ORDINANCE 11-04

AN ORDINANCE BY THE WESTFIELD CITY COUNCIL CONCERNING AMENDMENTS TO CHAPTER 16 – WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

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 ("Zoning Ordinance"); and

WHEREAS, the Westfield-Washington Advisory Plan Commission ("Commission") considered a request filed with the Commission to amend and revise the Zoning Ordinance as described herein; and

WHEREAS, the Commission held a public hearing and forwarded the request to the Westfield City Council with a favorable recommendation under the provision of Ind. Code 36-7-4-605; and

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

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

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

Section 1. That the provisions of the Zoning Ordinance are hereby amended, in accordance with the attached exhibits:

a. Exhibit "A" – WC 16.08.010 – Sign Standards.

b. Exhibit "B" – WC 16.07.010 – Lighting Standards.

c. Exhibit "C" – WC 16.04.210 – Definitions.

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 All ordinances or parts thereof in conflict herewith are hereby repealed.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 _____ DAY OF _____, 2011.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
John Dippel	John Dippel	John Dippel
_____	_____	_____
Steven Hoover	Steven Hoover	Steven Hoover
_____	_____	_____
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
_____	_____	_____
Kenneth Kingshill	Kenneth Kingshill	Kenneth Kingshill
_____	_____	_____
Robert J. Smith	Robert J. Smith	Robert J. Smith
_____	_____	_____
Thomas Smith	Thomas Smith	Thomas Smith
_____	_____	_____
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

_____

Cindy J. Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 11-04 was delivered to the Mayor of Westfield

on the _____ day of _____, 2010, at _____ ____ m.

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-04

this _____ day of _____, 2011.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 11-04

this _____ day of _____, 2011.

_____
J. Andrew Cook, Mayor

ATTEST:

_____
Cindy J. Gossard, Clerk Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Kevin M. Todd

Prepared by: Kevin M. Todd, AICP, Senior Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

WC 16.08.010 Sign Standards - General Provisions

A. Purpose and Intent.

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

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

B. Applicability.

These regulations shall be applicable to: ~~all signs within Westfield-Washington Township, which:~~

1. All new Signs within Westfield-Washington Township;
2. Any Sign which is being replaced with new Sign Copy, and;
3. Any Sign or sign structure which is being relocated.
4. ~~4.~~3.
5. ~~Are newly constructed, erected, or placed into operation after the effective date of this chapter; and~~
6. ~~Involve relocation or replacement of existing sign structures or supports commenced after the effective date of this chapter.~~

C. Exceptions.

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

1. All regulatory, informational, identification, or directional signs required by law or government entity;
2. Temporary signs advertising annual events put on by Westfield or Washington Township public entities and school districts;
3. Scoreboards for public and private recreational facilities and institutions that do not provide for commercial or business advertising displays;
4. Permanent drive-thru menu boards where drive-thru uses are permitted;
5. ~~Window Signage~~

~~a. Maximum Sign Area: window signs shall not exceed twenty-five (25) percent of the window pane.~~
~~b. Maximum Height: none.~~
~~c. Installation: The use of fluorescent colors is prohibited.~~
~~d. Removal: Damage or faded signs shall be removed or maintained to "new" appearance.~~
~~e. Maximum Number: none.~~

~~6.~~5. ~~Postal signs~~, H~~h~~istoric site makers or plaques, flags of government~~, commercial, or noncommercial institutions~~, gravestones, and address numbers;

~~7.~~6. Flags of commercial or noncommercial institutions:

1. Shall be displayed on a flag pole;
2. May only be displayed with an accompanying United States flag on the same flagpole or nearby flag pole within the same display;
3. Shall be subordinate in size to the accompanying Unites States flag;
4. May be displayed at the rate of no more than one (1) commercial or noncommercial institution flag per displayed United States flag;
5. All flags shall be displayed per U.S. Code 36-10.

~~8.~~7. Structures and/or containers intended for separate use such as phone booths, waste management containers, and point-of-purchase advertising displays;

~~9.~~8. Lettering or symbols placed directly onto a licensed and operable motor vehicle or trailer operating in the normal course of business provided that a vehicle or trailer is not parked or positioned solely for advertising purposes;

~~10.~~9. Private informational signs such as "no trespass," "private," "sale," etc. which do not exceed four (4) square feet in surface area;

~~11.~~10. Signs advertising construction projects, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, are limited to a maximum of one (1) sign per street frontage, and shall be removed at the end of construction;

~~12.~~11. Political signs which do not impair lines of sight for vehicles or pedestrians; and

12. Seasonal decorations within the appropriate holiday season or civic festival season.

D. Prohibitions.

Prohibitions to these sign standards shall include the following:

1. No signs or sign structure shall be similar in coloring, shape, function or location nor resemble, conflict with or be confused with any approved traffic-control sign or device;
2. No sign shall create a safety hazard for vehicles or pedestrians as determined by the City of Westfield Public Works Department;
3. No sign shall be placed in any public right-of-way except publicly owned traffic-control and transit signs, informational, identification, directional signs, and temporary signs per WC 16.08.010 K;
4. No pole signs shall be permitted within Westfield-Washington Township (See Pole Sign in definitions);

5. No off-premise sign shall be permitted within Westfield-Washington Township except temporary signs per WC 16.08.010 K;
6. No display of temporary signs such as banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, balloons or inflatable signs shall be permitted except for banners permitted on a limited basis pursuant to Section WC 16.08.010 K, 10 and Ornamental Banners, pursuant to Section WC 16.08.010 K, 12;
7. No sign shall project into the public right-of-way; except that a business sign mounted on a building may be permitted to project eighteen (18) inches from the face of a building elevation. Relief from this standard may be granted by the City Council or designee;
8. No sign shall be mounted on a roof or extend above an eave or parapet of a building wall;
9. No sign shall be permitted to revolve, flash, blink, swing or appear to move;
10. No sign shall be affixed to trees, fence posts, utility poles or other support structures; and
11. No sign shall be placed on a personal or commercial vehicle or trailer which is then parked or positioned for the primary purpose of displaying the said sign.

E. General Sign Regulations.

All signs shall conform to the following regulations:

1. Maintenance and Repair:
    a. All Signs and sign structures shall be kept and maintained in a good state of repair and in a safe condition at all times.
    b. Maintenance and repair shall include, but not be limited to:
        i. The replacement of defective parts;
        ii. The replacement of missing or damaged sign panels, supports or other components and parts;
        iii. Cleaning Sign and sign structure components, and;
        iv. Repainting Sign and sign structure components;
    c. Replacing damaged sign panels with new and different Sign Copy does not constitute maintenance and repair. Replacing damaged sign panels with new and different Sign Copy shall be treated as replacing any sign with new Sign Copy;
    d. Taking a Sign or a sign structure down for the purposes of maintenance and repair is permitted;

    ~~e. 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 not to be detrimental to the public health, safety or general welfare;~~
2. Abandoned sign copy shall be removed by the owner or lessee of a site upon which the sign is located within three (3) months after the business or service advertised by the sign ceases operations;
3. Sign foundations and structures with copy removed may remain upon a site for twenty-four (24) months with the property owner's written consent provide that the foundations and structure are maintained pursuant to WC 16.08.010 E, 1.

