

ORDINANCE 08-44

ORDINANCE INFORMATION SHEET

Reason for Ordinance:

The following is a list of articles to be amended to the Zoning Ordinance Chapter 16 of the Westfield Code of Ordinances. Each new section will bring improved standards of development for each subject matter. The new codes are as follows:

A. Introduction: Article 10 gives title, authority, jurisdiction, applicability, purpose and intent to the new articles being established as part of the ordinance revision process. Article 10 also spells out the definitions, transitional rules, administrative officer, duties of APC, BZA, and City Council, and validity in adoption. This provides the legal jargon necessary under Indiana Code to make the zoning ordinance applicable and enforceable.

B. Corporate Business Park: A new section of code created to encourage and standardize an improved level of development for Corporate Business Parks.

C. Signs: A revision to the language of the Westfield-Washington Zoning Ordinance to provide improved sign standards for the community.

D. Nonconforming Signs: A revision to the language of the Westfield-Washington Zoning Ordinance to provide updated nonconforming sign standards for the community.

E. Definitions: Revisions to former Section 16.04.210 Definitions of the Westfield-Washington Zoning Ordinance to accommodate new revisions and new location within said Zoning Ordinance.

F. Temporary Uses, Events, Buildings and Structures: A new section of the Zoning Ordinance to provide for Temporary Uses and Events and improve the City's ability to provide for public safety.

G. Special Districts: A new section of the Zoning Ordinance to provide for the development of educational, religious, and governmental institutions, as well as provide for designated preservation and open areas as well as recreational facilities and opportunities.

H. Development Plan Review – Special Districts: Revisions to the existing Development Plan Review language to accommodate the addition of Special Districts to the Zoning Ordinance.

Petition History:

These revisions were introduced for discussion at the Advisory Plan Commission Workshop Meeting on June 2nd and 16th of 2008 (Items A-E above) and on July 7th of 2008 (Items F-H above). Public

	Hearings were held by the Advisory Plan Commission on July 7, 2008 (Items A-E) and on July 21, 2008 (Items F-H).
Reading Status:	First Reading: August 11, 2008 Second Reading: Adoption Consideration: August 11, 2008
Advisory Plan Commission Recommendation:	Positive recommendations with no conditions given on July 7, 2008 for the Introduction (A), Corporate Business Park (B), Signs (C), Nonconforming Signs (D), and Definitions (E). On July 21, 2008 positive recommendations with no conditions were given for Temporary Uses, Events, Buildings and Structures (F), Special Districts (G) and Development Plan Review – Special Districts (H).
Staff Recommendation:	Approval of Ordinance 08-44
Additional Comments:	None.
Sponsorship / Councilor:	N / A
Action to be taken:	Adopt Ordinance 08-44
Effective Date:	August 12, 2008

ORDINANCE 08-44

AN ORDINANCE BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD CONCERNING AMENDMENTS TO CHAPTER 16 – INTRODUCTION; CORPORATE BUSINESS PARK; SIGNS; NONCONFORMING SIGNS; DEFINITIONS; TEMPORARY USES, EVENTS, STRUCTURES AND BUILDINGS; SPECIAL DISTRICTS; DEVELOPMENT PLAN REVIEW – SPECIAL DISTRICTS

WHEREAS, the City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Advisory Plan Commission (“Commission”) considered several petitions filed with the Commission to amend and revise the Sections described herein; and

WHEREAS, the Commission did take action to forward the requests to the Westfield City Council with a positive recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council; and

WHEREAS, the Common Council of the City of Westfield is subject to the provision of IC 36-7-4-608(g) concerning any action on this request.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in a regular session that Chapter 16 of the Westfield Code of Ordinances be amended as follows:

Section 1. That the following provisions of the Westfield-Washington Township Zoning Ordinance is amended, in accordance with the attached exhibits:

- a. WC 16.10 Introduction as described in Attachment “A”.
- b. WC 16.11.29 Corporate Business Park as described in Attachment “B”.
- c. WC 16.18 Signs as described in Attachment “C”.
- d. WC 16.19.10 Nonconforming Signs as described in Attachment “D”.
- e. WC 16.23 Definitions as described in Attachment “E”.
- f. WC 16.22.05 Temporary Uses, Events, Buildings and Structures as described in Attachment “F”.

- g. WC 16.11.38 Special Districts as described in Attachment “G”.
- h. WC 16.04.165 Development Plan Review – Special Districts as described in “H”.

Section 2. This Ordinance shall be in full force and effect in accordance with Indiana law upon the passage by the Common Council, its publication in accordance with law, and upon the occurrence of any other legally required acts, including passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed.

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ALL OF WHICH IS ORDAINED THIS 11TH DAY OF AUGUST, 2008.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

John Dippel

John Dippel

John Dippel

Bob Horkay

Bob Horkay

Bob Horkay

Ken Kingshill

Ken Kingshill

Ken Kingshill

Bob Smith

Bob Smith

Bob Smith

Thomas Smith

Thomas Smith

Thomas Smith

Rob Stokes

Rob Stokes

Rob Stokes

Melody Sweat

Melody Sweat

Melody Sweat

ATTEST:

Clerk-Treasurer, Cindy Gossard

I hereby certify that ORDINANCE NUMBER 08-44 was delivered to the Mayor of Westfield on the _____ day of _____, 2008, at _____ m.

Cindy Gosssard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 08-44 I hereby VETO ORDINANCE 08-44
this _____ day of _____, 2008. this _____ day of _____, 2008.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This ordinance prepared by:
Gregory J Anderson, AICP
Director Community Development
City of Westfield

Exhibit "A"
WC 16.10 Introduction

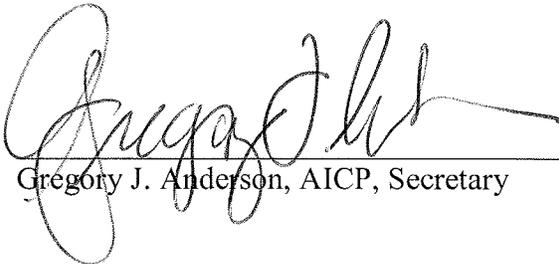
**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission met on Monday, July 7, 2008, to consider a revision of Section WC 16.10 Zoning Ordinance Introduction and Table of Contents of the Westfield-Washington Township Zoning Ordinance. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed revision is as follows:

0806-ZOA-06 WC 16.10 Zoning Ordinance Introduction and Table of Contents
A revision and new introduction and table of contents for the
Westfield-Washington Township Zoning Ordinance

A motion was made and passed to send a positive recommendation to the City Council to approve the revision request for 0806-ZOA-06.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on July 7, 2008.



Gregory J. Anderson, AICP, Secretary

July 7, 2008
Date

Case No. 0806-ZOA-06
Petitioner City Staff
Description WC 16.10 Zoning Ordinance Introduction and Table of Contents
A revision and new introduction and table of contents for the Westfield-
Washington Township Zoning Ordinance.

Anderson reviewed the proposed ordinance revision and discussed changes made to the document. He stated that Articles I through IX have been reserved since these articles are the original zoning ordinance as it exists today. He further stated that as these move forward from the Plan Commission to the City Council, the ordinances adopted at the City Council level will have the repealer built in individually at that time.

Discussion followed regarding:

- Under Farm exemptions, mineral exemptions has been removed
- If the ordinance does not address a use or issue, the Community Development Director makes a determination.
- If a use is not specifically written in the ordinance, it is a prohibited use.
- Enclosed Industrial and Planned Development both include industrial parks.
- Purpose and Intent of Corporate Business Park may need to be expanded.
- US 31 Overlay - clarification of subcategories.
- Ground Water Wellhead Protection Area wording of purpose since it does not cover private wells.
- Establishment of Overlay Districts states reduce development standards or design standards, which means more restrictive.

A Public Hearing opened at 7:26 p.m.

No one spoke, and the Public Hearing closed at 7:27 p.m.

Motion: To send 0806-ZOA-06 to the City Council with a positive recommendation.

Motion by: Emigh; Second by: Spraez; Vote: (8-0)

DRAFT



ZONING ORDINANCE

prepared by:

Department of Community Development
Planning & Zoning Division

130 Penn Street, Westfield, Indiana 46074 (317) 896-5577

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INTRODUCTION

Zoning is essentially a means of ensuring that land uses within the City of Westfield and Washington Township are properly related and situated. The Zoning process helps the City to carry out its Comprehensive Plan and protects the character of districts and property values. Zoning directs new growth into appropriate districts and protects existing property by requiring that new development and construction afford adequate light, air, and privacy for persons living and working within the City and Township.

Zoning is the most common device available for implementing land-use plans. Of major importance, zoning helps to do the following:

- o stabilize and preserve property values;
- o promote the public health, safety, values, and general welfare of the citizens;
- o encourage the highest and best use of the land;
- o prevent overcrowding of land and population; and,
- o make it easier to provide water, sewer, roads, parks and public buildings and services; and, prevent prohibited and incompatible use of land, buildings and structures.

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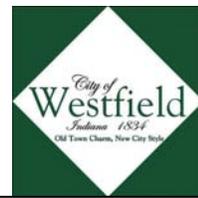
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- 10.01 **TITLE**
This chapter and ordinances supplemental or amendatory thereto shall be known, and may be cited hereafter as the "Zoning Ordinance of the City of Westfield-Washington Township, as amended".
- 10.02 **AUTHORITY**
The Zoning Ordinance 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 O₁ 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.

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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.¶

¶

<#>Termination of Non-conforming Status:¶

¶

<#>Any land, structure, or land... [1]

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Deleted: <#>Zoning Ordinance, Chapter 16, Article 1 thru Article 9 of the City of Westfield, City Code of Ordinances, as amended.¶

¶

<#>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</u> dwellings, 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 ~~v~~ 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~~

- Deleted: (2) Detailed Zoning Map – East of Ditch Road;¶
- Deleted: (3) Detailed Zoning Map – West of Ditch Road;¶

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

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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) Rezonings: 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.~~

~~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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Exhibit “B”
WC 16.11.29 Corporate Business Park

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission met on Monday, July 7, 2008, to consider a new Section, WC 16.11.29 Corporate Business Park District, of the Westfield-Washington Township Zoning Ordinance. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed section is as follows:

0806-ZOA-07 WC 16.11.29 Corporate Business Park District
A new section of code created to encourage and standardize an improved level
of development for Corporate Business Parks

A motion was made and passed to send a positive recommendation to the City Council to approve the new section, 0806-ZOA-07.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on July 7, 2008.



Gregory J. Anderson, AICP, Secretary

July 7, 2008
Date

Case No. 0806-ZOA-07
Petitioner City Staff
Description WC 16.11.29 Corporate Business Park District
A new section of code created to encourage and standardize an improved level of development for Corporate Business Parks.

Anderson reviewed the proposed ordinance revision and changes made as a result of Commission comments and input including Administrative Review Process, medical office includes clinic, office uses, industrial uses, definition changes, transitional buffer yard, parking lots, etc. He stated any words italicized throughout the Zoning Ordinance will be listed in the definition section.

Discussion followed regarding:

- Perimeter buffering
- Idea of the donut where more intense uses are internal and less intense uses can transition into the residential
- Setbacks
- Landscaping buffers
- Unified Development and the process
- Minimum acreage
- Commercial vehicles parking
- Service type uses under public utilities
- Site amenities
- Shared parking requirements
- Definition of Clean Manufacturing
- Definition of Medical Office

A Public Hearing opened at 8:10 p.m.

Mr. Craig Wood asked questions regarding the Corporate Business Park District including automatic annexation and potential on property taxes, and expressed concern about some of the details or lack thereof.

The Public Hearing closed at 8:14 p.m.

Motion: To send 0806-ZOA-07 to the City Council with a positive recommendation.

Motion by: Kelleher; Second by: Emigh; Vote: (8-0)

WC 16.11.29 – CORPORATE BUSINESS PARK DISTRICT - DRAFT



Chapter 16 - Land Use Controls
Article 11 – ZONING DISTRICTS

A. Applicability

These regulations shall be applicable to all persons, firms, partnerships, associations and corporations owning, occupying or having control or management of any premises located within the City of Westfield or Washington Township planning and zoning jurisdiction.

B. Purpose and Intent

The purpose of the Corporate Business Park District (CB District) is to encourage economic vitality with exceptional standards in quality within a well-integrated campus-like setting that is highly visible from and neighboring a major transportation network.

The District is intended to provide for a limited range of compatible uses that will expand the employment opportunities within the City of Westfield and provide for an overall enhancement to its tax base.

Within the District it shall be developed as a *unified planned development*, coordinated and tailored with physical characteristics that may be found in other districts in relationship to use, bulk and site development standards reflective of its location, form, function and desired appearance of the campus-like setting.

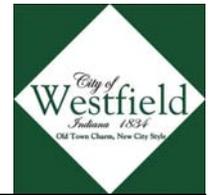
C. Performance Standards

The performance standards for the Corporate Business Park District shall conform to the standards as required by this Chapter.

D. Administrative Review Procedures (see also Article 20 DPR Process)

The Corporate Business Park shall be reviewed in accordance with the following requirements:

1. These review procedures are applicable to properties that have been previously approved under a *unified development plan* (as described within this Chapter), are under single ownership or control, and have been granted the approvals via a rezoning with commitments along with a primary plat approval from the City of Westfield City Council.
2. If there is an existing *unified development plan* approved by the City of Westfield the Administrative Review (City Staff) Procedures are as follows:
 - i. Administrative Review (City Staff) Procedures for individual parcels are granted with an approved *unified development plan* by the City of Westfield. All reviews are done in accordance with the existing Developers Agreement or Zoning Commitments and shall be delegated as an Administrative Review by City Staff for the Secondary Plat (subdivision) of individual parcels and site development permits within an approved *unified development plan*.
 - ii. Properties that are under a *unified development plan* approved by the City of Westfield shall comply with the Development Plan Review (DPR) Procedures within this Chapter. Individual site plans are required to be submitted for an Administrative Review only (Technical Advisory Committee (TAC));
 - iii. All other submissions not complying or not having the approvals stated herein shall be required to follow the procedures established by the DPR procedures within this Chapter; and,
3. Construction Plan Review Procedures
 - i. The Developer or Builder can submit simultaneously building construction documents to the Building Inspection Division of Community Development for construction plan



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review, however, the issuance of the Improvement Location Permit (ILP) shall be subject to compliance with the review procedures outlined within this section.

E. Permitted Uses

(THIS USE LIST WILL BE INCORPORATED INTO A MASTER USE LIST FOR THE ENTIRE ZONING ORDINANCE)

The following is the intended use list for the CB District:

1. Office Uses shall include the following:
 - i. *Professional*
 - ii. *Governmental*
 - iii. *Medical* (i.e. doctor, dentist, specialist or the like)
 - iv. Any other business not listed which can be classified as corporate business will be eligible with the approval by the Director.

2. Service Business Uses shall include the following:
 - i. First floor commercial / retail, less than 2,500 square feet in size, which shall be in conjunction with and subordinate to a principal or primary use as follows:
 1. Branch office of a financial institution;
 2. Self-service food and beverage business;
 3. Restaurants with carry-out food and beverage business;
 4. Dry cleaners;
 5. *Day Care Center*;
 - ii. *Conference Center*;
 - iii. Motor Sports (office, design, fabrication and assembly);
 - iv. Full Service Hotel (including *conference center*);
 - v. Hospitals – Major Medical with Trauma Center and Emergency Room;
 - vi. Professional and Technical Schools (art, dance, photography and the like);
 - vii. Colleges and Universities (2 or 4 year);
 - viii. Data Processing Centers;
 - ix. Computer Center (assembly, distribution, repair, service, warehousing);
 - x. Any other business not listed which can be classified as corporate business will be eligible with the approval by the Director.

3. Industrial Uses shall include the following:
 - i. Laboratories (offices, research, data analysis and development);
 - ii. Light, *clean manufacturing* and assembly;
 - iii. Assembly operation of pre-manufactured parts, components (i.e. automotive, truck);
 - iv. Assembly, repair and manufacture of light component parts (i.e. automotive, truck);
 - v. Printing and publishing;
 - vi. Storage and distribution not including bulk commodities or motor freight terminals;
 - vii. Product engineering, research and development;
 - viii. Pharmaceutical, medicine and cosmetic manufacturing and distribution;
 - ix. Warehousing and wholesalers, including storage of materials, goods or products and office related uses thereto;
 - x. *Showrooms* and distribution facilities not including automobiles, trucks or motorcycles sales or storage;
 - xi. Uses regulated by Indiana Utility Regulatory Commission;
 - xii. *Wireless communication manufacturing and service facilities*;
 - xiii. Any other business not listed which can be classified as corporate business will be eligible with the approval by the Director.

4. Temporary Uses within the District for the installation, maintenance and operation of the facilities used by a contractor in and during the course of construction, whereas, such uses



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shall not be located within two hundred (200) feet of any residential zoning district. (*ref: Temporary Use & Event Section of this Chapter*)

5. Accessory Uses that are customarily incidental to the above uses. (*ref: Accessory Uses Section of this Chapter*)
6. *Personal communication facility* (cellular tower only if it has the capability of co-locations and they must utilize existing poles, towers or other approved structures) located on City owned property.
7. Public Utilities or service type uses as follows:
 - i. Essential services for and including fully-automated natural gas regulation stations;
 - ii. Water works, reservoirs, pumping stations, filtration plants and wells; and,
 - iii. Other governmental and public utility service uses.

F. Special Exceptions

1. None Permitted

G. General Conditions

The following general conditions shall apply to all development within the CB District:

1. Each individual lot shall contain not more than one *principal building or structure*, however, each lot shall have a specific *site development plan* (inclusive of future expansion clearly shown), which shall be approved by the City of Westfield.
2. Every permitted use or special exception, unless expressly exempted by this Section, shall be operated in its entirety within a completely enclosed building.
3. Commercial vehicles for the conduct of the enterprise shall be stored within the building or structure or may be stored, subject to City approval within an enclosed fence or a solid landscape screened area or any combination thereof at a height of not less than eight (8) feet above final grade.
4. Except as otherwise provided, establishments of drive-in or drive-thru type of facilities are prohibited.
5. Every permitted use or special exception, unless expressly exempted by this Section shall comply with the Performance Standards of this Chapter.
6. Every permitted use or special exception shall comply with the Principals and Standards of Design and Standards of Improvements of this Chapter.

H. Site and Structure Requirements

The following site and structure requirements shall apply within this District:

1. District Size: Not less than forty (40) acres.
2. Individual Lot Size: Not less than three (3) acres (130,680 square feet).
3. Lot Frontage: Not less than two hundred (200) feet.



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4. Lot Depth: N / A.
5. Minimum Building Height: twenty-four (24) feet.
 - i. Industrial buildings shall maintain at minimum a single-story office component with a single-story warehousing/manufacturing structure. The office space shall be at a minimum of ten percent (10%) of and in direct proportion to the warehousing / manufacturing structure.
 - ii. Office with or without first floor Service Business shall be a minimum of a two-story building.
 - iii. All second story floor space shall be a minimum of 75% of the first floor area (i.e. 10,000 sf first floor / 7,500 sf second floor), and each floor above the second floor shall maintain 100% of the second floor space.
6. Maximum Building Height: one hundred (100) feet.
7. Minimum Building Size: forty thousand (40,000) square feet.
8. Maximum *Lot Coverage* (parking, building and structures), shall not exceed eighty percent (80%) of an individual lot.
9. Building Setbacks are as listed, however, the setbacks shall increase by five (5) feet for each twelve (12) feet above the minimum building height:
 - i. Front Yard (Corner Lots require two (2) front yards)
 1. Primary Arterial fifty: (50) feet
 2. Secondary Arterial forty: (40) feet
 3. Collector / Local: thirty-five (35) feet
 - ii. Side Yard
 1. Primary Arterial: fifty (50) feet
 2. Secondary Arterial: forty (40) feet
 3. Collector / Local: thirty-five (35) feet
 4. Interior yard between buildings not abutting a public right-of-way: twenty-five (25) feet
 - iii. Rear Yard
 1. Primary Arterial: fifty (50) feet
 2. Secondary Arterial: forty (40) feet
 3. Collector / Local: thirty-five (35) feet
 4. Interior yard between buildings not abutting a public right-of-way: twenty-five (25) feet
10. *Floor Area Ratio* (F.A.R.) shall not exceed 0.75.
- I. Parking Lot / Loading and Unloading Requirements
Parking lot / loading and unloading designs shall be in conformance with the requirements established for parking, loading and unloading within this Chapter.



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J. Site Circulation / Street Design

1. Site Circulation shall comply with the Access Control requirements of the City's Comprehensive Plan (*ref: Comprehensive Plan*) and the City's Thoroughfare Plan (*ref: Thoroughfare Plan*) so as to provide the Corporate Business Park District with an engineered level of service with regard to the safe and efficient movement of traffic as it relates to street design. A continuous and effective means of moving both pedestrians and vehicles within the business park shall be provided in accordance with the permitted roadway types as provided for by the above documents.
2. All other design standards as required by this Chapter, Principals and Standards of Design and Standards of Improvement.

K. Site Lighting

Site Lighting (building, parking, directional, ornamental and the like) is regulated by the requirements described within this Chapter.

L. Site Signage

Site Signage (building, parking, directional, ornamental and the like) is regulated by the requirements described within this Chapter.

M. Walls and Fencing

1. Masonry or decorative metal (such as wrought *iron or aluminum*) shall be permitted.
 - i. Other fencing materials shall be subject to the approval of the Community Development Director or their designee.
2. In areas that require heighten security, decorative fencing may allow for spikes or curved tops to be installed.
 - i. Such heightened security elements must have prior approval of the Director of Community Development or their designee.
3. All other requirements for walls and fences shall be as described within this Chapter.

N. Landscaping and Screening Requirements

Landscaping and screening shall be regulated and required as described within this Chapter.

O. Architectural Review and Requirements

Architectural review shall be required for all individual lot development within the CB District for all primary and accessory buildings. A complete set of renderings must be supplied to the City Community Development Department for compliance review. Key exterior elements such as materials, windows, architectural breaks and the like must be rendered in sufficient detail and accompanied by clear descriptions.

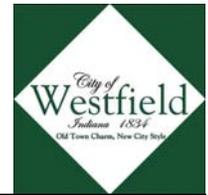
General Architectural Requirements: The following design/architecture requirements shall apply to all petitions / applications made within the Corporate Business Park District:

1. *Four-sided architectural building design* shall be provided with architectural detailing being a focus on the building entry and on any façades that are visible from the public rights-of-way.
2. The scale, mass, color and proportion of the building shall reflect the character of the area in which it is located and shall be compatible with adjoining developments.



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3. Multiple buildings in developments (including accessory buildings and detached out lot buildings in commercial centers, where permitted) must incorporate coordinated architectural styles, materials, forms, features, colors and applied elements to visually tie the proposed development together with existing buildings. This shall require the submission of material boards and a design guideline book to be approved by the Director of Community Development.
4. Antennas or satellite dishes:
 - a. Shall be roof-mounted only;
 - b. Shall project no more than twelve (12) feet above the height of the building;
 - c. Shall be positioned to minimize visibility from public rights-of-way; and,
 - d. One (1) antenna is allowed per building;
 - i. For buildings with more than one (1) tenant, a maximum of two (2) antennas shall be allowed per building.
5. Signage, fencing, walls and other amenities (benches, lights, etc.) must be integrated with building design and landscaping.
6. Building Trim:
 - i. The use of accent and trim elements (accent panels, banding, cornices, canopies, awnings, etc.) shall add visual interest and break down the scale of facades as determined by the Director of Community Development; and,
 - ii. Permitted building trim materials include: brick (clay fired), natural stone veneer, simulated cut stone, tile (ceramic or porcelain), and wood, glass, painted aluminum, formed polymers ("Fypon"), and EIFS (10% or less of each facade) or as approved by the Director of Community Development.
7. Facades:
 - i. No building facades shall contain metal sheeting of any kind, building facades shall consist of the following products: brick (clay fired), natural stone veneer, cut or split face block, architectural concrete panels for warehouse area with brick veneer and glass;
 - ii. *Fenestrations* shall not exceed 75% of any façade;
 - iii. Façade treatments shall be designed to break the appearance of large façade areas into smaller facades (graphic to be inserted here);
 - iv. Exterior materials must be consistent on all facades;
 1. Material/finish changes should relate to the overall architecture of the building and structure; and,



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- v. Colors used on building facades must be complementary. Natural, muted colors shall serve as the primary façade color, with brighter colors used only as limited accents.
8. Roof Design, when and where appropriate, as determined by the Director of Community Development:
- i. Rooflines and roof profiles shall be varied to create visual interest, as determined by the Director of Community Development;
 - ii. All buildings must incorporate parapet walls that will architecturally conceal roof-mounted equipment;
 - iii. All rooftop equipment (including vents) greater than one (1) foot in height, shall be screened from view from all ground level vantage points by parapet walls, rooftop walls or recesses in sloped roofs;
 - iv. Rooftop equipment screens and rooftop penetrations (vents) shall be of a color compatible with the overall building or roof color (not an accent color);
 - v. Roof materials should be traditional in composition and complement the architectural features of the structure; and,
 - vi. Where pitched roofs are required by the Building Code or requested by the City; an appropriate pitch shall be used to effectuate the end result of this requirement (graphic to be inserted here).
- P. Subdivision and Platting Requirements
All Corporate Business Parks shall comply with the following:
1. A Primary Plat depicting the location of all proposed easements, common areas, lots, and public rights-of-way, and any other public facility that is created by the development of the “*District*”, shall accompany any application for Development Plan Review of the proposed CB District *unified development plan*.
 2. With approval of the *unified development plan* and primary plat further subdivision of property or building may be required, it shall be the intent and purpose of this to grant the Director of Community Development the authority to review and approve said subdivision or secondary platting of property without having to submit for formal review before the Advisory Planning Commission.
 3. The dedication of said easements and rights-of-way, as well as the creation of individual lots and common areas, shall be accomplished through the recording of a Secondary Plat in accordance with this Chapter.

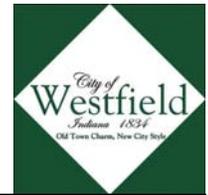


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Q. Definitions

As defined herein:

1. Unified Development Plan – a master or comprehensive plan of the entire development that depicts roadway alignments and general development layouts for water, sanitary, storm and other public infrastructure improvements to be made within the proposed development.
2. Clean Manufacturing – an industrial complex that does not have any industrial waste or by-products that is disposed of on-site.
3. Conference Center – is a minimum of 15,000 square feet that is designed to service organizations, business and professional conferences, and seminars, and not be limited to the accommodations of the conference attendees.
4. Select Service Hotel – it has a breakfast bar or full hot breakfast; it does not have bell-hop service, visitor amenities such as a convenience market, bar service, with a restaurant having limited hours of operation.
5. Full Service Hotel – full service restaurant (24 hours) with bar; it has bell-hop service, visitor amenities that cater to the guest, convenience market and mini-bar service.
6. Office, Governmental – any Federal, State, County, Township or Municipal office that serves for the public interest.
7. Office, Medical – includes a medical doctor, dentist, physical therapist or chiropractor limited to out-patient services with no surgeries being performed.
8. Day Care Center – as defined by the Indiana Code.
9. Development Plan Review – the general practice of the City of Westfield in reviewing all development proposals submitted for consideration by the Advisory Plan Commission and City Council.
10. Showrooms – a dedicated space within the facility where merchandise is exhibited for sale or where samples are displayed.
11. Wireless Communication Manufacturer & Service Facilities – a facility that's chief manufactured or serviced product is personal communication devices sold to the general public.
12. Site Development Plan – an individual development plan depicting the engineered improvements regarding an individual sites overall development of three (3) acres or more.
13. Commercial Vehicles – vehicles utilized in the daily conduct of the business that may include the transportation of employees or products.
14. Lot Coverage – A measure of intensity of land use that represents that portion of a site that is impervious (i.e. does not absorb water). This portion includes but not limited to all areas covered by buildings, parking structures, private driveways, sidewalks, and any area of concrete or asphalt.



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15. Floor Area Ratio (F.A.R.) – The numerical value obtained through dividing the gross floor area of a building by the area of the lot or parcel of land on which such building is located (i.e. 65,000 sf (bldg) divided by 100,000 sf (lot) equals 0.65 FAR).

16. Four-sided architectural building design - the architectural character and general composition of the exterior of a structure or building, including but not limited to similar features found on all four-sides of the building, carrying with it a theme or character, which shall not be limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Exhibit “C”
WC 16.18 Signs

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

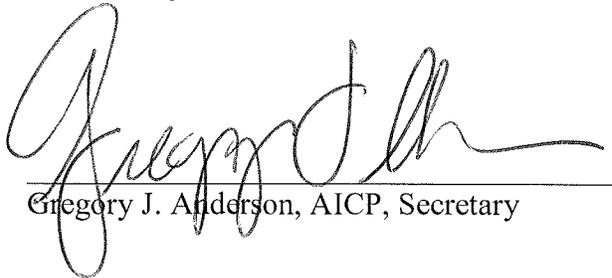
The Westfield-Washington Advisory Plan Commission met on Monday, July 7, 2008, to consider a revision of Section WC 16.18 Sign Ordinance, of the Westfield-Washington Township Zoning Ordinance. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed revision is as follows:

0806-ZOA-08 WC 16.18 Sign Ordinance

A revision to the language of the Westfield-Washington Zoning Ordinance
to provide improved sign standards for the community

A motion was made and passed to send a positive recommendation to the City Council to approve the revision request for 0806-ZOA-08.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on July 7, 2008.



