

ORDINANCE 11-06

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 unanimous 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 16.04.010, Y4b – Preexisting Nonconforming Lots, Structures and Uses.
- b. Exhibit “B” – WC 16.04.150, F – Nonconforming Use Specifications.
- c. Exhibit “C” – WC 16.04.030 – Residential Districts.
- d. Exhibit “D” – WC 16.04.040 – Multifamily Districts.

- e. Exhibit “E” – WC 16.04.095 – Temporary Uses and Events.
- f. Exhibit “F” – WC 16.04.100, 2Cii – Accessory Buildings.
- g. Exhibit “G” – WC 16.04.180, Figure 2 – Use List.
- h. Exhibit “H” – WC 16.04.220, C Step 2, A – Primary Plat Approval.

In all other respects, the Zoning Ordinance shall remain in effect and unchanged.

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 All ordinances or parts thereof in conflict herewith are hereby repealed.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 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.

I hereby certify that ORDINANCE 11-06 was delivered to the Mayor of Westfield

on the _____ day of _____, 2011, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-06

this _____ day of _____, 2011.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 11-06

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.

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Title 16 - Land Use Controls
Zoning Ordinance
Ordinance Number 1977-202 As Amended

An ordinance to repeal the zoning ordinance of the Town of Westfield, Indiana, Ordinance Number 1965-1, as amended, the Improvement Location Permit Ordinance of the Town of Westfield, Indiana, Ordinance Number 1965-2, as amended, and the Subdivision Control Ordinance of the Town of Westfield, Indiana, Ordinance Number 1965-3, as amended, passed by the Board of Trustees of the Town of Westfield, Indiana, Hamilton County, Indiana, in June 1965, and to enact a new Comprehensive Zoning Ordinance concerning minimum standards for physical improvements to land, the regulations and guidelines for administration, standards to administer violations of the ordinance, creating a Board of Zoning Appeals, providing for court review, and specific subdivision controls. Such new ordinance shall be known as the Westfield-Washington Township Comprehensive Zoning Ordinance of 1977 as most recently amended by Ordinance Number 95-8 and shall read as follows:

Be it ordained by the Board of Trustees of the Town of Westfield, Indiana, in accordance with IC 18-7-5 and IC 18-7-6 [IC 36-7-4] and all acts amendatory and supplemental thereto.

WC § 16.04.010 General Provisions

- A. Short Title - This chapter, and ordinances supplemental or amendatory thereto shall be known, and may be cited hereafter as the “Comprehensive Zoning Ordinance of Westfield-Washington Township, 1977 as amended”.
- B. Interpretation - In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare of the public.
- C. Non-Interference With Greater Restrictions Otherwise Imposed - It is not intended by this chapter to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; nor any chapters, rules, regulations or permits previously adopted or issued, or which shall be adopted or issued and which are not in conflict with any of the provisions of this chapter; except that, where this chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants, or agreements between parties, or by such chapter, rules, regulations or permits, the provisions of this chapter shall control.
- D. Determination and Interpretation of District Boundaries
1. In determining the boundaries of districts, and establishing the provisions applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adopted, and the conservation of property values throughout the township.
 2. Where uncertainty exists as to the exact boundaries of any district as shown on the zone map, the following rules shall apply:
 - a. In areas not subdivided, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the official aerial maps prepared by the county auditor.
 - b. In the case of further uncertainty, the Commission shall interpret the intent of the zone map as to the location of the boundary in question.
- E. Procedure Relating to Annexed or Vacated Areas - Territory which may hereafter be annexed to the Town shall remain as zoned, unless changed by amendment to this chapter.

Whenever any right-of-way or other similar area is vacated by proper authority, the districts adjoining each side of such right-of-way or similar area shall be extended automatically to the center of such vacation and all areas included in the vacation shall then and thenceforth be subject to all appropriate provisions of the extended districts. In the event of a partial

vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

F. Use

1. No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such a building or land is located.
2. Notwithstanding the provisions of F.1. of this section, lands which have been rezoned from AG-SF 1 to a more dense single family district shall be permitted to continue use of the land for agricultural purposes as permitted under AG-SF 1 until such time as the land is platted.

