



- 10.01 TITLE
This chapter and ordinances supplemental or amendatory thereto shall be known, and may be cited hereafter as the "Zoning Ordinance of the City of Westfield-Washington Township, as amended".
- 10.02 AUTHORITY
The Zoning Ordinance is adopted by the City of Westfield pursuant to its authority under the laws of the State of Indiana in accordance with IC 36-7-4-600 also known as and/or referred to as "600 Series – Zoning Ordinance".
- 10.03 ORDINANCE JURISDICTIONAL AREA
This Zoning Ordinance applies to all land within the corporate limits of the City of Westfield and the unincorporated areas of Washington Township, Hamilton County, Indiana.
- 10.04 APPLICABILITY
No buildings, structures, or uses of land shall be altered, erected, constructed, moved, demolished, divided, or maintained except in accordance with the provisions of the Zoning Ordinance.
- 10.05 PURPOSE AND INTENT
The Zoning Ordinance is intended to guide the growth and development of the City in accordance with the Comprehensive Plan for the following purposes:
- A. Basic Rights: To secure adequate light, air, convenience of access, and safety from fire and other danger, this may include providing adequate open spaces for light, air and outdoor uses.
 - B. Character: To protect the character and stability of residential, institutional, business, industrial and natural areas.
 - C. Circulation: To minimize or avoid congestion in the public streets and to ensure safe, convenient, and efficient traffic circulation.
 - D. Compatibility: To bring about compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses.
 - E. Compliance: To require ongoing compliance with the regulations and punitive recourse for non-compliance regarding these provisions.
 - F. Development and Growth: To promote the orderly, responsible, and beneficial development and growth of the areas within the planning jurisdiction in accordance with the City's Comprehensive Land Use Plan and policies.
 - G. Environmental Integrity: To preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the planning jurisdiction.
 - H. General Welfare: To promote the public health, safety, morals, comfort, convenience, and general welfare of the residents of the City of Westfield.
 - I. Intensity: To regulate and restrict the location and intensity of use of buildings, structures, and land for business, industry, residence, and other uses.

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- J. Public Service: To define the powers and duties of administrative officers and bodies and to establish procedures for the implementation and enforcement of this Zoning Ordinance.

10.06 DEFINITIONS

Words or phrases used in a special sense in the Zoning Ordinance are defined in Article 23 of this Ordinance. Words or phrases are in *“italics”* through-out the document and can be found in Article 23 of this Chapter.

10.07 SEVERABILITY

If any provision or the application of any provision of the Zoning Ordinance is held unconstitutional or invalid by the courts, the remainder of the Zoning Ordinance or the application of such provision to other circumstances shall not be affected.

10.08 INTERPRETATION

A. Minimum Requirements: The provisions of the Zoning Ordinance are the minimum requirements necessary to achieve the purpose of the Zoning Ordinance. Also in interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare of the public.

B. Conflict or Inconsistency: It is not intended by this Chapter to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; nor any chapters, rules, regulations, or permits previously adopted or issued or which shall be adopted or issued and which are not in conflict with any of the provisions of this Chapter; except that, where this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants, or agreements between parties, or by such chapter, rules, regulations or permits, the provisions of this Chapter shall control.

1. Internal: If two or more provisions of the Zoning Ordinance are in conflict or are inconsistent with each other, then the most restrictive provision shall apply, unless otherwise specifically stated within the Zoning Ordinance.

2. External (Federal, State, County & Local):

a. Whenever a provision of the Zoning Ordinance imposes a greater restriction or a higher standard than is required by any State or Federal Code or regulation, or other City ordinance or regulations, the provision of the Zoning Ordinance shall apply.

b. Whenever a provision of any State or Federal Code or regulation, or other City ordinance or regulation imposes a greater restriction or a higher standard than is required by the Zoning Ordinance, the provision of the State or Federal Code or regulation, or other City ordinance or regulation shall apply.

3. Other: Whenever a private covenant, contract, commitment, agreement, or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of the Zoning Ordinance, the more restrictive provision shall apply. This section shall not be interpreted to mean that the City is obligated to enforce the provisions of private covenants, contracts, commitments, agreements, or other similar regulations.

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- C. **Text:** If the meaning or implication of any drawing, table, figure, title, or section heading differs from the meaning or implication of ordinance text, the text of this Zoning Ordinance shall apply.
- D. **Time Frame:** Any time frames stated within the Zoning Ordinance shall be calculated to include weekdays, weekends, and holidays. However, if a time frame ends on a Saturday, Sunday, or holiday on which the City offices are closed, the time frame will be extended to the end of the next business day unless specifically stated otherwise within this Zoning Ordinance.
- E. **Delegation of Authority:** If a provision of the Zoning Ordinance requires the Mayor, Executive Officer, Chief Administrative Officer, Deputy Mayor, or Director of Community Development to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.

F. Administrative Determination / Interpretation: The Director of Community Development is hereby designated and authorized to interpret and enforce the provisions of this Ordinance, it shall also include any designated subordinates in the absence of the Director unless specified otherwise.

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G. Mandatory and Permissive Terms: The words "shall" or "must" are always mandatory, and "may" or "should" are always permissive.

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H. Words Used: If words used in the Zoning Ordinance are not defined within the *Definitions* they shall be construed to be the common usage of the language. Any legal or technical words not defined in the Zoning Ordinance shall be construed to have the meaning defined by the Director of Community Development.

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I. Tense: If words are used in a specific tense (past, present or future) it shall be construed to include all tenses, unless in context, it clearly indicates a single tense.

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J. Singular / Plural Form: If words are used in singular form, the plural form shall apply and vice versa, unless in context, it clearly indicates to the contrary.

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K. Conjunctions: "And" shall be construed to include all connected items in a series and "or" shall be construed to include one or more of the items in a series and where it is "and / or" shall be construed to be either by choice of the Administrative Officer.

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L. Material Incorporated by Reference: As required per IC 36-1-5-4, two (2) copies of any material incorporated into the Zoning Ordinance by reference are on file in the City of Westfield's Clerks Office for public inspection.

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M. Prior Law Construed: If a provision of the prior Zoning Ordinance has been replaced in the same form or in a restated form by the provisions of this Zoning Ordinance, then a citation to the provisions of the prior law shall be construed as a citation to the corresponding provision of this Zoning Ordinance.

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N. Filing of Fees: Applications and petitions filed pursuant to the provisions of this Chapter shall be accompanied by the filing fees hereinafter specified by resolution of the City Council.