Gregory J. Anderson, AICP, Secretary

July 7, 2008

Date

Case No. 0806-ZOA-08
Petitioner City Staff
Description WC 16.18 Sign Ordinance
A revision to the language of the Westfield-Washington Zoning Ordinance to provide improved sign standards for the community.

Miller reviewed the proposed ordinance revision and changes including the incorporation of graphics, administrative process, garage sale signs, commercial and industrial height reduction, and lighthouse effect.

Discussion followed regarding:

- Tabling this ordinance to the next workshop.
- Delaying the Public Hearing to the July 21 meeting.
- Page Two: Obsolete Signs
- Painted Wall Sign
- Page One: Purpose and Intent vs. Page Two: Products Available

A Public Hearing opened at 8:35 p.m.

Mr. Brian Morales commented on the painted wall restrictions, sign frontage, and beacon lights.

The Public Hearing closed at 8:41 p.m.

Motion: To send 0806-ZOA-08 to the City Council with a positive recommendation.

Motion by: Emigh; Second by: Stokes; Vote: (8-0)

WC 16.18 *Sign Standards*

A. Applicability

These regulations shall be applicable to all persons, firms, partnerships, associations and corporations owning, occupying or having control or management of any premises located within the City of Westfield or Washington Township planning and zoning jurisdiction.

B. Purpose and Intent

The purpose of this ordinance is to regulate all outdoor advertising and signage. These regulations are intended to enhance the physical appearance of the community and to preserve the scenic and natural beauty while creating an attractive economic and business climate. The following objectives are accomplished by establishing the minimum amount of regulation necessary regarding size, placement, construction, *illumination* and other *sign* aspects in order to:

1. Recognize the proliferation of *signs* is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of *signs* directing and warning the public, creates confusion, reduces desired uniform traffic flow and creates potential for accidents.
2. Eliminate potential conflicts between business *signs* and traffic control *signs*, which could create confusion and hazardous consequences.
3. Recognize the principle intent of commercial *signs* is for identification of an establishment on the premises, not for advertising special events, brand names or off-premises activities.
4. Enable the public to locate goods, services and facilities without excessive confusion by restricting the number and placement of *signs*.
5. Prevent placement of *signs* which will conceal or obscure *signs* of *adjacent* uses.
6. Protect the public right to receive messages, especially non-commercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the United States Constitution.

C. General Prohibitions

These prohibitions shall apply to all *signs* within the Westfield-Washington Township planning and zoning jurisdiction unless otherwise stated within this Article.

1. No *sign* shall be placed on wireless communication antennas, support structures, associated buildings and equipment; utility poles; street lights; traffic signals; street *signs*; fire hydrants; benches; *trees*; or other publicly-owned items. See Figure 1.

2. No *sign* shall create a traffic hazard for vehicles or pedestrians, or interfere with the visibility of any traffic control device due to its size, location, context, or manner of *illumination*.
3. No *sign* shall be placed in any public *right-of-way* except *regulatory signs*.
4. No *sign* shall project into the public *right-of-way* except *projecting signs* as permitted in this Article.
5. *Painted wall signs* shall not be permitted except in the Downtown Area as defined by the Westfield-Washington Township Comprehensive Plan.
 - i. Such *signs* shall not contain any brand name, product name, letters of the alphabet spelling or abbreviation the name of any product, company, profession or business, or any logo trademark, trade name copyright or other commercial message.
6. No *sign* shall be placed so as to obstruct any fire escape, required exit, window or door opening used as a means of passage from one part of a roof to another or as access for fire fighting purposes.
7. No *signs* shall extend above a *roofline, eave, or parapet* of a *building wall*. See Figure 2.
8. No *sign* on a personal or commercial *vehicle* or trailer shall be placed between the public *right-of-way* and the *building* within which the business is located.
9. No *sign* designed, manufactured and otherwise intended for use as a *temporary sign* shall be used or converted to a permanent *sign*.
10. The following *signs* shall not be permitted and are subject to removal and/or fines:
 - i. *Festoon signs* and lighting. See Figure 3.
 - ii. *Flashing signs*
 - iii. *Animated signs*
 - iv. *Moving signs*
 - v. *Video display sign*
 - vi. *Inflatable signs*
 - vii. *Portable signs*
 - viii. *Pole signs*
 - ix. *Under canopy signs*
 - x. *Off-premise signs*
 - xi. Individual *illuminated panel or box signs* with light colored reflective backgrounds
 - xii. *Signs* on gas station canopies. See Figure 4.
 - xiii. *Billboard signs*
 - xiv. *Mascot signs*. See Figure 5.
 - xv. *Roof-mounted signs*. See Figure 6.

Deleted: <#>*Signs* that do not meet the provisions of this Article or do not identify or advertise a *bona fide* business, *tenant*, owner, activity conducted or product available on the premises where the *sign* is displayed shall be considered an obsolete *sign*.¶
<#>When such a *sign* exists for a period of three (3) months, it shall be conclusively presumed to be abandoned and shall be removed including all *sign* supports and associated supportive structures and/or mechanisms.¶
¶

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- xvi. Portable *changeable copy signs*
- xvii. Any other *sign* not specifically permitted by this ordinance

D. Exemptions.

The following non-*illuminated signs*, unless otherwise stated, shall be permitted throughout the Westfield-Washington Township jurisdiction without obtaining a permit prior to installation if the *sign(s)* are in compliance with the conditions specified for each. *Signs* listed below shall not be counted against the total *sign area* allotment for a property.

1. *Regulatory* and street *signs*.
2. *Street Addresses*, provided:
 - i. *Addresses* shall not be less than four (4) inches in height.
 - ii. *Addresses* may be *illuminated* with low wattage lighting.
 - iii. *Addresses* shall be a contrasting color from the surface they are affixed to.
3. Decorative seasonal displays for holidays, public demonstrations, civic welfare or charitable purposes when authorized by the City Community Development Director or their designee provided the display does not contain any advertising material.
4. Private *Informational signs* on residential property.
 - i. *Signs* shall not exceed four (4) square feet in area.
 - ii. May be used for “no trespass,” “private,” etc.
5. *Garage Sale signs* in residential districts provided:
 - i. *Signs* are permitted for a maximum of four (4) days.
 - ii. *Sign area* shall not exceed three (3) square feet in area per face.
 - iii. *Signs* shall not exceed three (3) feet in height. See Figure 7.
6. *Signs* advertising waste haulers on temporary trash receptacles. See Figure 8.
7. *Temporary Regulatory* and Municipal *signs* installed for purposes of safety, legal notice, emergency signage, special events or other *signs* approved by the City Community Development Director or their designee.
8. *Temporary signs* advertising events put on by the Westfield-Washington School District, the City of Westfield, and Washington Township.
 - i. *Signs* shall be located on property owned or leased by the one of the above listed entities.
9. Flags bearing the official design and seal of the United States, State of Indiana, City of Westfield, a public educational institution, or official logo of a corporation or award flags provided:
 - i. No more than four (4) different flags are permitted on any single lot of record.
 - ii. Flags shall occupy no more than one-quarter (1/4) the total length of the pole above grade upon which the flag(s) are hoisted.

- iii. Flagpoles may be *illuminated* by uplights or floodlights as required by Federal law. See Figures 9 and 10.
 1. The beam shall be limited to as required to *illuminate* the flag clearly. Adjustable *louvers* shall be used to limit the beam.
 2. Maximum light level at the flagpole shall be 20 foot candles.
 3. Maximum lamp size shall be 100 watts.

10. Memorial or historical *signs* or tablets, and building date of erection when *signs* are cut into masonry surface or constructed of bronze or other noncombustible material. See Figure 11.

11. *Real Estate signs* advertising the sale, lease or rental of property in residential districts provided (See Figure 12):
 - i. The *sign* must be located on the property or in front of the unit for sale, lease or rent.
 - ii. One (1) *sign* is permitted per street *frontage*.
 - iii. *Sign* shall not exceed four (4) square feet in area per face.
 - iv. *Sign* shall not exceed six (6) feet in height.
 - v. *Sign* shall be placed at least five (5) feet from the edge of the road *right-of-way* or front property line whichever if furthest from the road.
 - vi. *Sign* shall be removed within seven (7) days of being sold, leased or rented.

12. *Real estate signs* advertising the sale, lease or rental of property in nonresidential districts provided (See Figure 13):
 - i. The *sign* must be located on the property or in front of the unit for sale, lease or rent.
 - ii. One (1) *sign* is permitted per street *frontage*.
 - iii. *Sign* shall not exceed thirty-two (32) square feet in area total.
 - iv. *Sign* shall not exceed eight (8) feet in height.
 - v. *Sign* shall be placed at least ten (10) feet from the edge of the road *right-of-way* or front property line whichever is furthest from the road.
 - vi. *Sign* shall be removed within seven (7) days of being sold, leased, or rented.

13. *Construction Project signs* advertising developments under construction provided (See Figure 14):
 - i. The *sign* must be located on the property under construction.
 - ii. One (1) *sign* is permitted per street *frontage*.
 - iii. *Sign* shall not exceed forty-eight (48) square feet in area total.
 - iv. *Sign* shall not exceed eight (8) feet in height.
 - v. *Sign* shall be placed at least ten (10) feet from the edge of the road *right-of-way* or front property line.
 - vi. *Signs* advertising construction shall be removed when the project has reached seventy-five (75) percent completion.
 - vii. *Sign* may indicate the name of the architects, engineers, landscape architects, contractors and similar artisans, and owners, financial supporters, sponsors

- and similar persons or firms having a role or interest with respect to the project.
- viii. *Sign* shall not advertise the sale, lease or rent of the project or units within the project.
14. *Open House signs* directing traffic to residential sales within developments under construction or individual units in residential districts provided (See Figure 15):
- i. *Signs* are located within 1.5 miles of the model *center* or the *dwelling* for sale.
 - ii. Placement of *signs* on private property is prohibited without the permission of the property owner.
 - iii. *Signs* shall be located ten (10) feet from street pavement edge on local roads or outside the right-of-way on all other roads and streets.
 - iv. *Signs* must be located outside the *clear vision triangle* measured forty (40) feet from the intersection of a collector or local road *right-of-way* or easement; or seventy-five (75) feet from the intersection of arterials.
 - v. The maximum number of *signs* for a single subdivision shall not exceed five (5).
 - vi. The maximum number of *signs* for an individual *dwelling* shall not exceed three (3).
 - vii. *Signs* shall not advertise developments located outside the Westfield-Washington Township planning and zoning jurisdiction.
 - viii. *Signs* shall be free-standing.
 - ix. *Sign area* shall not exceed three (3) square feet in area per face.
 - x. *Sign* height shall not exceed three (3) feet in height
 - xi. *Signs* shall not be posted from 6:00 p.m. Sunday through 6:00 p.m. Friday.

Deleted: , whichever is farther from the centerline of the road.

15. *Scoreboards* for public and private recreational facilities and institutions that do not provide for commercial or business advertising purposes. See Figure 16.
- i. *Scoreboards shall not exceed sixty-five (65) square feet total.*

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16. *Menu Board sign* for a drive-thru facility intended to serve patrons provided:
- i. Two (2) *menu board signs* shall be allowed per parcel.
 - ii. *Signs* shall not exceed thirty-two (32) square feet in size.
 - iii. *Signs* shall not exceed eight (8) feet in height.
 - iv. *Signs* may be *illuminated* according to the following lighting pattern:
 - 1. If the *sign* is *illuminated* internally, lighting shall not exceed 10 *foot-candles*.
 - 2. If the *sign* is *illuminated* externally, lighting shall not exceed 15 *foot-candles*.
 - a. Lighting shall be directed solely at the sign face.
 - v. *Signs* shall be located on the interior of the lot and shall not be legible from the perimeter of the site.
 - vi. *Sign* shall be intended only to service the public utilizing the drive-thru facility.
 - vii. The placement, color or *illumination* shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic.

17. *Window signs* include any *sign* visible from the exterior of the *building*. See Figure 17.
- i. *Signs* shall not occupy more than twenty-five (25) percent of the window upon which it is placed, except as noted below.
 - ii. *Signs* shall not be *illuminated* except as noted below.
 - iii. *Signs* used to designate a business establishment as “open” and having exposed neon or the appearance of exposed neon shall be permitted as part of the allowable *sign area*. See Figure 18.
 1. *Sign* shall not exceed six (6) square feet.
18. *Sandwich Board signs* shall be permitted in residential and commercial districts provided:
- i. General:
 1. The placement of *sandwich board signs* shall not impede pedestrian or vehicular traffic.
 2. *Sandwich board sign area* shall not exceed six (6) square feet per face.
 3. *Sandwich board sign* width shall not exceed two (2) feet when measured from the outside of a *sign* support or *sign* face.
 4. *Sign* height shall not exceed five (5) feet when measured from the ground to the top support with the *sign* open and fully extended.
 5. *Signs* shall not be permanently affixed to any structure or sidewalk.
 - ii. Residential *Sandwich Board Signs*
 1. One (1) *sandwich board sign* shall be permitted per subdivision entrance.
 2. *Signs* shall have a base support and shall be weighted with a minimum of ten (10) pound ballast to ensure *sign* stability.
 3. *Signs* shall be posted for no more than seven (7) consecutive days.
 4. *Signs* shall not be placed in the public *right-of-way*.
 - iii. Nonresidential *Sandwich Board Signs*. See Figure 19.
 1. Individual businesses are limited to one (1) Sandwich Board Sign.
 2. *Signs* shall be removed at the close of business each day.
 3. *Signs* shall be placed within ten (10) feet of and directly in front of the *building* façade having a patron entrance.
 - a. In the Downtown district, as defined by the Westfield-Washington Township Comprehensive Plan, *signs* shall be allowed in the *right-of-way*, on the sidewalk, on the condition that pedestrian traffic and vehicular traffic are not impaired by the placement of the *sign*.
19. *Informational signs* attached to a nonresidential *building* and of a size and scale intended to be viewed by pedestrians, such as but not limited to menus, hours of operation, etc. provided (See Figure 20):
- i. One (1) *sign* is permitted per business.
 - ii. *Signs* shall not exceed four (4) square feet in area.
 - iii. *Signs* shall not exceed six (6) feet in height.

20. Name plates or *directory signs*, defined as a *sign* located at the pedestrian entry of a nonresidential *building* listing occupants and *tenants* inside a *building* or *address*, provided:

- i. *Signs* are limited to one (1) per *building* unless the *building* has more than one entrance or *frontage* on more than one public *right-of-way*, in which case two (2) *signs* are permitted.
- ii. *Signs* must be located within fifteen (15) feet of a patron entrance.
- iii. *Signs* shall not be greater than four (4) square feet in area.
- iv. *Signs* mounted on the exterior wall of a building or freestanding shall not exceed five (5) feet in overall height.
- v. For developments with multiple *buildings* or entrances, the style of the name plate or *directory sign* shall be consistent.

21. *Directional signs*

- i. The number of *signs* shall be limited to three (3) per lot, unless otherwise granted as determined by the Community Development Director or their designee.
- ii. *Signs* shall be planned, coordinated and approved for an entire site, not at the requests of individual *tenants*.
- iii. No *sign* shall be placed within setback areas.
- iv. *Signs* shall not be used as driveway identification markers, except in the case of a one-way drive as determined by the Community Development Director or their designee.
- v. *Signs* shall not be used for advertising purposes. Commercial or business names or logos are prohibited on *directional* signage.
- vi. *Signs* shall not exceed three (3) square feet per face.
- vii. *Signs* shall not exceed four (4) feet in height.
- viii. *Directional signs* shall be approved as part of *sign plans* as outlined under General Regulations.

22. *Temporary signs* related to an election, to identify seasonal events or other civic functions provided:

- i. *Signs* shall not be placed more than 60 days before the event or the cause it advertises or supports.
- ii. *Signs* must be removed within seven (7) days after the event advertised or supported event has occurred, or when the *sign* becomes mutilated, damaged or unreadable, whichever comes first.
- iii. *Signs* shall not exceed sixteen (16) square feet in area or four (4) feet in height in commercial and industrial districts.
- iv. *Signs* shall not exceed six (6) square feet in area or three (3) feet in height in residential districts.

E. General Sign Regulations.

Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, replace, move, re-face or convert any *sign* within the Westfield-

Washington Township planning and zoning jurisdiction, or cause the same to be done without first obtaining a *sign* permit. The following general *sign* standards apply to all *signs* within the Westfield-Washington Township planning and zoning jurisdiction.

1. *Sign Area*, See Figure 21.

- i. *Sign area* shall be measured as the total area of a *sign* included within a rectangle created by encompassing the outermost edges of letters and symbols and including the area within any *illuminated* border. An area so created shall include all solid surfaces as well as openings.
- ii. Allowable *Sign Area* permitted shall be one (1) square foot per one (1) linear foot of *building* or tenant space *fronting* on a public *right-of-way* except as otherwise noted in this ordinance.
- iii. In no instance shall *wall sign* square footage exceed the linear footage of the wall on which it is placed.
- iv. In no instance shall a permitted nonresidential use or *tenant* be restricted to less than twenty-five (25) square feet of *sign area*, nor shall any permitted nonresidential use or *tenant* be permitted to display more than five hundred (500) square feet of *sign area* unless otherwise noted in this Article.
- v. *Sign area* is the total permitted, not per side of *sign*, unless otherwise noted.

2. *Sign Plans* are required for all new construction.

- i. Site plan, to scale, depicting the location of all residential subdivision and nonresidential center signage including but not limited to *wall*, *monument*, *awning*, *directional* and *regulatory*.
- ii. Site plan, to scale, depicting the traffic circulation and any pavement markings to facilitate a safe flow of pedestrian and vehicle traffic.
- iii. *Building* elevation, to scale, depicting the approximate location of all signage.
- iv. Description and detail of uniform lighting method (for example: reverse channel, channel, and exterior above or exterior below).
- v. Description of *sign* colors, lettering style, graphic style, materials, locations and dimensions.
- vi. Description and detail of landscaping for all *monument*, *center*, *subdivision entrance* and *subdivision transition signs*.

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3. *Signs* shall have a uniform theme for all *multiple tenant* and multiple *building* developments.

4. Any *sign* determined by the City Community Development Director to be a detriment to the public health, safety, and general welfare of the community will be removed by the City at the property owner's expense.

5. *Panel* or *box signs* shall have opaque backgrounds with light or white color lettering and logos when permitted by this Article.

6. Any *signs* affixed to a wall shall not be located or hang lower than eight (8) feet from grade or sidewalk below which the *sign* is fastened.

7. *Monument signs* shall include the *address* or *address* range of the *business* or *businesses* advertised.
 - i. *Addresses* shall not count towards sign area.
 - ii. *Addresses* may be located in the cap or base of a *monument sign*.
8. *Reverse Channel Letters* may be used for signage in accordance with the following:
 - i. *Illumination* shall be in accordance with the standards set in this Article.
 - ii. Individually mounted letters may be used; however, if the letters are mounted on a raceway or track, then the raceway or track shall be the same color as background material upon which it is mounted.
9. *Signs* must be kept clean, painted, in working operation and free of hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as to not be detrimental to the public health, safety or general welfare.
10. Abandoned *sign* copy, foundations, and structures shall be removed by the property owner or leasee of a site upon which the *sign* is located within three (3) months after the business or service advertised by the *sign* ceases operations.
11. The construction and structural components of all *signs* shall be in accordance with the standards and regulations of the International Building Code as adopted by the City of Westfield.
12. Landscaping
 - i. The base of all *monument, center signs, subdivision entrance, and subdivision transition signs* shall be planted with a combination of low level shrubbery, plants, and flowers.
 - ii. In the case of new construction, plantings shall be complimentary to the proposed development's landscape plan.
 - iii. In the case of existing construction, plantings shall be consistent with the site.
13. *Illumination*

Unless otherwise noted within this Article, *signs* may be lighted.

 - i. *Signs* may be either internally *illuminated* or externally *illuminated*, not both. [See Figure 22 and 23.](#)
 - ii. *Illumination* levels of externally *illuminated signs* shall not exceed 30 *foot-candles* as measured one (1) foot from the face of the *sign* unless otherwise noted in this article.
 - iii. *Illumination* levels of internally *illuminated signs* shall not exceed 20 *foot-candles* as measured one (1) feet from the face of the *sign* Unless otherwise noted in this Article.
 - iv. Lights shall be stationary, *shielded* and directed solely to *illuminate* the *sign*.
 - v. Lighting shall be located in a manner that does not interfere with *sign* content.
 - vi. Lighting shall be uniform throughout a development.

- vii. Light sources shall be *shielded* from all adjacent residential districts, *buildings* and streets and shall not be of such brightness as to cause glare that is hazardous to pedestrians, vehicles or create a nuisance.
 - viii. Sign lighting shall be switched off at the close of business or 11:00 p.m. whichever is earlier.
 - 1. Businesses open twenty-four (24) hours may leave their sign light on from dusk to dawn.
 - ix. Ground mounted lighting. [See Figure 24.](#)
 - 1. Lighting shall have internal or external light control *louvers*. *Louvers* shall be designed and installed to confine ninety (90) percent of the light to the *sign*. Additional external *louvers* or barn-door style *louvers* shall be specified, if required to control light spill.
 - 2. Lighting shall not exceed twelve (12) inches in height from grade.
 - 3. Lighting shall be screened from view by plantings.
 - x. Lighting used for nonresidential purposes shall not be located closer than twenty-five (25) feet to a residential use.
 - xi. A photometric plan may be required by the City to confirm that light emitted does not exceed the limitations specified within this Article.
 - xii. Lighting shall not rotate, pulse, blink, flash or simulate motion.
 - xiii. Prohibited lighting types:
 - 1. *Mercury Vapor*
 - 2. *Festoon Lighting*
 - 3. Laser source light or similar high intensity lighting
 - 4. *Incandescent light* for nonresidential purposes
 - 5. Exposed or uncovered neon tubing
 - 6. Open spark or flame
 - 7. Searchlights, floodlights and spotlights. [See Figure 25.](#)
14. All wiring, fittings and materials used in the construction, connection and operation of electrically *illuminated signs* shall be in accordance with the provisions of the International Building Code as adopted by the City of Westfield and shall be contained. No wiring may be exposed on the surface of any element of the *sign*.

F. Residential District *Signs*.

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

- 1. *Subdivision Entrance signs* for residential complexes and subdivisions shall be permitted one of the following options:
 - i. One (1) *monument sign* per residential complex or subdivision entrance provided:
 - 1. *Sign* shall not exceed sixty (60) square feet.
 - 2. *Sign* shall be *illuminated* by external *illumination*.
 - 3. *Sign* display area shall be incorporated into a wall or other decorative feature.
 - ii. Two (2) separate *monument signs* flanking the street access per entrance provided:

1. *Sign area* of the two *signs* combined shall not exceed sixty (60) square feet.
 2. *Signs* shall be *illuminated* by indirect *illumination*.
 3. *Sign* display areas shall be incorporated into wall or other decorative feature.
2. *Subdivision Transition signs* for residential subdivisions shall be permitted provided (See Figure 26):
- i. *Sign area* shall not exceed three (3) square feet.
 - ii. *Sign* shall not be *illuminated*.
 - iii. *Sign* shall be located on a *pillar* located at the transition between two (2) different subdivisions on a local street.
 1. One (1) pillar is permitted per subdivision at each subdivision transition.
 - a. Sign shall be located on the right side of the road entering the new subdivision.
 2. *Subdivision Transition Signs* shall not be used to designate differences between individual builders.
 3. Pillar shall not exceed an overall height of six (6) feet.
 4. Pillar shall be constructed of materials matching or complementary to those used for the *Subdivision Entrance Signs*.
3. Home occupations shall be permitted one (1) *sign* per residence provided:
- i. *Sign* shall not exceed 4 square feet in total *sign area*.
 - ii. *Signs* shall be affixed to a wall or the door of the structure containing the business.
 - iii. *Sign* shall be *illuminated* with residential low wattage indirect *illumination*.
4. Permitted Nonresidential Uses in Residential Districts
Illumination standards for the following *signs* shall be in accordance with this Article. Total *sign area* may be divided between *wall*, *monument*, and *changeable copy*.
- i. *Wall Sign*
 1. *Signs* shall not extend more than eight (8) inches beyond the surface or the portion of the wall on which it is erected or fastened. See Figure 27.
 2. *Signs* shall be located within the *building's* architectural elements, such as but not limited to a *gabled roof*. See Figure 28.
 3. *Signs* shall utilize individual lettering. *Box* or *panel signs* are not permitted except a *box* or *panel "capsule"* may be permitted provided the size does not exceed fifteen (15) percent of the allowable *sign area* and is included in the total *sign* calculation. See Figure 29.
 4. If *sign* is attached to an exposed raceway or track, the raceway or track must match the color of the wall to which it is fastened or mounted.

5. One (1) *wall sign* is permitted per parcel or tenant in the case of a multiple tenant building. One (1) additional *sign* may be permitted provided:
- Tenant* or *building* located at a corner immediately adjacent to two intersecting public *rights-of-way* shall be allowed a second *sign*. The second *sign* shall be deducted from the total *sign* allotment for the business or *tenant* in the case of a *multiple tenant building*.
 - Signs* shall be located on separate, adjoining walls facing the two respective public *rights-of-way*. See Figure 30.
6. *Monument Sign*, See Figure 31.
- Signs* shall be located at least ten (10) feet from the *right-of-way* or common access easement. The setback of a *sign* shall be measured as the distance between the point of reference specified and the closest point on the *sign*.
 - Signs* shall meet all side and rear yard setback requirements as set by this zoning ordinance.
 - Signs* shall be located twenty-five (25) feet from an adjacent residence.
 - Signs* shall be located outside the *clear vision triangle* measured forty (40) feet from the intersection of a collector or local road *right-of-way* or easement; or seventy-five (75) feet from the intersection of arterials. *Monument signs* shall not inhibit the vision of motorists and pedestrians. In the case of access drives or private roads, the *clear vision triangle* shall be measured from the edge of pavement. See Figure 32.
 - Monument signs* in residential districts shall not exceed thirty-six (36) square feet.
 - Sign area* will be deducted from total *sign area* allowed for a development.
 - Material used for the *sign* bases, supports and cap must match or be complementary to the *building* materials used on the site.
 - Caps and bases shall not be used for display or advertising purposes except for an *address* or *address* range for the businesses advertised on the sign.
 - Monument signs* shall not exceed six (6) feet in height including cap and base.
 - The height of the *sign* is measured from the level of the ground nearest the property line to the highest point of the *sign* structure including any supportive or decorative appendages. *Sign* shall not be located on top of a berm or other elevation to artificially increase the height.
 - Internally *illuminated signs* shall be individual, channel letters; panel or box signs may be used for center signs which include signage for three (3) or more *tenants*.

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- j. One (1) *sign* shall be permitted for every three hundred (300) feet of *frontage* along a public *right-of-way*. See table below.
 - i. Each *sign* will be deducted from the total *sign area* allowed per development.
 - ii. Developments with nonconforming monument signs that are adding additional monument signs according to these standards shall have one (1) less monument sign for every nonconforming monument sign onsite. Further, nonconforming signs shall be counted as one of the permitted signs allowed for the development. For example, a development with nine hundred (900) feet of frontage is allowed four (4) monument signs. If the development has two (2) nonconforming monument signs the development may have only the two nonconforming signs or if the nonconforming signs are brought into compliance the development may have all four monument signs according to the standard.

<i>Frontage</i>	<i>Number of Signs Allowed</i>
1-300 feet	1
301-600 feet	2
601-900 feet	3
900 feet or greater	4

- k. *Outlots* of developments and *tenants* in *multiple tenant buildings* shall not be permitted individual *monument signs*.
7. *Changeable Copy Sign*. See Figure 33.
- a. *Changeable copy* signage shall be allowed only when incorporated into a permanent *sign* structure as allowed by this ordinance.
 - b. *Changeable copy* signage area shall be counted towards the total *sign area* allocation for the site.
 - c. *Changeable copy* signage shall not exceed more than twenty (20) percent of the total *sign*.
8. *Temporary Signs*
- a. *Temporary* signage shall not exceed one (1) banner per permitted use in a residential district at one time.
 - b. *Sign* shall not exceed thirty-two (32) square feet in size.
 - c. *Sign* shall be securely attached to a structure or rigid support device(s), such as poles, rods, stakes or fencing.
 - d. *Temporary* signage shall be placed on the property on which the permitted use is being conducted.
 - e. *Temporary signs* shall not be *illuminated*.
 - f. *Temporary sign* permits shall be limited to a maximum of fifteen (15) consecutive calendar days per quarter.