G. Height - No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use of the district in which such building is located except as otherwise provided in Article 1, Section XI.

H. Yard, Lot Area and Size of Building - No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located.

I. Lots - Every building hereafter erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as provided for multi-family type buildings.

J. Parking Space, Loading and Unloading Berths - For each building hereafter erected and for certain other uses of land, parking spaces for motor vehicles and loading and unloading berths as specified for the use to which such building or land is to be devoted shall be provided, except in historical district, to encourage the establishment of adequate parking spaces to meet the needs of a mobile society.

K. Filing of Fees - Applications and petitions filed pursuant to the provisions of this chapter shall be accompanied by the filing fees hereinafter specified in Figure 1.

L. Remedies

1. The Commission, the Board, the Building Commissioner, or any designated enforcement official or any person or persons, firm or corporation, jointly or severally aggrieved, may institute a suit of injunction in the circuit court of Hamilton County to restrain an individual or a government unit from violating the provisions of this chapter.

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2. The Commission or the Board may also institute a suit for mandatory injunction directing any individual, a corporation or a governmental unit to remove a structure erected in violation of the provisions of this chapter.
 3. Any building, erected, raised, or converted, or land or premises used in violation of any provisions of this chapter or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.
 4. As an additional remedy to each of the above identified plaintiffs, if the plaintiff prevails the court may allow costs, expenses and reasonable attorney fees in any judgment so rendered.
- M. Amendments - All amendments to this chapter shall be in conformance with the provisions of IC 36-7-4 and all acts amendatory thereto.
- N. Invalidity of Portions - Should any section or provisions of the chapter be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof, other than the portion so declared to be invalid.
- O. Farms Exempt - Farm structures constructed in the normal course of agricultural business for the support of individual farms shall not be subject to securing an improvement location permit except if any structure requires major plumbing, heating, sewage or electrical installations such structure will be subject to the permit fees contained in the chapter. If any farm structure, located in a district other than an area zoned GB, EI or OI, is used as an ancillary business such as greenhouses, wholesale or retail, or a feed mixing or grinding operation for a handling or service fee then a special exception must be authorized by the board prior to beginning construction or operating the ancillary business.
- P. Public Utility Installations
1. Structures and land used for public utility installations, as identified in Figure 2., while so used, shall be affected by the provisions for this chapter.
 2. All utility structures including substations shall be effectively landscaped and shall have plans for such landscaping, lighting, traffic control, building heights and setbacks approved by the Plan Commission.
- Q. Mineral Extraction Exempt - Nothing herein shall prevent, outside or urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienation thereof. For the purpose of this paragraph, urban area shall include any land, or lots used for residential purposes where there are eight or more residences within one quarter mile square area and such other lands or lots as have been or are planned for residential areas contiguous to incorporated cities or towns.

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- R. Business Development Exempt -Any parcel of land which is divided into sites, tracts, or lots for accommodating business or industry shall not be subject to the requirements and restrictions contained in the subdivision control sections of this chapter.
- S. Minimum Width for Housing - All single family or duplex homes shall be required to be constructed with the main body of the residence being 23 feet or more wide.
- T. Variance Approval by Plan Commission - Any petitioner who receives a variance for the usage of land by the Board of Zoning Appeals that would permit the use or construction of business, industrial or office facilities, other than a special exception that has had plans previously approved by the Plan Commission, must also have their plans approved by the Plan Commission.
- U. Road Frontage Calculation - Road frontage shall be determined by the measurement of the distance between property lines at the right-of-way which has been dedicated and accepted by the Town of Westfield or Hamilton County.
- V. Procedural Requirements
1. The Plan Commission shall review and approve site development plans for all churches, schools, and utilities in all zoning districts. The Community Development Department staff shall have the authority to require other uses to obtain Plan Commission approval due to the nature and complexity of the proposed project. This process will ensure adherence to developmental standards established in the Westfield - Washington Township Comprehensive Zoning Ordinance.
 2. Prior to Plan Commission review, all proposed churches, schools, utilities, and other uses determined by the Community Development Department staff shall be required to complete a review by the Westfield Technical Advisory Committee.
- W. Commitments Required by the Plan Commission
1. Commitments.
- X. The Plan Commission may, when in the discretion of the Plan Commission it is deemed necessary to: (i) assure the compatibility of a proposed development with surrounding properties; or (ii) to minimize the potential for the occurrence of detrimental affects from any attributes of a proposed development on surrounding properties, require or permit the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with a Development Plan Approval as provided for in this Ordinance, or in connection with recommending approval of a zone map change to any zoning district classification contained in this Ordinance to the Town Council as a condition of development.