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O. Remedies:

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1. The Director of Community Development or any designated enforcement official or any person or persons, firm or corporation, jointly or severally aggrieved, may

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institute a suit of injunction in the Circuit Court of Hamilton County to restrain an individual or a government unit from violating the provisions of this Chapter.

2. The Director of Community Development may also institute a suit for mandatory injunction directing any individual, a corporation or a governmental unit to remove a structure erected in violation of the provisions of this Chapter.
3. Any building, erected, raised, or converted, or land or premise used in violation of any provisions of this Chapter or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereafter be abated under existing law.
4. As an additional remedy to each of the above identified plaintiffs, if the plaintiff prevails the court may allow costs, expenses and reasonable attorney fees in any judgment so rendered.

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P. Amendments: All amendments to this Chapter shall be in conformance with the provisions of Indiana Code (IC) 36-7-4 and all acts amendatory thereto.

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Q. Farms Exempt: Farm structures constructed in the normal course of an agricultural business for the support of an individual farm shall not be required to obtain an Improvement Location Permit (ILP), except when any structure includes the following facilities or utilities: (i) plumbing; (ii) heating; (iii) sewer (public or private); or, (iv) electrical installations such structure or structures shall be required to secure an ILP from the City of Westfield and will be subject to all permits and fees associated within this Chapter. If any farm structure, located in a district other than an area zoned GB, EI or OI is used as an ancillary business such as greenhouses, wholesale or retail, or a feed mixing or grinding operation for a handling or service fee then a special exception must be authorized by the Board of Zoning Appeals prior to beginning construction or operating the ancillary business.

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R. Public Utility Installations:

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1. Structures and land used for public utility installations, as identified in the Land Use Chart, while so used, shall be affected by the provisions for this Chapter.
2. All utility structures including substations shall be effectively landscaped and shall have plans for such landscaping, lighting, traffic control, building heights and setbacks approved by the Director of Community Development.

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S. Business Development Exempt: Any parcel of land which is divided into sites, tracts or lots for accommodating business or industry in existence prior to the adoption or amendments to the business or industrial districts, shall not be subject to the requirements and restrictions contained in the subdivision control sections of this Chapter.

T. Minimum Width for Housing: All single-family, duplex, villas, townhomes shall be required to be constructed with the main body of the residence being not less than twenty-four (24) feet, exclusive of the garage.

U. Variance Approval by the Advisory Plan Commission: Any petitioner who receives a variance approval for the usage of land (use variance) by the Board of Zoning Appeals that permits the use or construction of a business, industrial or office facilities, other than a special exception that has had plans approved by the APC, must also have their plans approved by the APC.

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- V. Road Frontage Calculation: Road frontage shall be determined by the measurement of the distance between property lines at the right-of-way which has been dedicated and accepted by the City of Westfield, Washington Township, Hamilton County or Indiana Department of Transportation (INDOT).

- W. Procedural Requirements:
 - 1. The Director of Community Development or designee shall review all applications and petitions for site development plan review regarding all proposed development for compliance with the City of Westfield Code of Ordinances and this Chapter.
 - 2. The Director of Community Development or designee shall determine which applications and petitions are required to be approved by the Advisory Plan Commission based upon the requirements of this Chapter.
 - 3. The Director of Community Development or designee shall determine which applications and petitions are required to be reviewed and recommended for approval by the City's Technical Advisory Committee (TAC).

- X. Commitments Required: The City of Westfield shall require that applications and petitions for zone map change or amendment to submit the following information for approval:
 - 1. Commitments: The City of Westfield, in its discretion may deem it necessary to: (i) assure the compatibility of a proposed development with surrounding properties; or, (ii) minimize the potential for the occurrence of detrimental affects from any attributes of a proposed development on surrounding properties, require or permit the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with a Development Plan approval as provided for in this Chapter, or in connection with recommending approval of a zone map change or amendment to any zoning district classification contained in this Chapter by the Advisory Plan Commission to the City Council as a condition for development.
 - 2. Enforcement: The Advisory Plan Commission, Board of Zoning Appeals, Director of Community Development or designee and Owners of all parcels of ground adjoining the real estate and all owners of real estate within the area included in the petition who were not petitioners for approval, and other specifically affected persons designated in such commitments shall be entitled to enforce such commitments pursuant to Indiana Code 36-7-4-1015 or as otherwise provided by applicable law.
 - 3. Form: The commitments required herein shall be in substantially the form set forth in the Appendix of this Chapter.
 - 4. Modification:
 - a. Commitments required by the City of Westfield may be modified or terminated by a decision of the City Council, made after a public hearing after due and proper notice to adjoining land owners has been given pursuant to the Rules of Procedure of the Advisory Plan Commission. Any modification or termination of the commitments shall not be effective until: (i) reduced to writing; (ii) recommended by the City Administrative Staff for approval; (iii) recommended by the Advisory Plan Commission to the City Council for approval; (iv) approved by the City Council; (v) executed by and notarized by the present owner(s) of the real estate; and, (vi) recorded in

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the Office of the recorder of Hamilton County, Indiana by the Administrative Staff or City Clerk.

- b. The modification or termination of commitments shall be in substantially the form set forth in the Appendix of this Chapter.

 - 5. **Recording:** The commitments shall be reduced to writing in recordable form and signed by the owner(s) of record of the real estate. The commitments shall be in effect for: (i) as long as the real estate to which they apply remains zoned to the classification to which the real estate was zoned when the commitments were made; or, (ii) modified or terminated as provided below. The commitments shall authorize their recording by the City Administrative Staff or City Clerk in the Office of the Recorder of Hamilton County, Indiana upon the final approval of: (i) a development plan by the Advisory Plan Commission or the final approval of the zone map change or amendment by the City Council. Following the recording of the commitments, the City Administrative Staff or City Clerk shall return a copy of the recorded commitments to the applicant / petitioner and shall retain the original recorded copy of the commitments.
- Y. **Rail Corridors:** The following regulations affecting the Alternative Transportation Plan (trails / greenways) shall apply to all properties that abut a railroad property line, current or former:
- 1. The railroad property lines used for platting purpose shall be those boundaries in place as of January 2001 according to Hamilton County Mapping records.
 - 2. The City of Westfield Community Development Department will work with owners of property that is adjacent to the rail line should any question of development arise. Any new development proposal that is adjacent to a rail line and requires and Improvement Location Permit (ILP) or Development Plan Review (DPR) shall be brought to the attention of the Director, who will address this section of the ordinance with the developer. The Director shall then inform the Deputy Mayor / Chief Administrative Officer of the proposed development.
 - 3. For any development activity that would require an ILP, the City of Westfield Community Development Department shall work together with owners of property that is adjacent to a rail line regarding setbacks, landscaping and any other development standards deemed appropriate for the future development of the alternative transportation system and for the property owner. For new development proposals that are adjacent to a rail line and require and ILP or DPR, the Director will work with the developer to determine how the rail line will be used regarding setbacks, landscaping and any other development standards deemed appropriate by the City of Westfield Community Development Department.
 - 4. The City will work with any rail line property owner that can show best title as determined by a Court of law with the intent of protecting the rail line right-of-way for the use as presented in the Alternative Transportation Plan in a way that is beneficial to all.
 - 5. Any agreement must be approved by the City Council and incorporated into the City's plan approval process.