- i. The allotted fifteen (15) consecutive calendar days per quarter may be divided into smaller, nonconsecutive segments, as granted by the City Community Development Director or designee.
- g. Application must be made, and a *temporary sign* permit issued PRIOR to the display of *temporary* signage.
- h. *Temporary sign* permits may be applied for at one time, for the calendar year or may be renewed on an as needed basis at the Community Development Department.

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G. Nonresidential District Signs

Illumination standards for the following *signs* shall be in accordance with those established in this Article. Total *sign area* may be divided between *wall, projecting, awning, monument, and changeable copy* signage except as otherwise noted in this Article. New construction shall be required to provide a *sign plan* including all signage for the entire site prior to the approval of any individual *tenants* or *outlots*. *Sign Plan* requirements are located under General *Sign* Regulations. No *sign* shall be erected in a nonresidential district except for the following:

1. General Standards

- i. Allowable *Sign Area* permitted shall be one and two tenths (1.2) square foot per one (1) linear foot of *building* or tenant space *fronting* on a public *right-of-way*.

2. Wall Sign

- i. *Ground Floor, Single-Story Businesses and Tenants, Individual Nonresidential and Outlots*
 - 1. *Signs* shall not extend more than eight (8) inches beyond the surface or the portion of the wall on which it is erected or fastened. See Figure 34.
 - 2. *Signs* shall be located within the *building's* architectural elements, such as but not limited to a *gabled roof*.
 - 3. *Signs* shall utilize individual lettering. *Box* or *panel signs* are not permitted except a *box* or *panel "capsule"* may be permitted provided the size does not exceed fifteen (15) percent of the allowable *sign area* and is included in the total *sign area* calculation. See Figure 36.
 - 4. If *sign* letters are attached to an exposed raceway, the raceway must match the color of the wall to which it is fastened or mounted.
 - 5. *Signs* shall be located on the front *building facade* and used only to display the name and/or logo of the business.
 - 6. *Signs* shall not be located higher than twenty-six (26) feet and no lower than eight (8) feet when measured from grade or sidewalk below the *sign*.
 - 7. One (1) *wall sign* is permitted per *tenant*. Additional *signs* may be permitted provided:

- a. *Tenant* or *building* located at a corner immediately adjacent to two intersecting public *rights-of-way* shall be allowed a second *sign*. The second *sign* shall be deducted from the total *sign* allotment for the business or *tenant* in the case of a *multiple tenant building*. See Figure 37.
 - b. Where a nonresidential *building* or *tenant* is located along the US 31 *right-of-way*, provided said *building* or *tenant* is not located at the corner of two intersecting public *rights-of-way*, shall be allowed a second *sign* on the US 31 *building* elevation. The second *sign* shall be deducted from the total *sign* allotment for the business or *tenant* in the case of a *multiple tenant building*.
- ii. *Two-Story, Multiple Tenants*, See Figure 38.
1. The *sign area* allotment shall be calculated at a rate of 0.35 square feet of signage for each linear foot of the entire front *building* elevation.
 - a. The .35 *sign area* allotment shall be divided between the total number of *second floor tenant signs* allowed.
 2. Each *two-story, multiple tenant structure* shall be permitted *second-floor tenant* signage using the following chart:

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

1. No *tenant* shall be permitted more than one (1) *sign* on the front *building* elevation.
 2. All *second floor tenant signs* shall be located no more than two (2) feet from the top edge of the *building facade* on the front *building* elevation.
 3. The total permitted second floor *sign area* allocation may be divided between *wall* and *awning signs*.
 4. *Second floor tenant signs* shall be located on the front *building* elevation.
 5. Additional *second story* signage as outlined above for *ground floor, single story tenants*, is prohibited adjacent the US 31 *right-of-way*.
- iii. *Three-Story or more, Multiple Tenants*, See Figure 39.
1. Second story signage is prohibited.
 2. Multiple-story, *multiple tenant buildings* of three or more stories shall be permitted one (1) *wall sign* per *building* façade adjacent to a public *right-of-way*.
 3. *Sign area* allotment shall be calculated at a rate of one (1) percent of the *building* façade square footage, including *fenestrations*.

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4. *Upper floor tenant signs* shall be located no more than two (2) feet from the top edge of the *building* façade.

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4. *Building Identification Signs*, See Figure 40.

- i. Permitted only on multiple story *buildings*.
 - ii. General Standards
 1. One (1) *building identification sign* is permitted per patron entrance.
 2. *Building identification signs* shall be located either on an exterior wall above a patron entrance OR on a canopy over a patron entrance.
 3. *Building identification signs* shall not include *tenant* information.
 4. *Building identification signs* shall not be *illuminated*.
 - iii. *Building Identification Signs* on a Canopy
 1. Shall not exceed twelve (12) inches in height.
 2. Shall not exceed twelve (12) feet in length.
 3. *Sign* shall be incorporated into the canopy feature and not protrude off the structure.
 - iv. Other *Building Identification Signs*
 1. Shall not exceed six (6) inches in height.
 2. Shall not exceed six (6) feet in length or the width of a patron entrance, whichever is less.
 3. *Building identification signs* shall not protrude from the *building* façade and shall be incorporated into an architectural feature of the *building*
 - a. *Transom Window signs* are permitted and shall not exceed seventy-five (75) percent of the transom window area.
5. *Projecting signs* shall be permitted in the Downtown district, as defined by the Westfield-Washington Township Comprehensive Plan provided (See Figure 41):
- i. *Signs* shall not project more than four (4) feet beyond the wall on which it is fastened.
 - ii. *Signs* shall not exceed twenty four (24) square feet.
 - iii. No *sign* shall extend above the *roof line* or the highest point of the wall of the *building* on which it is located or fourteen (14) feet from finished grade, whichever is less.
 - iv. *Signs* shall be installed in such a manner that allows for a clearance of eight (8) feet between the grade below where the *sign* is hung and the lowest edge of the *sign*.
 - v. No *sign* shall project within two (2) feet of the curb of a street, driveway or parking space.
 - vi. *Signs* shall be fastened perpendicular to the wall having the establishment's main public entrance.
 - vii. *Sign area* shall be counted towards the *sign area* allocation for the site.
 - viii. *Signs* are limited to one per business.
 - ix. *Should signs be illuminated, signs* shall be indirectly *illuminated* from above.

6. *Awning Signs*, See Figure 42.

- i. *Signs* shall be printed or sewn on *awnings* mounted on the façade of a *building*.
- ii. *Signs* shall cover no more than thirty-five (35) percent of the *awning*.
- iii. No *awning sign* shall extend above the *roof line* or the highest point of the wall of the *building* on which it is located or fourteen (14) feet from finished grade, whichever is less.
- iv. *Awnings* shall be installed in such a manner that allows for a clearance of eight (8) feet between the grade below where the *awning* is hung and the lowest edge of the *awning*.
- v. No *awning* shall project within two (2) feet of the curb of a street, driveway or parking space.
- vi. *Sign area* shall be counted towards the *sign area* allocation for the site.
- vii. *Signs* are limited to one per business.
- viii. *Should signs be illuminated, signs* shall be indirectly *illuminated* from above.

7. *Monument Sign*

- i. *Signs* shall be located at least ten (10) feet from the public *right-of-way* or common access easement.
- ii. *Signs* shall meet all side and rear yard setback requirements as set by this zoning ordinance.
- iii. *Signs* must be located twenty-five (25) feet from an adjacent residence.
- iv. *Signs* must be located outside the *clear vision triangle* measured forty (40) feet from the intersection of a collector or local road *right-of-way* or easement; or seventy-five (75) feet from the intersection of arterials. *Monument signs* shall not inhibit the vision of motorists and pedestrians. In the case of access drives or private roads, the *clear vision triangle* shall be measured from the edge of pavement.
- v. *Sign Area and Sign Height*
 - 1. The height of the *sign* is measured from the level of the ground nearest the property line to the highest point of the *sign* structure including any supportive or decorative appendages. *Sign* shall not be located on top of a berm or other elevation to artificially increase the height.

Table 1

Type of Sign	Sign Area	Sign Height
<i>Center Monument Sign</i>	96	10
<i>Individual Nonresidential Signs</i> ^a	48	8
<i>Downtown Monument Signs</i> ^{a,b}	24	6

^a Sign Area shall be deducted from the total allowed per development.

^b The Downtown area is defined by the Westfield-Washington Township Comprehensive Plan.

- vi. Material used for the *sign* base and/or supports must match or be complementary to the *building* materials used on the site.
- vii. Caps and bases shall not be used for display or advertising purposes except for an *address* or *address* range for the businesses advertised on the sign.
- viii. One (1) *sign* shall be permitted for every three hundred (300) feet of *frontage* along a public *right-of-way*.

1. Developments with nonconforming monument signs that are adding additional monument signs according to these standards shall have one (1) less monument sign for every nonconforming monument sign onsite. Further, nonconforming signs shall be counted as one of the permitted signs allowed for the development. For example, a development with nine hundred (900) feet of frontage is allowed four (4) monument signs. If the development has two (2) nonconforming monument signs the development may have only the two nonconforming signs or if the nonconforming signs are brought into compliance the development may have all four monument signs according to the standard.

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Table 2

<i>Frontage</i>	<i>Number of Signs Allowed</i>
1-300 feet	1
301-600 feet	2
601-900 feet	3
900 feet or greater	4

- ix. Internally illuminated signs must contain individual letters; panel or box signs may be used for center signs which include signage for three (3) or more tenants.
- x. Outlots of developments and individual tenants in multiple tenant structures shall not be permitted individual monument signs.

Deleted: multiple tenant

8. Changeable Copy Sign, See Figure 43.

- i. Changeable copy signage shall be allowed only when incorporated into a permanent sign structure as allowed by this ordinance.
- ii. Changeable copy signage area shall be counted towards the sign area allocation for the site.
- iii. Changeable copy signage shall not exceed more than twenty (20) percent of the total sign.

9. Scoreboards for public and private recreational facilities that provide for commercial or business advertising purposes shall be permitted provided (See Figure 44):

- i. Scoreboards shall be limited to sixty-five (65) square feet.
 - 1. If a facility has more than one (1) scoreboard, one (1) scoreboard may exceed the sixty-five (65) square foot restriction at the discretion of the Community Development Director.
- ii. All scoreboards that are illuminated or contain off-site sponsors must be positioned so as to not be visible outside the site.
- iii. Lighting of a scoreboard shall be permitted in a nonresidential district.
 - 1. Scoreboards shall not exceed 30 foot-candles when measured one (1) foot in front from the face of the scoreboard.

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10. Temporary Sign

- i. Any *sign* placed on utility poles, traffic lights, traffic signals, street *signs*, fire hydrants, trash receptacles, benches, *trees*, or other publicly-owned items will be removed by the Town.
- ii. Any permitted *temporary* and special event *sign* determined by the City to be a detriment to the public health, safety, and general welfare of the community will be removed by the City.
- iii. *Temporary* signage is prohibited in public *rights-of-way*.
- iv. *Temporary* signage shall not exceed one (1) banner per *tenant*.
- v. Banner shall not exceed thirty-two (32) square feet in size.
- vi. Banner shall be securely attached to a structure or rigid support device(s), such as poles, rods, stakes or fences.
- vii. *Temporary* signage shall be placed on the property on which the permitted use is being conducted.
- viii. *Temporary signs* shall not be *illuminated*.
- ix. *Temporary sign* permits shall be limited to a maximum of fifteen (15) consecutive calendar days per quarter.
- x. The allotted fifteen (15) consecutive calendar days per quarter may be divided into smaller, nonconsecutive segments, as granted by the Community Development Director or their designee.
- xi. Application must be made, and a *temporary sign* permit issued PRIOR to the display of *temporary* signage.
- xii. *Temporary sign* permits may be applied for at one time, for the calendar year or may be renewed on an as needed basis at the Community Development Department.

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H. Permits

After the effective date of adoption or amendment of this ordinance, and except as otherwise provided, no person shall erect any *sign* as defined herein without first obtaining a *sign* permit from the Community Development Department. The Community Development Department Director or their designee shall have the authority to review and decide upon all *sign* permit applications. *Signs* which shall not require a permit are listed under D. Exemptions, of this ordinance. Application for a permit shall be made in writing upon forms prescribed and approved by the Community Development Director.

- 1. One (1) copy of the application, plans and supplemental information shall be filed with the Community Development Department.
- 2. Application for a permit shall contain the following information:
 - i. Name, *address* and telephone number of the property owner, business owner and contractor.
 - ii. Site *address*.
 - iii. A site plan indicating the location of any *building(s)* and the location of the proposed *sign(s)*.
 - iv. A site plan indicating the location of any existing *sign(s)*.
 - v. Area, in square feet, of all proposed and existing *sign(s)*.

- vi. A true color rendering of the elevation of proposed *signs* including size, materials, color and dimensions.
 - vii. *Illumination* details for proposed *signs*, including the type of lighting, method of control and timing of *illumination*.
 - viii. Indication of proposed *sign(s)* type as defined in this Article.
 - ix. Written consent of the owner of the *building*, structure, or land on which the *sign* is to be erected if the applicant is not the owner.
 - x. *Temporary sign(s)* schedule of display including date and duration of display.
 - xi. Any other information necessary to support a through review of the project and as requested in writing by the Community Development Director or their designee.
3. Upon receipt of all necessary submissions the Community Development Department shall review the application for conformity with all requirements of this ordinance. The Community Development Department shall have ten (10) business days to review *sign* permit applications. A permit shall be issued by the Community Development Department for a *sign* that meets the requirements set forth in this Article.
 4. Permits shall not be transferred in any manner whatsoever if the *sign(s)* covered by the permit are altered. Should a *sign(s)* permit under review be altered, a new application and fees shall be submitted to the Community Development Department for review.
 - i. Changes requested by the City to bring a *sign* in compliance with this Article shall not constitute an alteration requiring a new application and fees.
 - ii. The following shall constitute an altered permit:
 1. Change in *sign* contractor.
 2. Change in business name.
 3. Change to or from non-*illuminated* to *illuminated*.
 4. Change in structure or mounting.
 5. A permit may be conditioned upon compliance with reasonable regulations or limitations having regard to the character of the *sign*, the surroundings in which it is to be displayed, and the purposes of this ordinance.
 6. A permit may be suspended by the Community Development Department Director or their designee for the following reasons:
 - i. Any provision of this ordinance is being violated.
 - ii. Any condition of the permit is not being observed.
 - iii. It is necessary to preserve or protect the public health, safety or general welfare.
 7. Permit fees shall be paid prior to the issuance of a *sign* permit.
 - i. Permit fees shall be assigned as directed by the Community Development Department Fee Schedule.
 - ii. Permit fees may be altered or amended by the City Council.

I. Appeals and Variances

1. The Board of Zoning Appeals shall have the power to hear and decide appeals resulting from the enforcement of this ordinance where it is alleged by the appellant that there is an error in any order, requirement, decision or determination made by the Community Development Director or any other administrative official. The Board of Zoning Appeals shall act in accordance with their Rules of Procedure.
2. A variance may be granted by the Board of Zoning Appeals only in cases involving practical difficulties or unnecessary hardships when the evidence supports all of the following affirmative findings:
 - i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - ii. The use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner.
 - iii. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.
3. If the Board of Zoning Appeals upholds the determination of the Community Development Director or their designee, the appellant must correct the violation and pay any outstanding fees and penalties within thirty (30) days of the decision by the Board of Zoning Appeals.

J. Violations and Penalties

1. When, in the opinion of the Community Development Department Director, a violation of this ordinance exists, the City shall issue a written notice to the alleged violator. If the violator desires to appeal the decision, a request for a hearing from the Board of Zoning Appeals shall be made within thirty (30) days. The written notice shall include:
 - i. Those specific sections of the ordinance which the individual has violated.
 - ii. A date for compliance which shall not exceed thirty (30) consecutive calendar days.
 - iii. A description of the specific violation, appeals process and enforcement provisions including penalties that may be assessed.
 - iv. A stop work order for any and all work on any *signs* on the site.
 - v. Notice of seeking an injunction or other restraint that requires the removal of the *sign* or correction of the nonconformity.
 - vi. Imposition of civil penalties in accordance with schedule outlined under Penalties in this section.
 - vii. Other remedies provided for or allowed by State law or other City Codes.
2. When in the opinion of the Community Development Director, a *sign* is determined to be abandoned or structurally, materially or electrically defective, or in any way

endangers the public, said Director or their designee shall issue a written order to the *sign* owner, property owner, and occupant of the premises stating the nature of the violation and requiring the *sign* to be repaired or removed within thirty (30) days of the date of order.

3. In cases of emergency, the Community Development Director may cause the immediate removal of a dangerous or defective *sign* without notice at the expense of the property owner. *Signs* removed in this manner must present a hazard to the public safety as provided in the City's Building Code.
4. Penalties
 - i. Any person who violates a provision of this ordinance or who fails to comply with any of the requirements thereof or who shall erect, construct, alter or repair a *sign* in violation of the ordinance shall be responsible for a municipal civil infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
 1. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction:
 - a. \$50 for the first day of violation.
 - b. \$100 for the second day of violation.
 - c. \$200 for the third day of violation.
 - d. \$400 a day each day thereafter that the violation continues plus costs and sanctions of each offense.
 - ii. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of the ordinance.

K. Amendments

1. All amendments to this ordinance shall be in conformance with State Statutes.

L. Validity

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

M. Adoption

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

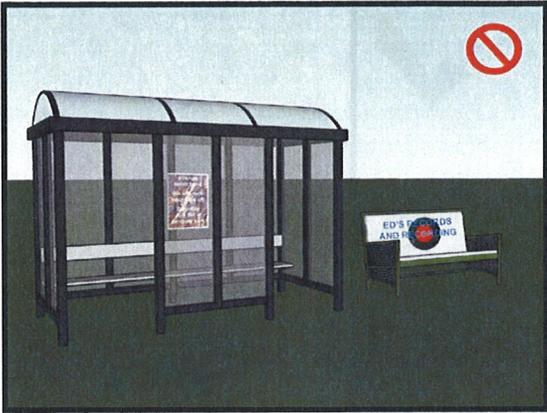


Figure 1

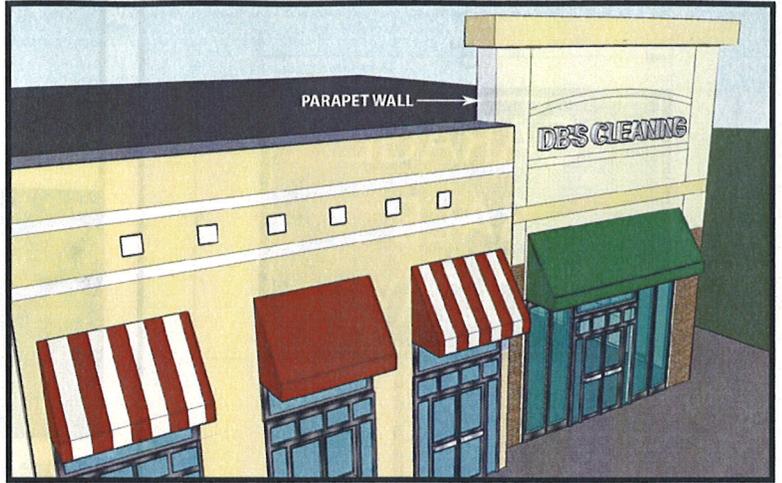


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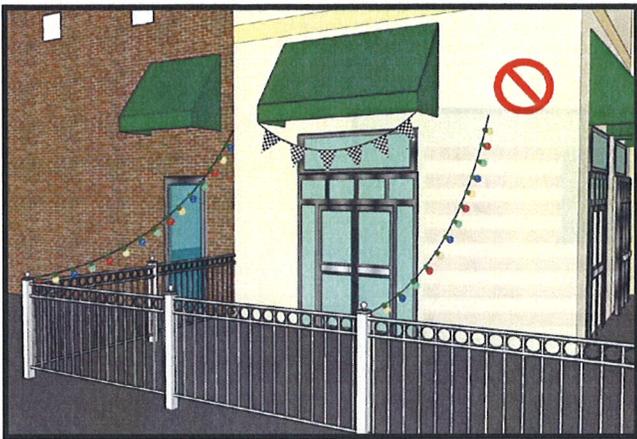


Figure 3



Figure 4



Figure 5



Figure 6

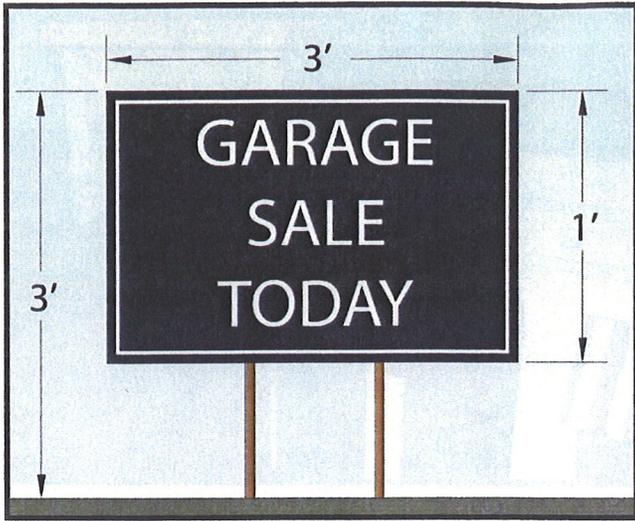


Figure 7



Figure 8

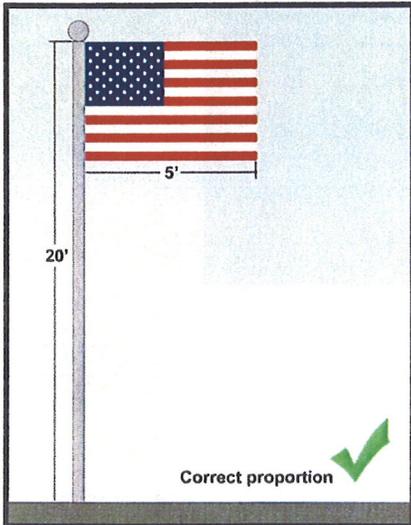


Figure 9

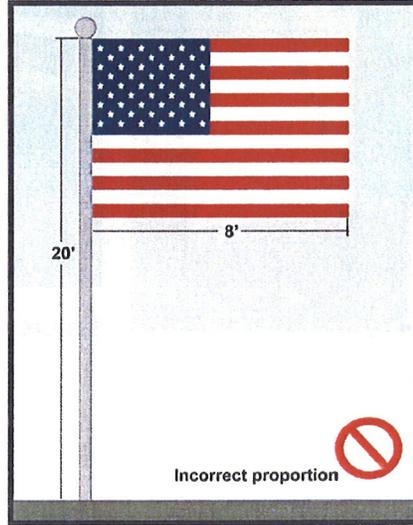


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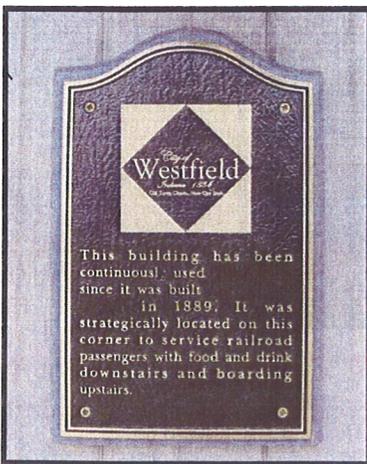


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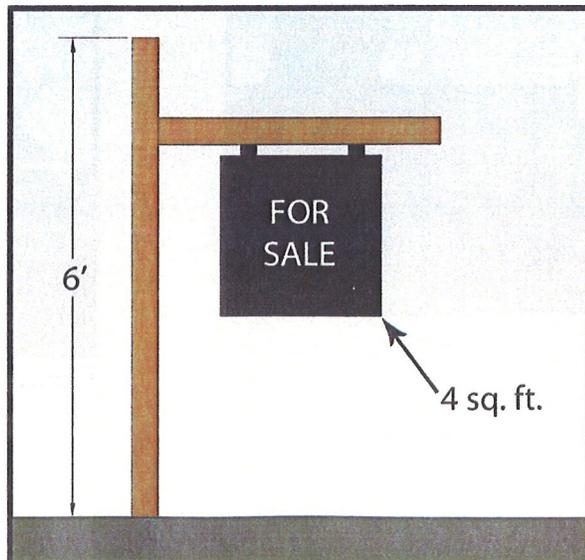


Figure 12



Figure 13

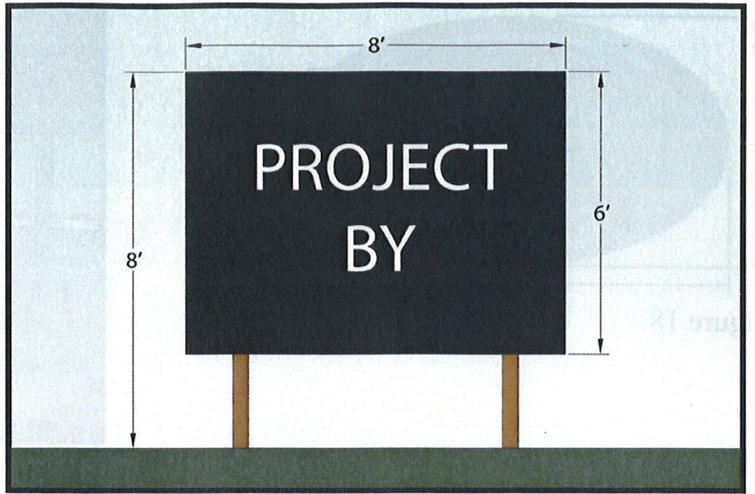


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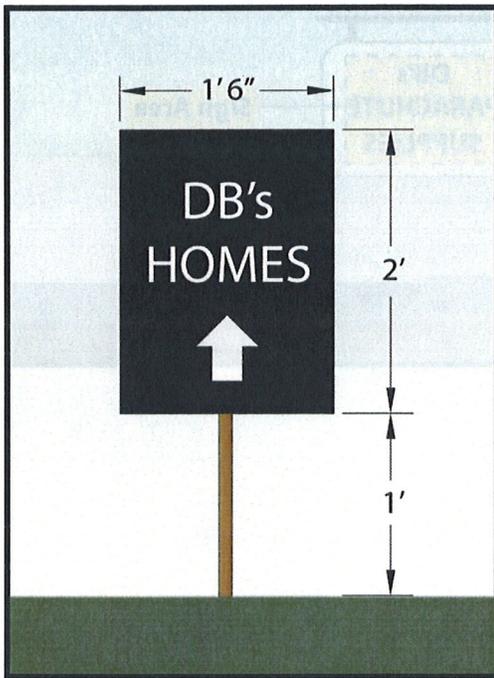


Figure 15



Figure 16

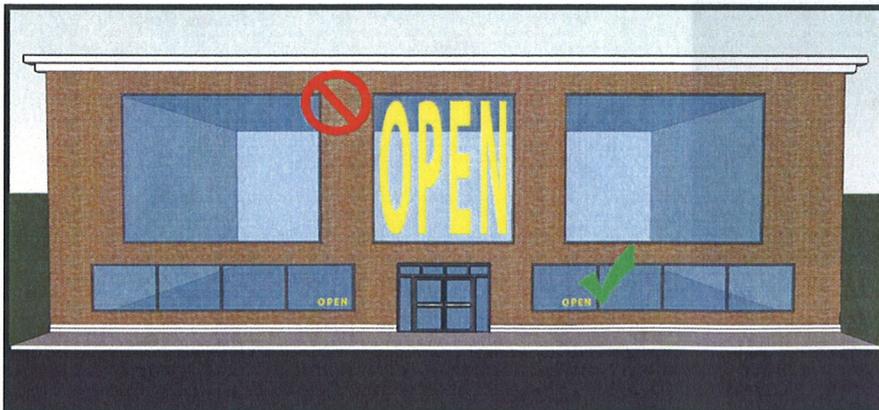


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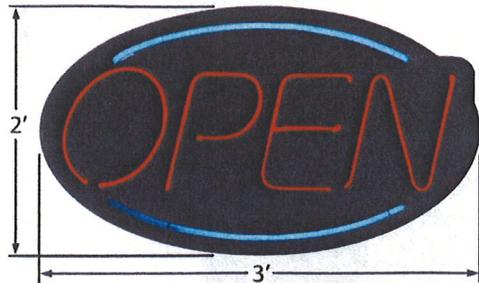