4. All monument signs shall be designed and located to maintain clear lines of sight along public rights-of-way;
5. Maximum sign height shall be measured from the natural grade elevation upon which the sign is placed or crown height of the adjacent roadway, whichever is higher;
6. Illumination of signs shall be regulated per Section WC 16.07 of the Westfield-Washington Township Zoning Ordinance;
7. Illuminated signs shall be setback a minimum distance of twenty-five (25) feet from any residential district;
8. In no instance shall a permitted nonresidential use or tenant be restricted to less than twenty-five (25) square feet -of sign area, nor shall any permitted nonresidential use or tenant be permitted to display more than five (500) hundred square feet of sign area;
9. Sign area shall be computed as the smallest continuous rectangular figure that circumscribes a single sign display including writing, representations, emblems, logos or other displays, exclusive of the supporting framework, base, or structural bracing clearly incidental to the sign display;
10. In no instance shall wall sign square footage exceed the linear footage of the wall on which it is placed (See "Linear Footage, Wall" in Definitions);
11. Manual Changeable Copy Signage.
    a. Manual c~~C~~hangeable copy signage shall be allowed only when incorporated into a permanent sign structure as allowed by this ordinance; and,
    b. ~~For signage with changeable copy area,~~ T~~t~~he entire manual changeable copy area shall be counted toward sign display area square footage, regardless of the amount of information placed upon the changeable copy area.

~~11.~~12. Electronic Signage. Electronic Signage shall be allowed and shall comply with the following:

a. Electronic Signage shall be limited to Gas Price Signs and Time and Temperature Signs;
b. Electronic Signage shall count against wall signage or monument signage display area allotments, as applicable, as permitted in this chapter;
c. The entire electronic display area shall be counted towards the total allotted sign display area;
d. The maximum height of any letter, number or character shall be twenty (20) inches;
e. The sum of all Electronic Signage for an Individual Nonresidential use or a Nonresidential Center shall not exceed thirty (30) percent of the total sign area allotment, as permitted in this chapter;
f. The effects or use of moving, flashing, blinking, animation, scrolling, twirling, or other similar effects (including but not limited to video) are prohibited;
g. Changes of image may not occur more than once per hour, except for displays containing only time and/or temperature;
h. Changes of image must be instantaneous as seen by the human eye and may not use fading, rolling, window shading, dissolving, or similar effects as part of the change;
i. Electronic Signage must use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the standards established in this subsection. All Electronic Signage must have

installed ambient light monitors, and must at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. Maximum brightness levels for electronic signage may not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between sunset and sunrise;

j. If mounted to a canopy, Electronic Signage shall not project beyond the canopy.

13. Identification with the City of Westfield. Title signs shall include, as an integral part of the sign design, the words "of Westfield" following any designation of an industrial park, office park, apartment development, subdivision development or shopping center name and alike. The size of the words "of Westfield" shall be a minimum of 50% of the size of the development's name on the sign, and shall not be counted toward square footage allowed or cost. If the word "Westfield" is already part of the development's name on the sign, there shall be no requirement for the location of the words "of Westfield" on the sign. Further, where "of Westfield" is required on a sign, the design and material used to include this wording shall be the same as the other lettering on the sign.
14. Reverse channel letters may be used for signage in accordance with the following:
    a. Reverse channel letters shall be illuminated in accordance with WC 16.07.010 G, 3.
    b. Individually mounted letters may be used; however, if the letters are mounted on a track, then the track shall be the same color as the background building material on which the track is mounted.
15. Window Signage
    ~~f.~~a. Maximum Sign Area: window signs shall not exceed twenty-five (25) percent of the window pane.
    ~~g.~~b. Maximum Height: none.
    ~~h.~~c. Installation: The use of fluorescent colors is prohibited.
    ~~i.~~d. Removal: Damage or faded signs shall be removed or maintained to "new" appearance.
    ~~j.~~e. Maximum Number of Signs: No Maximum.
    ~~k.~~f. No permit required.

F. Residential District Signs.

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

1. Residential complexes and subdivisions shall be permitted either of the following entrance signage options:
    a. One (1) monument sign per residential complex or subdivision entrance, which shall not exceed nine (9) feet in height, and shall not exceed thirty-two (32) square feet per sign face; or,
    b. Two (2) separate sign display areas per entrance, provided that the sign display areas are directly incorporated into an entrance landscape feature, wall, or other

decorative feature. In no instance shall the sign display area exceed fifteen (15) feet in height or total more than one hundred (100) square feet of sign area.

2. Home occupations shall be permitted one (1) sign per residence which shall not exceed 4 square feet in total sign area; and
3. Home occupation signs shall only be affixed to a wall or door of the structure containing the business.
4. Permitted non-residential uses located in residential districts shall be allowed signage as per WC 16.08.010 (G) below.
5. Signs allowed per WC 16.08.010 K and WC 16.08.010 M.

G. Individual Nonresidential Signs.

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

1. Sign Area Allocation:
   a. For all permitted individual nonresidential uses, total sign area allocation permitted shall be one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way; and,
   b. The total permitted sign area allocation may be divided between monument, wall, awning, projecting signs (projecting signs permitted in Downtown Center only), and all legally-established nonconforming signs; and
   c. Both sides of a monument or projecting sign shall count against sign allotment for a site.
2. Monument Signs:
   a. A maximum of one (1) monument sign shall be permitted for each public street frontage per lot in all zoning districts;
   b. Monument signs may have a maximum sign display area of sixty (60) square feet per sign face;
   c. Monument sign display area may have a maximum height dimension of six (6) feet and a maximum width dimension of twelve (12) feet;
   d. Monument signs may have a maximum sign height of nine (9) feet only when incorporating a sign base and sign cap features;
   e. Monument signs incorporating a cap or base shall have a minimum base height of six (6) inches, a maximum base height of twenty-four (24) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed three (3) feet; and,
   f. Sign caps and bases shall not be used for sign display or advertising purposes.
3. Setbacks:
   a. All signs shall conform to the side and rear yard setback requirements for structures as set forth in Chapter 20.07 of this zoning ordinance; and
   b. Signs shall have a minimum front yard or right-of-way setback requirement of five (5) feet from a property line or right-of-way.

H. Downtown Center.

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

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

I. Nonresidential Center Signs.

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

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

2. *Monument Sign(s) (Center Only)*:
    a. Size:
        i. Nonresidential centers less than 25,000 building square feet in size shall be permitted one monument sign per nonresidential center, which shall be no greater than nine (9) feet in height and have no more than sixty (60) square feet of sign area per face;
        ii. Nonresidential centers which range in size from 25,000 building square feet to one hundred thousand (100,000) building square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face;
        iii. Nonresidential centers greater than one hundred thousand (100,000) building square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face;
    b. Nonresidential center monument signs shall have a minimum base height of six (6) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed six (6) feet; and,
    c. Sign caps and bases shall not be used for display or advertising purposes.
    ~~c.~~d.
3. *Entrance Sign(s) (Center Only)*:
    a. In addition to a nonresidential monument sign, a nonresidential center shall be permitted one (1) entrance sign per point of ingress; and,

b. Nonresidential center entrance signs shall be limited to a maximum of six (6) feet in height, a sign area of thirty (30) square feet per sign face, and shall not contain tenant information.

4. *Interior Circulation Sign(s) (Center Only)*:
   a. Nonresidential centers are permitted interior circulation signage containing traffic directing information only (such as "Enter", "Exit", "Do Not Enter", etc.). Circulation signage shall be limited to a maximum of three (3) feet in height, and a sign area of two (2) square feet per sign face.
5. *Center In-Line Tenant Signage*:
   a. All in-line tenants of nonresidential centers shall be permitted one (1) square foot of signage for each linear foot of tenant space front façade (See "Front Façade" in Definitions);
   b. Corner in-line tenants shall have only one (1) front façade, that being the façade with the primary public entrance.
   c. The total permitted sign area allocation may be divided between wall and awning signs;
   d. Wall signs in nonresidential centers shall be located on the front façade except that those tenants with corner locations are permitted to place signage on a side wall; and,
   e. Any side wall sign square footage shall be deducted from the total sign allocation for the tenant space;
   f. Center in-line tenants shall not be permitted individual monument signs.