Deleted: ~~<#>Pre-Existing Non-Conforming Lots, Structures, and Uses:~~ Lost, structures, and the use of such that were both in existence and in compliance with all land use and other laws on the date of the passage of the City of Westfield-Washington Township Comprehensive Zoning Ordinance (December 20, 1977) and further, that do not conform to the regulations set forth in this Chapter, shall be deemed to be legal, pre-existing non-conforming uses that may be continued subject to the following provisions:¶

~~¶~~
~~<#>Non-conforming Lots of Record:~~ All lots legally existing prior to December 20, 1977, may be used as permitted in the zoning district in which they are located, provided that:¶

~~¶~~
~~<#>The holder of said parcel does not own sufficient adjacent land to enable the parcel to conform to the dimensional and acreage requirements of this Chapter;¶~~

~~¶~~
~~<#>The lot width is not less than one hundred (100) feet; and,¶~~

~~¶~~
~~<#>The lot acreage is not less than one (1) acre (43,560 square feet).¶~~

~~¶~~
~~<#>Non-conforming Structures of Record:~~ expansion or enlargement of a structure existing prior to December 20, 1977 shall be permitted provided that the enlargement of expansion of the structure does not further increase the nonconformity.¶

~~¶~~
~~<#>Non-conforming Uses of Record:~~ The continued operation of a non-conforming use existing prior to December 20, 1977 shall be permitted provided that the level of intensity and/or nonconformity is not increased.¶

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~~<#>Termination of Non-conforming Status:¶~~

~~¶~~
~~<#>Any land, structure, or land~~ [1]

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~~<#>Zoning Map:~~ City of Westfield and Washington Township Zoning Map, as amended.¶

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10.09 TRANSITIONAL RULES



A. Advisory Plan Commission: Any application that has been filed with the Advisory Plan Commission (APC) and is full and complete prior to the effective date of the Zoning Ordinance shall be regulated by the terms and conditions of the ordinance that was in place at the time of filing.

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B. Board of Zoning Appeals: Any application (e.g. Special Exceptions, Use Variance, Development Standards Variance) that has been filed with the Board of Zoning Appeals (BZA) and is full and complete prior to the effective date of the Zoning Ordinance, shall be regulated by the provisions of the ordinance that was in place at the time of filing, provided that:

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1. The application would still be required by the terms of the Zoning Ordinance; or,

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2. If the proposed use or development requires additional approvals from the BZA pursuant to the terms of Zoning Ordinance that were not required under the previous ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the BZA.

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C. Development Plans: All Development Plans and their reviews shall meet the requirements for the Zoning Ordinance, as amended, provided that:

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1. An Improvement Location Permit (ILP) was legally issued and is still valid; or,

2. A parcel was established as a buildable lot prior to the effective date of the Zoning Ordinance.

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D. Subdivisions:

1. A Secondary Plat approved prior to the effective date of the Zoning Ordinance, even though not yet recorded, shall remain in full force and effect, subject to applicable expiration provisions. Secondary Plats may be recorded as approved.

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2. Applicants who secured a Primary Plat approval before adoption of the Zoning Ordinance shall be entitled to approval of a Secondary Plat consistent with the approved Primary Plat. Such lots shall be subject to use and development standards of the Zoning Ordinance.

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3. Applicants, who filed a full and complete Primary Plat prior to the effective date of the Zoning Ordinance, shall be regulated by the provisions of the ordinance that was in place at the time of filing.

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10.10 ADMINISTRATIVE OFFICER

The Director of Community Development or designee shall have the primary responsibility for administration and enforcement (or coordination of enforcement) activities of the Zoning Ordinance for the City of Westfield and Washington Township.

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10.11 SAVING PROVISION

The Zoning Ordinance shall not be construed as eliminating or reducing any action now pending before the City of Westfield, City Council, Advisory Plan Commission or the Board of Zoning Appeals, or by virtue of, an existing law or previous ordinance. The Zoning Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

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10.12 ESTABLISHMENT OF ZONING DISTRICTS

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Each of the standard zoning districts in the Zoning Ordinance stand alone and are not a part of a hierarchical or pyramidal system of zoning. Only those uses and development standards that are expressly permitted for each zoning district apply to that zoning district. For the purpose of the Zoning Ordinance, the City is divided into the following zoning districts for the general purposes as stated:

Symbol	Name	Purpose & Intent	Lot Area (min / max)
AG-SF1	Agricultural-Single-Family 1	To establish agricultural land uses and large-lot single-family residential land uses.	Three (3) acre min.
AG-SF1-I	Agricultural-Single-Family 1 In-Town	To establish large lot single-family residential homes in-town that are not a part of a traditional subdivision.	20,000 square feet <u>min.</u>
SF-1	Single-Family Residential 1	To establish large-lot single-family residential land uses.	30,000 square feet <u>min.</u>
SF-2	Single-Family Residential 2	To establish low density single-family residential land uses.	15,000 square feet <u>min.</u>
SF-3	Single-Family Residential 3	To establish medium density single-family residential land uses.	12,000 square feet <u>min.</u>
SF-4	Single-Family Residential 4	To establish higher density single-family residential land uses.	9,000 square feet <u>min.</u>
SF-4-94	Single-Family Residential 4-94	To establish higher density single-family residential land uses in existence prior to 1994.	6,000 square feet <u>min.</u>
SF-5	Single-Family Residential 5	To establish single-family residential land uses for areas in unincorporated towns or communities within Westfield's jurisdiction.	7,000 square feet <u>min.</u>
SF-A	Single-Family - Attached	To establish single-family <u>attached dwellings</u> for areas with four or less units per building.	Max. four (4) du / acre
MF-1	Multiple-Family 1	To establish for the development of <u>multiple-family dwellings</u> , including low-density townhomes, duplexes, triplexes and quadraplexes.	Max. six (6) du / acre
MF-2	Multiple-Family 2	To establish for medium density multiple-family units, including apartments and condominiums.	Max. ten (10) du / acre
GO	General Office	To establish for general office uses and development.	Three (3) acre min.
GO-PD	General Office – Planned Development	To establish for a mixed use development of residential, office and business land uses.	Thirty (30) acre min.
LB	Local and Neighborhood Business	To establish for local or neighborhood residential community with retail services, convenience shopping, and professional services.	Five (5) acre min.
LB-H	Local Business – Historic	To establish for the central business district of the City and for the preservation, restoration, adaptive use and /or reconstruction of historic buildings or properties.	N / A
GB	General Business	To establish the general business needs of the township including incorporated and unincorporated towns.	N / A
SB-PD	Special Business-Planned Development (?)	To establish for the needs of business as they relate to general business, planned business and multiple-family uses.	As req'd by PBD
LB-PD	Local Business-Planned Development	To establish a commercial development of such a nature that the areas will be developed in compatible design and those overall supporting services including roads and utilities can be provided in a proper manner to accommodate the needs of the businesses in this district.	Five (5) acre min.