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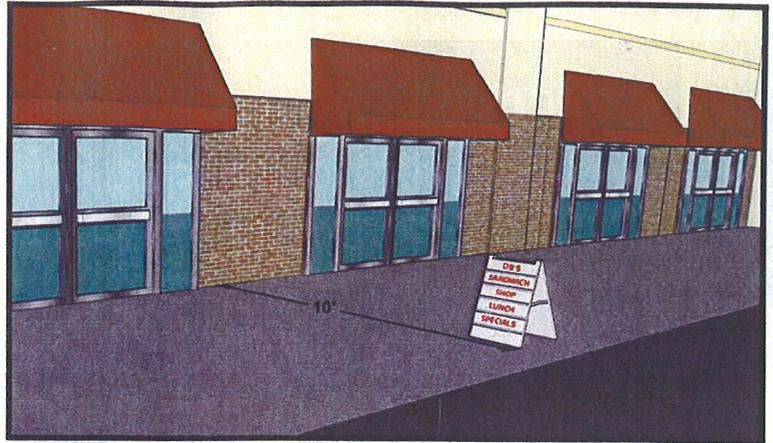


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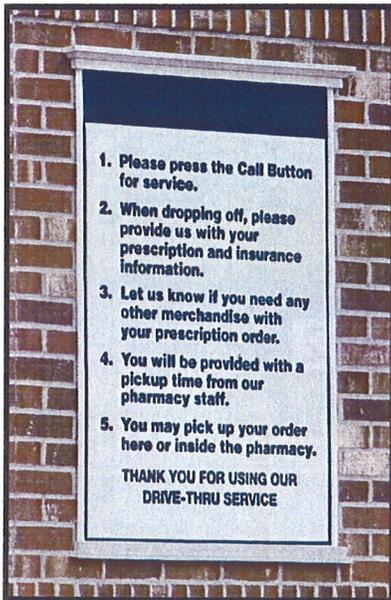


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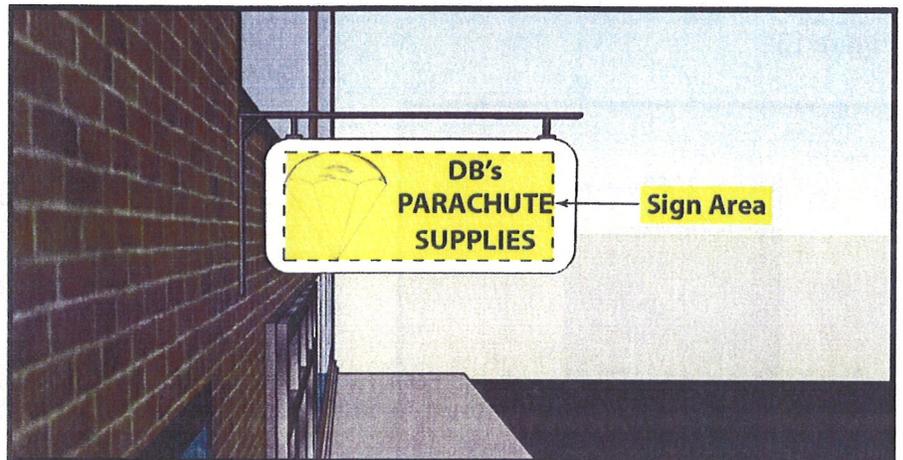


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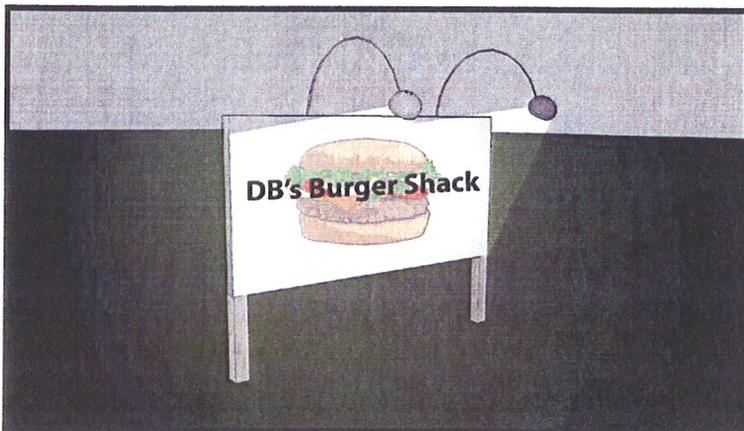


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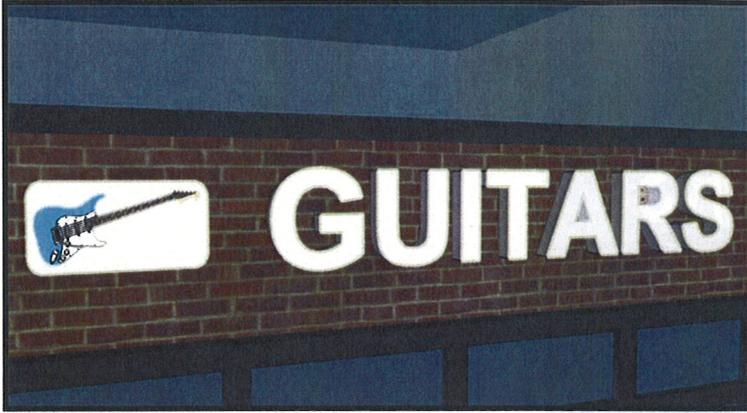


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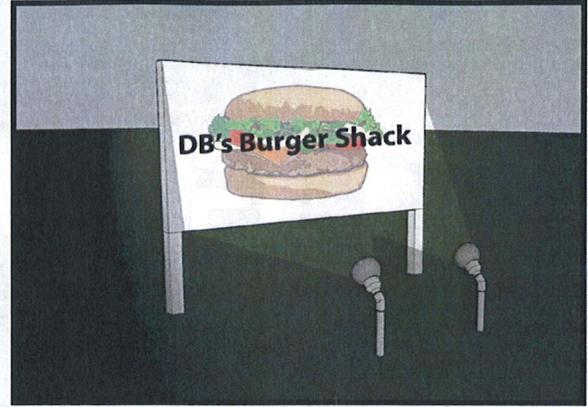


Figure 24



Figure 25

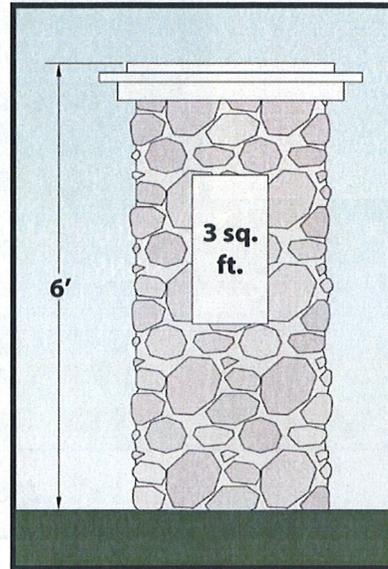


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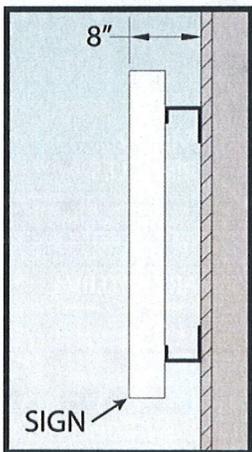


Figure 27



Figure 28

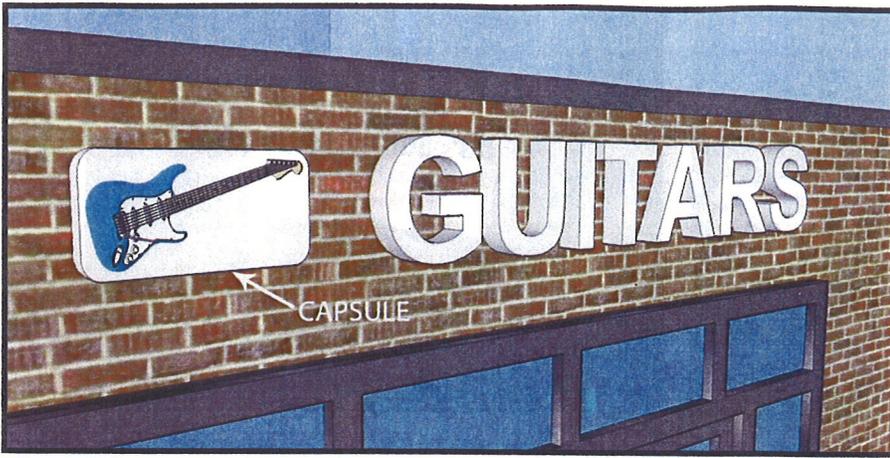


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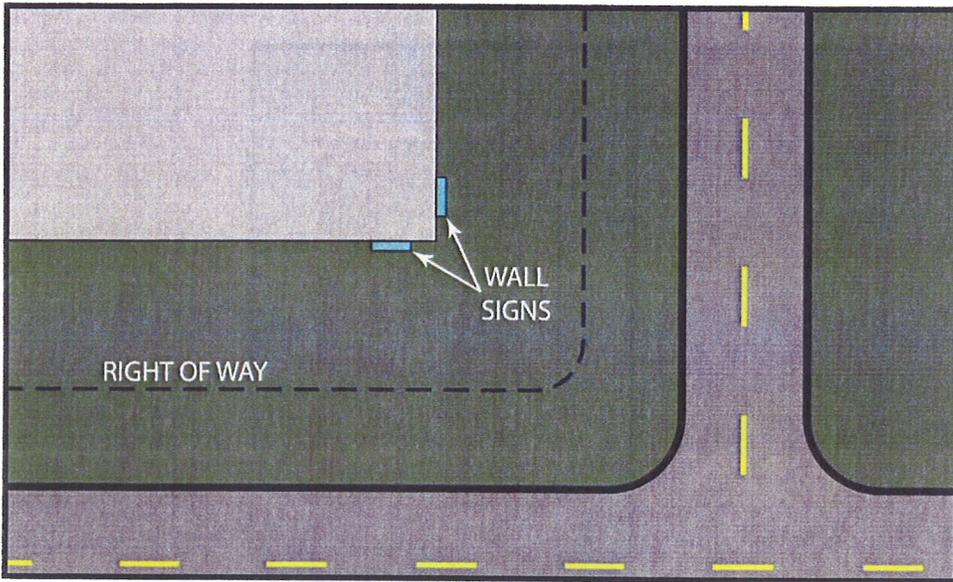


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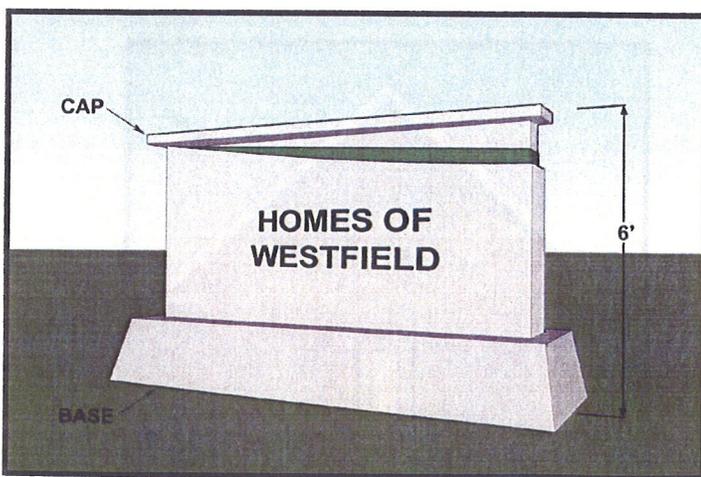


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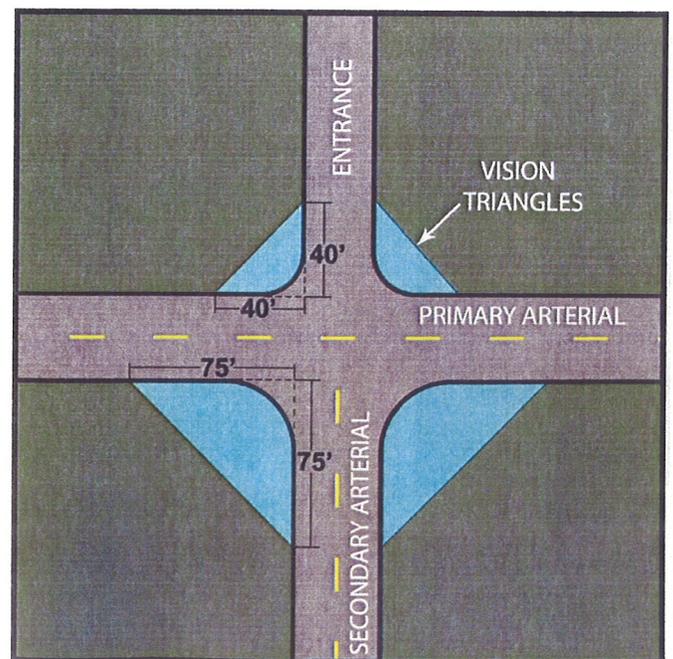


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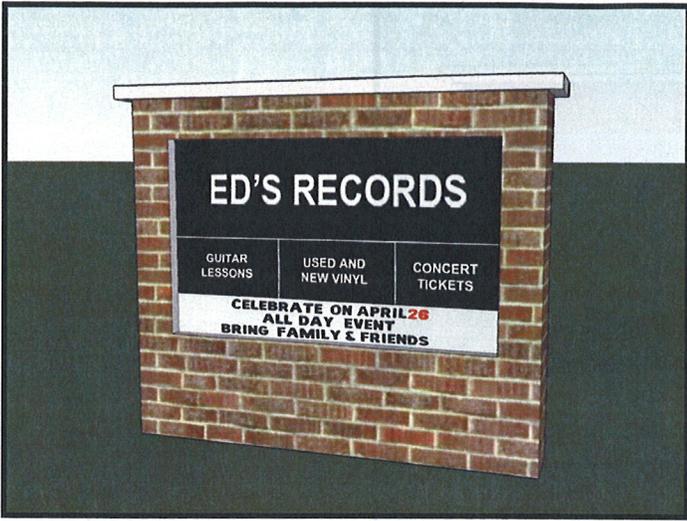


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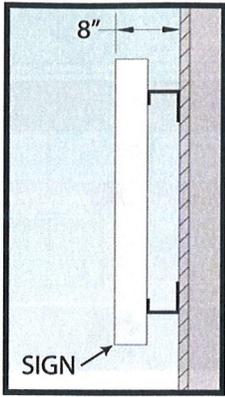


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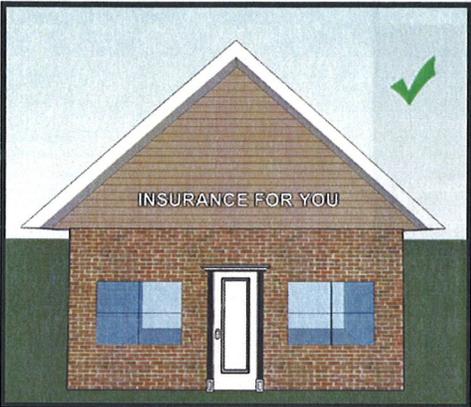


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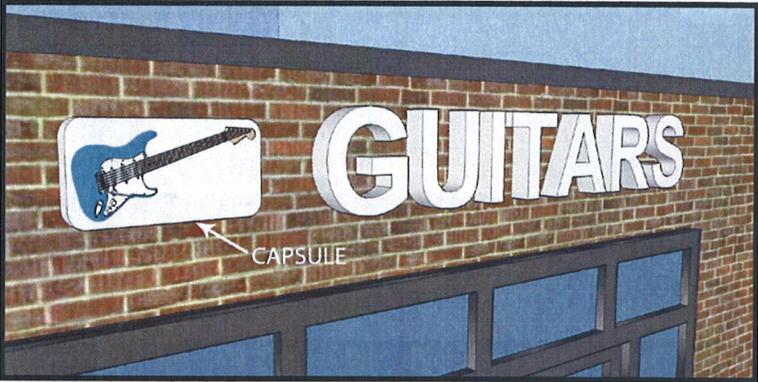


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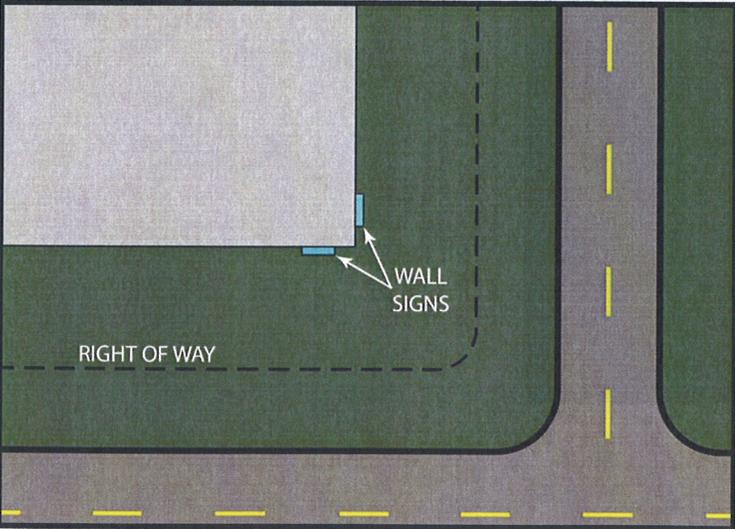


Figure 37



Figure 38

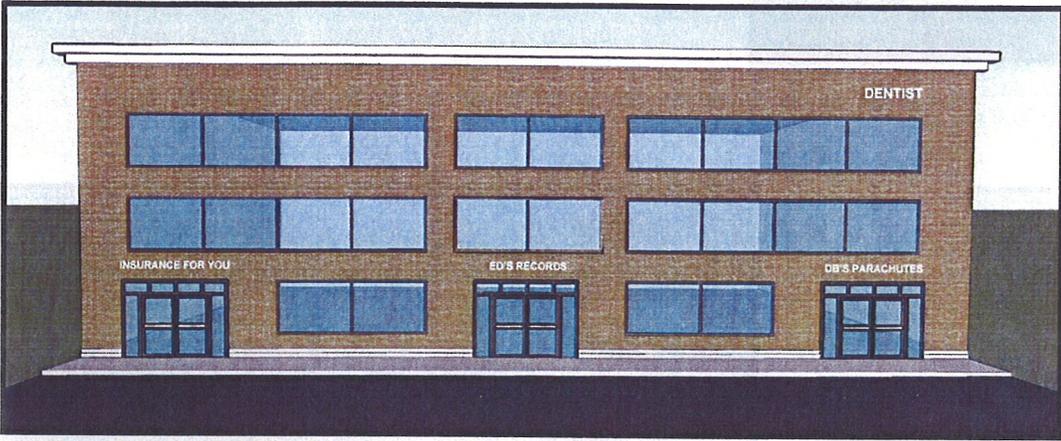


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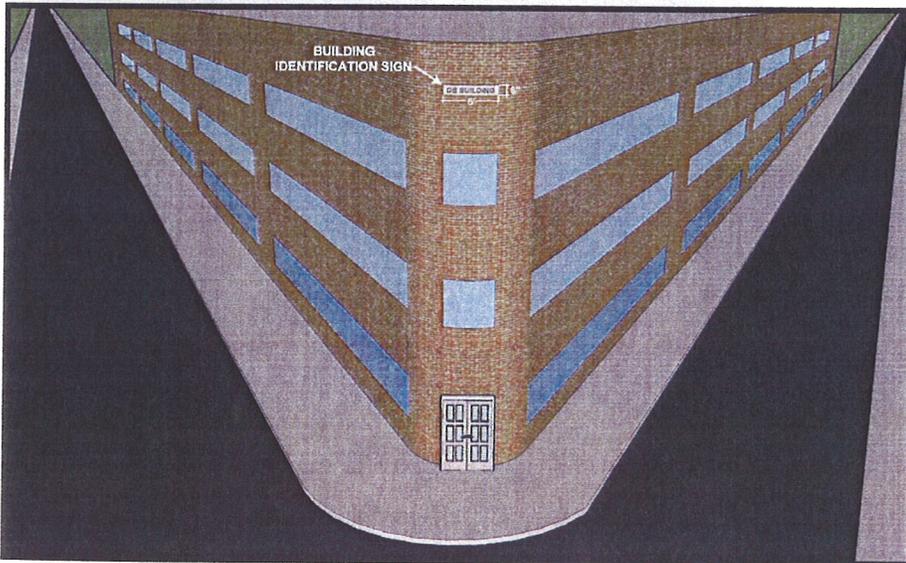


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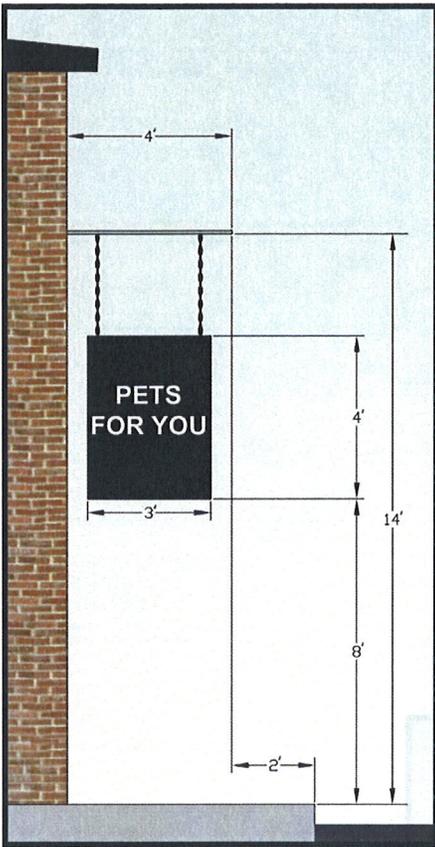


Figure 41



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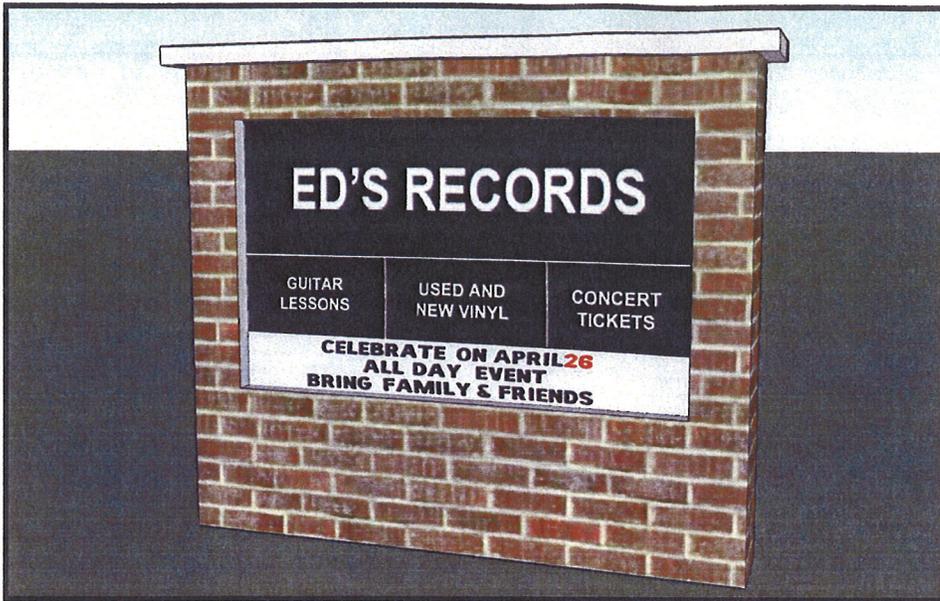


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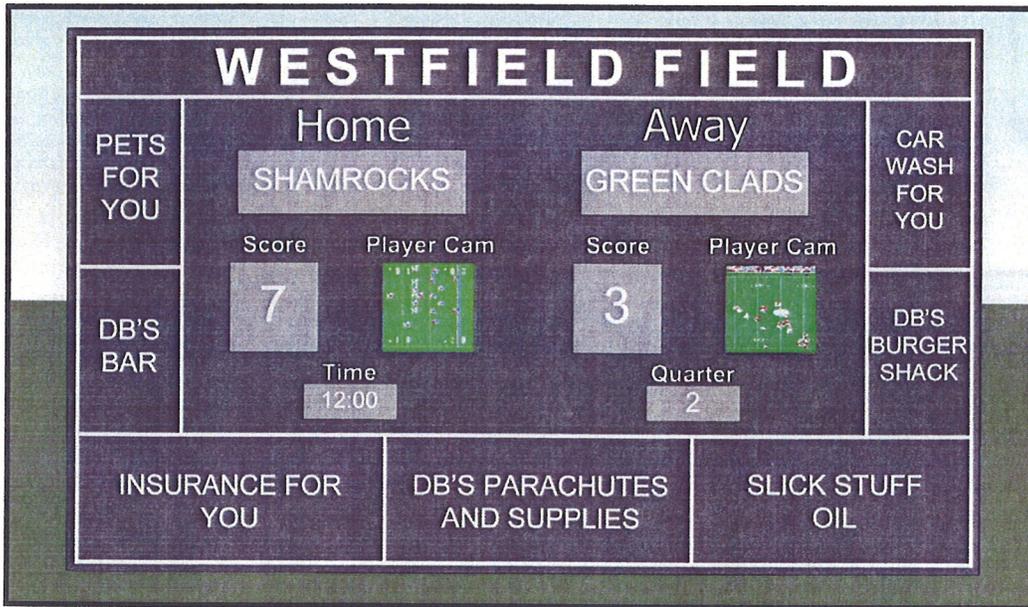


Figure 44

Exhibit “D”
WC 16.19.10 Nonconforming Signs

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission met on Monday, July 7, 2008, to consider a revision to the language of Section WC 16.10 Nonconforming Signs, of the Westfield-Washington Township Zoning Ordinance. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed revision is as follows:

0806-ZOA-09, WC 16.10 Nonconforming Signs Ordinance

A revision to the language of the Westfield-Washington Zoning Ordinance to provide updated nonconforming sign standards for the community

A motion was made and passed to send a positive recommendation to the City Council to approve the revision request for 0806-ZOA-09.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on July 7, 2008.



Gregory J. Anderson, AICP, Secretary

July 7, 2008

Date

Case No. 0806-ZOA-09
Petitioner City Staff
Description WC 16.10 Nonconforming Signs Ordinance
A revision to the language of the Westfield-Washington Zoning Ordinance to provide updated nonconforming sign standards for the community.

Miller reviewed the proposed ordinance revision and discussed changes made to the document.

A Public Hearing opened at 8:44 p.m.

No one spoke, and the Public Hearing closed at 8:45 p.m.

Motion: To send 0806-ZOA-09 to the City Council with a positive recommendation.

Motion by: Kelleher; Second by: Spractz; Vote: (8-0)

DRAFT

Nonconforming Signs
WC 16.19.10

A. Nonconforming Signs

If, at the effective date of adoption or amendment of this ordinance, a lawful *sign(s)* exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such *sign(s)* may be retained in use, so long as it remains otherwise lawful. Nothing in this ordinance shall be deemed to prevent the normal maintenance or repair of a nonconforming *sign*.

1. A nonconforming *sign*:
 - i. Shall not be changed to another type of *sign* which is not in compliance with this ordinance.
 - ii. Shall not be structurally altered in any way so as to prolong the life of the *sign* or to change the shape, size, type, face or design of the *sign*.
 - iii. Shall not be reestablished after the *sign* becomes an abandoned *sign*.
 - iv. *Signs* are considered abandoned when not in use for a period of three (3) months and shall be removed including all *sign* supports and associated structures.
 - v. Shall not be reestablished after damage or destruction if the estimated expense of the reconstruction exceeds fifty (50) percent of the appraised replacement cost, as determined by the City Council or their designee.
2. In no case shall the replacement of individual *tenant* name *panels* on a nonresidential *center sign* constitute the need to bring the nonresidential *center sign* into compliance with these *sign* regulations.
 - i. Replacement *panels* must be in conformance with this ordinance.

Exhibit “E”
WC 16.23 Definitions

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

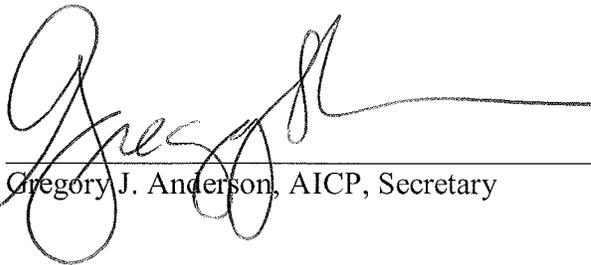
The Westfield-Washington Advisory Plan Commission met on Monday, July 7, 2008, to consider a revision of Section WC 16.23 Definitions, of the Westfield-Washington Township Zoning Ordinance. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed revision is as follows:

0806-ZOA-10 WC 16.23 Definitions

Revisions to former Section 16.04.210 Definitions of the Westfield-Washington Zoning Ordinance to accommodate new revisions and new location within said Zoning Ordinance

A motion was made and passed to send a positive recommendation to the City Council to approve the revision request for 0806-ZOA-10.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on July 7, 2008.



Gregory J. Anderson, AICP, Secretary

July 7, 2008

Date

Case No. 0806-ZOA-10
Petitioner City Staff
Description WC 16.23 Definitions
Revisions to former Section 16.04.210 Definitions of the Westfield-
Washington Zoning Ordinance to accommodate new revisions and new
location within said Zoning Ordinance.