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

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

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

      iii. No tenant shall be permitted more than one (1) sign on the front building elevation

iv. All second floor tenant signs shall be located no less than twenty-six (26) feet above grade on the front building elevation;
v. The total permitted second floor sign area allocation may be divided between wall and awning signs;
vi. Second floor tenant signs shall be located on the front building elevation;
vii. Each patron entrance for second floor tenants is permitted one (1) wall directory sign OR one (1) ground directory sign AND one (1) building identification sign
   (a) Directory Signs:
      (i) General:
         1. Directory signs shall be located within fifteen (15) feet of the patron entrance for second floor tenants;
         2. Directory signs shall not be illuminated;
         3. Directory signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 J.
      (ii) Wall Directory Signs:
         1. Wall directory signs shall not exceed four (4) square feet in size;
         2. Wall directory signs shall not be located more than five (5) feet above grade;
      (iii) Ground Directory Signs:
         1. Ground directory signs shall not exceed six (6) square feet per face;
         2. Ground directory signs shall not exceed five (5) feet in height from grade;
   (b) Building Identification Signs
      (i) General:
         1. One (1) building identification sign is permitted per patron entrance.
         2. Building identification signs shall be located either on an exterior wall above a patron entrance OR on a canopy over a patron entrance;
         3. Building identification signs shall not include tenant information;
         4. Building identification signs shall not be illuminated;
         5. Building identification signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 J;
      (ii) Building Identification Signs on a Canopy:
         1. Shall not exceed twelve (12) inches in height;
         2. Shall not exceed twelve (12) feet in length;
         3. Channel letters and sign panels are prohibited from use on building identification signs on a canopy;
         4. Reverse channel letters are permitted;
      (iii) Other Building Identification Signs:
         1. Shall not exceed six (6) inches in height;
         2. Shall not exceed six (6) feet in length or the width of the patron entrance doorway, whichever is less;
         3. Building identification signs shall not protrude from the building façade;
            a. Channel letters, reverse channel letters, and sign panels are prohibited from use on building identification signs;
            b. Transom window signs are permitted and may exceed the provision found in WC 16.08.010 C, 5.

viii. Second Floor Tenant signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 J;
ix. Second floor tenants shall not be permitted individual monument signs.

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

            (iii) Ground Directory Signs:
               1. Ground directory signs shall not exceed six (6) square feet per face;
               2. Ground directory signs shall not exceed five (5) feet in height from grade;
         (b) Building Identification Signs
            (i) General:
               1. One (1) building identification sign is permitted per patron entrance.
               2. Building identification signs shall be located either on an exterior wall above a patron entrance OR on a canopy over a patron entrance;
               3. Building identification signs shall not include tenant information;
               4. Building identification signs shall not be illuminated;
               5. Building identification signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 J;

(ii) Building Identification Signs on a Canopy:
1. Shall not exceed twelve (12) inches in height;
2. Shall not exceed twelve (12) feet in length;
3. Channel letters and sign panels are prohibited from use on building identification signs on a canopy;
4. Reverse channel letters are permitted;

(iii)Other Building Identification Signs:
1. Shall not exceed six (6) inches in height;
2. Shall not exceed six (6) feet in length or the width of the patron entrance doorway, whichever is less;
3. Building identification signs shall not protrude from the building façade;
   a. Channel letters, reverse channel letters, and sign panels are prohibited from use on building identification signs;
   b. Transom window signs are permitted and may exceed the provision found in WC 16.08.010 C5.

vi. Upper Floor Tenant signage is not eligible for the sign area bonuses provisions found in WC 16.08.010 (J);

vii. Upper floor tenants shall not be permitted individual monument signs.

8. <u>Outlot Signage:</u>
   a. All outlots of nonresidential centers shall be permitted one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way;
   b. The total permitted sign area allocation may be divided between wall, awning, and under canopy signs;
   c. Signs may be located on any building elevation; and,
   d. All sign square footage shall be deducted from the total sign allocation for the outlot;
   e. Outlots within a nonresidential center shall not be permitted monument signs.

J. <u>Sign Area Bonus</u>.

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

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

1. Sign Area Allotment Bonuses:
   a. Sign Number: A five (5%) percent sign area allotment bonus shall be granted for limiting the total number of signs to three (3) or less;
   b. Where monument signs are permitted, a ten (10%) percent sign area allotment bonus shall be granted for not having a monument sign.
   c. Alternative Materials. A ten (10%) sign area allotment bonus shall be granted when all signage on site is primarily comprised of decorative wood, sculpted metal, or

equivalent substitutes. This bonus is also available on a Tenant/Outlot basis in Nonresidential Centers.

d. Nonresidential Center Sign Plan. A ten (10%) percent sign area allotment bonus shall be granted if a uniform and complimentary sign plan is mandated for all signage on site, including center, tenant, and outlot signage. A sign plan must address colors and materials and be approved by the Community Development Director prior to the issuance of individual permanent sign permits for tenants and outlots.

2. Wall Sign Bonuses:
   a. Individual Letters. A ten (10%) percent wall sign area bonus shall be granted for individual nonresidential uses, tenants, or outlots whose wall signs consist only of individual letters mounted directly on a building surface.
3. Monument Signs:
   a. Materials. A ten (10%) percent monument sign area bonus shall be granted for using brick, stone or equivalent substitute in the construction of a sign base, cap and supporting structure.
   b. Matching Materials. A ten (10%) percent monument sign area bonus shall be granted if over fifty (50%) percent of the sign base, cap, and supporting structure matches the building materials used on a front elevation of the building(s).
   c. Landscaping. A ten (10%) percent monument sign area bonus shall be granted for landscaping the area around a base of a monument sign. Refer to Section WC 16.06.010 of the Zoning Ordinance for landscaping details.

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

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

3. Nonresidential Special Event Signs.

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

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

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

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

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

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

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

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

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

g. Permit Required.

10. Sandwhich Board Signs.

a. General:

i. The placement of sandwich board signs shall not impede pedestrian or vehicular traffic;

ii. Sandwich board signs shall not exceed six (6) square feet per sign face;

iii. Sandwich board sign width shall not exceed three and one-half (3.5) feet when measured from the outside of a sign support and/or sign face;

iv. Sign height shall not exceed five (5) feet when measured from the ground to the top of a sign face or sign support structure;

v. Sandwich board signs shall have a base support and the base support shall be weighted with a minimum ten (10) pound ballast to ensure sign stability;

vi. Sandwich board signs shall not be permanently affixed to any structure or sidewalk;

vii. Placement of sandwich board signs in a public right-of-way shall require approval by the Westfield City Council, or designee;

viii. More than two (2) sign violations of this ordinance in one calendar year shall result in the termination of the sandwich board sign permit and require removal of the sandwich board for that calendar year;

ix. A permit must be obtained from the Community Development Department.

b. Residential Districts:

i. One (1) sandwich board sign shall be permitted per entrance from a public right-of-way per subdivision;

ii. Sandwich board signs advertising subdivision events may be placed in the common area adjacent to the subdivision entrance from a public right-of-way;

iii. Signs shall be posted for no more than seven (7) consecutive days.

c. Commercial Districts:

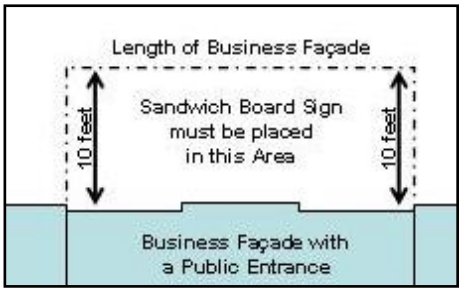
i. One (1) sandwich board sign shall be permitted per individual commercial or business use;

ii. Sandwich board signs shall not count toward the total sign allotment for a commercial use or business;

iii. Sandwich board sign faces shall be constructed of a chalk board type material or equivalent substitute which permits the application of any identification, message or information with a non-permanent type of text, design or logo;

~~iii.~~iv. Signs must be removed at the end of each business day;
Signs shall only be placed within 10 feet of, and directly in front of, a business façade having a public entrance. See the ~~graphic~~ Figure K 10.1 below:

Figure K 10.1



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

3. A sign permit is not required when performing routine maintenance of the Builder/Developer Sequential Sign Collections or pole.
4. A sign permit is not required when replacing Builder/Developer Sequential Sign Collections that do not look like new with new, identical Builder/Developer Sequential Sign Collections.