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GB-PD	General Business-Planned Development	To establish a commercial development of such a nature that the areas will be developed in compatible design and those overall supporting services including roads and utilities can be provided in a proper manner to accommodate the needs of the businesses in this district.	Ten (10) acre min.
EI	Enclosed Industrial	To establish for the industrial needs as they relate to enclosed industrial land uses including industrial parks.	Three (3) acre min.
EI-PD	Enclosed Industrial-Planned Development	To establish for the industrial needs as they relate to enclosed, self-contained industrial land uses.	Three (3) acre min.
OI	Open Industrial	To establish for the industrial needs as they relate to open industrial land uses with outside storage.	Twenty (20) acre min.
<u>OI-PD</u>	<u>Open Industrial-Planned Development</u>	<u>To establish for the industrial needs as they relate to open industrial land uses including industrial parks.</u>	<u>N / A</u>
<u>CBP</u>	<u>Corporate Business Park</u>	<u>To establish for the corporate business needs as they relate to corporate headquarters.</u>	<u>Three (3) acre lot min. Forty (40) acre district</u>

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10.13 ESTABLISHMENT OF OVERLAY DISTRICTS

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A. The overlay districts listed below have been established to:

1. Add development standards or design standards;
2. Reduce development standards or design standards;
3. Add land uses;
4. Restrict or prohibit land uses; or
5. Accomplish any combination of the above.

B. For the purpose of the Zoning Ordinance, the City has established the following Overlay Districts for the general purposes as stated:

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Symbol	Name	Purpose & Intent
US31	US Highway 31 – Meridian Corridor extended	To establish and promote the corridor as a limited access highway and maintain it as an important entrance feature into the City of Westfield. Further, it is the purpose to preserve the aesthetic qualities of those bordering properties along and within the corridor.
NG-OL	North Gateway Overlay	To establish and protect the current rural gateway character and to discourage inappropriate development that would hinder urban growth in the future.
EC-OL	Employment Center Overlay	To establish and allow intense development of architecturally significant buildings with office, medical, technology, and life science land uses, rich with employee amenities and healthful work environments
CV-OL	Community Vitality Overlay	To establish and allow for community-serving urban mixed use development with village-style architecture to function as a transition between the historic portions of Westfield.
RV-OL	Regional Vitality Overlay	To establish and allow for region-serving, urban mixed use development with modern commercial architecture.

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SR32	State Route 32 – Main Street	To establish and promote consistent and coordinated development and design patterns of properties that border State Route 32.
SR32L	State Route 32 – Main Street Landscape	To establish and promote consistent and coordinated landscaping of the properties that border State Route 32.
TRGR	Trails and Greenways	To establish and promote the physical character and integrity of its trails and greenways within the City of Westfield and Washington Township.
GWHP	Groundwater / Well Head Protection Area	To establish and promote the protection of drinking water quality, water quality more generally, an all surrounding natural resources.

10.14

OFFICIAL ZONING MAP

The map labeled "OFFICIAL ZONING MAP" is hereby included as a part of the Zoning Ordinance and is to function as the means as to identify a zoning district within the areas of incorporated City of Westfield and unincorporated Washington Township. The zoning map shall be formally known as the "Official Zoning Map" and it may be cited and referred to as the "City of Westfield and Washington Township Zoning Map" or the "Zoning Map".

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Such Zoning Map shall designate the respective zoning districts in accordance with this Chapter. In addition, detailed maps of the incorporated and unincorporated areas are also designated as the official maps including any special maps:

- (1) Overall Zoning Map;
- (2) Flood Plain Districts – Hamilton Township;
- (3) Flood Plain Districts – City of Westfield;
- (4) Thoroughfare Plans – Designating Expressways, Primary Arterials, Secondary Arterials, Collectors, and Local Roads and Streets

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 (3) Detailed Zoning Map – West of Ditch Road;¶

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A. **Location:** The Official Zoning Map shall be located in the Advisory Plan Commission Office, within the Department of Community Development.

B. **Zoning District Boundaries:** The zoning district boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in the Zoning Ordinance shall be used to identify the zoning districts on the map.

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C. **Regular Provisions:** The Official Zoning Map should be formally revised as changes are made (i.e. annexations, rezoning, planned unit developments), or as the Director of Community Development or the Advisory Plan Commission deem necessary. During the time it takes for each formal electronic version of the Official Zoning Map to be prepared and printed for public display, hand drawn lines (only Community Development Staff) and text on the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting or clerical errors and omissions in the map.

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D. **Standards:** The Zoning District boundaries shown on the Official Zoning Map shall be interpreted as follows:

- 1) **Rezoning:** All territory which hereinafter is rezoned within the City of Westfield shall be presented to the City Council President and City Council which shall be referred to the City of Westfield Advisory Plan Commission (the "Commission"), where the Commission shall within sixty (60) days after the referral, schedule a public hearing with respect to the zoning request to a specific classification, pursuant to the provisions of this Chapter. The Commission shall make findings and recommendations with respect to the appropriate zoning classification or

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classifications being requested for the territory and convey their findings in writing to the City Council President and City Council.