Anderson reviewed the proposed ordinance revision, stating this is a living document which will change as the zoning ordinance is reviewed and revised. He further stated the definitions are taken from across the board and designed to fit the City of Westfield.

A Public Hearing opened at 8:46 p.m.

No one spoke, and the Public Hearing closed at 8:47 p.m.

Discussion:

- Degan stated some illustrations would be a nice addition.

Motion: To send 0806-ZOA-10 to the City Council with a positive recommendation.

Motion by: Kelleher; Second by: Emigh; Vote: (8-0)

WC 16.23 Definitions

Definitions - For the purpose of the Westfield - Washington Township Comprehensive Zoning Ordinance, certain terms and words shall be interpreted and defined as follows: words in the present tense include the future and vice-versa; the words in the singular number include the plural number and vice-versa; the word “building” includes the word “structure” and vice-versa; the word “shall” is mandatory and not directory.

Abutting - Bordering

Access Way – A paved area intended to provide ingress and egress of vehicular traffic from public rights-of-way to off-street parking areas.

Accessory Building - A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use and is under the same ownership. Accessory buildings must be subordinate in height, width, length and bulk to principal building. Buildings which are portable and do not have permanent foundations are also classified as Accessory Buildings but are not subject to improvement location permits.

Active Recreation – Any program or facility that provides physical exertion as a means of exercise or enjoyable relaxation. Examples of active recreation include, but are not limited to: field sports (softball, soccer), court games (basketball, volleyball), designated trail facilities, etc.

Address – The number or other designation assigned to a housing unit, business establishment, or other structure for purposes of mail delivery, emergency services and so forth.

Adjacent – lying near, close or contiguous; adjoining; neighboring.

Aggregate Lot Area – The sum of all land acreage within a given development (i.e., planned developments, planned business districts, local retail districts) including outlots.

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

Airport - A use devoted to the take-off, landing and storing of and servicing aircraft.

Alley - A permanent right-of-way which provides a secondary means of access to abutting lands.

Alley Line - A lot line bordering on an alley.

Alternative Transportation Plan - A plan which illustrates bicycle paths, walking paths, and sidewalks throughout and around a geographic area. Westfield's Alternative Transportation Plan is part of the Hamilton County Thoroughfare Plan which has been adopted by reference by the City of Westfield.

Deleted: Town

Apartment - A building or portion thereof designed for or occupied by more than two families. Also a multi-family dwelling.

Art Studios - The conducting of one or more of the following activities: painting, sculpturing, jewelry making, weaving or other similar function defined as a fine art.

Deleted: e

Assisted Living Facilities – A facility for persons having such disabilities as to require assistance with daily living tasks. Such facilities contains four or more dwelling units and/or rooming units; provide a combination of housing, support services, personalized assistance, and health care; and responds to the individual needs of persons who need assistance with the activities of daily living, but do not require 24-hour skilled medical care.

Banner - Banner means any hanging sign possessing characters, letters, illustrations or ornamentations which are designed or intended to convey any identification, message or information other than an address number and which are applied to paper, plastic or fabric of any kind. This classification shall not include plastic or fabric signs which are permanently attached within a rigid frame which are intended to be used as a permanent sign. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of this chapter.

Basement - A story having part, but not more than one-half, of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes.

Beauty Shop - The providing of beauty culture services to members of the general public as the result of being properly licensed and inspected.

Block - A unit or property bounded by streets, or by streets and/or railroad right-of-way, waterways, or other barriers.

Block Frontage - Property having frontage on one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, waterway or other barrier.

Board - The Westfield-Washington Township Board of Zoning Appeals.

Boarding House - A building where meals are regularly served for compensation for three or more persons, but not exceeding 12 persons, not open to transients, in contradistinction to hotels and restaurants open to transients.

Bona fide – In or with good faith; honestly, openly, and sincerely; without deceit or fraud; in the attitude of trust and confidence.

Buffer Yard – A buffer yard is a unit of yard together with the planting thereon. They should physically separate and visually screen different zoning districts from one another without precluding connectivity between uses.

Buffering – The use of landscaping, berms, walls, or decorative fences to at least partially screen views of structures from streets or neighboring properties. Buffering is typically required to screen vehicular use areas, parking lots, and other visually obtrusive features of development from view.

Building - A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or other property.

Building Area - The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, porches without roofs not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

Building Commissioner - The official designated by the Westfield City Council, authorized to enforce the Westfield - Washington Township Comprehensive Zoning Ordinance and the Westfield - Washington Township Building Code.

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Building, Detached - A building having no structural connection with another building.

Building Elevation – The exterior perimeter surface of a building.

Building Facade – The side of a structure that abuts the front yard.

Building, Front Line of - The line of the face of the building nearest the front lot line.

Building, Height of - The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Chimneys, elevators, tanks, and other similar structures shall not be included in calculating heights.

Building Line (Building Setback Line) - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line as defined by the legal description.

Building, Multiple Tenant – A structure as defined above having multiple occupants who lease, rent or otherwise occupy space within a structure.

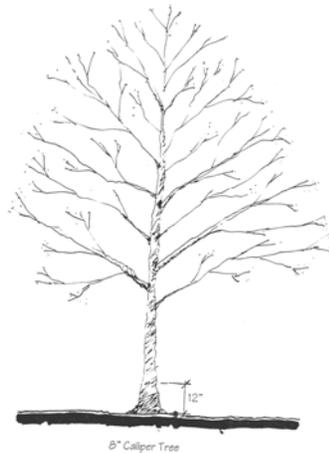
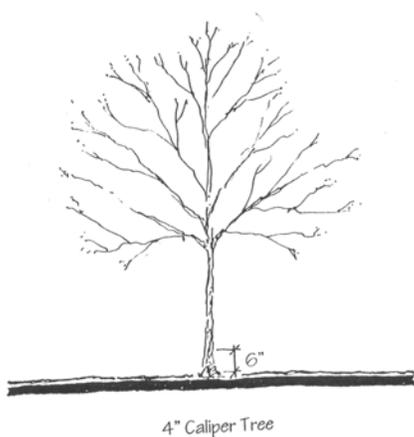
Building Permit - A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of the Westfield Building Code. The Building

Permit is part of the Improvement Location Permit. The Westfield Building Code is administered for all of Washington Township under an inter-local agreement with Hamilton County.

Building, Principal - A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

Business - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Caliper – A standard trunk diameter measurement for trees. Caliper measurements are taken six inches above the finished grade for trees with a diameter of four inches or less, and twelve inches above the finished grade for larger sizes.



Campgrounds, Public - A parcel of land used or intended to be used for temporary occupancy by campers, or for temporary occupancy by or of recreational vehicles, travel trailers, mobile homes, tents, cabins, or other temporary accommodations.

Canopy – A rigid roof-like cover intended and used for the purpose of sheltering persons from weather, finished with metal or other material, extending from and supported by a building at one or more points and by columns or posts imbedded in the ground at other points.

Carnival/Festival - Carnival/Festival means a temporary and transportable activity, bazaar, or fair which celebrates or promotes a special occasion and may include but not be limited to any combination of crafts, exhibits, entertainment, games, rides, and display of items for sale or purchase.

Cellar - A story having more than one-half of its height below the average grade of the adjoining ground. (See Basement)

Cemetery - Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy - A certificate signed by the Building Commissioner stating that a given structure has passed all appropriate inspections and is approved for occupancy as established in this ordinance.

Church - A building set aside only for public worship.

City - The City of Westfield, Indiana.

City Sponsored Event – An event endorsed by the City Council through resolution or Mayoral Proclamation.

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Clear Vision Triangle – An area of each lot near any street intersection, commercial driveway, or common access easement which shall remain clear of obstructions between three (3) and twelve (12) feet high to ensure safe sight distance for motorists.

Clergyman, Lawyer, Architect or Accountant - Professional services conducted in the home requiring no support services except as may be provided by other members living in the dwelling.

Climbing (Play) Element – Playground equipment that requires or promotes the use of hands and/or feet to allow children to raise themselves from one level to another.

Club - Buildings and facilities owned or operated by a person for social, educational, or recreational purposes, but not primarily for profit or to render a service which is customarily carried on as a business.

Cluster Housing - Dwelling units having their own ground floor entrances and open space, and joined to other dwelling units by a common party wall or other horizontally unifying structural element.

Collector - Collector streets take traffic from local streets, carry it over short distances, and distribute it to primary or secondary arterials. (80 feet right-of-way)

Commercial Farm Enterprise - An operation or use inherent to or closely associated with a farm or agriculture, such as the buying, selling or distribution of livestock or farm or agricultural products or products essential to farm operation; but not including industrial grain elevators, industrial mills, abattoirs, commercial hatcheries and poultry processing plants, the manufacture of commercial fertilizers and similar enterprises which are of an industrial nature.

Commission - The Westfield-Washington Township Plan Commission.

Condominium - One or more structures, each structure having two or more dwelling units or other units for occupancy and wherein provisions have been made for separate ownership of each individual dwelling unit of occupancy unit. A type of ownership.

Conservation Easement – An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition retaining such areas as suitable habitat for fish, plants, wildlife, or maintaining existing land uses.

Contingent Use - A use which is likely or liable but not certain to occur and which is not inappropriate to the principal uses of the district in which it may be located. Contingent uses are listed as permitted uses in each district.

Critical Root Zone (CRZ) – A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for trees to remain healthy. The critical root zone is calculated at one foot of radial distance per inch of tree caliper, with a minimum of eight feet.



Cul-de-loop - A street that turns into and reconnects with its main axis, with the center or island used for parking or open space purposes.

Cul-de-sac (court or dead end street) - A street having one end open and being permanently terminated at the other by a vehicle turn-around.

Cut-off fixtures, eighty-five degree - Eighty-five (85) degree cutoff fixtures means those fixtures that do not allow light to escape above an eight-five (85) degree angle measured from a vertical line from the center of the lamp extended to the ground.

Cut-off fixtures, full - Full cut-off fixtures means those fixtures that are designed or shielded in such a manner that all light emitted by a fixture is projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Decibel - A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

Deciduous – A plant with foliage that is completely shed annually in early to mid autumn.

District - A section of land area within Washington Township, Hamilton County for which regulations governing building height, building size, intensity of land use, etc. are established in the Westfield-Washington Township Comprehensive Zoning Ordinance.

Dressmaking - Alterations or the making of men's or women's clothing.

Detention Pond – An area constructed as a dry basin. The area provides temporary floodwater storage during a storm event. These areas can provide multipurpose uses such as recreational areas and open space. Subsurface drainage is needed on poorly and somewhat poorly drained soils to prevent marshland.

Development Amenities – Neighborhood features that provide comfort, convenience, pleasure, and increased quality of life within developments. Development amenities may include, but are not limited to clubhouses, gyms, swimming pools, tennis courts, basketball courts, ball-fields (soccer, football, etc.), walking/jogging/biking trails, picnic/barbecue group areas, playgrounds, volleyball courts, and racquetball courts.

Dripline – A vertical line extending perpendicularly from the ground to the outermost edges of a tree canopy or shrub branches.

Driveway - A private road which provides access to a lot, or to a use located on such lot, from a public way.

Dwelling - A building or portion thereof on a permanent foundation, used primarily as a place of abode for one or more human beings, but not any facility normally providing housing for a period of under 30 days.

Dwelling, Detached - A dwelling unit which does not share a common wall with any other dwelling and is surrounded on all sides by open space located on the same lot.

Dwelling, Duplex – A building designed for or occupied by two family units, living independently of each other in individual dwelling units.

Dwelling, Efficiency Unit – A dwelling unit consisting of one principal room, including sanitary, cooking, living, sleeping facilities, and/or dining alcove.

Dwelling, Multi-family – A building designed for or occupied by three or more family units, living independently of each other in individual dwelling units. Multi-family dwellings include apartments, row houses, group homes, dormitories, etc.

Dwelling, Quadraplex – A building designed for or occupied by four family units, living independently of each other in individual dwelling units.

Dwelling, Single-family – A building designed for or occupied by one family unit.

Dwelling, Triplex – A building designed for or occupied by three family units, living independently of each other in individual dwelling units.

Dwelling, Townhouse – A one-family dwelling unit with a private entrance, which is part of a larger structure whose dwelling units are attached in a linear arrangement. Townhomes possess totally exposed front and rear walls, used for access, light, and ventilation.

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

Easement - Land which has been designated by lawful agreement between the owner or owners of land and a person or persons for a specified use only by such person or persons.

Eave – The overhanging lower edge of a roof.

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

Elevation – An orthographic projection of an object or structure on a vertical picture plane.

Evergreen – Coniferous or broad-leaved plants whose leaves remain throughout the year and are continually dropping and being replaced by new springtime growth.

Evergreen Screen – A plant or plants growing to a specified height that retains foliage throughout the year, which is planted to provide a dense vegetative screen for purposes of visual obstruction (see *Vegetative Screen*).

Expressway - An Expressway is an arterial highway for through traffic, whose main purpose is to move traffic rather than to provide access to individual properties. An

Expressway is a divided highway with full or partial control of access and a limited number of at-grade intersections. (right-of-way width varies)

Family - One or more persons occupying a building and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nursing home, fraternity or sorority house.

Fenestration – Windows, doors and other exterior openings of a building.

Fiber cement siding - is not a masonry product. Fiber cement siding is a mix of Portland cement, ground sand, cellulose fiber and various additives mixed with water and manufactured into a siding material.

Final Plat - Final plans of single family residential developments as set forth in WC 16.04.220

Floodplain - Any floodplain, floodway or floodway fringe district or combination thereof as illustrated on the Flood Boundary and Floodway map as prepared by the Federal Insurance Administration.

Floor Area, Gross Ground - The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level exclusive of open porches, breezeways, terraces, garages and exterior stairways.

Floor Area, Total - The total area computed on a horizontal plane inclusive of basements, cellars, attached garages, and screened or enclosed porches, but exclusive of exterior entryways and attics.

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

Front building elevation – The elevation of a structure oriented toward the public right-of-way on which the structure is addressed.

Front Façade - The wall that contains the primary public entrance for the tenant space

Frontage – The area between a structure and public right of way.

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

Gabled Roof – A roof sloping downward in two parts from a central ridge, so as to form a triangular portion of wall enclosing the pitched roof from cornice or eaves to the ridge at each end.

Garage, Private - An accessory building or attached area with capacity for not more than four motor vehicles per family nor more than 850 square feet.

Garage, Public - Any building, except those defined herein as a private garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

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

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

Green Belt Space - That portion of land of a sub-division, multi-family, commercial or industrial development that is set aside as a screening area, parks, wetlands, public pathways or nature preserves. This term may include abandoned railroad rights-of-way, but does not include road medians, water retention areas, swimming pools, tennis courts, golf courses and similar recreational facilities, and any area included in individual lots in a residential subdivision.

Groundcover – Ornamental plants growing less than two feet in height at maturity, used as an alternative to grasses.

Gutter -The edge part of a street where curbs are provided that carry stormwater runoff to its destination.

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

Home Occupations Permitted - A gainful occupation or profession conducted by a member of a family residing on the premises and where the business or profession is conducted within the building and is listed as a permitted home occupation in the district involved:

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

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

Hotel - A building in which lodging is provided and offered to the public for compensation and which is open to transient guests in contradistinction to a boarding or lodging house.

Illumination – To supply or brighten with light.

Improvement Location Permit - A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of the Westfield - Washington Township Comprehensive Zoning Ordinance.

Improvements – Any building, structure, parking facility, fence, gate, wall, work of art, underground utility service, land disturbing activity, or other object constituting a physical alteration of real property, or any part of such alteration (see *Land Disturbing Activity*).

In-line Tenant - Any tenant within a multi-tenant building where each individual tenant has an exterior store front and patron entrance.

Industrial Park - A single structure or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.

Interested Parties - Those persons who are to be notified by mail of a public hearing, or other action; namely, (1) the applicant or developer of the subject property; and (2) all fee simple owners (executive officer or board of governmental owner) of real property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or developer) or one-eighth (1/8) of a mile, whichever is less, but not less than two properties, in all directions from the subject property. Where the applicant or developer of the subject property has a direct or indirect financial or other interest within (2) ownerships or one-eighth (1/8) of a mile, then notice must extend beyond that direct or indirect financial or other interest as if that interest was part of the subject property. If such real property consists of “common areas” that are owned and/or maintained by a property owners’ association, then the association rather than the individual association owners shall be deemed the “interested party” for the purposes of notice, unless, additionally, the Director orders that certain individual owners be provided with notice as interested parties. The identities of interested parties shall be determined from the following sources: (1) the application; (2) the Auditor’s Plat Books for the county in which the interested party property lies; and (3) the Auditor’s Transfer Books for the county in which the interested party property lies.

Junk Yard - Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used

motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

Jurisdiction of the Plan Commission - All of Washington Township, Hamilton County.

Kennel - Any lot on which four or more dogs, or small animals, at least four months of age are kept.

Lamp - Lamp means a component of a luminaire that produces light. A lamp includes a bulb and its housing.

Land Disturbing Activity – Any man-made change of land surface area, including clearing, cutting, excavating, filling, grading, or any other activity that alters land topography or vegetative cover. This does not include agricultural land uses such as planting, growing, cultivating, harvesting, or gardening.

Land Use Plan - A plan which defines a PCD's geographic boundaries, planned uses and their locations. This plan may include the following uses: recreational facilities, open/green space, rights-of-way, parking, multi-family, single family, and commercial.

Landscaping – The improvement of a lot, parcel, or tract of land with a combination of living plants such as grasses, shrubs, trees, and/or other plant materials and nonliving materials such as rocks, mulch, walls, fences, and/or ornamental objects designed and arranged to produce an aesthetically pleasing effect.

Landscaping Plan - A plan which illustrates all details, cross-sections, rights-of-way, easements, property lines, plant materials and sizes, and slope information of all proposed mounds. (see WC 16.04.100 4 - Landscaping)

Light emitting diode (LED) - Light emitting diode means a semiconductor device that emits visible light when an electric current passes through it.

Light, festoon – *See Sign, festoon*

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

Light, incandescent – Light produced by a filament heated to a high temperature by electric current.

Light, mercury vapor – A high intensity discharge where light is produced by ultraviolet radiation from mercury vapors.

Light, metal halide – A high intensity discharge where light is produced by ultraviolet radiation from metal halide vapors.

Light pollution - Light pollution means general sky glow which is caused by the scattering of artificial light in the atmosphere, caused by luminaries.

Light trespass - Light trespass means light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

Lighting Plan - A plan depicting proposed design and materials of light fixtures, location of lighting, and directional focus of lights.

Linear Footage, Wall - The horizontal length of a building wall. Linear footage shall be measured as the horizontal distance between building corners, regardless if the building wall is convex, concave, or has projecting or inset portions.

Livestock - Animals and especially farm animals, raised for use, profit or enjoyment including horses, ponies, cattle, sheep, goats and other similar domesticated animals.

Loading and Unloading Berths - The off-street area required for the receipt or distribution by vehicles of materials or merchandise, which in this Ordinance is held to be a 12 by 45 foot loading space with a 14 foot height clearance.

Local Road or Street - Local Roads or Streets take traffic from collector streets and distribute the traffic through subdivisions, neighborhoods and business areas to individual homes, apartments, business sites, and industrial sites. (50 feet right-of-way)

Lodging House - A building where lodging only is provided for compensation to three or more, but not exceeding 12 persons, not open to transients, in contradistinction to a hotel which is open to transients.

Lot - A land area with a properly recorded legal description, accessible by means of a street.

Lot, Corner - A lot at the junction of and abutting two or more intersecting streets.

Lot, Depth of - The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

Lot, Interior - A lot other than a corner lot or through lot.

Lot Line, Front - In the case of an interior lot, a line separating a lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of a lot from the street, except in the case where deed restrictions specify another right-of-way line as the front lot line.

Lot Line, Rear - A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangle-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side - Any lot boundary line not a front lot line or a rear lot line.

Lot of Record - A lot which is part of a subdivision, the map of which has been recorded in the office of the Hamilton County Recorder, or a parcel of land, the deed to which has been recorded in the office of the Hamilton County Recorder prior to the date of passage of this Ordinance.

Lot, Reversed Interior - An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

Lot, Through - A lot having frontage on two parallel or approximately parallel streets.

Lot, Width - The dimension of a lot, measured between side lot lines on the building line.

Louver – A fixed or movable slat used for admitting or restricting air and light, shielding an object from rain or allowing the escape of smoke.

Lumen. Lumen means a unit of measurement of luminous flux. One foot-candle is one lumen per square foot.

Luminaire - Luminaire means a complete lighting system, and includes the lamp or lamps and a fixture.

Luminance - Luminance means a level of light measured at a point on a surface.

Mail Order Business - The receiving of goods or materials through the mail such as magazines, catalog sales, etc., where the goods or materials are not inventoried on the premises of the dwelling.

Maintenance, Landscaping – The pruning, mulching, mowing, spraying, fertilizing, propping, bracing, treating for disease or injury, snow removal, and other similar activities which promote the life, growth, health and beauty of landscape vegetation.

Manufactured Home - A dwelling unit designed and built in a factory after January 1, 1981, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq).

Manufactured Home Park - An area of land of not less than five acres which complies with the minimum standards for a mobile home park as established by ordinance, and which is to primarily harbor mobile homes.

Master Plan - The complete plan or any of its parts for the development of the City of Westfield and other land in Washington Township prepared by the Westfield - Washington Township Plan Commission and adopted in accordance with IC 36-7, General Assembly of Indiana, as is now or may hereafter be in effect.

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Material Recycling Facilitates (MRFs) - A business or governmental unit that collects, separates, or otherwise processes solid waste secondary materials for which there is a generally accepted market for such products.

Mobile Home - A mobile home is a vehicle which is used as a dwelling, is factory assembled, is transportable, is intended for year around occupancy, exceeds 35 feet in length, and is designed either for transportation on the public highways or for temporary or permanent placement on a foundation on a lot or mobile home park.

Motel - A building or a detached building used as dwelling units containing bedroom, bathroom and closet space, and each unit having convenient access to a parking space for the use of the unit’s occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients.

Mural – A graphic permanently displayed on the exterior of a building generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco or mosaic that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, copyright or other commercial message.

Natural Areas – An area possessing one or more of the following environmental characteristics: steep slopes; flood plain; soils classified as having high water tables; soils that are subject to erosion; land incapable of meeting percolation requirements; riparian corridors; mature stands of native vegetation; aquifer recharge and discharge areas; wetlands and wetland transition areas; and significant wildlife habitats (see *Riparian Corridor; Vegetation, Native; Wildlife Habitat, Significant*).

Negative Space – the illusory space between the branching and foliage perceived as sky or background

Non-conforming Use - The lawful use of land or a building or a portion thereof, which uses does not conform to the use regulations of the district in which it is located.

Nonresidential Use, Individual - Individual nonresidential use means any building or combination of buildings with a single tenant or occupant. An individual nonresidential use shall not be considered a component of a large or small nonresidential center.

Nursing Home - A facility licensed by the State Board of Health, which (1) provides nursing services on a continuing basis; (2) admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; (3) provides for licensed physicians services or supervision; (4) maintains medical records. Such facility

Deleted: Nonresidential Center, Large - Large nonresidential center means any building or combination of buildings with more than one occupant or business, in which the total gross square footage of floor area exceeds one hundred thousand (100,000) square feet of gross floor area. A large nonresidential center may include one or more outlots.¶
 ¶
Nonresidential Center, Medium - Medium nonresidential center means any building or combination of buildings with more than one occupant or a business, in which the total gross square footage of floor area is equal to or greater than twenty-five thousand (25,000) square feet but does not exceed one hundred (100,000) thousand square feet of gross floor area. A small nonresidential center may include one or more outlots.¶
 ¶
Nonresidential Center, Small - Small nonresidential center means any building or combination of buildings with more than one occupant or a business, in which the total gross square footage of floor area is less than twenty-five thousand (25,000) square feet. A small nonresidential center may include one or more outlots.¶

may also provide other and similar medical or health service provided that no occupant requires physical restraint within the facility. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

Octave Band - A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bands.

Octave Band Analyzer - An electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bands.

Opaque - Opaque means that the material must not transmit light from an internal illumination source.

Open/Green Space - Unimproved, commonly owned areas of a subdivision, multi-family, commercial or industrial development such as: parks, public pathways, railroad rights-of-way, water retention areas, screening buffers, etc. This term does not include road medians, swimming pools, tennis courts, golf courses, or any active recreational facilities.

Outlot - Outlot means a lot of record in a subdivision, nonresidential center or planned unit development which is adjacent to a (public or private) street, roadway or frontage road and is intended for an additional and separate building or buildings within a development.

Outside Sales Display, Permanent – Merchandise placed outside of commercial structures for sustained periods of time, involving the storage of merchandise items outside during hours that business is not being conducted. Permanent outside sales displays must receive site development plan approval prior to their construction, creation, or improvement.

Outside Sales Display, Temporary – Merchandise placed outside of commercial structures only during business hours for the purpose of temporary sales or special sales events.

Outside Storage – Materials or equipment placed outside of structures except: those associated with temporary outside sales displays; materials being used in new building construction; construction refuse to be disposed of within fifteen (15) days; or permanent outside sales display areas that have received site development plan approval.

Overhead (Play) Element – Playground equipment that requires or promotes climbing or swinging by allowing hand over hand motion.

Parapet – A low wall at the edge of a terrace, balcony, or roof especially that part of an exterior wall, fire wall, or party wall that rises above the roof.

Park - A public space and supporting facilities designed and used for a variety of recreational activities, a greater part of which take place outside of any structure.

Parking Area, Public - An open area, other than a right-of-way, designed or used for parking more than 4 motor vehicles which complies with WC 16.04.120.

Parking Lot Planting Areas – Areas within and adjacent to parking areas where trees, shrubs, and groundcovers are required to be planted in order to shade and improve the aesthetic qualities of parking facilities and to avoid the creation of large, unbroken expanses of pavement.

Parking Space - An area designed or used for parking a motor vehicle which complies with WC 16.04.120.

Passive Recreation – Any program or facility that provides opportunities for relaxation or enjoyment, which does not require physical exertion (i.e., wildlife viewing, photography, nature observation).

Patron entrance – A pedestrian entrance intended to be used by the public that provides public access into a building or structure.

Person - A corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

Photometric Plan – a drawing showing the proposed lighting for a site with the luminance levels over an iso foot-candle diagram.

Planned Business Development - A comprehensive development of land for serving the needs of business and the general public. Such development will take into consideration various physical requirements which are outlined by ordinance. Shopping centers are common examples of a Planned Business Development.

Plat - A map or chart indicating the subdivision of land, intended to be filed for record.

Play Equipment, Detached – Components of a play apparatus which are separated from each other and from a main play structure. Examples include sand diggers, swings, spring toys, and talk tubes.

Play Panels – Movable or stationary play elements which provide a wide range of solo or social, and active or passive activities. Play panels may be attached to play structures or free standing. Examples include tic-tac-toe, “character” pieces, games, and mazes.

Preliminary Plat - Initial plans of single family residential developments as set forth in WC 16.04.220

Premises - Premises means a lot, parcel, tract or plot of land together with the buildings and structures thereon.

Primary Arterial - A Primary Arterial carries both local traffic and regional traffic, links various communities, and moves traffic to and from major traffic generators. Primary Arterials carry both intermediate and long distance traffic, utilizing traffic control devices to facilitate traffic flow within developed areas. Regulations of the number of curb cuts is often necessary. (120 feet right-of-way)

Primary Green Space Areas – Unbuildable land including wetlands and land generally inundated with water (e.g., land under ponds, lakes, creeks); floodway and floodway fringe areas within the 100 year floodplain as identified on official FEMA maps; and land under permanent easement prohibiting future development. Primary green space areas do not include retention and detention areas.

Private School - Private, preschool, primary, grade, high or preparatory school or academy.

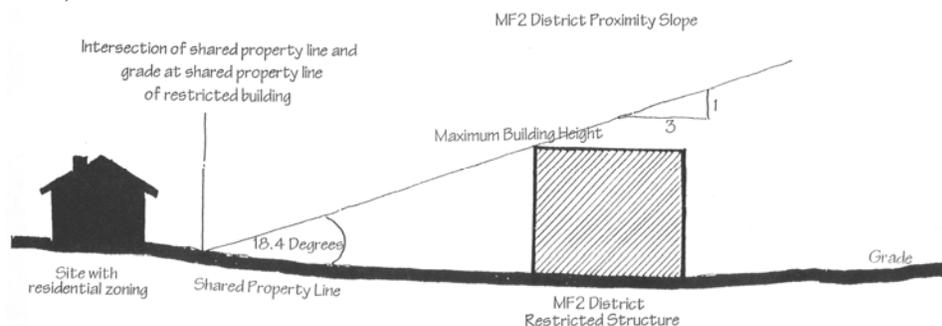
Private Street - A right-of-way not dedicated or accepted by the City of Westfield for maintenance and repair responsibilities.

Deleted: Town

Professional Office - Office of a member or members of a recognized profession as defined by the United States Bureau of the Census.