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The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitments shall be in effect for: (i) as long as the real estate to which they apply remains zoned to the classification to which the real estate was zoned when the commitments were made; or (ii) modified or terminated as provided below. The commitments shall authorize their recording by Staff in the Office of the Recorder of Hamilton County, Indiana upon the final approval of a Development Plan by the Plan Commission or the final approval of the zone map change by the Town Council. Following the recording of the commitments, Staff shall return the original recorded commitments to petitioner and shall retain a copy of the recorded commitments in its file.

The Plan Commission, Owners of all parcels of ground adjoining the real estate and all owners of real estate within the area included in the petition who were not petitioners for approval, and other specially affected persons designated in such commitments shall be entitled to enforce such commitments pursuant to Indiana Code 36-7-4-1015 or as otherwise provided by applicable law.

The commitments required by the Plan Commission shall be in substantially the form set forth in Exhibit "A" of this Ordinance.

1. Modification of Commitments by the Plan Commission.

Commitments required or permitted by the Plan Commission may be modified or terminated by a decision of the Plan Commission, made at a public hearing after notice to adjoining owners has been given pursuant to the Rules of Procedure of the Plan Commission. Any modification or termination of the commitments shall not be effective until: (i) reduced to writing; (ii) approved by the Plan Commission; (iii) executed and notarized by the present owner(s) of the real estate; and, (iv) recorded in the Office of the Recorder of Hamilton County, Indiana.

The modification or termination of commitments shall be in substantially the form set forth in Exhibit "B" of this Ordinance.

X. Rail Corridors - The following regulations affecting the Alternative Transportation Plan (trails) shall apply to all property that abuts a railroad property line, current or former:

1. The railroad property lines used for platting purposes shall be those boundaries in place as of January 2001 according to Hamilton County mapping records.
2. The Westfield Community Development Department will work with owners of property that is adjacent to a rail line should any question of development arise. Any new development proposal that is adjacent to a rail line and requires an Improvement Location Permit or Development Plan Review shall be brought to the attention of the Director, who will address this section of the ordinance with the developer. The Director shall then inform the Town Manager of said development.