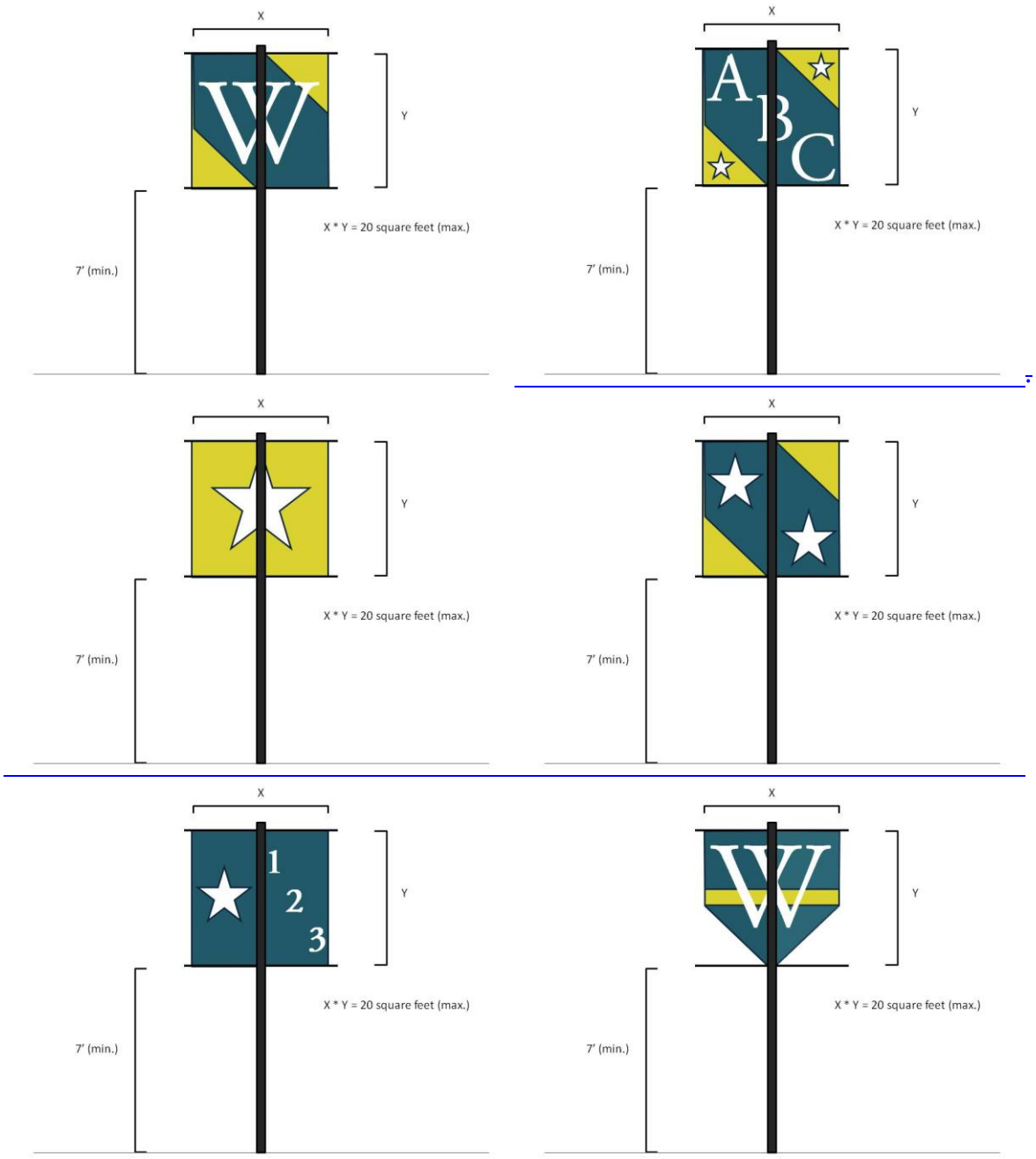
b. Apartments:
   i. Maximum Sign Area (per side): Fifteen (15) Square Feet.
   ii. Maximum Sign Height: Six (6) feet.
   iii. Installation:
      1. Signs shall be erected within the development.
      2. Signs shall only be allowed on Local Streets or private drives within the development;
      3.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

c. Nonresidential: Builder/Developer Sequential_Sign Collections are not permitted for nonresidential uses.

12. Ornamental Banners:

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

Figure K 12.1



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

L. Under Canopy Signs.

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

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

N. Nonconforming Signs.

All existing signs which do not conform to this ~~section~~ chapter at the time of its adoption, and as amended, are designated ~~lawfully~~ legally nonconforming.

1. Maintenance and Repair – See WC 16.08.010 E, General Sign Regulations.
2. The legal nonconforming status of a legally nonconforming sign shall be terminated by the Director if:
   a. The Sign or sign structure is not kept in good maintenance and repair, as described in this chapter, for a period exceeding six (6) consecutive months;
   b. The Sign or sign structure is relocated;
   c. The Sign Copy is replaced with new and different Sign Copy;
   d. The size of the Sign or sign structure is altered~~increased in size~~;
   e. Any new signage is proposed for the property upon which the Sign is located;
   f. A Sign that is taken down for maintenance and repair is down for longer than thirty (30) days.

3. Upon the termination of legal nonconforming status, the Sign shall be:
   a. Removed within thirty (30) days, or;
   b. Brought into compliance with the regulations of this chapter within thirty (30) days.

   a. ~~and shall either be removed or brought into compliance with these regulations at such a time when new development or expansion is proposed, or when a change in signage is proposed for the property upon which the sign is located. Lawful nonconforming signs shall not be relocated, expanded, or altered except to permit routine maintenance and repairs.~~

4. In no case shall the replacement of individual tenant name panels on a non-residential center sign constitute the need to bring the non-residential center sign into compliance with these sign regulations.

O. Permits.

1. After the effective date of the ordinance codified in this title, and except as otherwise provided, a sign permit from the Community Development Department shall be required for the following:
   a. All new Signs within Westfield-Washington Township;
   b. Any Sign which is being replaced with new Sign Copy, unless otherwise permitted herein;
   c. Any Sign or sign structure which is being relocated, and;
   d. The replacement of individual sign panels on nonresidential center monument signs does not require a permit.
2. ~~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 and his/her designated staff shall have the authority to review and decide upon all sign permit applications.
3. Signs which shall not require a permit include all signs or displays permitted in Section WC 16.08.010 C, Exceptions and any Temporary Sign not requiring a permit, as established in WC 16.08.010 K, Temporary Signage.

~~2.~~4. Application for a permit shall be made in writing, upon forms prescribed and approved by the Director and shall contain the following information:

   a. Name, address, and telephone number of applicant or business;
   b. Site address;
   c. Graphic scale;
   d. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
   e. A site plan indicating the location of any existing or proposed monument signs;
   f. A square footage calculation of any proposed sign(s), as well as the location and square footage of all existing on-site sign(s);
   g. Elevation of proposed signs including size, materials, color and dimensions;
   h. A true color rendering of the proposed signs;
   i. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination;
   j. Indication of sign type(s) as defined in this chapter;
   k. Written consent of the owner of the building, structure, or land on which the sign is to be erected if the applicant is not the owner; and
   l. Temporary and special event sign displays shall provide a schedule for sign displays which indicate the dates and duration of the sign displays.
   m. Any other information necessary to support a thorough review of the project and as requested in writing by the Director

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

P. Violations and Enforcement.

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

1. The Director shall advise the owner of the sign, business, building, structure or premise in writing of a violation of this chapter and specify a date for compliance which shall not exceed thirty (30) days;
2. The written notice shall describe the violation, appeal process, and enforcement provisions including penalties that may be assessed;
3. Issuing a stop work order for any and all work on any signs on a site;
4. Seeking an injunction or other restraint that requires the removal of the sign or correction of the nonconformity;
5. Imposing civil penalties in accordance with the following schedule:
    a. $50 for the first day of the violation;
    b. $100 for the second day of the violation;
    c. $250 for the third day of the violation; and
    d. $500 a day each day thereafter that violation continues; and
6. And other remedies provided for or allowed by state law or City Codes.