Professional Office Center - An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and shall conform to the standards and requirements of this Chapter.

Proximity Slope – A plane projected upward and outward from the property line at a specific angle or slope. The angle or slope is projected from the line formed by the intersection of the vertical plane extending up from the shared property line and the grade at the shared property line of the restricted building or structure (see MF2 example below).



Prune – To remove dead or living parts from plants so as to increase fruit or flower production, to improve plant health, or to improve plant form (approved pruning methods are set forth in National Arborist Association Standards by the National Arborist Association.

Public Sewer System - A sanitary sewer system owned and operated by a governmental unit or by a private business which provides service to residents and business and industry as opposed to an individually owned septic sewer system.

Public Utility Installations - The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions, or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by public utility or municipal departments, commissions, or common carriers, for the public health or safety or general welfare.

Recreational Facility - Active recreational structures such as: swimming pools, tennis courts, basketball courts, tennis courts, pavilions, picnic areas, etc.

Recreational Vehicle - Any boat, boat trailer, trailer, camping trailer, travel trailer, pick-up, coach, motor home or other unit built or mounted on a vehicle or chassis, without permanent foundation, which may legally be driven or towed by a motor vehicle on a public right-of-way.

Recycling Collector System - A commercial container utilized to collect one or more types of recyclable materials. Does not include semi-trailers or single containers utilized by a commercial establishment conducting another business and located in or adjacent to the commercial facility.

Repair, Service or Refurbishing of Equipment and Parts - The conducting of repairs or renovation to small appliances, tools, furniture, electrical equipment such as saw sharpening and vacuum cleaner repair, TV or stereo or other similar activities.

Retention Pond – Ponds that have a normal pool (water) level and a designated capacity for additional temporary flood water storage during a storm event. They therefore have water in them all of the time.

Reverse channel letters – Individually mounted letters for a sign that create a halo effect when the sign is illuminate through back-lighting.

Right-of-way - legally established property designated for transportation uses.

Ringelmann Number - The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in

Deleted: Pylon Sign – A sign constructed upon the ground on a solid foundation with the sign surface resting directly on top of such foundation. Pylon signs are intended for business identification purposes for multiple entities.¶

the U.S. Bureau of Mines information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke, or Ringelmann 0.

Riparian Corridor – The strip of land lying along the sides of natural or man-made bodies of water. Such land is often located within floodplains and covered by dense vegetation. The term “riparian corridor” is usually associated with land adjacent to river and stream corridors, but it is also applicable to land adjacent to lakes and ponds.

Roof line – The outline of a roof.

Scoreboard – A sign in a ballpark, sports arena, or the like, that shows the score of a contest and often other relevant facts and figures of the contest being played on the field for which the sign is directed.

Screen – Plants, berms, fences, walls, or any appropriate combination thereof used to visually obscure aesthetically unpleasing features of development or to reduce noise pollution.

Secondary Arterial - Secondary Arterials are intended to collect and distribute traffic to Primary Arterials. Secondary Arterials provide access to specific traffic designations, allow easy movement from one neighborhood to another, and provide cross-town traffic movement. Secondary Arterials serve small traffic generating sources, such as community oriented commercial areas, schools, major recreation areas, and other similar land uses. (90 feet right-of-way)

Secondary Green Space Areas – Land required to be designated as green space area by zoning regulations that would otherwise be buildable under local, state, and federal regulations. Secondary green space areas may include parks, public pathways, railroad rights-of-way, utility easements (if accessible and safe), water detention areas, and screening buffers. Secondary green space areas do not include retention areas, parking areas, road rights-of-way, or active recreational facilities/areas.

Shield - Shield means any attachment, which interrupts and blocks the path of light emitted from a luminaire or fixture.

Shielded, fully - Fully shielded means that a bulb is not visible within a shielded fixture and no light is emitted from the top or sides of the fixture. All light emitted from a fixture is projected downward below a horizontal plane running through the lowest point of a fixture where light is emitted.

Shopping Center - A grouping of retail stores, designed to serve neighborhoods and/or communities which conforms to the requirements of this ordinance

Shopping Center-Gross Leaseable Area - Gross leasable area of a shopping center shall mean the square footage of that space within the building or buildings comprising the

shopping center which is primarily designed for leasing to or occupancy by tenants or other occupants who trade with the public, but shall not include public areas, administrative area, entrances, general utility area, corridors and like common area even though a portion of such areas may be utilized or leased on a temporary or permanent basis.

Shrub – A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

Shrubs, Dense – shrubs possessing extremely well developed branching systems, heavily clothed with foliage, with minimal negative space (see *Negative Space*).

Sign – Any object, device, display, or structure consisting of any letter, numeral, figure, character, mark, point, plane, design, poster, pictorial, pictures, stroke, stripe, line, trademarks, reading matter or illuminating device; constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the sign shall be used for the attraction of the public to any place subject, person, public performance, event, article, machine or merchandise whatsoever and displayed in any manner whatsoever for recognized advertising purposes.. ▼

Deleted: Sign means any display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number.

Sign area - Sign area means the entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.

Sign awning - Awning sign means any advertising or display located on any non-rigid material that extends from the exterior wall of a building and is supported by or attached to a frame.

Sign, billboard – A structure for the display of off-premise advertisements in a public place or alongside highways.

Sign, box, capsule or panel – An internally illuminated sign enclosed within a cabinet or cover encompassing the sign.

Sign, building identification – A sign identifying a pedestrian access to a structure that does not include any tenant information.

Sign, center – A sign advertising more than one occupant or business from a single or a combination of buildings. ▼

Deleted: Center sign means advertising used to identify a nonresidential center, which may include individual tenant advertising.

Sign, changeable copy – A portion of a sign with characters, letters, or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign.

Sign, construction - A sign directing attention to construction upon a property where the sign is displayed, and bearing the name, address, or other identifier of the contractor, subcontractor, architect and/or development team.

Sign, directional - A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes but is not limited to "enter," "exit," and "arrow" signs.

Sign, directory – A sign attached to a building or freestanding which identifies the business, owner, address or occupation of a group of businesses, but contains no advertising.

Sign, festoon – A sign using incandescent light bulbs, banners, pennants or other such features that are hung overhead and are not an integral, physical part of the building or structure they are intended to serve.

Deleted: Sign, entrance - Entrance sign means those signs located at nonresidential centers which identify points of ingress and egress into a nonresidential center.¶

Sign, flashing - Flashing sign means any illuminated sign which exhibits changing light or color effects.

Sign, garage sale – A sign located in a residential district advertising the resale of personal property that has been used by the resident overseeing the sale.

Sign, ground floor in-line tenant – Wall or awning sign for any tenant at grade level within a multi-tenant building where each individual tenant has an exterior store front and patron entrance.

Sign, illuminated - A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, inflatable – A sign that is expanded to its full dimension or supported by gases contained within the sign or sign parts, at a pressure greater than the atmospheric pressure.

Sign, informational – A sign that provides a service, direction or courtesy information intended to assist the public and is not displayed for the general purpose of advertising products or services.

Sign, lawful nonconforming - Lawful nonconforming sign means any sign lawfully existing at the time of the enactment of any provision of this zoning ordinance, or any amendment thereto, with which the sign does not comply.

Sign, mascot - Any person, animal or statuary dressed in any fashion positioned, standing, dancing, attracting, or in some way directing traffic with the purpose of advertising a business.

Sign, menu board – A permanently mounted sign displaying the bill of fare for a drive-thru restaurant.

Sign, monument - A sign which is either supported by a base with an aggregate width of at least seventy-five (75) percent of the total horizontal width of the sign.

Deleted: Monument sign means a
Deleted: and is in excess of six (6) feet in height

Sign, nonresidential – A sign displayed in a nonresidential district.

Sign, off-premise - A sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

Sign, open house – A sign directing traffic to residential developments under construction or individual units for sale.

Sign, painted wall – A sign containing any words, numerals, or business, product service, or entertainment logo painted directly on any outside wall or roof of any building or structure.

Sign plan – A graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular parcel.

Sign, pole - A sign supported by one (1) or more upright poles, columns, or braces constructed with or without a concrete foundation not attached to any building or structure having at least six (6) feet between the bottom of the sign face and the established grade.

Deleted: Pole sign means a sign which is supported by one or more poles, posts, or braces upon the ground, in excess of six (6) feet in height, not attached to or supported by any building

Sign, portable – A sign, of a temporary nature, not anchored to the ground or to a building or structure, including any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, service, event or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.

Sign, projecting - A sign attached to a building or other structure and extending more than eight (8) inches beyond the building face.

Deleted: . Projecting sign means any sign attached to a building or wall and extending laterally more than eighteen (18) inches from the face of a wall

Sign, real estate - Real estate sign means a sign announcing the sale, rental, or lease of real property on the lot or within the development site on which the sign is displayed, and identifying the owner, realty agent, contact information or "open house" information.

Deleted: telephone numbers

Sign, regulatory – A sign that complies with the Indiana Manual of Uniform Traffic Control Devices to direct traffic flow, regulate traffic operations and provide information.

Sign, residential – A sign displayed in a residential district.

Deleted: complex or subdivision -
Deleted: Residential complex or subdivision sign means a sign containing the name of a residential complex or subdivision, with or without its accompanying address.

Sign, sandwich board - An “A” frame sign for display in front of a business or at a homeowner’s association subdivision entrance for the specific purpose of advertising an event or sale.

Sign, second floor tenant – Wall or awning sign for any tenant within a multi-tenant building where that portion of a building included between the floor surface above the ground floor and the surface of the next floor above.

Sign, special event – A sign used for temporary events (See also temporary sign).

Sign, subdivision entrance – A sign located at the entrance of a subdivision from an arterial (primary or secondary) or collector street.

Sign, subdivision transition – A sign located at the entrance of a subdivision from a local street.

Sign, temporary – A non-permanent sign intended for a limited time of display.

Sign, transom window – A building identification sign located within a transom window, identifying a pedestrian access to a structure that does not include any tenant information.

Sign, under canopy – A sign placed under a canopy or roof overhang to direct patron traffic to the store entrance.

Sign, upper floor tenant – Wall or awning sign for any tenant within a multi-tenant building where that portion of a building included between the floor surface and the surface of any floor above, starting above the second story.

Sign, vehicle – A sign that is painted or attached to a vehicle, trailer or other similar device and parked or placed primarily for advertising purposes.

Sign, video display – A display having the elements of television as in a program or a script pertaining to the reception of an image with or without audio.

Sign, wall - Wall sign means a sign attached to and/or integral with an exterior wall or window surface of a building, the face of which is parallel to the surface.

Sign, window – Any sign or display that is visible from the exterior of any building window.

Signage, multi-story multi-tenant – the combination of ground floor in-line tenant signs and upper floor tenant signs on a multi-story multi-tenant structure.

Signage, two-story multi-tenant – the combination of ground floor in-line tenant signs and second floor tenant signs on a two-story multi-tenant structure.

Site Development Plan - A drawing, including a legal description of property involved, which shows the existing and proposed location and size of the following: all buildings, structures and yards; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said property; location of all adjacent and adjoining streets, service facilities, and other improvements such as planting areas (see Landscaping Plan).

Sliding (Play) Element – Playground equipment that allows movement from a higher to a lower level, usually along a smooth surface.

Smoke Unit - The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

Special Exceptions - Uses publicly or municipally operated and those used traditionally affected with a public interest and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.

Story - That portion of a building included between the surface of any floor and the surface of any floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

Story, Half - That portion of a building under a sloping gable, hip or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half-story.

Street - For the purposes of the Westfield - Washington Township Comprehensive Zoning Ordinance, the word “street” means a right-of-way designated for use by motor vehicles.

Structural Alternation - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any other substantial change in the exterior walls or the roof.

Structure - Anything constructed or erected which requires location on the ground or attachment of something having location on the ground.

Structure, multi-story multi tenant – a commercial building that has, or has the appearance of, no less than three (3) stories in height. The building shall have more than one occupant or tenant.

Structure, two-story multi-tenant – a commercial building that has, or has the appearance of, no more and no less than two (2) stories in height. The building shall have more than one occupant or tenant.

Subdivider - Any person engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this Ordinance.

Subdivision - A division of land into two or more parcels, sites or lots any one of which is less than five acres in area for the purpose of immediate or future transfer or ownership. The improvement of one or more parcels, sites or lots for residential, commercial or industrial structures involving the allocation of land for streets or easements for use of occupants or leaseholders and the extension and maintenance of public sewers, water or drainage shall be considered as a subdivision, provided, however, the division of land into parcels, sites or lots of more than five acres not involving any new streets or easements of access or the sale or exchange of any parcel, site or lot between adjoining property owners where such sale is not for the declared purpose of additional building sites shall not be considered, for the purpose of this ordinance, as a subdivision. Provide, further, that the division of land of not less than three acres along an existing road or street for the purpose of erecting a single family residence that does not require public sewers or water shall not be considered a subdivision.

Swimming Pool, Private - A swimming pool used only by the owners of the pool and friends as an accessory use at a private residence.

Teaching - The providing of tutoring assistance to individual students as well as the offering of private lessons in music, art or other areas of the fine arts.

Temporary Event(s) or Use – Any temporary event or use held outside of a permanent structure on property owned or leased by the person, group, organization, firm or business. Events may be held on abutting property with permission from the property owners.

Temporary Structure - A movable tent-like or trailer type of enclosure intended to provide protection from the elements or to act as a temporary office. Such enclosures must meet all setback requirements.

Deleted: which maybe established for a period of not more than 10 consecutive calendar days and not to exceed a period of time totaling 30 days within a calendar year.

Tenant – A person, company, or organization who occupies land or a building for a fixed time, usually through a lease agreement with the property owner.

Tenant, ground floor in-line – A tenant located on the first floor of a multi-tenant building, other than a cellar or basement where each individual tenant has an exterior store front and patron entrance.

Tenant, second floor – A tenant located where that portion of a building included between the floor surface above the designated ground floor and the surface of the next designated floor above.

Tenant, upper floor – A tenant located where that portion of a building included between the designated floor surface and the surface of any floor above, starting above the designated second story.

Thoroughfare - Public right-of-way

Thoroughfare Plan - The Hamilton County Thoroughfare Plan adopted by reference by the City of Westfield which sets forth the location, classification, and other information pertaining to existing and proposed streets in Washington Township. This Plan illustrates the legally established goals and objectives of the City of Westfield as they pertain to public rights-of-way.

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Topped – A method of pruning a tree whereby the vertical leader stems of the tree are removed.

Tourist Home - A building in which one but not more than five rooms are used to provide or offer overnight accommodations to transient guest for compensation.

Township - Washington Township, Hamilton County, Indiana.

Deleted: Town - The Town of Westfield, Indiana.¶

Transom window – A window above the cross piece separating a door or doorway from a window.

Tree – A large, woody plant having one or several self-supporting stems or trunks and numerous branches.

Tree, Ornamental – A small to medium sized tree, growing approximately 15 feet to 40 feet in height at maturity, planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

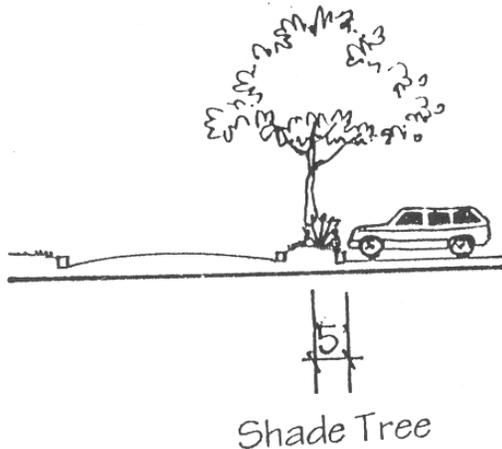


Ornamental Tree

Tree Protection – Measures taken to protect existing trees from damage or loss during and after construction, such as installing temporary fencing, maintaining existing grades within the dripline, and the use of tree wells (see *Tree Protection Area*).

Tree Protection Area – The area within the dripline of trees identified for preservation (see *Dripline*).

Tree, Shade – A large tree growing to over forty (40) feet in height at maturity, usually deciduous and planted to provide canopy cover shade (see *Deciduous*).



Tree Specimen, Significant – A tree noted for some desirable characteristic, such as flower, fruit, size, value to wildlife, uniqueness, or position in the landscape.

Tree, Street – A tree planted along the street right-of-way.

Tree Well – A retaining wall or structure that preserves the existing grade and growing conditions within the dripline of existing trees (see *Dripline*).

Trees, Dense – trees possessing extremely well developed branching systems, heavily clothed with foliage, with minimal negative space (see *Negative Space*).

Typing and Other Office Services - Office services such as report preparation, addressing envelopes, preparation of billings and other related office type services.

Upland Buffer – Land located within a riparian corridor (see *Riparian Corridor*).

Use - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Variance - A modification of the specific requirements of this Ordinance granted by the Board in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

Vegetation, Native – Any plant species that is indigenous to all or part of Hamilton County, Indiana. Native vegetation does not include plant species that have been introduced by man.

Vehicle – any means in or by which someone travels or something is carried or conveyed; a means of conveyance or transport.

Vegetative Screen – A visual barrier of vegetation with dense foliage used to block aesthetically intrusive land uses from view (see *Screen*).

Vibration - Oscillatory motion transmitted through the ground.

Vines – A woody plant that has a spreading pattern of growth typically used on the ground, on walls, and on trellises.

Wildlife Habitat, Significant – A geographic area which provides food, shelter, nesting sites, territory, and protection for important animal, insect, and/or plant species.

Wireless Communication Service Facilities - Antennas or antenna support structures for private or commercial mobile radio communications, broadcast radio or television; and associated equipment buildings, broadcasting studios, or radio or television business offices.

Yard - A space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided by this ordinance.

Yard, Front - A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the front lot line and the building line

Yard, Rear - A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30 percent of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

Yard, Side - A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally at 90 with the side lot line, from the nearest part of the principal building, except in cases where irregular or pie shaped lots are located, then the width of the required side yard shall be an average of the

Deleted: Vision Clearance on Corner Lots - A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet along each of the street property lines equidistant from the intersection of the property lines of the property lines extended, at the corner of the lot.¶

width of the area between the side lot line and the principal building measured horizontally at 90 with the side lot line.

Yard Width and Depth - The shortest horizontal distance from a lot line to the main building.

Exhibit “F”

WC 16.22.05 Temporary Uses, Events, Buildings and Structures

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

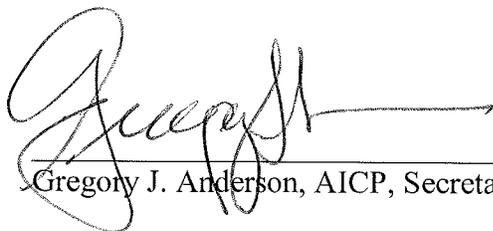
The Westfield-Washington Advisory Plan Commission met on Monday, July 21, 2008, to consider a new Ordinance section, Temporary Sales / Events of the Westfield-Washington Township Zoning Ordinance. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed section is as follows:

0807-ZOA-11, Temporary Sales / Events

A new section of the Zoning Ordinance to provide for Temporary Sales and Events

A motion was made and passed to send a positive recommendation to the City Council to approve 0807-ZOA-11.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on July 21, 2008.



Gregory J. Anderson, AICP, Secretary

July 24, 2008

Date

Case No. 0807-ZOA-11
Petitioner City Staff
Description Temporary Sales / Events
A new section of the Zoning Ordinance to provide for Temporary Sales and Events.

Anderson reviewed the proposed ordinance stating this is a new ordinance so there is no history. He further stated inspections on such events would be completed by the Community Development Department, the Fire Department and the Police Department.

A Public Hearing opened at 7:26 p.m.

Mr. Mic Mead expressed concern about sidewalk sales and the sidewalks being blocked.

The Public Hearing closed at 8:47 p.m.

Discussion followed regarding:

- Kelleher asked various questions regarding time limits, parking, landscaping, etc.
- Spoljaric stated she is troubled by the possibility of a commercial user with a parking lot next to a residential district holding a temporary event and there being nothing prohibiting them from bringing in large trucks and parking them.

Motion: To send 0807-ZOA-11 to the City Council with a positive recommendation.

Motion by: Stokes; Second by: Degnan; Vote: (7-0)

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WC 16.22.5 *Temporary Uses, Events, Structures and Buildings*

A. Purpose and Intent

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

B. Exemptions

1. Events hosted on an individual homeowner’s parcel including but not limited to garage sales, estate sales, private parties.

C. Standards for Temporary Event/Uses

The review of temporary events, uses or buildings shall be reviewed in accordance with the following standards:

1. General Standards

- i. A proposed temporary event or use shall be located on a parcel with a permitted principle building or on a vacant parcel when the minimum required setbacks for the district are met.
 1. Temporary event/use shall be incidental to the principal permitted use or structure existing on the property or an abutting property.
 - a. Holiday Tree and Temporary Greenhouse Sales are exempt from this standard.
- ii. Goods and display materials must be stored inside either a permanent or temporary structure during non-event hours, excluding Holiday Tree sales and Temporary Greenhouse sales.
- iii. The temporary event shall not eliminate or negatively impact required parking for the underlying use. Additional parking may be required upon finding that the proposed temporary event/use increases the need for parking.
- iv. All equipment, materials, goods, poles, wires and other items associated with the event shall be removed from the premises within two (2) days of the conclusion of the temporary use or event.
- v. All temporary events shall conform to all State and County Health Department regulations and codes including IC16-42-5 and 410 IAC 7-24.
- vi. Temporary events held in City of Westfield Parks and Playing Fields shall follow the requirements as outlined in the Westfield Park and Recreation Department’s Policies and Procedures Manual.

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- vii. All tents must pass inspection of the City of Westfield Fire Marshal.
 - 1. Tents must meet Uniform Fire Code or International Fire Code standards.
- viii. Any temporary events that require the assignment of additional Westfield Police Officers and/or Westfield Fire Department Responders shall be responsible for the cost of said employees.
 - 1. Payment shall be made directly to the City of Westfield Police Department.
- 2. Sidewalk Sales
 - i. All sidewalk sales must meet the applicable standards under the General Standards subsection of this section of code.
 - ii. All sidewalk sales must be located within ten (10) feet of the tenant space.
 - iii. Such sales events shall not impede pedestrian traffic or force pedestrians into vehicle traffic lanes.
 - 1. A five (5) foot pedestrian access area on the sidewalk shall be maintained at all times.
 - 2. The pedestrian access area on the sidewalk shall not be interrupted or impeded with building, utility or landscaping elements such as but not limited to columns, supports, plantings or other such materials.
- 3. Temporary Greenhouse and Holiday Tree Sales shall meet the standards of all Federal, State and City Building and Fire Codes outlined below.
 - i. All Temporary Greenhouse and Holiday Tree Sales must meet the applicable standards under the General Standards subsection within this section of code.
 - ii. Permitting
 - 1. Permits are issued by the Community Development Department.
 - 2. Permits shall only be issued on parcels at least five (5) acres in size
 - 3. Permit for these sales shall be valid for a maximum of ninety (90) consecutive calendar days.
 - a. Applicants must provide dates of sales.
 - 4. A permit is required for each location of operation.
 - 5. No more than two (2) permits shall be issued per parcel per calendar year.
 - iii. Holiday Tree Lots and Temporary Greenhouse sale areas are restricted to three thousand eight hundred (3,800) square feet. Deleted: 1
 - 1. With the permission of the Community Development Director, Holiday Tree Lots may be increased up to five thousand (5,000) square feet, Deleted: 1

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iv. Temporary Greenhouse Sales and Holiday Tree Lots operations shall be conducted between the hours of 6:00 a.m. and 8:00 p.m.

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v. Such sales are restricted to nonresidential districts and permitted nonresidential uses in residential districts.

vi. Bagged, bulk items must be stored within an adjacent permanent or temporary structure.

vii. Signs shall be limited to two (2).

1. Signs shall not exceed twelve (12) square feet each.
2. Signs must be affixed to the temporary structure associated with the event.
3. No other signs shall be permitted.
4. Signs must meet all other standards of the Sign Ordinance.

4. Outdoor Café and Eating Area

In addition to the standards outlined in the above subsection, standards for Temporary Event/Use, outdoor cafes and eating areas are subject to the following conditions:

i. Permits

1. Outdoor cafés and eating areas are not permitted prior to April 1st or after October 31st.
2. All furniture and fencing or other separation devices must be removed completely by October 31st of each year leaving the area free of all obstructions.
 - a. No modifications or alterations shall be made to or within the public right-of-way to accommodate or support furniture or fencing devices without the written consent of WPWD.
 - b. Any modifications or alterations permitted by WPWD shall be of such a nature as to be completely removed, repaired and replaced, and shall allow for unobstructed access to the public right-of-way upon the conclusion of the permitted outdoor café operation.

ii. All outdoor cafés and eating areas shall conform to all State and County Health Department regulations and code including IC16-42-5 and 410 IAC 7-24.

iii. Lighting must be compliant with the standards set in this chapter.

1. Festoon lighting is not permitted.

iv. Music must be kept to a level that is not audible from forty (40) feet or more away from the source or is at a level of 90 decibels or more when measured on a dB(A) meter.

v. Such cafes and eating areas shall not impede pedestrian traffic or force pedestrians into vehicle traffic lanes.

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1. A five (5) foot pedestrian access area on the perimeter of the outdoor café and eating area shall be maintained at all times.
 - a. The pedestrian access area on the sidewalk shall not be interrupted with building, infrastructure, utility or landscaping elements such as but not limited to columns, supports, plantings or other such materials.
 - vi. Proposed area must be compliant with all Federal, State and City Building Codes and access requirements.
 1. Proposed outdoor cafés and eating areas that would occupy or extend into public rights-of-way may not be located in such a manner that renders any public right-of-way, sidewalk, or path non-compliant with Federal, State, or City Building Code.
 - vii. Permits shall be reviewed annually by Community Development Director, the Fire Marshal, the Police Chief or their designee(s).
5. Temporary Buildings or Structures During Residential and Nonresidential Construction
- Plans must be submitted to the Community Development Department prior to the establishment of any Temporary Building or Structure. Temporary buildings or structures shall be reviewed in accordance with the following standards:
- i. Temporary buildings or structures are permitted for a period of up to 12 months.
 1. A single extension, not to exceed an additional twelve (12) month period, may be granted by the Director in the case of large, ongoing construction projects.
 - a. Extension requests shall be subject to a new application fee.
 - b. Extension permits shall be subject to a new permit fee.
 - c. Additional extensions to allow temporary structures to continue for more than twenty-four (24) months shall be requested from Board of Zoning Appeals.
 - i. Such requests are subject to application and fees.
 - ii. Setback requirements of the applicable zoning district must be met.
 - iii. Adequate parking, as determined by the Community Development Department Director or their designee, either paved or a dust-free compacted gravel surface, must be provided based on the nature of the use and appropriate ordinance standards.

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- iv. Landscaping may be required based on site location, visibility and duration.
 - 1. Determination of appropriate landscaping shall be made by the Director of Westfield Community Development or the Director's designee.
 - v. If electricity is required, an Improvement Location Permit is required prior to electrical installation.
 - vi. Trailers must meet the following requirements:
 - 1. One (1) trailer per builder who has two (2) or more parcels within a subdivision.
 - 2. Anchored to the ground per the requirements of the City Building Code.
 - 3. Located near the rear of the property when possible.
 - 4. Located at least fifteen (15) feet from the public right-of-way
 - 5. Parking areas must be a paved or dust-free gravel surface capable of supporting a fire apparatus.
 - 6. Must be compliant with all Federal, State and City Building Codes and access requirements.
 - 7. Must have at least one (1), ten (10) pound ABC fire extinguisher.
 - vii. All equipment, materials, goods, poles, wires and other items associated with and including the temporary building or structure shall be removed from the premises within three (3) days of issuing a certificate of occupancy to the principal structure.
6. Temporary Sales Offices for Residential Developments
- Plans must be submitted to the Community Development Department prior to the establishment of any Temporary Building or Structure. Temporary sales offices shall be reviewed in accordance with the following standards:
- i. Permitted in residential developments only when construction of a model home for sales operations occurs simultaneously with the permit for a temporary sales trailer. Upon issuing a temporary certificate of occupancy for the model home, the temporary use permit shall expire.
 - ii. Adequate parking, as determined by the Community Development Department Director or their designee, either paved or a dust-free compacted gravel surface, must be provided based on the nature of the use and appropriate ordinance standards.
 - iii. Landscaping may be required based on site location, visibility and duration of time that the sales office will remain on site.

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1. Determination of appropriate landscaping shall be made by the Director of Westfield Community Development or the Director's designee.
- iv. If electricity is required, an Improvement Location Permit is required prior to electrical installation.
- v. Trailers must meet the following requirements:
 1. Anchored to the ground per the requirements of the City Building Code.
 2. Located near the rear of the property when possible.
 3. Located at least fifteen (15) from the nearest public right-of-way.
 4. Parking areas must be a paved or dust-free gravel surface capable of supporting a fire apparatus.
 5. Must be compliant with all Federal, State and City Building Codes and access requirements.
 6. Must have at least one (1), ten (10) pound ABC fire extinguisher.