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3. For any activity that would require an Improvement Location Permit, the Westfield Community Development Department shall work together with owners of property that is adjacent to a rail line regarding set back, landscaping and any other development standards deemed appropriate for the future development of the alternative transportation system and for the property owner. For new development proposals that are adjacent to a rail line and require an Improvement Location Permit or Development Plan Review, the Director will work with the developer to determine how the rail line will be used regarding set back, landscaping and any other development standards deemed appropriate by the Westfield Community Development Department.
 4. The Town will work with any rail line property owner that can show best title as determined by a court of law with the intent of protecting the rail line right-of-way for the use as presented in the Alternative Transportation Plan in a way that is beneficial to all.
 5. Any agreement must be approved by the Council and incorporated into the Town's plan approval process.
- Y. Preexisting Nonconforming Lots, Structures, and Uses - Lots, structures, and the use of such that were both in existence and in compliance with all land use and other laws on the date of passage of the Westfield Washington Township Zoning Ordinance (December 20, 1977) and further, that do not conform to the regulations set forth in this ordinance, shall be deemed to be legal, pre-existing nonconforming uses that may be continued subject to the following provisions:
1. Nonconforming Lots of Record - All lots legally existing prior to December 20, 1977, may be used as permitted in the zoning district in which they are located, provided that:
 - a. The holder of said parcel does not own sufficient adjacent land to enable the parcel to conform to the dimensional and acreage requirements of this Ordinance,
 - b. The lot width is no less than 100 feet
 - c. The lot acreage is no less than 1 acre.
 2. Nonconforming Structures of Record: Expansion or enlargement of a structure existing prior to December 20, 1977 shall be permitted provided that the enlargement or expansion of the structure does not further increase the nonconformity.
 3. Nonconforming Uses of Record: The continued operation of a nonconforming use existing prior to December 20, 1977 shall be permitted provided that the level of intensity and/or nonconformity is not increased.
 4. Termination of Nonconforming Status.
 - a. Any land, structure, or land and structure in combination, where a legal, pre-existing nonconforming use is replaced by a permitted use, may thereafter only be put to a permitted use and the nonconforming use may not thereafter be resumed.
 - b. When a legal, pre-existing nonconforming use of land, structure, or land and structure in combination, is discontinued or abandoned for ~~six (6)~~ **twelve (12)** consecutive months, the land, structure, or land and structure in combination, may thereafter only be put to a permitted use and the nonconforming use may not thereafter be resumed.

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- c. Where legal nonconforming use status applies to a structure and lot in combination, deliberate removal or destruction of the structure shall eliminate the legal nonconforming status of the land.
5. Transferability: Any legal, pre-existing nonconforming use shall continue until or unless terminated as described above. Such use may be sold, inherited, or otherwise transferred, provided the use, land, and structure (if any) remain in compliance with the preexisting nonconforming regulations described herein.
6. Zoning Amendments: These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to the Westfield Washington Township Zoning Ordinance of 1977.

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EXHIBIT "A"

NOTE: The Westfield-Washington Township Zoning Ordinance of 1977 requires the use of this form in recording commitments made with respect to Development Plan Approvals, Zone Map Changes or Planned Unit Developments in accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT REQUIRED BY THE WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the Town of Westfield, Hamilton County, Indiana or Washington Township, Hamilton County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

STATEMENT OF COMMITMENTS:

- 1.
- 2.
- 3.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Westfield-Washington Township Plan Commission made at a public hearing after proper notice has been given.

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

COMMITMENTS contained in this instrument shall be effective upon the approval of petition # _____ pursuant to the Westfield-Washington Township Zoning Ordinance of 1977, and shall continue in effect until modified or terminated by the Westfield-Washington Township Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

- 1. The Westfield-Washington Township Plan Commission;
- 2. Owners of all parcels of ground adjoining the real estate and all owners of real estate within the area included in the petition who were not petitioners for approval; and
- 3. _____

The undersigned hereby authorizes the Westfield - Washington Township Plan Commission to record this Commitment in the Office of the Recorder of Hamilton County, Indiana, upon final approval of petition # _____.

IN WITNESS WHEREOF, Owner has executed this instrument this ____ day of _____, _____.

(Individual Owner)

Signature_____ (Seal)

Signature_____ (Seal)

Printed_____

Printed_____

(Organization Owner)

By_____

Printed_____

Title_____

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

(Individual Acknowledgment)

STATE OF _____)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature_____

Printed_____

County of Residence_____

My Commission expires: _____

(Organization Acknowledgment)

STATE OF _____)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, the _____ of _____, a(n) _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature_____

Printed_____

County of Residence_____

My Commission expires: _____

This instrument was prepared by _____.

EXHIBIT "B"

NOTE: The Westfield-Washington Township Zoning Ordinance of 1977 requires the use of this form in recording commitment modification(s) or termination(s) with respect to a Development Plan Approval, Zone Map Change or Planned Unit Development in accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615.

COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT.

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in Town of Westfield, Hamilton County, Indiana or Washington Township, Hamilton County, Indiana, which is described below, makes the following modification(s) or termination(s) of commitment(s) concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

STATEMENT OF MODIFICATION OR TERMINATION OF COMMITMENTS:

- 1.
- 2.
- 3.

These MODIFICATION OR TERMINATION OF COMMITMENTS shall run with the land, be binding on the Owner of the above-referenced real estate, subsequent owners of the above-referenced real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Westfield-Washington Township Plan Commission made at a public hearing after proper notice has been given.

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MODIFICATION OR TERMINATION OF COMMITMENTS contained in this instrument shall be effective upon adoption of modification or termination approved by the Westfield-Washington Township Plan Commission in petition # _____.

These COMMITMENTS may be enforced jointly or severally by:

1. The Westfield - Washington Township Plan Commission;
2. Owners of all parcels of ground adjoining the real estate and all owners of real estate within the area included in the petition who were not petitioners for approval; and
3. _____

The undersigned hereby authorizes the Westfield - Washington Township Plan Commission to record this MODIFICATION OR TERMINATION OF COMMITMENTS in the Office of the Recorder of Hamilton County, Indiana, upon final approval petition # _____ by the Westfield-Washington Township Plan Commission.

IN WITNESS WHEREOF, Owner has executed this instrument this ____ day of _____, _____.

(Individual Owner)

Signature _____ (Seal)

Signature _____ (Seal)

Printed _____

Printed _____

(Organization Owner)

By _____

Printed _____

Title _____

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

(Individual Acknowledgment)

STATE OF _____)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature_____

Printed_____

County of Residence_____

My Commission expires: _____

(Organization Acknowledgment)

STATE OF _____)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, the _____ of _____, a(n) _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature_____

Printed_____

County of Residence_____

My Commission expires: _____

This instrument was prepared by _____.

WC 16.04.150 Non-Conforming Use Specifications

The lawful use of a building or premises, existing at the time of passage of this Ordinance, may be continued although such use does not conform to all the provisions of this Ordinance, subject to the following conditions:

- A. A non-conforming use may be extended throughout a building provided the size of the structure is not increased.
- B. A non-conforming use may be changed to another non-conforming use of the same or greater restrictions, provided the size of the structure is not increased.
- C. Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a non-conforming use or a less restricted district.
- D. No building shall be erected upon any premises devoted to a non-conforming use, except in conformance with the provisions of this Chapter.
- E. The Board may authorized, by written permit, in a district permitting residential use, for a period of not more than one year from the date of such permit, a temporary building for business or industrial use incidental, but necessary to the residential construction and development of said district, a model home or apartment used for business purposes.
- F. In the event that a non-conforming use of any building or premises is discontinued for a period of ~~two years~~ **twelve (12) consecutive months**, the use of the same shall thereafter conform to the uses permitted in the district in which it is located, and provided further, that any non-conforming dwelling which is deficient in ground floor area, and which may be removed from a lot, shall not re-locate on the lot.
- G. These provisions apply in the manner to a use which may become a non-conforming use as a result of an amendment to this Chapter.

WC § 16.04.030 Residential Districts

A. General Requirements - Provisions for Residential Uses are as Follows:

1. Partial use of alley for yard: One-half of an alley abutting the rear or the side of a lot may be included in the required rear yard or side yard, respectively, if the alley has not been developed for the carrying of traffic.
2. Accessory buildings and uses:
 - a) Accessory buildings are permitted in all districts, but not prior to the erection of the principal building.
 - b) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard, and with the issuance of a permit as may be required.
 - c) Accessories such as large ground microwave antenna dishes are not permitted in front or side yards; however, a satellite receiver antenna which is two feet in diameter or less may be installed in any location in accordance with the provisions of IC 36-7-4-201.1.
 - d) Windmills for the generating of electric power are not permitted in any residential district except AG-SF 1 without receiving approval as a special exception.
3. Building Lines:
 - a) Where 25 percent or more of the lots in a block frontage are occupied by buildings the average setback of such buildings determine the location of the building line for the block frontage in lieu of the setback lines contained in this chapter.
 - b) Building lines established in a recorded subdivision shall establish the setback of buildings in such subdivisions, except when such building lines may be less restrictive than provided in this chapter.
 - c) On all lots a front building setback line is required on each street frontage.
4. Building Height: In the single family districts limiting building height to 25 feet, a dwelling may be increased in height not to exceed 35 feet, provided that both side yards are increased an additional foot for each foot such building exceeds 25 feet in height.