WC 16.08.100 Administration and Penalties.

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

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

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

WC 16.08.110 Amendments.

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

WC 16.08.120 Validity.

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

WC 16.08.130 Adoption.

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

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

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

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

Amended by the City Council of the City of Westfield, Indiana on the ____ day of _____, _____.

Westfield City Council

_____
President

_____

_____

_____ __

_____ __

_____ __

_____

ATTEST:

_____

Clerk- Treasurer

LIGHTING STANDARDS

Chapter 7
Outdoor Lighting Standards

WC 16.07.010 General Provisions

A. Purpose and Intent.

Westfield-Washington Township wishes to enhance the visual environment of the nighttime sky, protect the public health, safety and welfare, provide safe roadway conditions for motorists, cyclists, and pedestrians, and promote energy efficient, cost effective lighting while minimizing light pollution, intrusion and trespass from uncontrolled light sources. It is the intent of this Chapter to minimize the intrusion of lighting across property lines and into the nighttime sky, thereby avoiding a disruption to the quality of life of Washington Township residents.

B. Applicability.

These regulations shall be applicable to all outdoor lighting sources within Westfield-Washington Township, which:

1. Are newly designed, constructed, erected or placed into operation after the effective date of this chapter; and

2. Require the relocation or replacement of existing lighting fixtures commenced after the effective date of this chapter.

C. Exceptions.

Exceptions to these lighting standards shall include the following:

1. All outdoor light fixtures permitted prior to the adoption of these regulations (Ord. 02-39, December 9, 2002) shall be exempt from the shielding requirements of this chapter, except that when an outdoor light fixture becomes inoperable, the replacement light fixture shall comply with the standards of this chapter;

2. All hazard warning lighting required by Federal and State regulatory agencies shall be exempt from the requirements of this chapter;

3. All temporary emergency lighting required by local law enforcement, emergency service and utility department(s), shall be exempt from the requirements of this chapter;

4. All traffic control and directional lighting shall be exempt from the requirements of this chapter;

5. All underwater lighting used for the illumination of swimming pools and water features shall be exempt from the lamp type and shielding standards of this chapter;

6. All lighting for temporary festivals and carnivals shall be exempt from the requirements of this chapter; and

7. All low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100 watt incandescent light) per fixture shall be exempt from the requirements of this chapter.

D. Prohibitions.

Prohibitions to the lighting standards of these regulations shall include the following:

1. The installation, sale, lease, or purchase of any mercury vapor lamp shall be prohibited in Westfield-Washington Township;

2. The use of laser source light or other similar high intensity light for outdoor advertising, except when otherwise permitted in conjunction with an Electronic Sign, when projected above the horizontal shall be prohibited in Westfield-Washington Township;

3. The operation of searchlights and floodlights for advertising purposes shall be prohibited in Westfield-Washington Township;

4. The use of any lighting source on towers shall be prohibited except as required by the Federal Aviation Administration; and

5. The illumination of off-site advertising signs shall be prohibited in Westfield-Washington Township.

E. General Lighting Standards.

For all areas located in Westfield-Washington Township the following standards shall apply:

1. All light fixtures, with the exception of internally-illuminated signage or Electronic Signage, shall be fully shielded and direct light downward toward the earth's surface;

2. All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way;

3. All lighting sources, with the exception of internally-illuminated signage or Electronic Signage, shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way;

4. Light pole height shall not exceed twenty-five feet (25'). All parking area light fixtures shall be designed and located to confine emitted light to the parking area; and

5. All lighting fixtures must meet building code requirements for their appropriate construction class;

F. Multi-Family Residential, Commercial and Industrial Standards.

For all multi-family residential, commercial, and industrial uses the following standards shall apply:

1. All light fixtures, with the exception of internally-illuminated signage or Electronic Signage, shall be positioned in such a manner so that no light-emitting surface is visible from a residential area or public right-of-way when viewed at ground level;

2. Light meter readings shall not exceed: one-half (0.5) foot-candles at a single-family residential property line, or one-half a (0.5) foot-candle at a multi-family residential property line or one (1.0) foot-candle at all other non-residential property lines. (It should be understood that, with all of these measurements, light will still be visible at or beyond property lines.)

3. All lights on poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser;

4. All canopy structures shall have lights with diffusers which are recessed, and which do not extend below the surface of the canopy as measured on a plane parallel to the earth's surface;

5. Lighting under awnings and canopies shall only illuminate a building front, a sign under an awning or canopy, or the sidewalk, but shall not illuminate the awning or canopy itself;

6. Thirty (30) percent of all parking area lighting shall be turned off within 30 minutes of closing of the last business or no later than 11:00 p.m.; and

7. No outdoor sports or recreational facilities shall be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.

G. Sign Lighting.

1. Lighting fixtures used to illuminate an outdoor advertising sign, other than a monument sign or an internally-illuminated sign, shall be mounted on top of or above the sign structure and shall comply with the shielding requirements of this chapter;

2. Lighting fixtures used to illuminate ground mounted or monument signs may be illuminated with a ground mounted or bottom mounted lighting fixture, provided that the fixture is fully shielded and all light output is directed onto the sign surface; and,

~~3. No sign lighting shall pulse, rotate, blink, flash or simulate motion, except a display containing only the time and temperature; and~~

~~4.~~3. Lamps utilized for the internal illumination of wall signs shall be turned off at 11:00 p.m. or when business closes.

H. Lighting Plans.

The applicant for any permit required by Westfield-Washington Township that proposes outdoor lighting shall submit a lighting plan set which includes:

1. A site plan indicating the location of all lighting structures, supports and fixtures, including those fixtures which presently exist on site and those which are proposed for the site;

2. A graphic and/or textual description of all lighting fixtures, both proposed and existing on-site. The description may include, but is not limited to cut sheets and illustrations by the manufacture, lamp types, wattages, and lumen outputs;

3. A site plan with illuminance levels superimposed on the site plan in the form of an iso foot-candle diagram or point-by-point grid diagram.

4. All plot lighting levels shall be depicted at 10-foot intervals or less.

5. The iso foot-candle diagram shall plot foot-candle increments of one-half (0.5) foot-candle or less;

6. Photometric data depicting the angle of cut off of light emissions; and

7. Any other information that the Planning Director determines necessary to ensure compliance with the provisions of this chapter.

WC 16.04.210 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.

1. Abutting - Bordering

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

3. 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.

4. 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.

5. 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.

6. 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.

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

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

9. Alley Line - A lot line bordering on an alley.

10. 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 Town of Westfield.

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

12. 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 are.

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

14. 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. This definition excludes Ornamental Banners.

15. Banner, Ornamental – An Ornamental Banner is constructed out of fabric. An Ornamental Banner may display symbols, logos, emblems, letters (no more than three (3) per face of the entire display), and other graphic elements. An Ornamental Banner shall not display words, including but not limited to symbols, logos, emblems, and other graphic elements containing words.

16. 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.

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

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

19. 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.

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

21. 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.

22. 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.

23. 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.

24. Builder/Developer Directional Signage Offsite. A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians to a development.

25. Builder/Developer Directional Signage Onsite. A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians within a development to specific phases or lots.