D. Submittal and Procedure Information

In addition to the required information pertaining to the request as contained within this section, the applicant shall submit the following to the City of Westfield, Community Development Department.

1. A completed application form and required fee.
2. A written statement describing the requested use, operations plan, traffic control and the proposed time period.
3. An 8.5" x 11" plot plan or sketch that illustrates:
 - i. The property lines of the site.
 - ii. Adjacent uses and zoning districts.
 - iii. Location of fire hydrants.
 - iv. Existing and proposed buildings or structures.
 - v. Boundaries of proposed sales/activity area.
 - vi. Proposed lighting and method of power.
 - vii. Parking calculations based upon standards set within this Chapter.
 - viii. Proposed traffic circulation.
 - ix. Location and size of proposed signs.
 - x. Location and method of trash disposal.
 - xi. Any other information deemed necessary by the Community Development Director or their designee.
4. Proof of ownership, or if the applicant is not the owner of the land, written permission from the property owner for said use/activity.

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5. Proof that reasonable liability insurance is carried depending on the use/activity.
 - i. The City of Westfield and Washington Township shall be added as an additional insured at the applicant’s expense.

6. If alcohol is sold or consumed, proof of appropriate permits from the State of Indiana, Alcohol and Tobacco Commission is required.
 - i. No aspect of the City of Westfield Temporary Event, Use or Structure permit shall exempt any entity or individual from all applicable State laws regarding the serving of alcoholic beverages.

7. If cooking or eating is involved in a temporary event, outdoor café or some other eating area, proof of review and approval from the Hamilton County Health Department is required.

8. Review of Temporary Event/Use requests shall be in accordance with the following table. For items not specifically listed, the Community Development Department Director shall make a determination regarding the review procedure and required standards.

Type of Event/Use:	Reviewed By:
Temporary Building or Structure	Community Development Department
Temporary Sales Office	Community Development Department
Temporary Event/Use (four (4) days or fewer)	Community Development Department
Temporary Event/Use (five (5) days or more)*	Board of Zoning Appeals

*Outdoor Cafés, Temporary Greenhouse and Holiday Tree sales are exempt from this standard and shall be reviewed by the Community Development Department, not the Board of Zoning Appeals.

9. The Community Development Department will coordinate reviews with Police, Fire, and the Parks and Recreation departments.

10. Submittals must be made to the Community Development Department thirty (30) days prior to the scheduled event. Events that must be reviewed by the Board of Zoning Appeals must apply by the published dates.

E. Penalties

1. Any person or entity that violates any part of the provisions of this Article shall have the permit revoked for the event.

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

F. Fees

1. The fee for application for a Temporary permit shall be as per the approved Community Development Department Fee Schedule at the time of application.
2. Fees for application shall be separate from and not applied to any other permit or deposit fees associated with the Temporary event, use or structure.
3. Fees for any Temporary event, use, or structure application which is denied shall be non-refundable.
4. For events on City property, except those in City Parks, a deposit will be required per the Community Development Department Fee Schedule. If it is determined that based on the proposed use/activity the standard deposit is insufficient to cover potential restoration costs, the amount shall be determined by the Community Development Director.
 - i. The amount of deposit shall not exceed \$5000.
 - ii. Deposit shall be made prior to the issuance of a permit.
 - iii. Deposit may be refunded upon inspection by the Community Development Department or their designee.

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5. For events located in City Parks and Playing Fields, fees are required per the City of Westfield Parks and Recreation Department Policies and Procedures Manual.
 - i. Parks and Recreation Department fees shall be paid directly to the City of Westfield Parks and Recreation Department.
 - ii. Application and payment must also be made to the Community Development Department for events in City Parks, but not on City Playing Fields.
6. City sponsored events must undergo review, but are exempt from permit and application fees.

G. Appeal

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

Exhibit “G”
WC 16.11.38 Special Districts

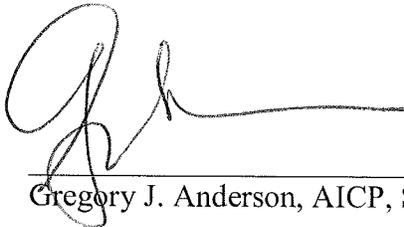
**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission met on Monday, July 21, 2008, to consider a new Section, Special Districts, of the Westfield-Washington Township Zoning Ordinance. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed section is as follows:

0807-ZOA-13, Special Districts, A new section of the Zoning Ordinance to provide for the development of educational, religious, and governmental institutions, as well as provide for designated preservation and open areas as well as recreational facilities and opportunities

A motion was made and passed to send a positive recommendation to the City Council to approve 0807-ZOA-13.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on July 21, 2008.



Gregory J. Anderson, AICP, Secretary

July 24, 2008
Date

Case No. 0807-ZOA-13
Petitioner City Staff
Description Special Districts
A new section of the Zoning Ordinance to provide for the development of educational, religious, and governmental institutions, as well as provide for designated preservation and open areas as well as recreational facilities and opportunities.

Anderson reviewed the proposed ordinance, the staff report, and changes made as a result of Commission comments, explaining that these are pulled out of the residential districts and given their own standards including set backs, procedures, and rules. He further stated the intention of the Special Districts was to reduce unnecessary appearances before the Advisory Plan Commission and provide for increased administrative review for uses within the special districts. He stated staff's recommendation is for the Commission to forward 0807-ZOA-13 to the City Council with a positive recommendation.

A Public Hearing opened at 8:53 p.m.

No one spoke, and the Public Hearing closed at 8:54 p.m.

Discussion followed regarding:

- Spoljaric questioned some of the commercial uses and commented on bike racks and setbacks and requested instead of having three different special districts, have different requirements and be left to the discretion of the director.
- Intent, purpose, and applicability – institutional, governmental, churches, and schools
- Special Districts Table and stand alone uses
- Special District 1 Development Standards
- Special District 3

Motion: To send 0807-ZOA-13 to the City Council with a positive recommendation.

Motion by: Stokes; Second by: Spraetz; Vote: (6-2) (Kelleher, Sanders)

WC 16.11 *Special Districts*A. Applicability

These regulations shall be applicable to all persons, firms, partnerships, associations and corporations owning, occupying or having control or management of any premises located within the City of Westfield or Washington Township planning and zoning jurisdiction.

B. Intent and Purpose

The purpose of this district is to provide for preservation areas, park and recreation areas, religious and educational institutions, and government facilities.

C. General Requirements - Prohibitions

None.

D. SD-1, Special District One.

1. The purpose of this district is to provide for the preservation and protection of open and natural areas for public use and enjoyment, necessary improvements to facilitate the public use, enjoyment and maintenance of such open and natural areas. This district shall further provide for limited uses and improvements consistent with park and recreational activities in support of and subordinate to the preservation and protection of open natural areas

2. Permitted Uses

- i. See Figure 11.38 A.
- ii. Accessory Uses and Improvements *subordinate* to the principle uses identified in Figure 11.38 A, including but not limited to:
 1. Parking areas
 2. Shelters
 3. Trails and trail support areas
 4. Educational facilities
 5. Office & Administration facilities related to the use and function of the district
 6. Storage (maintenance equipment, athletic gear, etc...)
 7. Temporary Structures
- iii. Development Standards
 1. Minimum Lot Area – None
 2. Minimum Lot Frontage on Road – None
 3. Minimum Setback Lines – All Structures
 - a. Front Yard:
 - i. Collector or Local Road: 30 Feet
 - ii. Secondary Arterial: 45 feet
 - iii. Primary Arterial: 60 feet
 - b. Side and Rear Yard
 - i. Abutting residential district: 40 feet
 - ii. Abutting any other district: 20 feet
 4. Maximum Building Height – 35 feet

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5. Minimum Ground Level Square Footage – None
6. Parking
 - a. On-site parking shall be provided in accordance with the provisions of this chapter.
 - b. The Director may, in their sole discretion, reduce any on-site parking standard by up to fifteen (15) percent when a development within the SD-1 District provides alternative or innovative storm water quality or storm water management techniques.

E. SD-2, Special District Two

1. The purpose of this district is to provide areas and facilities for the religious and educational institutional needs of the community, as well as the active and structured parks and recreation needs of the community, both in outdoor and indoor settings.
 - i. It shall be a secondary purpose of this district to provide for opportunities for preservation and protection of open space and natural areas, as well as outdoor recreation.
2. Permitted Uses
 - i. See Figure 11.38 A.
 - ii. Accessory Uses and Improvements *subordinate* to the principle uses identified in Figure 11.38 A, including but not limited to:
 1. Parking areas
 2. Shelters
 3. Trails and trail support areas
 4. Educational facilities
 5. Office & Administration facilities
 6. Storage (maintenance equipment, athletic gear, etc...)
 7. Temporary Structures
 8. Open & Natural Areas
 9. Play Fields (stand-alone)
 10. Dormitory Housing
 - iii. Development Standards
 1. Minimum Lot Area – None
 2. Minimum Lot Frontage on Road – None
 3. Minimum Setback Lines – All Structures
 - a. Front Yard:
 - i. Collector or Local Road: 30 Feet
 - ii. Secondary Arterial: 45 feet
 - iii. Primary Arterial: 60 feet
 - b. Side and Rear Yard
 - i. Abutting residential district: 60 feet
 - ii. Abutting any other district: 30 feet
 4. Maximum Building Height – 50 feet
 5. Minimum Ground Level Square Footage – None
 6. Parking

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- a. On-site parking shall be provided in accordance with the provisions of this chapter.
- b. The Director may, in their sole discretion, reduce any on-site parking standard by up to fifteen (15) percent when a development within the SD-1 District provides alternative or innovative storm water quality or storm water management techniques.

F. SD-3, Special District Three

1. The purpose of this district is to provide for the location of government, educational and religious institutional facilities necessary to meet the needs of the community.
 - i. The secondary purpose of this district is to provide areas and facilities for the active and structured parks and recreation needs of the community, both in outdoor and indoor settings.
 - ii. It shall further be a secondary purpose of this district to provide for opportunities for preservation and protection of open space and natural areas, as well as outdoor recreation.
2. Permitted Uses
 - i. See Figure 11.38 A.
 - ii. Accessory Uses and Improvements *subordinate* to the principle uses identified in Figure 11.38 A, including but not limited to:
 1. Parking areas
 2. Shelters
 3. Trails and trail support areas
 4. Educational facilities
 5. Office & Administration facilities
 6. Storage (maintenance equipment, athletic gear, etc...)
 7. Temporary Structures
 8. Open & Natural Areas
 9. Play Fields (stand-alone)
 10. Structured Indoor Recreation Facilities
 11. Structured Outdoor Recreation Facilities
 - iii. Development Standards
 1. Minimum Lot Area – None
 2. Minimum Lot Frontage on Road – None
 3. Minimum Setback Lines – All Structures
 - a. The Director shall determine the appropriate setbacks for all Front, Side and Rear Yard(s) for each property based upon evaluation of the proposed site plan for consistency with the surrounding development pattern.
 - b. The Director will make a written statement of context-appropriate setbacks, which may be appealed to the Board of Zoning Appeals.
 4. Maximum Building Height

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- a. The Director may increase or reduce the Maximum Building Height based upon comparison of the proposed structure and the surrounding development pattern.
 - b. The Director will make a written statement of context-appropriate building height, which may be appealed to the Board of Zoning Appeals.
5. Minimum Ground Level Square Footage
- a. Primary Uses – None
 - b. Single-Family Detached Dwellings shall comply with SF-3 minimum ground-level square footage standards
6. Parking
- a. On-site parking shall be provided in accordance with the provisions of this chapter.
 - b. The Director may, in their sole discretion, reduce any on-site parking standard by up to fifteen (15) percent when a development within the SD-1 District provides alternative or innovative storm water quality or storm water management techniques.
 - c.

G. Special District Procedures

1. Rezoning

- i. Properties requesting inclusion in any Special District shall submit an Overall Plan for approval by the Advisory Plan Commission as a precursor to the City Council’s approval of any request for a change in zoning.
 - 1. The Overall Plan required shall be submitted concurrent with the change in zoning request.
 - 2. The Overall Plan accompanying any change in zoning request may be conditionally approved by the Advisory Plan Commission, contingent on the City Council’s approval of the requested change in zoning.

2. Development Plan

- i. Development Plans may be submitted for either individual components (structures, parking areas, etc...) of a site, or for the entirety of a site.
- ii. Submittal for approval of Development Plans for individual site components shall be in accordance with the terms of WC 16.05.165

3. Overall Plan

- i. An Overall Plan for the improvement and development of the entire site over a specified extended timeframe shall be submitted in accordance with WC 16.05.165
- ii. Construction of elements of an approved Overall Plan may commence without further review or approval by the Advisory Plan Commission.
 - 1. Prior to the issuance of an ILP for any component of an approved Overall Plan, the Director may require Administrative Review of the proposed component.
 - 2. Administrative Review of any component of an approved Overall Plan shall be conducted in accordance with the standards and procedures of Development Plan Review, WC **.***.**

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4. Subdivision Controls and Platting of Approved Development

- i. ~~The creation of individual lots or blocks for dwelling units shall be done in compliance with the terms of the Subdivision Control Ordinance.~~
- ii. In situations where development of a permitted use or uses within a Special District would result in the dedication of right of way along existing thoroughfares, the dedication of right-of-way for a new or anticipated thoroughfare, the provision of easements, the creation of multiple lots, blocks, or parcels within the area included within the submitted Master Plan, or any other situation where deemed necessary, the Director may require the creation and recording of a plat document in accordance with the applicable terms of the Subdivision Control Ordinance.
 1. The determination of the Director that a proposed Overall Plan in a Special District shall be accompanied by a plat document shall be provided in writing,
 2. The determination of the Director may be appealed to the Board of Zoning Appeals in the same manner as an Administrative Appeal.
- iii. No provision of this section shall waive or otherwise modify the provisions of the Subdivision Control Ordinance.

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H. Definitions

1. Subordinate: of less importance; secondary. Clearly a lower use of a site, parcel or property, dependent on the presence of the main use for function and support.
2. Overall Plan: depicts the proposed build-out of a Special District in its entirety; or, in the case of non-residential integrated centers, depicts any portion of the overall center and its relationship to the major features of the larger integrated center of which it is part.
3. Special District: provides for preservation areas, park and recreation areas, religious and educational institutions, and government facilities.
4. Tree Bank: location for temporary storage of transplanted trees, either planted in permanent or semi-permanent locations or temporarily stored above-ground.
5. Tree Farm – Any parcel of land used to raise or harvest trees for wood products such as lumber, posts, fuel wood, and Christmas trees where forest products are sold on-site or transported to the market.
6. Nursery – horticultural land; an establishment for the growth, display, and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their maintenance.
7. Outdoor Recreation Facilities: A recreational land use conducted primarily outside of a building, characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood, including athletic fields, miniature golf, skateboard parks, swimming, bathing, wading and other therapeutic facilities, tennis, handball, basketball courts, batting cages, trampoline facilities. May be public or private, and may or may not be characterized by admission and use fees.
8. Indoor Recreation Facilities: An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, ice hockey, wrestling,

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soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health, or fitness items, and other support facilities.

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District	Open & Natural Areas	Play Fields (stand-alone)	Play Fields (subordinate / accessory)	Educational Institutions	Religious Institutions	Charitable, Philanthropic & Non-Profit Institutions	Government Offices & Professional Facilities	Government Facilities (emergency response, maintenance, utilities)	Nurseries / Tree Farms / "Tree Banks"	Storm water management facilities, constructed wetlands, engineered detention areas (stand-alone)	Conservation & Preservation Areas	Wireless Communications Facilities	Indoor Recreation Facilities	Outdoor Recreation Facilities	Public Stadiums	Public Stages and Amphitheaters	Libraries	Professional Offices (2)	Retail Sales (2)	Detached Single-Family Dwellings (3)	Dormitories (2)(4)	
1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2		X	X	X	X	X																
3																						

Restrictions

- 1 Subject to development standards of Wireless Communications Ordinance, sec 16.** et al
- 2 *Subordinate* to primary uses in terms of floor area, as determined by Director
- 3 A maximum of one detached single-family dwelling shall be permitted per primary use (example: church parsonage)
- 4 Subject to development standards of MF-2 Multi-Family Two District, sec 16.** et al

Exhibit “H”

WC 16.04.165 Development Plan Review – Special Districts

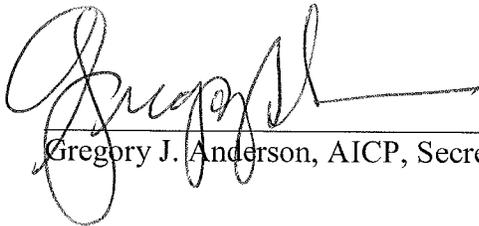
**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission met on Monday, July 21, 2008, to consider a revision to Section WC 16.04.165 Development Plan Review, of the Westfield-Washington Township Zoning Ordinance. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed revision is as follows:

0807-ZOA-14, WC 16.04.165 Development Plan Review Revisions to the
existing Development Plan Review language to accommodate the addition of
Special Districts to the Zoning Ordinance

A motion was made and passed to send a positive recommendation to the City Council to approve the revision request for 0807-ZOA-14.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on July 21, 2008.



Gregory J. Anderson, AICP, Secretary

July 24, 2008

Date

Case No. 0807-ZOA-14
Petitioner City Staff
Description WC 16.04.165 Development Plan Review
Revisions to the existing Development Plan Review language to
accommodate the addition of Special Districts to the Zoning Ordinance.

Anderson reviewed the proposed ordinance revision and changes and stated that staff's recommendation is to forward this to the City Council with a positive recommendation.

Discussion followed regarding:

A Public Hearing opened at 9:19 p.m.

No one spoke, and the Public Hearing closed at 9:20 p.m.

Discussion followed regarding:

- Building Materials, specifically EFIS
- Loading docks adjoining residential and screening
- Anderson stated loading docks will be a separate section as well as parking.
- Anderson stated there will be a Design Guideline Book/Architectural Review Requirements developed in the future, which will probably be part of the Zoning Ordinance.

Motion: To send 0807-ZOA-14 to the City Council with a positive recommendation.

Motion by: Horkay; Second by: Stokes; Vote: (6-2) (Kelleher, Spoljaric)

WC § 16.04.165 Development Plan Review.

Purpose: A Development Plan Review process is hereby established for the City of Westfield and Washington Township, Hamilton County, Indiana. The purpose of the Development Plan Review process is to: (i) promote innovation and creativity in the design of the built environment; and, (ii) assure the compatibility of new development or major additions to existing development with the surrounding community. The Development Plan Review Process shall be applicable to all zoning districts. The Development Plan Review Process shall be applicable to any: (i) new construction; (ii) building additions; (iii) new or expanded surface parking areas; (iv) new or expanded surface loading areas; (v) exterior building renovations that require a building permit; (vi) permanent signs that require a permit pursuant to WC 16.08 et seq.; or (vii) *Overall Plans* for any religious, educational or recreational use, located within the planning and zoning jurisdiction of the Westfield-Washington Township Plan Commission. The approval or disapproval of a Development Plan is hereby delegated to the Plan Commission, or, in certain limited situations as set forth below, to the Community Development Director.

A. Districts Designated for Development Plan Review.

The approval of a Development Plan shall be a prerequisite for any: (i) new construction; (ii) building additions; (iii) new or expanded surface parking areas; (iv) new or expanded surface loading areas; (v) exterior building renovations that require a building permit; (vi) permanent signs that require a permit pursuant to WC 16.08 et seq.; or (vii) *Overall Plans* for any religious, educational or recreational use,, in all zoning districts contained in this Ordinance.

B. Development Plan Authority.

1. Development Plan Authority Delegated to the Plan Commission.

The authority to approve or disapprove a Development Plan for the following developments is hereby delegated to the Plan Commission:

- a. any development for a use *other than* a Single Family Residential Use in a Residential District (AG-SF1, AG-SF-I, SF1, SF-A, SF2, SF3, SF4, SF5);
- b. any proposed development in any Multi-Family District (MF-1, MF-2);
- c. any proposed development in any Business District (GO, GO-PD, LB, LB-H, LB-PD, GB, GB-PD, SB, SB-PD);
- d. any proposed development in any Industrial District (EI, EI-PD, OI, OI-PD);
- e. any proposed development of a Single Family Subdivision (AG-SF1, AG-SF-I, SF1, SF-A, SF2, SF3, SF4, SF5);

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- f. any proposed permanent signs, in any district, that require a permit pursuant to WC 16.08 et seq; and,
- g. *Overall Plans* for any religious, educational or recreational use in any *Special District* (SD-1, SD-2, SD-3).

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2. Development Plan Authority Delegated to the Community Development Director.

- a) The authority to approve or disapprove a Development Plan for any proposed development of or addition to a single family dwelling or accessory residential structure on *an individual lot* within a Residential District is hereby delegated to the Community Development Director.
- b) Any building additions, new or expanded surface parking areas, new or expanded surface loading areas, exterior building renovations that require a building permit, and permanent signs that require a permit pursuant to WC 16.08 et seq... **to a site included in an approved Overall Plan**; and
- c) Any modification to an approved *Overall Plan* that **does not**:
 - i. Increase the total approved enclosed square footage by more than 15%;
 - ii. Increase the height of any approved structure by more than 15%
 - iii. Decrease any approved setback or buffer yard by more than 15%
 - iv. Increase the total approved impervious surface parking or loading area by more than 15%;
 - v. Increase any approved retention or detention areas by more than 15%;
 - vi. **Result in additional site access points to existing public rights-of-way.**

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C. Development Requirements - General.

Each Development Plan shall demonstrate compliance with the Development Requirements specific to each District as well as the following Development Requirements:

- 1. Compliance with all applicable development standards of the zoning district in which the real estate is located;
- 2. Compliance with all applicable provisions of any Overlay District in which the real estate is located;
- 3. Compliance with all applicable provisions of the Subdivision Control Ordinance (unless a waiver has been granted, in which case compliance with the terms and conditions of the waiver grant shall be required);
- 4. Compliance with all applicable provisions of this Chapter WC16.04.165 (unless a waiver has been granted, in which case compliance with the terms and conditions of the waiver grant shall be required);
- 5. The proposed development shall be appropriate to the site and its surroundings based upon the recommendations contained in the Westfield-Washington Township Comprehensive Plan;

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6. The design and location of proposed street and highway access points shall minimize safety hazards and congestion;
7. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development;
8. The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development; and,
9. The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.

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D. Development Requirements for Each District.

1. Any development for a use other than a Single Family Residential Use in a Residential District (AG-SF1, AG-SF-I, SF1, SF-A, SF2, SF3, SF4, SF5).
 - a. Site Access and Site Circulation:
 - (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
 - (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
 - (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.

Where site access has been officially approved by an agency other than the City of Westfield, the Westfield-Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

- b. Landscaping – See WC 16.06 et seq.
- c. Lighting – See WC 16.07 et seq.
- d. Signs – See WC 16.08 et seq.

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e. Building Orientation.

- (1) No loading spaces or loading docks shall be permitted to face a public street.
- (2) Loading spaces or loading docks facing or oriented to a side or rear lot line of an adjoining Residential District shall be screened from view from such Residential District by the use of: (i) evergreen trees; or, (ii) a combination of overstory, understory or evergreen trees and a solid wall or fence, which creates a dense visual barrier to a minimum height of six (6) feet.

f. Building Materials.

In order to insure compatibility of non-residential uses with surrounding residential uses in Residential Districts, all nonresidential uses shall use exterior building materials, roofline treatments and roofing materials that are compatible with and consistent with residential construction methods and materials.

2. Any Multi-Family District (MF-1, MF-2).

a. Site Access and Site Circulation:

- (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
- (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
- (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the project. Multi-family projects shall be provided with internal sidewalks or pathways along all internal streets as well as sidewalks or pathways along perimeter streets. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network.

Where site access has been officially approved by an agency other than the City of Westfield, the Westfield-Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

b. Landscaping – See WC 16.06 et seq.

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- c. Green Space Areas – See WC 16.04.040 Multi-Family Districts.
- d. Lighting – See WC 16.07 et seq.
- e. Signs – See WC 16.08 et seq.
- f. Building Materials.

All new buildings or building additions located in any Multi-Family District shall utilize two (2) or more exterior building materials (excluding window, door, and roofing materials). The primary exterior building material used on each facade shall be either brick or Exterior Insulation and Finish System (E.I.F.S.) and shall constitute a minimum of seventy-five (75) percent of each facade.

3. Any Business District (GO, GO-PD, LB, LB-H, LB-PD, GB, GB-PD, SB, SB-PD).

a. Site Access and Site Circulation:

- (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
- (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
- (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.

Where site access has been officially approved by an agency other than the City of Westfield, the Westfield-Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

- b. Landscaping – See WC 16.06 et seq.
- c. Lighting – See WC 16.07 et seq.
- d. Signs – See WC 16.08 et seq.
- e. Building Orientation.

- (1) Each building façade visible from a public street or oriented to an adjoining Residential District shall be a finished façade.

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- (2) No loading spaces or loading docks shall be permitted to face a public street or an adjoining Residential District.
- (3) No outside storage shall be permitted between an established building line and the right-of-way of a public street or an adjoining Residential District.
- (4) All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.

f. Building Materials.

In order to create variation and interest in the built environment, all new buildings or building additions located within any Business District shall use the exterior building materials specified below on each facade visible from a public street or an adjoining Residential District:

- (1) All brick (excluding window, display window, door, roofing, fascia and soffit materials); or,
- (2) Two (2) or more building materials (excluding window, display window, door and roofing materials), provided, however, that the primary building material shall be either brick or Exterior Insulation and Finish System (E.I.F.S.) and shall constitute a minimum of sixty (60) percent of each facade visible from a public street or an adjoining Residential District.

The exterior building material selection shall be supplemented with the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.) or the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each facade visible from a public street or an adjoining Residential District:

4. Any Industrial District (EI, EI-PD, OI, OI-PD).

a. Site Access and Site Circulation:

- (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;

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- (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
- (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.

Where site access has been officially approved by an agency other than the City of Westfield, the Westfield-Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

b. Landscaping – See WC 16.06 et seq.

c. Lighting – See WC 16.07 et seq.

d. Signs – See WC 16.08 et seq.

e. Building Orientation.

- (1) Each building façade visible from a public street or oriented to an adjoining Residential District shall be a finished façade.
- (2) No loading spaces shall be permitted to face a public street or an adjoining Residential District.
- (3) No outside storage shall be permitted between an established building line and the right-of-way of a public street or an adjoining Residential District.
- (4) All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.

f. Building Materials.

In order to create variation and interest in the built environment, all new buildings or building additions located within any Industrial District shall use the exterior building materials specified below on each facade visible from a public street or an adjoining Residential District:

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- (1) Brick or other masonry material. Other masonry materials shall include:
 - a. Architectural concrete, if the surface of the architectural concrete simulates brick or stone (e.g., limestone, marble, or, granite);
 - b. Pre-cast concrete, if the surface of the pre-cast concrete is painted, textured (e.g. rough, striated, imprinted with a pattern or form), or designed to simulate brick or stone (e.g., limestone, marble, or, granite);
 - c. External Insulation and Finish System (E.I.F.S.); or,
 - d. Stone.
- (2) If a masonry material other than brick is utilized, it shall be supplemented with the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.) or the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each facade visible from a public street or an adjoining Residential District.
- (3) The primary exterior building material shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each facade visible from a public street or an adjoining Residential District.

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5. Any Single Family Subdivision Development in a Residential District (AG-SF1, AG-SF-I, SF1, SF-A, SF2, SF3, SF4, SF5).

a. Site Access and Site Circulation:

- (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
- (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
- (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the subdivision. Subdivisions shall be provided with internal sidewalks or pathways along all internal streets as well as sidewalks or pathways along perimeter streets. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network.

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Where site access has been officially approved by an agency other than the City of Westfield, the Westfield-Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

- b. Landscaping – See WC 16.06 et seq.
- c. Lighting – See WC 16.07 et seq.
- d. Signs – See WC 16.08 et seq.
- e. Building Orientation.

In order to create variation and interest in the built environment, all new single family subdivisions shall utilize appropriate techniques (e.g., plat restrictions, building setback lines, or other method as approved by the Plan Commission) to accomplish the design objectives as set forth below:

At least one (1) of the following two (2) design objectives:

- (1) Development of single family subdivisions in which single family lots are so laid out that dwellings are located with the front of the dwelling oriented toward the perimeter street of the subdivision. This design objective may be accomplished through the utilization of frontage road in those instances where the classification of the perimeter street would prohibit individual lots from gaining direct access to the perimeter street; or,
- (2) Single family dwellings located on lots adjacent to a perimeter street of a subdivision and located so as to have a rear or side façade oriented to said perimeter street shall utilize multiple textures (e.g., rough, smooth, striated, etc.) or multiple architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each façade visible from the perimeter street; and,

At least two (2) of the following three (3) design objectives:

- (1) Development of single family subdivisions in which the front façade of an attached or detached front load garages are stepped back from the front building line by at least one-half of the depth of the single family dwelling on the lot;
- (2) Development of single family subdivisions in which the building setback line varies within each block face to eliminate monotonous building placement; or,

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- (3) Development of single-family subdivisions in which no two single-family dwellings may be located on side to side adjacent lots with the same combination or proportion of roofing or siding materials on each façade visible from a public street. This design objective may be accomplished through the use of different combinations or proportions of roofing or siding materials on each front façade, like-oriented façade and facing façade of single-family dwellings located on adjacent lots and visible from a public street. Simple variation in color scheme shall not be deemed sufficient.

f. Building Materials.