- 2) Streets: Zoning District boundaries shown within or parallel to the lines of streets, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected street, easement, or right-of-way.
- 3) Water: Zoning District boundaries indicated as approximately following the centerline of streams, rivers, or other moving bodies of water shall be construed to follow such centerlines.
- 4) Section Lines: Zoning District boundaries indicated as following or being parallel to section or fractional sections lines, platted lot lines, or corporation lines shall be construed as following or paralleling such lines.
- 5) Vacation: Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by a municipal authority, the zoning districts adjoining each side of the vacated area shall be extended naturally to the center of the vacation. All areas included in the vacation shall thereafter be subject to all the new regulations of the extended zoning district boundary. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended naturally to include all of the vacated area.
- 6) Interpretation: Any disputes as to the exact zoning district boundaries shall be determined by the Director of Community Development. The Director may refuse to make a determination when he can not definitely determine the location of a zoning district boundary. The Advisory Plan Commission may then interpret the location of the zoning district boundary with reference to scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the Zoning Ordinance.

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E. Overlay District Applicability: The overlay district boundaries on the Official Zoning Map shall be interpreted as follows:

- 1) Labeling: An overlay district shall be noted on the Official Zoning Map with a pattern and be noted as such on the map legend.
- 2) Fully Covered: A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards.
- 3) Partially Covered: A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the more restrictive district standards.

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10.15 PLANNED UNIT DEVELOPMENT DISTRICTS

Prior to _____ 2008, the provisions of the Zoning Ordinance allowed for certain zoning districts to be rezoned for a planned unit development (PUD), see Article 13: Planned Unit Developments.

- 1) Labeling: A PUD district shall be noted on the Official Zoning Map with a pattern along with the underlying zoning district being clearly noted.

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10.16 BUILDING & LAND USES

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A. General: Each standard zoning district lists land uses that are allowed within that zoning district. Such land uses are of two kinds: permitted uses and special exception uses. The

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City's permitted special exception uses for each zoning districts are noted in the "permitted uses" and "special exception uses" column within this Chapter.

- B. Permitted Uses: The list of "permitted uses" is intended to be exemplary and not exclusive. Other permitted uses may be allowed by a recommendation from the Director of Community Development and approval by the Advisory Plan Commission if they are similar in nature and scope to the permitted uses currently allowed within the specified zoning district.
- C. Building or Land: No building or land shall be used and no building 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 district in which such a building or land is located.
- D. Rezoned Lands: Notwithstanding the provisions of Item C of this section, lands which have been rezoned from AG-SF1 to a district other than AG-SF-1 shall be permitted to continue use of the land for agricultural purposes as permitted under AG-SF1 until such time as the land has a plat approved by the City.
- E. Height: No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use of the district in which such a building is located except as otherwise specified herein.
- F. Yard, Lot Area and Size of Building: No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such buildings are located.
- G. Lots: Every building hereinafter erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as provided for multi-family type buildings.
- H. Parking Space, Loading and Unloading Areas: For each building hereafter erected and for certain other uses of land, parking spaces for motor vehicles and loading and unloading areas as specified for the use to which such building or land is to be devoted shall be provided, except in the historical district, to encourage the establishment of adequate parking spaces to meet the needs of a mobile society.

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10.17 POWERS AND DUTIES

- A. Board of Zoning Appeals:
 - 1) A Board of Zoning Appeals is hereby established with membership and appointment provided in accordance with the procedures of IC 36-7-4-900 Series – Board of Zoning Appeals and all acts now or hereafter amendatory thereto.
 - 2) At the first meeting of each year, the Board shall elect a chairman and vice chairman from among its membership. The Director of Community Development shall be the Secretary of the Board.
 - 3) The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this ordinance.
 - 4) All meetings of the Board shall be open to the public. The board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All

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minutes and records shall be filed in the office of the Board and shall be a public record.

5) Any decision of the Director of Community Development in enforcement of this Chapter may be appealed to the Board by any person claiming to be adversely affected by such decision.

6) The Board shall have the following powers and it shall be its duty to:

i. Hear and determine appeals from and review any order, requirement, decision or determination made by the Director of Community Development in the enforcement of this Chapter;

ii. ~~Approve or deny special exceptions, special or contingent uses, or conditional uses from the requirements of the Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval.~~

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~~The criteria for special exceptions are listed below. The Board of Zoning Appeals shall have the authority to grant lesser variance than requested upon finding justice shall be served, or may require conditions to mitigate the impact of any special exception.~~

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~~1. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health safety morals or general welfare.~~

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~~2. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood.~~

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~~3. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.~~

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~~4. Adequate utilities, streets drainage and other necessary facilities have been or are being improved.~~

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~~5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion.~~

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~~6. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met.~~

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iii. ~~Approve or deny variances of use from the requirements of the Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval.~~

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~~The criteria for variances of use are listed below. The Board of Zoning Appeals shall have the authority to grant lesser variance than requested upon finding justice shall be served, or may require conditions to mitigate the impact of any variances of use.~~

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1. ~~The approval will not be injurious to the public health, safety, morals, and general welfare of the community;~~
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition particular to the property involved;
4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. ~~The approval does not interfere substantially with the comprehensive plan.~~

~~iv. Approve or deny variances from the development standards (such as height, bulk or area) of the Zoning Ordinance. A variance may be approved under this section only upon a determination that:~~

1. ~~The approval will not be injurious to the public health, safety, morals, and general welfare of the community;~~
2. ~~The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;~~
3. ~~The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.~~

~~v. In exercising its powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirements, decisions or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the Director of Community Development from whom the appeal is taken.~~

~~vi. Every decision of the Board shall be subject to review by certiorari (a writ of superior court to call up the records of an inferior court or a body acting in a quasi-judicial capacity).~~

~~vii. Any request not approved by the Board of Zoning Appeals may be resubmitted after twelve (12) months from the date of the Board of Zoning Appeals action.~~

~~viii. The board shall be governed by the provisions of this Chapter concerning variances applicable to the flood plain district.~~

B. Advisory Plan Commission

- 1) An Advisory Plan Commission (the "Commission" hereinafter referred to) is hereby established with a membership and appointments provided in accordance with the procedures of IC 36-7-4-400 Series – Commission Duties and Powers and IC 36-7-4-1200 Series – Township Joinder and all acts now or hereafter amendatory thereto.

