There is a conflict in the timing of the provision of the surety. The first part of this section identifies it needs to be executed prior to subdivision plat recording. Yet the penultimate sentence identifies it has to be posted prior to the commencement of work on each phase. Furthermore, Section 8.12.4 on page 8-22 states the sureties need to be in place prior to beginning construction, yet Section 10.13.J.3 on page 10-36 indicates sureties are not required until the secondary plat is approved. Section 10.12.F.7 on page 10-33 makes it clear that the developer has the option to post performance bonds or make the improvements.</p> <p>Please clarify whether performance bonds are required prior to starting work on the site or whether the developer has the option of not posting performance bonds and simply installing the infrastructure. In either scenario, maintenance bonds are still required after the acceptance of the public infrastructure. Please note, Citizens Westfield does not require performance bonds for water or sewer infrastructure construction.</p>	

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8-22	8.12.B.4.	Duration of Surety: All performance sureties shall be effective from approval to begin construction of the project and shall not terminate until released by the Board of Public Works. The performance surety shall not be released until the Public Works Department has certified that it has inspected the improvements during construction, and after completion, and that they have been installed in accordance with the intent of the approved construction plans and specifications (completion of the “punch list”).	Timing conflict as noted above. Is there a time requirement for the City to release the bonds after approvals of the infrastructure construction? The concern is that some municipalities have intentionally postponed the release of performance bonds for completed improvements in order to delay the start of the three-year maintenance bond period.	
8-23	8.12.C.2.	Requirement for Surety: The Developer shall provide a maintenance surety to the City for any Street (public or private), sidewalk, path, storm sewer, erosion control, drainage facility, or any other facility that is intended or will be dedicated to the City. All such facilities on-site, any off-site improvements to which the Developer has committed, and any off-site improvements required as a condition of approval shall be covered by the maintenance surety.	Are bonds required for sidewalks on individual lots that are installed by the homebuilders? If so, shouldn't it be the builders who are providing these bonds since they are the ones making the improvements?	
12-16	12.1	[Definitions] Open Space: Land used for recreation, resource protection, amenity, and/or screening. Open Space may include Natural Areas, Parks, Development Amenities, Recreational Facilities, railroad corridors, Buffer Yards, public art spaces, interpretative sites, and performing art spaces. Open Space does not include medians in Rights-of-way or any area of land included on a Lot used for another primary use such as	Consider allowing medians in rights-of-way that are of a minimum width to count toward Open Space. Wide medians provide character to the community and nice streetscapes and should be encouraged.	

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		residential or commercial. [See also <i>Article 8.6 Open Space and Amenity Standards.</i>]		