B. AG-SF1 – Agriculture/Single-Family 1 - The purposes of this district are to accommodate agricultural land uses and large-lot single-family residential land uses.

1. Permitted Uses -

- ~~Accessory buildings as related to agriculture or large lot single family residential use~~
- Cemeteries
- Churches
- Child care home - in accordance with IC 36-7-4-1108
- Farms and farm buildings for livestock and crops
- Fire stations
- Golf courses
- Nurseries, greenhouses, truck gardens, farms, or related products produced and sold on site
- Public Parks
- Public and private camps
- Residential facility for mentally ill - in accordance with IC 12-28-4-7
- Schools - public or private - without dormitory accommodations
- Signs as permitted by sign ordinance
- Single family dwellings on large lots
- Stables (on lots of 3 acres or more with a minimum of 200 foot setback from any adjoining property line)
- Temporary buildings for construction purposes for a period not to exceed such construction
- Utilities - all utilities regulated by the Indiana Utility Regulatory Commission or a Municipal governing body

2. Special Exceptions -

- Airports and landing fields
- Cemeteries - pet
- Convents, monasteries, theological schools rectories and parish houses
- Fraternities and lodges
- Heliports
- Lake developments - recreational
- Large animal hospitals
- Private clubs and lodges
- Public or private schools with dormitories
- Radio, facsimile, TV, micro-wave towers
- Raising animals for biological purposes
- Raising animals for furs or pets
- Riding stables
- Zoos

3. Permitted Home Occupations -

- Art Studio
- Beauty shop - one chair operated by a resident
- Business conducted entirely by mail
- Dressmaking
- Home garage sales not to exceed 7 days per year
- Homebound schools for 12 or less full-time or part-time children including residents of the home.
- Personal motor vehicle sales not to exceed 2 vehicles per year.
- Professional office of a clergyman, lawyer, architect, accountant, or counselor
- Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling
- Teaching – such as musical instruments or dancing
- Typing or other office services

Permitted home occupations shall not include the employment of a person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Minimum Lot Area – three (3) acres

5. Minimum Lot Frontage on Road – 250 feet

6. Minimum Setback Requirements –

- a. Front Yard – 100 feet: Expressways, Primary and Secondary Arterials
80 feet: on all other roads
- b. Side Yard – 30 feet
- c. Rear Yard – 30 feet
- d. Minimum Lot Width at Building Line – 100 feet

7. Maximum Building Height – not to exceed two and one-half (2 ½) stories or 35 feet, whichever is lower.

8. Minimum single-family ground level square footage, exclusive of porches, terraces, and garages -
 - a. Single story - 1350 square feet
 - b. Two story - 800 square feet
 - c. Tri-level - 800 square feet (basement & 1st level)
 - d. Story and one-half - 800 square feet

9. Parking - Off-street parking shall be provided in accordance with provisions set forth in WC 16.04.120, Off-Street Loading and Parking.

10. A subdivision, as defined in this ordinance, shall not be permitted in this district

11. For purposes of determining what portion of any parcel shall be classified for zoning purposes as agriculture and exempt from property tax liability under IC 33-4-3-4.1, any parcel larger than three (3) acres in size with livestock or crops located on a portion of the parcel and within the AG-SF1 district shall be classified as agriculture.