26. Builder/Developer Kiosk Directional Signage Onsite. A sign whose message is limited to guiding the circulation of motorists or pedestrians within a development to different builder's sections or types of home products.

~~26.~~27. Builder/Developer Sequential Sign Collections - A series of signs, typically grouped together in a linear fashion, used for advertising or other informational purposes. Typically, the collective viewing of each sign in a proper sequence portrays a single message, but each individual sign may portray an independent message.

~~27.~~28. 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. When separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure.

~~28.~~29. 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.

~~29.~~30. Building Commissioner - The official designated by the Westfield Town Council, authorized to enforce the Westfield - Washington Township

Comprehensive Zoning Ordinance and the Westfield - Washington Township Building Code.

~~30.~~31. Building, Detached - A building having no structural connection with another building.

~~31.~~32. Building Facade – The side of a structure that abuts the front yard.

~~32.~~33. Building, Front Line of - The line of the face of the building nearest the front lot line.

~~33.~~34. 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.

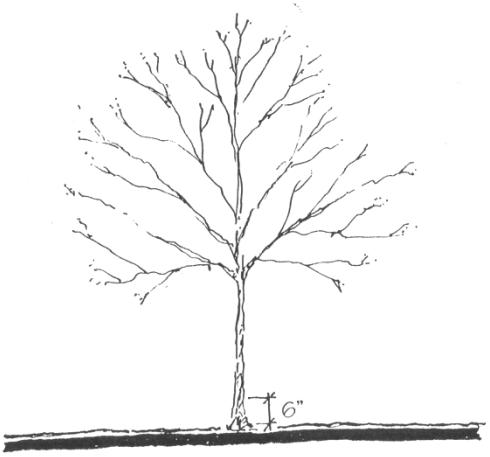
~~34.~~35. Building Line (Building Setback Line) - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line as defined by the legal description.

~~35.~~36. 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.

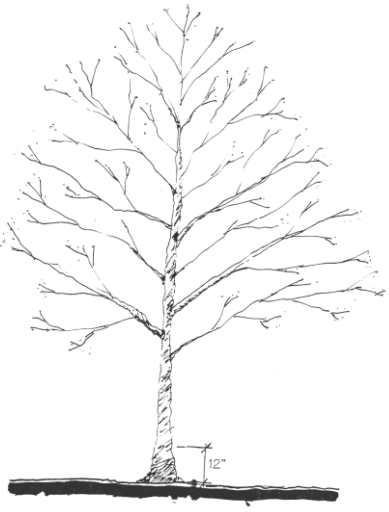
~~36.~~37. Building, Principal - A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

~~37.~~38. 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.

~~38.~~39. 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.



4" Caliper Tree



8" Caliper Tree

~~39.~~40. 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.

~~40.~~41. 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.

~~41.~~42. Cellar - A story having more than one-half of its height below the average grade of the adjoining ground. (See Basement)

~~42.~~43. 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.

~~43.~~44. 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.

~~44.~~45. Church - A building set aside only for public worship.

~~45.~~46. 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.

~~46.~~47. 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.

~~47.~~48. 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.

~~48.~~49. 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.

~~49.~~50. 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)

~~50.~~51. 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 no 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.

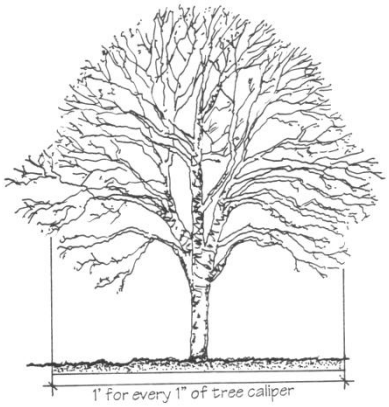
~~51.~~52. Commission - The Westfield-Washington Township Plan Commission.

~~52.~~53. 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.

~~53.~~54. 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.

~~54.~~55. 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.

~~55.~~56. 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.



Critical Root Zone

~~56.~~57. 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.

~~57.~~58. 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.

~~58.~~59. 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.

~~59.~~60. 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.

~~60.~~61. 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.

~~61.~~62. Deciduous – A plant with foliage that is completely shed annually in early to mid autumn.

~~62.~~63. Decorative Pole – A vertical, rigid support that is mounted to the ground, containing ornamental element(s).

~~63.~~64. 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.

~~64.~~65. Dressmaking - Alterations or the making of men's or women's clothing.

~~65.~~66. 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.

~~66.~~67. Development. New buildings or other structures on a zoning lot, the relocation of an existing buildings on another parcel, the use of open land for a new use, or a change in zoning. Also means any man-made change to improved or unimproved real estate, including but not limited to parking fences, pools, signs, temporary uses, clearing of land, mining, dredging, filling, grading, paving, excavation, or drilling operations.

~~67.~~68. 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.

~~68.~~69. Director. Director of Community Development.

~~69.~~70. Dripline – A vertical line extending perpendicularly from the ground to the outermost edges of a tree canopy or shrub branches.

~~70.~~71. Driveway - A private road which provides access to a lot, or to a use located on such lot, from a public way.

~~71.~~72. 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.

~~72.~~73. 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.

~~73.~~74. Dwelling, Duplex – A building designed for or occupied by two family units, living independently of each other in individual dwelling units.

~~74.~~75. Dwelling, Efficiency Unit – A dwelling unit consisting of one principal room, including sanitary, cooking, living, sleeping facilities, and/or dining alcove.

~~75.~~76. 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.

~~76.~~77. Dwelling, Quadraplex – A building designed for or occupied by four family units, living independently of each other in individual dwelling units.

~~77.~~78. Dwelling, Single-family – A building designed for or occupied by one family unit.

~~78.~~79. Dwelling, Triplex – A building designed for or occupied by three family units, living independently of each other in individual dwelling units.

~~79.~~80. 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.

~~80.~~81. 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.

~~81.~~82. 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.

~~82.~~83. 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.

~~83.~~84. Evergreen – Coniferous or broad-leaved plants whose leaves remain throughout the year and are continually dropping and being replaced by new springtime growth.

~~84.~~85. 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*).

~~85.~~86. 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)

~~86.~~87. 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.

~~87.~~88. 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.

~~88.~~89. Final Plat - Final plans of single family residential developments as set forth in WC 16.04.220

~~89.~~90. 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.

~~90.~~91. 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.

~~91.~~92. 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.

~~92.~~93. Foot-candle. Foot-candle means a unit of illumination produced on a surface, all points which are one foot from a uniform point source of one candle.

~~93.~~94. Front Façade: The wall that contains the primary public entrance for the tenant space

~~94.~~95. Frontage - All the property on one side of a street between two intersecting streets measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

~~95.~~96. Frontage Road - A right-of-way which runs near to and characteristically, but not necessarily, parallel to a limited access right-of-way.

~~96.~~97. 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.

~~97.~~98. 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.

~~98.~~99. 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.

~~99.~~100. Grade - The average level of the finished surface of ground adjacent to the exterior walls of the building.

~~100.~~101. 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.

~~101.~~102. Groundcover – Ornamental plants growing less than two feet in height at maturity, used as an alternative to grasses.

~~102.~~103. Gutter -The edge part of a street where curbs are provided that carry stormwater runoff to its destination.

~~103.~~104. Home Garage Sales - The conducting of home rummage sales for the benefit of the family or a group of families.

~~104.~~105. 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:

~~105.~~106. 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.

~~106.~~107. 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.

~~107.~~108. 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.

~~108.~~109. 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.

~~109.~~110. 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*).

~~110.~~111. In-line Tenant: Any tenant within a multi-tenant building where each individual tenant has an exterior store front and patron entrance.

~~111.~~112. 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.

~~112.~~113. 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.

~~113.~~114. 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.

~~114.~~115. Jurisdiction of the Plan Commission - All of Washington Township, Hamilton County.

