CITY CODE

Reason for Ordinance:	Amending Chapter 16 & 17 of the City Code for the City of Westfield
Effective Date:	Immediately
Project History:	From research the current City Code does not support a reference to the City Comprehensive Zoning Ordinance for Westfield-Washington Township as amended.
Reading Status:	First Reading: May 12, 2008 Public Hearing: N / R Second Reading: N / R
Advisory Plan Commission Recommendation:	N / R
Staff Recommendation:	Supports the Amendment as drafted and attached hereto.
Additional Comments:	N / A
Sponsorship / Councilor:	N / A
Action to be taken:	Motion to approve the attached documentation with instructions for the City Clerk / Treasurer to forward same for Codification into the City Code.

Chapter 16

COMPREHENSIVE ZONING ORDINANCE
Westfield-Washington Township

ARTICLE I
Adoption by Reference

Section 16-1 ADOPTION BY REFERENCE.

With its passage as Ordinance 1977-202 on September 1, 1977, the Comprehensive Zoning Ordinance of Westfield-Washington Township, 1977 as amended is hereby adopted by reference as if fully set forth herein. An electronic copy of the complete, updated Zoning Ordinance is available for review on the City of Westfield website at
http://www.westfield.in.gov/egov/docs/1200069498_579040.pdf

(Ord. 1977-202, passed September 1, 1977)

Chapter 17

BUSINESSES
Westfield-Washington Township

ARTICLE I – IN GENERAL

Sections 17-1--17-30. Reserved

ARTICLE II -- TEMPORARY GREENHOUSE SALES*

*Editor's note: Ord. No. 01-13, §§ 1--9, adopted Nov. 12, 2001, set out provisions intended for use as Ch. 47. For purposes of clarity, and at the editor's discretion, these provisions have been included as Ch. 17, Art. II.

Sec. 17-31. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Temporary greenhouse sales. The selling of any kind of plants, flowers, trees, or other related products within the City, without the use of a regularly established place of business in the City, for a period of no more than 120 consecutive days, and no more than 180 days in any single calendar year.

Temporary greenhouse sales area. The land area within which the extent of all temporary greenhouse sales operations are performed (not to exceed 3,800 square feet as per subsection 16-36(e); as illustrated as per subsection 16-33(d)(1).

Temporary greenhouse sales license. A license issued by the City which permits the holder to conduct temporary greenhouse sales at a specified location, for a specified period, in a specified manner.

Temporary greenhouse sales license certificate. A writing completed by the clerk-treasurer, or a designee thereof, as evidence of issuance of a temporary greenhouse sales license.

Temporary greenhouse sales structure. Any structure used in conjunction with temporary greenhouse sales uses located within the temporary greenhouse sales area.

(Ord. No. 01-13, § 47.1, 11-12-01)

Sec. 17-32. Registration required.

It shall be unlawful for any person or entity to engage in the business of temporary greenhouse sales within the City without first applying for and legally obtaining a temporary greenhouse sales license.
(Ord. No. 01-13, § 47.2, 11-12-01)

Sec. 17-33. License registration requirements.

(a) Temporary greenhouse sales licenses shall only be issued for locations within recognized business districts (as established within the Westfield-Washington Township Zoning Ordinance, Chapter 16), within the corporate limits of the City.

(b) Temporary greenhouse sales licenses shall only be issued on parcels which are at least five acres in size.

(c) A license applicant shall execute an application form at the office of the clerk-treasurer, or other designee thereof, at least seven business days prior to engaging in any sales activity in the City. The following information shall be required:

(1) Applicants name and local address, if any;

(2) The name and address of the principal place of business of the applicant;

(3) A brief description of the type of goods to be sold;

(4) Proof of the applicant's identity (e.g., driver license, or other commonly recognized identification);

(5) Proof of consent from the owner of the property on which the temporary greenhouse sales use is to be located if the applicant is not the owner of said property; and

(6) A statement specifying the sales period(s).

(d) An applicant shall also file site plans (to scale) with the application form illustrating:

(1) The size and location of the temporary greenhouse sales area and all other existing structures and parking areas on the subject site;

(2) The size and location of all proposed temporary greenhouse sales structures; and

(3) A description or illustration of proposed signage.

(e) If, after the issuance of the registration certificate, the information in the application shall become inaccurate for any reason, and the holder of the registration certificate intends to continue business activity, notice of such change and corrected information shall be furnished to the office of the clerk-treasurer, or other designee thereof, within 24 hours of the subject change.
(Ord. No. 01-13, § 47.3, 11-12-01)

See. 17-34. License certificate.