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 <#>The Board shall approve or deny variances from the development standards (such as height, bulk or area) of the Zoning Ordinance. A variance may be approved under this section only upon a determination that:¶

¶
 <#>The approval will not be injurious to the public health, safety, morals, and general welfare of the community;¶

¶
 <#>The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;¶

¶
 <#>The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.¶

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Deleted: <#>The criteria for special exceptions are listed below. The Board of Zoning Appeals shall have the authority to grant lesser variance than requested upon finding justice shall be served, or may require conditions to mitigate the impact of any special exception.¶

¶
 <#>The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health safety morals or general welfare.¶

¶
 <#>The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value withi... [3]

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- 2) At the first meeting of each year, the Commission shall elect a president and vice-president from among its membership. The Director of Community Development shall be the Secretary of the Commission.
- 3) All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Commission and shall be a public record.
- 4) The Commission shall have the following duties:
 - i. Review and recommend changes to the Comprehensive Plan and Zoning Ordinance as authorized under Indiana State Law and per the direction of the City Council;
 - ii. Adopt and maintain rules of procedure for holding public meetings (workshops), holding public hearings, and administering the Comprehensive Plan and Zoning Ordinance of the City of Westfield;
 - iii. Submit recommendations to the City Council regarding amendments or revisions to the Comprehensive Plan as prescribed by IC 36-7-4-500 Series – Comprehensive Plan, the Zoning Ordinance as prescribed herein and by IC 36-7-4-600 Series – Zoning Ordinance and the Zoning Map as prescribed by IC 36-7-4-610.5 of the Indiana Code;
 - iv. Submit recommendations to the City Council regarding the adopting of Planned Unit Development District Ordinances;
 - v. Submit recommendations to the City Council regarding the establishment and/or amendments to and for any review fees and/or schedules, where fees may be assigned for review of the following: permits, processes and official actions generated by the Commission in order to defray the administrative costs associated with such reviews.

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<#>Submit recommendations to the City Council regarding the platting and/or re-platting of subdivisions within the City corporate limits and the unincorporated areas adjacent to and within Washington Township;¶
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10.18

FLOODPLAIN DISTRICT

The Indiana General Assembly granted the power to local units of government (IC 36-7-4) to control the land use within their jurisdictions in order to accomplish the following.

The purpose of this section is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief and:

- To prevent unwise developments from increasing flood or drainage hazards to others;
- To protect new buildings and major improvements to buildings from flood damage;
- To protect human life and health from the hazards of flooding;
- To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and

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To make federally subsidized flood insurance available for structures and their contents in Westfield-Washington Township by fulfilling the requirements of the National Flood Insurance Program.

A. Definitions – for the purpose of this section, the following definitions are adopted:

Administrator – the Director of the Westfield Community Development Department or his/her designee.

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Development - any man-made change to improved or unimproved real estate including but not limited to:

- Construction, reconstruction, or placement of a building or any addition to a building;
- Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- Mining, dredging, filling, grading, excavation, or drilling operations;
- Construction and/or reconstruction of bridges or culverts;
- Storage of materials; or
- Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

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Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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FBFM – Flood Boundary and Floodway Map.

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FEMA – Federal Emergency Management Agency.

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FHBM – Flood Hazard Boundary Map.

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FIRM – Flood Insurance Rate Map.

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Flood – a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

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Floodplain – the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

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Flood Protection Grade or the "FPG" – the elevation of the regulatory flood plus two feet at any given location in the SFHA.

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Floodway – the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

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Floodway Fringe – those portions of the floodplain lying outside the floodway.

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Letter of Map Amendment (LOMA) – an amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is issued by FEMA.

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Letter of Map Revision (LOMR) – an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

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Lowest Floor – the lowest of the following:

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- The top of the lowest floor of a building;
- The top of the basement floor;
- The top of the garage floor, if the garage is the lowest level of the building;
- The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
- The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - Such enclosed space shall be usable for the parking of vehicles and building access.

Manufactured Home – a structure, as defined in [this Chapter](#) that is transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

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New Manufactured Home Park or Subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

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Recreational Vehicle – a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towed by a light duty truck, but as temporary living quarters for recreational camping, travel, or seasonal use.

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Regulatory Flood – the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is defined in subsection C of this section. The “Regulatory Flood” is also known by the term “Base Flood.”

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SFHA or Special Flood Hazard Area – those lands within the jurisdiction of the Westfield – Washington Township Plan Commission that are subject to inundation by the regulatory flood. The SFHAs of Westfield – Washington Township are generally identified as such on the Countywide Flood Insurance Rate Map for Hamilton County prepared by the Federal Emergency Management Agency and dated February 19, 2003 (and as may be subsequently amended or revised).

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Structure – a structure that is principally above the ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

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Substantial Improvement – any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not include improvement of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of an “historic structure”, provided that the alteration will not preclude the structure’s continued designation as an “historic structure.”

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B. Duties of the Administrator – The Administrator shall implement the provisions of this section to:

- Ensure that all developmental activities within the SFHAs of the jurisdiction of the Township meet requirements of this ordinance.
- Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to subsection E of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment).

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- Maintain a record of the “as built” elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.
 - Maintain a record of the engineer’s certificate and the “as built” flood-proofed elevation of all buildings subject to subsection F of this section.
 - Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
 - Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis/regulatory assessment, federal permit documents, and “as built” elevation and flood=proofing data for all buildings constructed subject to this section.
 - Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- C. Regulatory Flood Elevation – This section’s protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and to submit it to the Department of Natural Resources for review and approval.
1. The regulatory flood elevation and floodway limits for the SFHAs of Cool Creek and The Anna Kendall Regulated Drain shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Hamilton County dated February 19, 2003 and the corresponding Countywide Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated February 19, 2003 (and as may be subsequently amended or revised).
 2. The regulatory flood elevation for each SFHA delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map.
 3. The regulatory Flood Elevation for each of the remaining SFHAs delineated as “A Zone” on the Flood Insurance Rate Map shall be according to the best data available as provided by the Department of Natural Resources.
- D. Improvement Location Permit – No person, firm, corporation, or governmental body not exempted by state law shall commence any “development” in the SFHA without first obtaining an Improvement Location Permit from the Administrator. The Administrator shall not issue an Improvement Location Permit if the proposed “development” does not meet the requirements of this section.
1. The application for an Improvement Location Permit shall be accompanied by the following:
 - a. A description of the proposed development.
 - b. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.

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- c. A legal description of the property site.
 - d. A site development plan showing existing and proposed development locations and existing and proposed land grades.
 - e. Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of the 1929 (NGVD) or North American Vertical Datum (NAVD). In either case, the conversion formula should be included.
2. Upon receipt of an application for an Improvement Location Permit, the Administrator shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.
- a. If the site is in an identified floodway, the Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of IC 14-28-1, a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building.

No action shall be taken by the Administrator until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Administrator may issue the local Improvement Location Permit, provided the provisions contained in subsections E and F of this ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

- b. If the site is located in an identified floodway fringe, then the Administrator may issue the local Improvement Location Permit provided the provisions contained in subsections E and F of this section have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).
- c. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A, AH, or AO on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Administrator until either a permit for construction in the floodway or a floodplain analysis/regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Administrator has received the proper permit or floodplain analysis/regulatory assessment approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the

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Improvement Location Permit are not less restrictive than the conditions received from the Department of Natural Resources and the provisions contained in subsections E and F of this section have been met.