~~115.~~116. Kennel - Any lot on which four or more dogs, or small animals, at least four months of age are kept.

~~116.~~117. Lamp. Lamp means a component of a luminaire that produces light. A lamp includes a bulb and its housing.

~~117.~~118. 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.

~~118.~~119. 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.

~~119.~~120. 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.

~~120.~~121. 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)

~~121.~~122. Light emitting diode (LED). Light emitting diode means a semiconductor device that emits visible light when an electric current passes through it.

~~122.~~123. 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.

~~123.~~124. Light pollution. Light pollution means general sky glow which is caused by the scattering of artificial light in the atmosphere, caused by luminaries.

~~124.~~125. Light trespass. Light trespass means light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

~~125.~~126. Lighting Plan - A plan depicting proposed design and materials of light fixtures, location of lighting, and directional focus of lights.

~~126.~~127. 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.

~~127.~~128. Livestock - Animals and especially farm animals, raised for use, profit or enjoyment including horses, ponies, cattle, sheep, goats and other similar domesticated animals.

~~128.~~129. 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.

~~129.~~130. 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)

~~130.~~131. 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.

~~131.~~132. Lot - A land area with a properly recorded legal description, accessible by means of a street.

~~132.~~133. Lot, Corner - A lot at the junction of and abutting two or more intersecting streets.

~~133.~~134. 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.

~~134.~~135. Lot, Interior - A lot other than a corner lot or through lot.

~~135.~~136. 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.

~~136.~~137. 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.

~~137.~~138. Lot Line, Side - Any lot boundary line not a front lot line or a rear lot line.

~~138.~~139. 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.

~~139.~~140. 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.

~~140.~~141. Lot, Through - A lot having frontage on two parallel or approximately parallel streets.

~~141.~~142. Lot, Width - The dimension of a lot, measured between side lot lines on the building line.

~~142.~~143. Lumen. Lumen means a unit of measurement of luminous flux. One foot-candle is one lumen per square foot.

~~143.~~144. Luminaire. Luminaire means a complete lighting system, and includes the lamp or lamps and a fixture.

~~144.~~145. Luminance. Luminance means a level of light measured at a point on a surface.

~~145.~~146. 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.

~~146.~~147. 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.

~~147.~~148. 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).

~~148.~~149. Manufactured Home Park - An area of land of not less than five acres which compiles with the minimum standards for a mobile home park as established by ordinance, and which is to primarily harbor mobile homes.

~~149.~~150. Master Plan - The complete plan or any of its parts for the development of the Town 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.

~~150.~~151. 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.

~~151.~~152. 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.

~~152.~~153. 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.

~~153.~~154. 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).*

~~154.~~155. Negative Space – the illusory space between the branching and foliage perceived as sky or background

~~155.~~156. 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.

~~156.~~157. 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.

~~157.~~158. 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.

~~158.~~159. 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.

~~159.~~160. 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.

~~160.~~161. 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 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.

~~161.~~162. 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.

~~162.~~163. Octave Band Analyzer - An electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bands.

~~163.~~164. Opaque. Opaque means that the material must not transmit light from an internal illumination source.

~~164.~~165. 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.

~~165.~~166. 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.

~~166.~~167. 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.

~~167.~~168. Outside Sales Display, Temporary – Merchandise placed outside of commercial structures only during business hours for the purpose of temporary sales or special sales events.

~~168.~~169. 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.

~~169.~~170. Overhead (Play) Element – Playground equipment that requires or promotes climbing or swinging by allowing hand over hand motion.

~~170.~~171. 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.

~~171.~~172. 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.

~~172.~~173. 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.

~~173.~~174. Parking Space - An area designed or used for parking a motor vehicle which complies with WC 16.04.120.

~~174.~~175. 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).

~~175.~~176. Person - A corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

~~176.~~177. 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.

~~177.~~178. Plat - A map or chart indicating the subdivision of land, intended to be filed for record.

~~178.~~179. 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.

~~179.~~180. 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.

~~180.~~181. Public Way. Any street, alley, pedestrian way, pathway, sidewalk, bridge, easement right-of-way or other way in which the public has a right of use.

~~181.~~182. Preliminary Plat - Initial plans of single family residential developments as set forth in WC 16.04.220

~~182.~~183. Premises. Premises means a lot, parcel, tract or plot of land together with the buildings and structures thereon.

~~183.~~184. 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 devises to facilitate traffic flow within developed areas. Regulations of the number of curb cuts is often necessary. (120 feet right-of-way)

~~184.~~185. 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.

~~185.~~186. Private School - Private, preschool, primary, grade, high or preparatory school or academy.

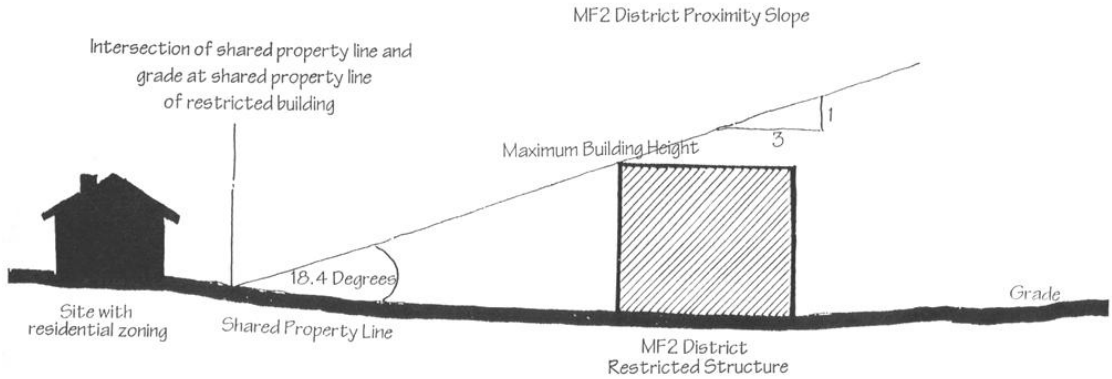
~~186.~~187. Private Street - A right-of-way not dedicated or accepted by the Town of Westfield for maintenance and repair responsibilities.

~~187.~~188. Professional Office - Office of a member or members of a recognized profession as defined by the United States Bureau of the Census.

~~188.~~189. 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.

~~189.~~190. 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).



~~190.~~191. 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.

~~191.~~192. 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.

~~192.~~193. 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.

~~193.~~194. 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.

~~194.~~195. Recreational Facility - Active recreational structures such as: swimming pools, tennis courts, basketball courts, tennis courts, pavilions, picnic areas, etc.

~~195.~~196. 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.

~~196.~~197. 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.

~~197.~~198. 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.

~~198.~~199. 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.

~~199.~~200. Right-of-way - legally established property designated for transportation uses.

~~200.~~201. 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 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.

~~201.~~202. 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.

~~202.~~203. Screen – Plants, berms, fences, walls, or any appropriate combination thereof used to visually obscure aesthetically unpleasing features of development or to reduce noise pollution.

~~203.~~204. 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)

~~204.~~205. 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.

~~205.~~206. Shield. Shield means any attachment, which interrupts and blocks the path of light emitted from a luminaire or fixture.

~~206.~~207. 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.

~~207.~~208. Shopping Center - A grouping of retail stores, designed to serve neighborhoods and/or communities which conforms to the requirements of this ordinance

~~208.~~209. 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.

~~209.~~210. Shrub – A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

~~210.~~211. Shrubs, Dense – shrubs possessing extremely well developed branching systems, heavily clothed with foliage, with minimal negative space (see *Negative Space*).

~~211.~~212. Sign. 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.

~~212.~~213. 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.

~~213.~~214. 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.

~~214.~~215. Sign, center. Center sign means advertising used to identify a nonresidential center, which may include individual tenant advertising.

~~215.~~216. Sign, construction. Construction sign means 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.