(a) Upon compliance of the applicant with the above provisions, the clerk-treasurer, or other designee thereof, shall issue a temporary greenhouse sales license certificate, which shall be dated and signed by the clerk-treasurer, or other designee thereof.

(b) The clerk-treasurer, or other designee thereof, shall process the application within five business days.

(c) If the clerk-treasurer, or other designee thereof, finds the applicant has had previous temporary greenhouse sales licenses revoked, this shall serve as grounds for refusal to issue subsequent registration certificates.
(Ord. No. 01-13, § 47.4, 11-12-01)

Sec. 17-35. License fees; term.

(a) Each application shall be accompanied by a license fee of $400.00.

(b) No more than two licenses shall be granted per parcel, in any given calendar year.

(c) Each license shall be valid for a period of 90 consecutive days unless two licenses are acquired simultaneously. If two licenses are acquired simultaneously, then the terms of the two licenses may be combined and divided over two distinct sales periods of consecutive days, neither of which shall exceed a period of 120 consecutive days.

(d) Prior to expiration of a license, all materials, merchandise, and structures shall be removed from the temporary greenhouse sales area.
(Ord. No. 01-13, § 47.5, 11-12-01)

Sec. 17-36. Conditions of license.

(a) Temporary greenhouse sales licenses shall be nontransferable.

(b) Holders of temporary greenhouse sales licenses shall be entitled to sell plants, flowers, trees, and other related products for the duration of the license period within the temporary greenhouse sales area.

(c) The license holder shall maintain a valid license certificate at all times and shall exhibit such certificate at any time on request by any police officer or public official.

(d) The license holder, and agents and employees thereof, shall make no false statements or misrepresentations of fact in the course of carrying on the activity for which the license is granted, and shall conduct business at all times in an orderly and lawful manner.

(e) The temporary greenhouse sales area shall occupy no more than 3,800 square feet of land area.

(f) The aggregate size of all temporary greenhouse sales structures shall not exceed 2,600 square feet in size.

(g) Temporary greenhouse sales operations shall only be conducted between the hours of 6:00 a.m. and 7:00 p.m.

(h) Temporary greenhouse sales uses shall not be permitted to install any site lighting.

(i) All packaged materials and non-vegetative materials shall be stored inside temporary greenhouse sales structures. No outside storage or display of packaged materials and non-vegetative materials shall be permitted.

(j) No ornamental flags, streamers, balloons, inflatable objects, or lights shall be utilized in conjunction with temporary greenhouse sales uses.

(k) Signage:

(1) Each temporary greenhouse sales license shall entitle the holder to a maximum of two signs.

(2) Each sign shall be no more than 12 square feet in size.

(3) All signage shall be located within the temporary greenhouse sales area.

(4) Such signage shall only be permitted to be firmly affixed against the exterior walls of temporary greenhouse sales structures and shall not be permitted to protrude out from or above the roofline of such temporary greenhouse sales structures.

(5) No florescent colors shall be used in such signs.

(6) Such signs shall not possess moveable parts.

(l) Temporary greenhouse sales uses shall not interfere with traffic circulation.
(Ord. No. 01-13, § 47.6, 11-12-01)

Sec. 17-37. Revocation of license.

(a) As per IC 36-5-4-11, the temporary greenhouse sales license may be revoked if any of the conditions of such license are violated.

(b) The temporary greenhouse sales license may be revoked if the applicant fails to comply with any ordinance of the City.

(c) The clerk-treasurer, or any authorized designee thereof, may revoke the license upon an administrative determination that:

(1) The license holder is in violation of any license condition or ordinance of the City; and

(2) Fails to abate such violation within five days of notice.
(Ord. No. 01-13, § 47.7, 11-12-01)

Sec. 17-38. Exemptions.

The following are exempt from the provisions of this article:

(1) Uses that are legally conducted entirely within permanent structures which are otherwise regulated by the Westfield-Washington Township Zoning Ordinance; and

(2) Uses that are conducted within legally established outside sales lots which are otherwise regulated by the Westfield-Washington Township Zoning Ordinance.
(Ord. No. 01-13, § 47.8, 11-12-01)

Sec. 17-39. Penalty.

Any person or entity that violates any part of the provisions of this chapter shall, on conviction, be punished as provided in section 1-6.
(Ord. No. 01-13, § 47.9, 11-12-01)