- C. AG-SF 1 - I - This district is established as a special district for single family residential homes not located in a subdivision and which area has been annexed into the corporate limits of the Town of Westfield and is served by public water and sewer facilities.
 1. Permitted Uses -
 - ~~Accessory buildings as related to single family dwellings~~
 - Child care home - in accordance with IC 36-7-4-1108
 - Churches
 - Fire stations
 - Residential facility for mentally ill - in accordance with IC 12-28-4-7
 - Signs as permitted by sign ordinance
 - Single family dwellings
 - Temporary buildings for construction purposes for a period not to exceed one (1) year

 2. Special Exceptions -
 - None

 3. Permitted Home Occupations -
 - A business conducted entirely by mail
 - Art studio
 - Beauty shop - one chair operated by a resident
 - Dressmaking
 - Home garage sale not to exceed 7 days per year

- Homebound schools for 12 or less full-time or part-time children including residents of the home.
- Personal motor vehicle sales not to exceed 2 vehicles per year.
- Professional office of a clergyman, lawyer, architect, accountant, or counselor
- Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling.
- Typing or other office services
- Teaching musical instruments or dancing

Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupation.

4. Minimum Lot Area - Not less than 20,000 square feet
5. Minimum Lot Frontage on Road - Not less than 100 feet
6. Minimum Setback Lines -
 - Front yard - 50 feet
 - Side yard - 12 feet; 50 feet if corner lot
 - Rear yard - 30 feet
 - Minimum lot width at building line - 85 feet
7. Maximum Building Height - Not to exceed two and one-half stories or 35 feet whichever is lower
8. Minimum ground level square footage, exclusive of porches, terraces and garages -
 - Single story - 1350 square feet
 - Two-story - 800 square feet
 - Tri-level - 800 square feet (basement and first level)
 - Story and one-half - 800 square feet
9. Parking - Off-street parking shall be a minimum of two (2) spaces for each dwelling

C1. SF 1 –Single-Family 1 - The purposes of this district are to accommodate large-lot single family residential land uses where public sanitary sewers and water are available.

1. Permitted Uses -

- ~~Accessory building (single structure) as related to single family residential use~~
- Child care home - in accordance with IC 36-7-4-1108
- Fire Stations, Police Stations, Community or Public Service Structures
- Golf Courses
- Public Parks and Private Park
- Residential facility for mentally ill and Developmentally Disabled - in accordance with IC 12-28-4-7 and IC 12-28-4-8
- Signs as permitted by sign ordinance
- Single family dwellings
- Temporary buildings for construction purposes for a period not to exceed one year, or the completion of the structure, whichever is less
- Utilities - all utilities regulated by the Indiana Utility Regulatory Commission or a Municipal governing body

2. Special Exceptions -

- Lake developments – recreational Public and Private
- Private clubs and lodges when integrated into the subdivisions' home owners association in the same development
- Tennis and swimming clubs when directly integrated into the subdivisions' home owners association in the same development
- Accessory building (greater then one (1)) as related to single family residential use

3. Permitted Home Occupations – Business that does not have a visual or physical impact on the site by conducting business on the premises

Permitted home occupations shall not include the employment of a person on the premises in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Minimum Lot Area –

- a. Not less than 30,000 square feet in a subdivision

5. Minimum Lot Frontage on Road –

- a. Lots in subdivisions - 60 feet on cul-de-sac, end turnaround – (as per arc)
- b. 100 feet on other lots

6. Minimum Setback Requirements –

1.) Front Yard –

- | | |
|--------------|--|
| i. 100 feet | Expressways, Primary/Secondary Arterials |
| ii. 80 feet | Collectors |
| iii. 50 feet | Local Roads and Private Streets |

2.) Side Yard –

- a. 20 feet

3.) Rear Yard –

- a. 30 feet

4.) Minimum Lot Width at Building Line –

- a. 100 feet

7. Maximum Building Height – not to exceed two and one-half (2 ½) stories above grade or 35 feet, whichever is lower.

8. Minimum single-family ground level square footage, exclusive of porches, terraces, and garages -

- | | |
|---|-------------------|
| a. Single story - | 2,000 Square Feet |
| b. Two story - (lower and main levels) | 1,200 Square Feet |
| c. Tri-level - (lower and main levels) | 1,200 Square Feet |
| d. Story and one-half - (lower and main levels) | 1,200 Square Feet |

9. Parking - Off-street parking shall be provided in accordance with provisions set forth in WC 16.04.120, Off-Street Loading and Parking.