~~216.~~217. Sign Copy. The wording, logos, symbols, emblems, or graphic content of a sign.

~~217.~~218. Sign, direction. Direction sign means a sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

219. Sign, Election. A temporary sign announcing or supporting candidates or issues in connection with any election or referendum.

~~218.~~220. Sign, Electronic. A sign or sign component with a fixed or changeable display composed of a series of lights, including but not limited to LED (light emitting diode), that may be changed through electronic means.

~~219.~~221. Sign entrance. Entrance sign means those signs located at nonresidential centers which identify points of ingress and egress into a nonresidential center.

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

~~220.~~223. Sign, Gas Price. A sign displaying only the price of gasoline.

~~221.~~224. Sign, Home Construction or Home Remodeling Sign. A Temporary Sign used to advertise business entities conducting remodeling or construction work activities on a given parcel during the period that remodeling or construction activities are taking place on the given parcel.

~~222.~~225. Sign, illuminated. Illuminated sign means 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.

~~223.~~226. 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.

~~224.~~227. Sign, monument. Monument sign means 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 and is in excess of six (6) feet in height.

~~225.~~228. Sign, Non-residential Real Estate. A sign announcing the sale, rental, or lease of real property in a non-residential zoning district, on the lot or within the development site on which the sign is displayed, and identifying the owner, realty agent, and contact information of said agent.

~~226.~~229. Sign, off-premises. Off-premises sign means 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.

~~227.~~230. Sign, Open House Directional. A Temporary Sign used to advertise an open house and direct traffic to the house for sale.

~~228.~~231. Sign, pole. 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.

~~229.~~232. Sign, projecting. 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.

~~230.~~233. 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, telephone numbers or "open house" information.

~~231.~~234. Sign, residential complex or subdivision. Residential complex or subdivision sign means a sign containing the name of a residential complex or subdivision, with or without its accompanying address.

~~232.~~235. Sign, Residential Event. A Temporary Sign utilized to advertise residential garage sales, yard sales, individual residential events, subdivision or neighborhood events and other similar events as determined by the Director.

~~233.~~236. Sign, Residential Real Estate. 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, telephone numbers or "open house" information.

~~234.~~237. Sign, sandwich board. Sandwich board sign means a portable sign for display in front of a business for the specific use of advertising that business.

~~235.~~238. Sign, Special Event. A sign advertising or announcing a special communitywide event or activity conducted or sponsored by or on behalf of the City of Westfield, Westfield-Washington Schools, a charitable organization or a not-for-profit corporation. A special communitywide event or activity is one that occurs not more than twice in any 12 month period and seeks to attract donations, participants or customers throughout the City.

~~236.~~239. Sign, Temporary. A non-permanent sign intended for a limited time of display.

~~237.~~240. Sign, Time and Temperature. A sign displaying only the current time and/or outdoor temperature.

~~238.~~241. Sign, Under Canopy: Small sign placed under a canopy or roof overhang to direct patron traffic to the store entrance.

~~239.~~242. 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.

~~240.~~243. Sign, Window. A sign that is applied to or attached to the exterior or interior of a window or located in such a manner within a building that it is visible from the exterior of the building through a window, but excludes merchandise window display.

~~241.~~244. 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).

~~242.~~245. Sliding (Play) Element – Playground equipment that allows movement from a higher to a lower level, usually along a smooth surface.

~~243.~~246. 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.

~~244.~~247. 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.

~~245.~~248. 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.

~~246.~~249. 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.

~~247.~~250. 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.

~~248.~~251. 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.

~~249.~~252. Structure - Anything constructed or erected which requires location on the ground or attachment of something having location on the ground.

~~250.~~253. 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.

~~251.~~254. 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.

~~252.~~255. Swimming Pool, Private - A swimming pool used only by the owners of the pool and friends as an accessory use at a private residence.

~~253.~~256. 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.

~~254.~~257. Temporary. Temporary means a transitory use or structure 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. This definition does not apply to Temporary Signage, per WC 16.08.010 K.

~~255.~~258. Thoroughfare - Public right-of-way

~~256.~~259. Thoroughfare Plan - The Hamilton County Thoroughfare Plan adopted by reference by the Town 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 Town of Westfield as they pertain to public rights-of-way.

~~257.~~260. Topped – A method of pruning a tree whereby the vertical leader stems of the tree are removed.

~~258.~~261. 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.

~~259.~~262. Town - The Town of Westfield, Indiana.

~~260.~~263. Township - Washington Township, Hamilton County, Indiana.

~~261.~~264. Tree – A large, woody plant having one or several self-supporting stems or trunks and numerous branches.

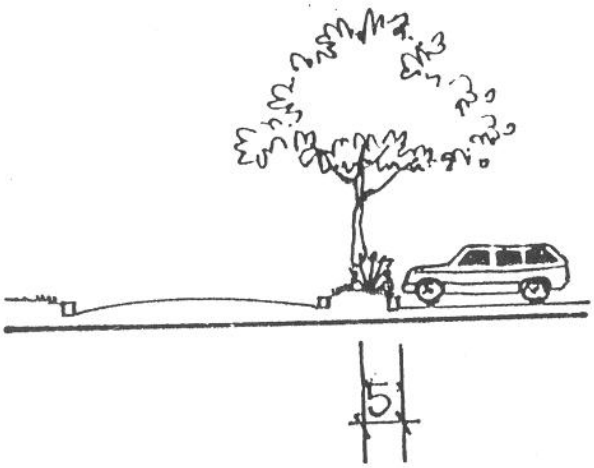
~~262.~~265. Tree, Ornamental – A small to medium sized tree, growing approximately 15 feet to 40 feet in height at maturity, planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Ornamental Tree

~~263.~~266. 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*).

~~264.~~267. Tree Protection Area – The area within the dripline of trees identified for preservation (see *Dripline*).

~~265.~~268. 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*).



Shade Tree

~~266.~~269. Tree Specimen, Significant – A tree noted for some desirable characteristic, such as flower, fruit, size, value to wildlife, uniqueness, or position in the landscape.

~~267.~~270. Tree, Street – A tree planted along the street right-of-way.

~~268.~~271. Tree Well – A retaining wall or structure that preserves the existing grade and growing conditions within the dripline of existing trees (see *Dripline*).

~~269.~~272. Trees, Dense – trees possessing extremely well developed branching systems, heavily clothed with foliage, with minimal negative space (see *Negative Space*).

~~270.~~273. Typing and Other Office Services - Office services such as report preparation, addressing envelopes, preparation of billings and other related office type services.

~~271.~~274. Upland Buffer – Land located within a riparian corridor (see *Riparian Corridor*).

~~272.~~275. Use - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

~~273.~~276. 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.

~~274.~~277. 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.

~~275.~~278. Vegetative Screen – A visual barrier of vegetation with dense foliage used to block aesthetically intrusive land uses from view (see *Screen*).

~~276.~~279. Vibration - Oscillatory motion transmitted through the ground.

~~277.~~280. Vines – A woody plant that has a spreading pattern of growth typically used on the ground, on walls, and on trellises.

~~278.~~281. 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.

~~279.~~282. Wildlife Habitat, Significant – A geographic area which provides food, shelter, nesting sites, territory, and protection for important animal, insect, and/or plant species.

~~280.~~283. Window. Any single window pane or a series of adjacent window panes separated by mullion(s) of three (3) inches or less. Adjacent window panes set at different angles shall constitute separate windows regardless of the width of their mullion separation.

~~281.~~284. 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.

~~282.~~285. Yard - A space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided by this ordinance.

~~283.~~286. 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

~~284.~~287. 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.

~~285.~~288. 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 width of the area between the side lot line and the principal building measured horizontally at 90 with the side lot line.

~~286.~~289. Yard Width and Depth - The shortest horizontal distance from a lot line to the main building.