In order to create variation and interest in the built environment, all single family dwellings built in a single family subdivision in a Residential District (AG-SF1, AG-SF 1 I, SF1, SF-A, SF2, SF3, SF4 and SF5) shall be restricted in the use of roofing and siding materials on all façades as follows:

- (1) No single family dwelling shall utilize rolled roofing or tar paper as the visible final layer of roofing materials.
- (2) No single family dwelling shall utilize vinyl siding on more than twenty-five (25) percent (exclusive of window or door areas) of any façade.

g. Development Plan as Requirement for Primary Plat Approval.

Approval shall not be granted to any primary plat unless a development plan shall have been approved prior to or contemporaneous with the primary plat.

6. *Overall Plans* for any religious, educational or recreational use in any *Special District* (SD-1, SD-2, SD-3)

a) Site Access and Site Circulation:

- (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
- (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,

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- (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.

Where site access has been officially approved by an agency other than the City of Westfield, the Westfield-Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

- b) Landscaping – See WC 16.06 et seq.
 - i. Requirements of the Landscaping Ordinance pertaining to Buffer Yard, On-Site, Road Frontage, Perimeter Parking Lot, Parking Lot Interior Island planting quantities may be waived provided the criteria for a waiver established in WC 16.05.165 (F) are met.
 - ii. Requirements of the Landscaping Ordinance pertaining to Parking Lot Interior Island area and size may be waived, provided the criteria for a waiver established in WC 16.05.165 (F) are met.
 - c) Lighting – See WC 16.07 et seq.
 - d) Signs – See WC 16.08 et seq.
 - e) Building Orientation.
- (3) No loading spaces or loading docks shall be permitted to face a public street.
 - (4) Loading spaces or loading docks facing or oriented to a side or rear lot line of an adjoining Residential District shall be screened from view from such Residential District by the use of: (i) evergreen trees; or, (ii) a combination of overstory, understory or evergreen trees and a solid wall or fence, which creates a dense visual barrier to a minimum height of six (6) feet.

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f) Building Materials

Exterior building materials for religious, educational, and recreational uses within *Special Districts*, shall reflect the permanence associated with uses of this nature, and shall comply with the following criteria:

- (1) The primary exterior building material shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each facade visible from a public street or an adjoining Residential District.
- (2) The primary exterior building material shall be brick or other masonry material. Other masonry materials shall include:
 - a. Architectural concrete, if the surface of the architectural concrete simulates brick or stone (e.g., limestone, marble, or, granite);
 - b. Pre-cast concrete, if the surface of the pre-cast concrete is ~~dyed or colored~~, textured (e.g. rough, striated, imprinted with a pattern or form), or designed to simulate brick or stone (e.g., limestone, marble, or, granite);
 - c. External Insulation and Finish System (E.I.F.S.); or,
 - d. Stone.
- (3) If a masonry material other than brick is utilized, it shall be supplemented with the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.) or the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each facade visible from a public street or an adjoining Residential District.
- (4) Where submitted *Overall Plans* indicate building walls to be temporary in anticipation of approved future expansion(s), the Community Development Director may authorize the use of other building materials to facilitate said expansions.
- (5) Building Materials for Accessory and Temporary structures shall be subject to the review and approval of the Community Development Director.
 1. Accessory and Temporary structures shall demonstrate consistency with Primary Structures in both materials and design elements.

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E. Findings Required for Approval of a Development Plan.

The Plan Commission or Community Development Director may approve a Development Plan upon finding that:

1. The proposed development is consistent with the intent and purpose of the Westfield-Washington Township Comprehensive Plan; and,
2. The proposed development plan satisfies the development requirements specified in this Ordinance.

F. Development Requirements Which May Be Waived.

In order to encourage innovative building and site designs capable of enhancing the quality of the built environment of Westfield-Washington Township, the Plan Commission may, pursuant to IC 36-7-4-1402(b)(4), waive Development Requirements related to: Site Access and Site Circulation; Building Orientation; Building Materials, and Landscaping and Parking Requirements within Special Districts, for the approval of a Development Plan upon making findings as specified in WC 16.04.165, G., below. The Plan Commission may not waive any other Development Requirements. Any other Development Requirement must be complied with unless a variance of such Development Requirement is obtained from the Board of Zoning Appeals.

If a Site Access waiver is requested, the Plan Commission may not grant such waiver unless a favorable review comment or letter regarding the site access waiver is received from the City, County or State agency having jurisdiction over access to and from the applicable street.

If a Landscaping Ordinance waiver is requested, the Plan Commission may not grant such waiver unless a favorable review comment or letter regarding the proposed landscaping waiver is received from the Community Development Director or the Director's designee.

G. Conditions for Waiver of Development Requirements.

The Plan Commission may approve a waiver of Development Requirements only upon finding that:

1. The proposed development represents an innovative use of site design / site access design / site circulation design / building orientation / building materials / landscaping which will enhance the use or value of area properties;
2. The proposed development will not be injurious to the public health, safety, morals or general welfare of Westfield-Washington Township;

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3. The strict application of the Development Requirements of the Westfield-Washington Township Zoning Ordinance will result in a development of the real estate which is undesirable when compared with the proposed development;
4. The proposed development is consistent with and compatible with other development located in the area; and,
5. The proposed development is consistent with the intent and purpose of the Westfield-Washington Township Comprehensive Plan.

H. Plan Documentation and Supporting Information.

All requests for Development Plan approval shall include the following plans, as set forth Subsection J., below:

1. Site Plan. *
 2. Site Plan (for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).
 3. Overall Plan. *
 4. Landscape Plan. *
 5. Building Elevations.
 6. Lighting Plan. *
 7. Sign Plan. *
 8. Site Access and Site Circulation Plan. *
 9. A Traffic Impact Study (when a proposed development meets or exceeds the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) 150 or more dwelling units; (ii) 15,000 square feet or more of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more square feet of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or, (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction).
 10. Statement of Development Build-out. *
 11. Green Space Provisions. *
- * Items **not** required for an individual single family dwelling or accessory residential structure on an individual lot in a Residential District.

I. Procedures.

1. Application for Development Plan Approval by the Plan Commission shall be in compliance with the following procedures:

- a. Pre-Filing Conference.

A pre-filing conference with Staff is required prior to the filing of any Development Plan for public hearing before the Plan Commission. At the pre-filing conference, the petitioner shall provide three (3) copies of a preliminary sketch plan capable of depicting the proposed development.

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Staff may take up to ten (10) business days to review the proposed sketch plan and provide comments back to the petitioner. The petitioner is encouraged to incorporate the comments received from Staff into the design of the project prior to filing for Development Plan approval.

Notwithstanding anything contained in this Ordinance to the contrary, neither the Staff's conceptual review of the sketch plan nor Staff's comments to the petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed Development Plan.

b. Who May File.

Development Plans may be initiated by a petition signed by the owners of the land involved in the petition, or the owner's authorized agent. If an authorized agent files a petition, a signed and notarized consent form must accompany the application.

c. Filing Deadline.

All Development Plans shall be filed at least forty (40) days prior to the initial public meeting at which they are to be considered by the Plan Commission.

d. Forms of Filing.

All Development Plans for public hearing by the Plan Commission shall be on forms provided by Community Services Department. In addition, Site Plans, Overall Plans, Landscape Plans, Building Elevations, Lighting Plans, Sign Plans, Site Access and Site Circulation Plans, surveys, legal descriptions, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality. The number of copies of all petitions and supporting documentation required to be filed shall be as established by the Community Services Department.

e. Findings of Fact.

The petitioner shall, at the time of filing of the petition, file proposed detailed written findings of fact.

f. Specifying Request.

All Development Plans shall specify the approvals or waivers requested. Any items, even if indicated on the proposed Site Plan, Overall Plan, Building Elevations or Site Access and Site Circulation Plan, shall not be considered a part of the request presented to the Plan Commission for its consideration unless specified in the Development Plan.

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g. Docketing by Community Development Department.

Each Development Plan filed shall be reviewed for completeness. All Development Plans which are determined to be in proper form pursuant to the guidelines established by the Community Services Department shall, within ten (10) days of filing, be numbered and docketed by the Staff for an initial hearing by the Plan Commission.

h. Investigation of Petitions.

Upon assignment of a number and hearing date, a copy of the Development Plan and relevant supporting documentation shall be distributed to members of Staff and the members of the Technical Advisory Committee for review and comment.

The Community Development Director may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Staff concerning the proposal contained in the Development Plan and a report from members of the Technical Advisory Committee. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.

i. Notice Requirements.

All notices for public hearings regarding a Development Plan Approval before the Plan Commission shall be provided in accordance with the current Westfield-Washington Township Advisory Plan Commission Rules of Procedure.

j. Conduct of Public Hearings.

Public Hearings for all docketed items shall be conducted in accordance with the current Westfield-Washington Township Advisory Plan Commission Rules of Procedure.

2. Application for Development Plan Approval by the Community Development Director shall be accomplished in compliance with the following procedures:

a. All Development Plans for approval by the Community Development Director shall be on forms provided by Community Services Department. In addition, Site Plans, Building Elevations, surveys, legal descriptions, proposed commitments and any other relevant supporting documentation

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¶ All notices for public hearings regarding a Development Plan Approval before the Plan Commission shall be provided in accordance with the following requirements: ¶

¶ <#>Due and proper notice shall be served according to the provisions of Indiana law IC 5-3-1-2.¶

¶ <#>Petitioners shall notify all contiguous property owners of public hearings via certified mail, which shall be received by the contiguous property owners at least ten (10) days prior to the date of public hearing.¶

¶ <#>The petitioner must present a copy of public notice, proof of publication, and copies of certified mail receipts to the Community Services Department Staff at least five (5) days prior to the time of public hearing as proof of fulfilling due and proper notice requirements.¶

¶ Any Development Plan, which has been delegated to Community Development Community Development Director for approval, may occur without public notice and without a public hearing.¶

¶ <#>Conduct of Public Hearings.¶

¶ In order to provide all interested parties with a fair hearing, Petitioners and remonstrators shall be afforded a reasonable amount of time for the presentation of evidence, statements and argument at the public hearing of every Petition before the Plan Commission. The order of the presentation of evidence, statements and arguments shall be as follows:¶

¶ <#>Staff of the Plan Commission shall be given a reasonable time to introduce the matter being considered and for the presentation of evidence or statements regarding the petition being considered.¶

¶ <#>Petitioners shall be allotted a reasonable time to present evidence, statements and arguments in support of the petition being considered.¶

¶ <#>Plan Commission members shall be afforded the opportunity to ask questions about the petition of either Staff or the Petitioner.¶

¶ <#>Members of the public interes... [1]

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shall be of a usable scale and quality. The number of copies of a Development Plan and supporting documentation required to be filed shall be as established by the Community Services Department.

- b. Contact the Community Development Director to make an appointment to deliver the Development Plan and provide a brief explanation of the proposed development.
- c. Community Development Director shall have a period of not more than fifteen (15) days in which to review the proposed Development Plan and either make a decision concerning the Development Plan or request, in writing, additional information from the applicant.
- d. Community Development Director may seek the advice and comment of members of Staff or the Technical Advisory Committee prior to making a decision.
- e. Any Development Plan, which has been delegated to the Community Development Director, may occur without public notice and without a public hearing.
- f. Appeals of Determinations by Community Development Director.

Any determination of the Community Development Director made under the authority of this Chapter may be appealed by any interested party to the Plan Commission within five (5) business days of such decision by filing a letter with the Plan Commission. Such letter shall request a hearing on the matter by the Plan Commission at the Plan Commission's next regularly scheduled meeting for which published notice of the appeal pursuant to I.C. 5-3-1 can be provided.

3. Fees.

In order to defray administrative costs, the following fees shall be applicable:

- a. Development Plans filed for Plan Commission approval – See WC 16.04.180 Figures; or,
- b. Development Plans filed for Community Development Director's approval – included in the building permit fee.

The applicant shall pay all fees at the time of filing of a Development Plan.

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4. Hearings.

All public hearings regarding a Development Plan before the Plan Commission shall be conducted in accordance with the procedures set forth in the Rules of Procedure of the Plan Commission and in this Subsection I.

5. Amendments.

a. Amendments to Development Plans pending determination by the Plan Commission.

(1) Amendments Proposed at a Public Hearing.

The applicant may make amendments to Development Plans pending determination by the Plan Commission at any time prior to a vote being called for by the Plan Commission. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the consideration of such amended Development Plan to the next meeting of the Plan Commission.

The Plan Commission, in its sole discretion, may assign a continued Development Plan to a committee of the Plan Commission for further review and evaluation prior to the next meeting of the Plan Commission.

If amendments are presented by the Petitioner and agreed to by the Plan Commission at the public hearing, revised plans indicating all amendments, as approved by the Plan Commission, shall be filed with the Community Services Department within thirty (30) days of the Plan Commission hearing or prior to the issuance of an Improvement Location Permit, whichever is earlier.

(2) Amendments To Development Plans Prior To Preparation of a Staff Report.

In order for the written Staff Report regarding a Development Plan to include comments and recommendations related to plans amended in response to comments provided by Staff or members of the Technical Advisory Committee, any such amendments must be received by Staff at least two (2) weeks prior to the scheduled public hearing by the Plan Commission.

If the Community Development Director determines that additional changes have been made to the Development Plan

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beyond those necessary to comply with the recommendations of Staff or members of the Technical Advisory Committee, the Community Development Director may continue the public hearing of the Development Plan before the Westfield-Washington Township Plan Commission and require the re-submittal of the amended plans for review by Staff and members of the Technical Advisory Committee.

- b. Amendments To Development Plans Pending Determination By The Community Development Director.

The applicant may make amendments to Development Plans pending determination by the Community Development Director at any time prior to a determination being made by the Community Development Director. If, in the sole discretion of the Community Development Director, the proposed amendment is of such a nature that additional time is needed for review, the amended Development Plan shall be deemed a new filing and shall be reviewed within the time frames set forth in WC 16.04.165, I., 2., above for the initial review of Development Plans by the Community Development Director.

- c. Amendments to Approved Development Plans.

Minor amendments to Development Plans which have already received approval from the Plan Commission or the Community Development Director and which do not involve: (a) an increase in height, area, bulk or intensity of land uses; (b) the designation of additional land uses; (c) the reduction in perimeter yards; (d) the addition of driveways or access points; or, (e) reduction in the amount of parking for any use, may be authorized by the Community Development Director without a public hearing in its continuing administration of the Development Plan if, in the determination of the Community Development Director, the requested minor amendments do not adversely impact the purpose or intent of the overall development.

Minor amendments to *Overall Plans* for Special Districts (SD-1, SD-2, SD-3) which have already received approval from the Plan Commission or the Community Development Director and which do not involve: (a) an increase in height, area, or bulk of more than fifteen (15) percent of the previous approval; (b) the designation of additional land uses; (c) the reduction in perimeter yards by more than fifteen (15) percent; (d) the addition of driveways or access points; or, (e) reduction in the amount of parking for any use by more than fifteen (15) percent, may be authorized by the Community Development Director without a public hearing in its continuing administration of the Development Plan if, in the determination of the Community Development Director, the requested minor

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amendments do not adversely impact the purpose or intent of the overall development.

Such minor amendments authorized by the Community Development Director shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

If the Community Development Director determines that the proposed minor modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes an increase in intensity of any land use or if the proposed modification includes the designation of an additional land use(s), petitioner shall be required to file a new petition for Development Plan Approval.

Any decision of the Community Development Director regarding the amendment of Development Plan may be appealed by any interested party to the Plan Commission within thirty (30) days of such determination.

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6. Signature for Findings.

All findings specified above for the approval of a Development Plan shall be reduced to writing and signed by the Community Development Director of the Community Services Department in the case of a determination by the Community Development Director, or by the President of the Plan Commission in the case of a determination by the Plan Commission, and retained as a part of the permanent record of the determination.

J. Plan Documentation.

1. Site Plan (For Site Plan requirements for individual single family dwellings or accessory residential structure on an individual lot in a Residential District, see WC 16.040165, J., 2.).

A site plan (indicates the nature of the proposed development) filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

- a. North arrow;
- b. Graphic scale;
- c. Address of the site;
- d. Proposed name of the development;
- e. Area map insert showing the general location of the site referenced to major streets, section lines and Alternative Transportation System, as well as the zoning and land use of adjacent property;
- f. Legal description of the site;
- g. Boundary lines of the site including all dimensions of the site;
- h. Names, centerlines and right-of-way widths of all streets, alleys and easements;
- i. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines or building setback lines;
- j. Location and dimensions of all existing structures, including paved areas;
- k. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;
- l. Location and name of all existing and proposed public or private streets, access easements, Alternative Transportation System, and rights-of-way within two-hundred (200) feet of the site;
- m. Location of all floodway and floodway fringe areas within the boundaries of the site;
- n. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;

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- o. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - # of parking spaces required and provided, residence - # of dwelling units per net acre, office - gross floor area);
- p. Structures proposed for demolition should be indicated as such;
- q. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);
- r. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);
- s. All improvements to street system on-site and off-site;
- t. Plan for sidewalks or Alternate Transportation System;
- u. Measurement of curb radius and/or taper;
- v. Names of legal ditches and streams on or adjacent to the site;
- w. Location and type (e.g. ground, pole, wall) of all signs on the site;
- x. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails or other similar uses;
- y. Existing zoning and land use of all adjoining real estate; and,
- z. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Community Development Director.

Community Development Director, in its sole discretion, may, in writing, waive or relax any of the Site Plan requirements listed above, which are not necessary to support a thorough review of the project.

- 2. Site Plan (Required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

A site plan (indicates the nature of the proposed development) filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

- a. North arrow;
- b. Graphic scale;
- c. Address of the site;
- d. Legal description of the site;
- e. Boundary lines of the site including all dimensions of the site;
- f. Names, centerlines and right-of-way widths of all streets, alleys and easements;
- g. Location and dimensions of all existing structures, including paved areas;
- h. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;
- i. Location of all floodway and floodway fringe areas within the boundaries of the site;
- j. Location of all existing and proposed utility facilities and easements,

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- including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
- k. Use of each structure by labeling and size (e.g. one story house – 1,200 sq. ft., detached garage – 576 sq. ft., storage shed – 120 sq. ft.);
 - l. Structures proposed for demolition should be indicated as such;
 - m. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);
 - n. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);
 - o. Measurement of curb radius and/or taper;
 - p. Names of legal ditches and streams on or adjacent to the site; and,
 - q. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Community Development Director.

Community Development Director, in its sole discretion, may, in writing, waive or relax any of the Site Plan requirements listed above, which are not necessary to support a thorough review of the project.

3. *Overall Plan* (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

An *Overall Plan* (if applicable), depicts the proposed build-out of a *Special District* in its entirety, or, in the case of non-residential integrated centers, depicts any portion of the overall center and its relationship to the major features of the larger integrated center of which the project is a part) filed in connection with the submission of a Development Plan, and shall include the following items:

- a. North arrow and graphic scale of not more than 1"=100';
- b. Address of the site;
- c. Proposed name of the development;
- d. Area map insert showing the general location of the site referenced to major streets, section lines and Alternative Transportation System, as well as the zoning and land use of adjacent property;
- e. Legal description of the site;
- f. Boundary lines of the site including all dimensions of the site;
- g. Names, centerlines and right-of-way widths of all streets, alleys and easements;
- h. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines and/or building setback lines;

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- i. Location and dimensions of all existing structures, including paved, gravel or stone areas;
- j. Location, dimensions, and approximate square footage of all proposed structures, including paved, gravel or stone areas, and indicated by cross-hatching;
- k. Location and name of all existing and proposed public or private streets, access easements, Alternative Transportation System, and rights-of-way within two-hundred (200) feet of the site;
- l. Location of all floodway and floodway fringe areas, creeks and Regulated Drains within the boundaries of the site and within two-hundred (200) feet of the site;
- m. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, storm water infiltration, storm water quality, electric, gas, telephone and cable;
- n. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - # of parking spaces required and provided, residence - # of dwelling units per net acre, office - gross floor area);
- o. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);
- p. Location of any proposed or existing driveway and its width at the lot line (any connection to an alley must also be indicated);
- q. All improvements to street system on-site and off-site;
- r. Plan for sidewalks or Alternate Transportation System;
- s. Measurement of curb radius and/or taper;
- t. Names of legal ditches and streams in the site and within 200 feet of the site;
- u. Location, dimensions, and type (e.g. ground, pole, wall) of all existing and proposed signs on the site. Include separate elevations of proposed sign structures with all dimensions drawn to scale;
- v. Areas reserved for park, recreation, conservation, wetland, common area, lake or other similar uses;
- w. A proposed time frame for the completion of the improvements identified within the *Overall Plan*, and a phasing schedule indicating when individual elements of the proposed development are expected to occur;
- x. Any other information necessary to support a thorough review of the project and as requested in writing by the Community Development Director.

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Community Development Director, in its sole discretion, may, in writing, waive or relax any of the Overall Plan requirements listed above, which are not necessary to support a thorough review of the project.

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4. Landscape Plan (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

Landscape Plans filed in connection with the submission of a Development Plan shall: indicate compliance with the requirements of WC 16.06, et seq. -

Landscaping Standards; be drawn to scale of not more than 1"=100'; and, include the following items:

- a. Names and addresses of owners, developers, plan preparers, plan preparation dates, graphic scale of drawings, and north arrow;
- b. Address of the site;
- c. Proposed name of the development;
- d. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;
- e. Locations, quantities, sizes and names (botanical names and common names) – of planting materials;
- f. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;
- g. Locations of barriers to be placed at or beyond the driplines of trees to be preserved and types of materials to be used for barriers;
- h. Planting and installation details as necessary to ensure conformance with required standards;
- i. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill;
- j. Tables clearly displaying relevant statistical information, including numbers of existing trees, numbers of trees to be preserved, etc.;
- k. Overlay sheets at the same scale as landscape plans that display locations, sizes, and common names of individual trees that measure eight (8) inches or more in caliper, areas of dense trees or shrubs, and other natural areas which are to be preserved or removed; and,
- l. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Community Development Director.

Community Development Director, in its sole discretion, may, in writing, waive or relax any of the Landscape Plan requirements listed above, which are not necessary to support a thorough review of the project.

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5. Building Elevations.

Building Elevations filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:

- a. Address of the site;
- b. Proposed name of the development;
- c. Graphic scale;
- d. Elevations for each facade of the building;
- e. Specification or sample of the type and color of building materials to be used for all wall, window, roof and other architectural features;
- f. A separate true color rendering of the proposed building, including any proposed wall sign; *
- g. Placement, size, color and illumination details for any proposed wall sign; *
- h. Details of any exterior architectural lighting proposed on or around the building; *
- i. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Community Development Director.

Community Development Director, in its sole discretion, may, in writing, waive or relax any of the Building Elevation requirements listed above, which are not necessary to support a thorough review of the project.

- * Items not required for an individual single family dwelling or accessory residential structure on an individual lot in a Residential District.

6. Lighting Plan (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

Lighting Plans filed in connection with the submission of a Development Plan shall: indicate compliance with the requirements of WC 16.07 et seq. - Lighting Standards, be drawn to scale of not more than 1"=100', and, include the following items:

- a. North arrow;
- b. Graphic scale;
- c. Address of the site;
- d. Proposed name of the development;
- e. Boundary lines of the site including all dimensions of the site;
- f. Location and dimensions of all existing structures, parking areas and walkways;
- g. Type and location of all exterior of lighting fixtures, including, wattage and type of light;

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- h. Intensity of lighting at base of light structure and at the lot line measured in foot candles;
- i. If architectural building lighting is proposed, indicate the location, type and intensity of lighting on each building façade. (If architectural building lighting is proposed, the photometric plan required in item h. above, shall include the architectural building lighting in the measurement of overall light intensity at the lot line.);
- j. Timing of lighting and method of control of lighting; and,
- k. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Community Development Director.

Community Development Director, in its sole discretion, may, in writing, waive or relax any of the Lighting Plan requirements listed above, which are not necessary to support a thorough review of the project.

7. Sign Plan (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

Sign Plans filed in connection with the submission of a Development Plan shall; indicate compliance with the requirements of WC 16.08 et seq. - Sign Standards; be drawn to scale; and, include the following items:

- a. Address of the site;
- b. Proposed name of the development;
- c. Graphic scale;
- d. A site plan indicating the location of any existing or proposed freestanding signs;
- e. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
- f. Elevation of proposed signs including size, materials and color;
- g. A true color rendering of the proposed signs;
- h. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination; and,
- i. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Community Development Director.

Community Development Director, in its sole discretion, may, in writing, waive or relax any of the Sign Plan requirements listed above, which are not necessary to support a thorough review of the project.

8. Site Access and Site Circulation Plan (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

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A Site Access and Site Circulation Plan shall be required all development, except individual single family homes. The Site Access and Site Circulation Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

- a. North arrow;
- b. Graphic scale;
- c. Address of site;
- d. Proposed name of the development;
- e. Area map insert showing the general location of the site referenced to major streets, section lines and Alternate Transportation System;
- f. Names, centerlines and right-of-way widths of all streets, alleys and easements;
- g. Location and name of all existing and proposed public or private streets, access easements and rights-of-way within two-hundred (200) feet of the site;
- h. Location of any proposed or existing driveway onto a street or alley and its width at the lot line;
- i. Depictions of all travel lanes, turning movements, vehicle storage areas and tapers, including dimensions, at all driveways;
- j. All improvements to the street system on-site and off site;
- k. Centerline measurements between all existing and proposed driveways within two-hundred (200) feet of the site;
- l. Measurement of curb radius and/or taper;
- m. Location and dimensions of primary vehicular ways in and around the proposed development;
- n. Location of any proposed or existing sidewalk or pathway;
- j. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Community Development Director.

The Site Access and Site Circulation Plan requirements listed above may be incorporated into the required Site Plan.

Community Development Director, in its sole discretion, may, in writing, waive or relax any of the Site Access and Site Circulation Plan requirements listed above, which are not necessary to support a thorough review of the project.

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9. Traffic Impact Study (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

A Traffic Impact Study shall be required when a proposed development will meet or exceed the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) 150 or more dwelling units; (ii) 15,000 square feet or more of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more square feet of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or, (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction). A registered professional engineer shall prepare the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, an applicant shall meet with the Staff of the Community Development Department to determine an appropriate scope for the Traffic Impact Study.

10. Statement of Development Build-Out (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

Petitioner shall indicate, either on the submitted site plan, overall plan or in writing, a statement of: (i) the order of development of the major infrastructure elements of the project; (ii) project phase boundaries, if any; (iii) the order and content of each phase; and, (iv) an estimate the time frame for build-out of the project.

11. Green Space Provisions (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

Petitioner shall indicate, either on the submitted landscape plan or in writing, along with any necessary explanatory materials or graphics, a statement of the nature and extent of all existing and proposed green space on the real estate.

K. Transitional Rules.

Any application for Development Plan or Improvement Location Permit which has been filed with the Community Development Department of Westfield-Washington Township and which application is full and complete under the provisions of the Westfield-Washington Township Zoning Ordinance prior to the effective date of this Ordinance shall continue to be processed to completion pursuant to the terms and conditions of the Westfield-Washington Township Zoning Ordinance in effect at the time of making such application.

In the case of a Development Plan subject to these Transitional Rules, substantial completion shall occur within two (2) years of the date of approval by the Plan

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Commission. The Community Development Director may, for good cause shown, grant a one-time extension of up to one (1) year in duration to obtain substantial completion. If substantial completion has not occurred within two (2) years of the date of approval, or by the end of the one (1) year extension period if granted by the Community Development Director, the developer shall present a Special Request before the Plan Commission for an extension of time in which to achieve substantial completion. If an extension of time is either: not requested; or, denied by either the Community Development Director or the Plan Commission, the prior Development Plan approval shall be deemed null and void and any further development of the site shall require the approval of a new Development Plan in compliance with the terms and provisions of the Westfield-Washington Township Zoning Ordinance in effect at the time of filing of the new Development Plan.

Substantial completion shall mean, by way of example, the completion of infrastructure or structural improvements which are essential to: (i) the safe and efficient development of eighty (80) percent or more of the lots in a subdivision; or, (ii) the safe habitability, use or function of a structure.

Overall Plans within any Special District shall be valid for the length of time specified in the approved application, and shall not be subject to the above stated two- (2) year substantial completion requirement. Any use within a Special District seeking an extension of the approved time frame shall do so in the manner described above.

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