- d. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site.

Upon receipt, the Administrator may issue the local Improvement Location Permit, provided the provisions contained in subsections E and F of this ordinance have been met.

- E. Preventing Increased Damages – No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

1. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:

- a. No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and
- b. For all projects involving channel modifications or fill (including levees), Westfield-Washington Township shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

2. Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided), the following standard shall apply:

- a. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

3. Public Health Standards in all SFHAs:

- a. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a flood proofed storage tank or building constructed according to the requirements of subsection F of this section.
- b. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.

- F. Protecting Buildings – In addition to the damage prevention requirements of subsection E, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

1. This building protection requirements applies to the following situations:

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- a. Construction or placement of any new building having a floor area greater than 400 square feet;
 - b. Structural alterations made to an existing (previously unaltered) building, the cost of which equals or exceeds 50 percent of the value of the pre-altered building (excluding the value of the land);
 - c. Structural alterations made to any previously altered building;
 - d. Reconstruction or repairs made to a damaged building that are valued at or more than 50 percent of the market value of the building (excluding the value of the land) before damage occurred;
 - e. Installing a manufactured home on a new site or a new manufactured home on a new site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 - f. Installing a recreational vehicle on a site for more than 180 days.
2. This building protection requirement may be met by one of the following methods. The Administrator shall maintain a record of compliance with these building protection standards as required in subsection B of this section.
- a. A residential or nonresidential building may be constructed on a permanent landfill in accordance with the following:
 - i. The fill shall be placed in layers no greater than one foot deep before compacting to 95 percent of the maximum density obtainable with the Standard Proctor Test method.
 - ii. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
 - iii. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.
 - iv. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - v. The top of the lowest floor including basements (see definition of lowest floor in subsection A. Definitions) shall be at or above the FPG.
 - b. A residential or nonresidential building may be elevated in accordance with the following:
 - i. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
 1. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square

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feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.

2. Any enclosure below the elevated floor is used for storage of vehicles and building access.
 - ii. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.
 - iii. All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- c. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
 - i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be set at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movements. This requirement applies to all manufactured homes to be placed on a site:
 - a. Outside a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
 - ii. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- d. Recreational vehicles placed on a site shall either:
 - i. Be on the site for less than 180 consecutive days;

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- ii. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additional); or
 - iii. Meet the requirements for “manufactured homes” in paragraph (c) of this section.
- e. A nonresidential building may be flood proofed to the FPG (in lieu of elevating) if done in accordance with the following:
- i. A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
 - ii. Flood proofing measures shall be operable without human intervention and without an outside source of electricity.
- f. Other Development Requirements:
- i. The Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere in this section. If the Administrator finds the subdivision to be so located, the Administrator shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Administrator shall require appropriate changes and modifications in order to assure that:
 - a. It is consistent with the need to minimize flood damages;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. On-site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
 - ii. Developers shall record the 100-year flood elevation on all subdivision plats containing lands (identified elsewhere in this section) within a flood hazard area prior to submitting the plats for approval by the Plan Commission.
 - iii. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community’s FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the local Plan Commission and have it filled with and approved by the appropriate community emergency management authorities.
- g. Variances

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- i. The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this section provided the applicant demonstrates that:
 - a. There exists a good and sufficient cause for the requested variance;
 - b. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant; and
 - c. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- ii. The Board of Zoning Appeals may issue a variance to the terms and provisions of this section subject to the following standards and conditions:
 - a. No variance or exception for a residential use within a floodway subject to subsection E 1 or 2 of this section may be granted;
 - b. Any variance or exception granted in a floodway subject to subsection E 1 or 2 of this section will require a permit from the Indiana Department of Natural Resources;
 - c. Variances or exceptions to the Building Protection Standards of subsection F may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade;
 - d. Variances or exceptions may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;
 - e. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
 - f. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.
- h. Disclaimer of Liability – The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this section does not create any liability on the part of Westfield-Washington Township, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

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- i. Violations – Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this section.
 - a. A separate offense shall be deemed to occur for each day the violation continues to exist.
 - b. The Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a Standard Flood Insurance Policy to be suspended.
 - c. Nothing herein shall prevent the City Council from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

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G. This ordinance repeals and replaces other ordinances adopted by the City of Westfield to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the City Council shall assure that all National Flood Insurance Program regulations (44 CFR SS 60) as well as Indiana laws and regulations regarding floodplain issues (312 IAC 10, IC 14-28-1 and IC 14-28-3) are met.

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10.19 ADVISORY PLAN COMMISSION CERTIFICATION

The Zoning Ordinance was certified with a favorable recommendation (9 in favor; 0 opposed; 0 abstaining) on _____ 200____, by the City of Westfield-Washington Township Advisory Plan Commission after holding a legally announced public hearing. The City of Westfield-Washington Township Advisory Plan Commission then recertified the Zoning Ordinance on _____ 200____ after amendments were made by the City Council. The Zoning Ordinance was certified and validated by the following Plan Commission members present and recording their vote as follows:

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Signatures:

THE ADVISORY PLAN COMMISSION OF THE CITY OF WESTFIELD-WASHINGTON TOWNSHIP, INDIANA

AYE

NAY

Robert Smith, Esq. President -----
Cindy Spoljaric Vice-President -----
Dr. Ginny Kelleher Member -----
William Sanders Member -----
Daniel Deegnan Member -----
Pete Emigh Member -----
Robert Spratz Member -----
Robert Horkay Member / City Council -----
Rob Stokes Member / City Council

Attest:

Gregory J Anderson, AICP
Secretary, City of Westfield-Washington Township Advisory Plan Commission

Date: _____

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10.21 CITY COUNCIL CERTIFICATION

This Zoning Ordinance was adopted on _____ 200__ by the City of Westfield Common Council after holding a legally announced public hearing. This Zoning Ordinance was formally adopted by the following vote of the Common Council:

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Signatures:
THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA

AYE

NAY

Kenneth Kingshill
President

Robert Horkay
Vice-President

John Dipple
Councilor

Bob Smith
Councilor

Melody Sweat
Councilor

Tom Smith
Councilor

Rob Stokes
Councilor

Attest:

Cindy Gossard, City Clerk / Treasurer, City of Westfield

Date: _____

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VALIDITY

If any title, chapter, article, section, clause, paragraph, provision or portion of the Zoning Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other title, chapter, article, section, clause, paragraph, provision or portion of the Zoning Ordinance.

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ADOPTION

This ordinance shall be in full force and effect from and after its date of passage.

Passed by the Common Council of the City of Westfield, Indiana on the _____ day of _____ 200__.

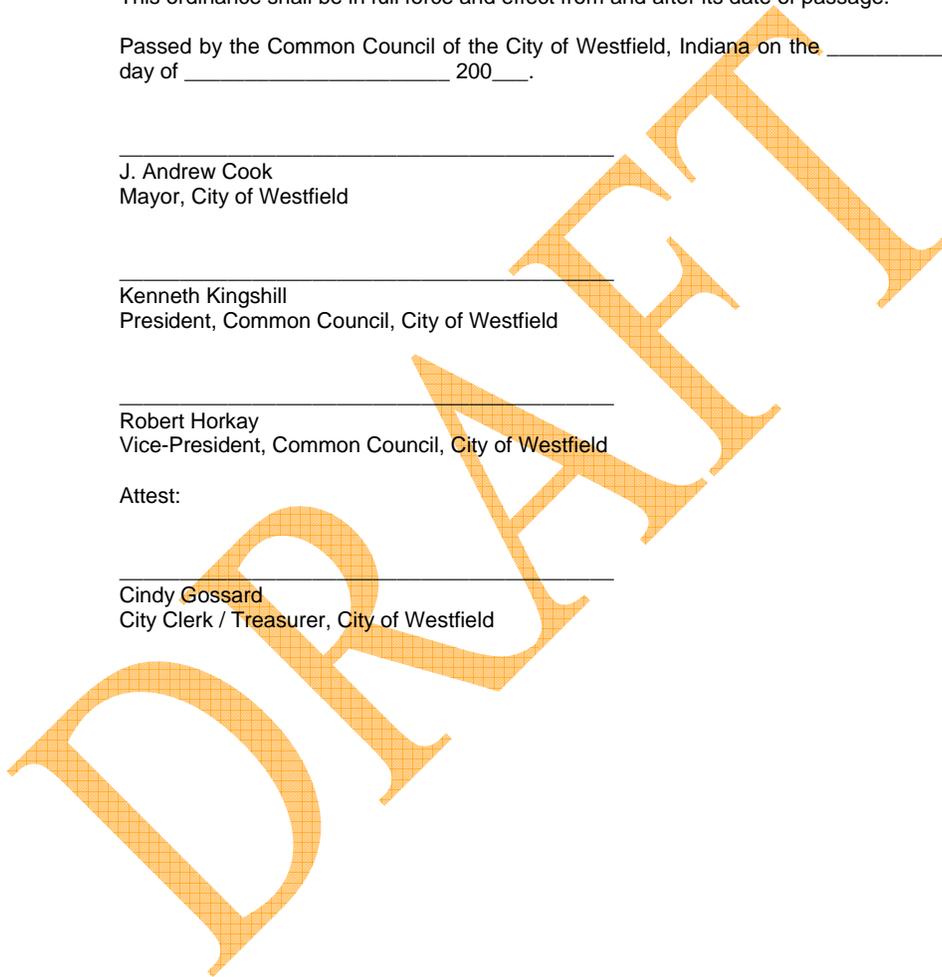
J. Andrew Cook
Mayor, City of Westfield

Kenneth Kingshill
President, Common Council, City of Westfield

Robert Horkay
Vice-President, Common Council, City of Westfield

Attest:

Cindy Gossard
City Clerk / Treasurer, City of Westfield



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Pre-Existing Non-Conforming Lots, Structures, and Uses: Lost, structures, and the use of such that were both in existence and in compliance with all land use and other laws on the date of the passage of the City of Westfield-Washington Township Comprehensive Zoning Ordinance (December 20, 1977) and further, that do not conform to the regulations set forth in this Chapter, shall be deemed to be legal, pre-existing non-conforming uses that may be continued subject to the following provisions:

Non-conforming Lots of Record: All lots legally existing prior to December 20, 1977, may be used as permitted in the zoning district in which they are located, provided that:

The holder of said parcel does not own sufficient adjacent land to enable the parcel to conform to the dimensional and acreage requirements of this Chapter;

The lot width is not less than one hundred (100) feet; and,

The lot acreage is not less than one (1) acre (43,560 square feet).

Non-conforming Structures of Record: expansion or enlargement of a structure existing prior to December 20, 1977 shall be permitted provided that the enlargement of expansion of the structure does not further increase the nonconformity.

Non-conforming Uses of Record: The continued operation of a non-conforming use existing prior to December 20, 1977 shall be permitted provided that the level of intensity and/or nonconformity is not increased.

Termination of Non-conforming Status:

Any land, structure, or land and structure combination, where a legal, pre-existing nonconforming use is replaced by a permitted use, may thereafter only be put to a permitted use and the nonconforming use may not thereafter be resumed.

When a legal, pre-existing non-conforming use of land, structure, or land and structure in combination, has been discontinued or abandoned for three (3) consecutive months, the land, structure, or land and structure in combination, may thereafter only be put to a permitted use and the non-conforming use may not thereafter be resumed.

Where legal non-conforming use status applies to a structure and lot in combination, deliberate removal or destruction of the structure shall eliminate the legal non-conforming status of the land.

Transferability: Any legal, pre-existing non-conforming lot, structure or use shall continue until or unless terminated as described above. Such lot, structure or use may be sold, inherited, or otherwise

transferred, provided the use, land, and structure (if any) remain in compliance with the pre-existing non-conforming regulations described herein.

Zoning Amendments: These provisions apply in the same manner to a use which may become a non-conforming use as a result of an amendment to the City of Westfield-Washington Township Comprehensive Zoning Ordinance.

REPEALER

The following City Ordinances are hereby repealed and are replaced with this Comprehensive Zoning Ordinance and Official Zoning Map:

Zoning Ordinance: The Town / City of Westfield-Washington Township

Page 9: [2] Deleted		Gregory J Anderson, AICP	7/2/2008 7:00:00 PM
OI-PD	Open Industrial-Planned Development	To establish for the industrial needs as they relate to open industrial land uses including industrial parks.	N / A

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The criteria for special exceptions are listed below. The Board of Zoning Appeals shall have the authority to grant lesser variance than requested upon finding justice shall be served, or may require conditions to mitigate the impact of any special exception.

The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health safety morals or general welfare.

The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood.

The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Adequate utilities, streets drainage and other necessary facilities have been or are being improved.

Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion.

The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met.