D. SF 2 - This district is established for low density, single family residential homes with available sanitary sewers.

1. Permitted Uses -

- Single Family Dwellings
- Churches
- Schools - public or private - without dormitory accommodations
- Public parks
- ~~Accessory buildings as related to single family residential use~~
- ~~Accessory buildings as related to agriculture – non-subdivision~~
- Golf Courses
- Fire stations

- Temporary buildings for construction purposes for a period not to exceed such construction
- Signs as permitted by sign ordinance
- Stables (on lots of 3 acres or more with a minimum of 200 foot setback from any adjoining property line)
- Cemeteries
- Utilities - All utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body
- Child care home - in accordance with IC 36-7-4-1108
- Residential facility for mentally ill - in accordance with IC 12-28-4-7

2. Special Exceptions -

- Golf courses, country clubs
- Convents, monasteries, theological schools, rectories and parish houses
- Cemeteries - pet

3. Permitted Home Occupations -

- Art studio
- Dressmaking
- Professional office of a clergyman, lawyer, architect, accountant, or counselor
- Typing or other office services
- Teaching musical instruments or dancing
- A business conducted entirely by mail
- Beauty shop - one chair operated by the resident
- Home garage sale not to exceed 7 days per year
- Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling.
- Homebound schools for 12 or less full-time or part-time children including residents of the home.
- Personal motor vehicle sales not to exceed 2 vehicles per year.

Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign regulations for residence districts as outlined in the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Minimum lot area -

- Subdivisions - not less than 15,000 square feet
- Individual lots not located in approved subdivisions - not less than 3 acres

- Public or private schools without dormitory accommodations
 - Public parks - not to exceed five acres
 - Fire station
 - ~~Accessory buildings as they relate to above uses~~
 - Utilities - All utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body
 - Child care home - in accordance with IC 36-7-4-1108
 - Residential facility for mentally ill - in accordance with IC 12-28-4-7
2. Special Exceptions -
- Tennis and swimming clubs
 - Convents, monasteries, theological schools, rectories and parish houses
3. Permitted Home Occupations -
- Art studio
 - Dressmaking
 - Professional office of a clergyman, lawyer, architect, accountant, or counselor
 - Typing or other office services
 - Teaching musical instruments or dancing
 - A business conducted entirely by mail
 - Beauty shop - one chair operated by the resident
 - Home garage sale not to exceed 7 days per year
 - Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling.
 - Homebound schools for 12 or less full-time or part-time children including residents of the home.
 - Personal motor vehicle sales not to exceed 2 vehicles per year.

Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Minimum Lot Area -
- Single family - not less than 12,000 square feet
 - Two-family (duplexes) - corner lots not less than 15,000 square feet
5. Minimum Lot Frontage on Roads - Not less than 50 feet for single family and duplexes.
6. Minimum Setback Lines -

- Front yard - 20 feet
 - Side yard - 10 feet except corner lots when 20 feet will also apply to side yard on road.
 - Rear Yard - 30 feet
 - Minimum lot width a building line - Single family - 80 feet
 Duplexes on corner lots - 90 feet
7. Maximum building height - Not to exceed 25 feet
8. Minimum ground level square footage, exclusive of porches, terraces and garages - Single Family -
- Single Story - 1200 square feet
 - Two Story - 800 square feet
 - Tri-level - 800 square feet (basement & 1st level)
 - Story and one-half - 800 square feet
9. Parking - Off-street parking shall be provided in accordance with the provisions in this ordinance.
- F. SF 4 - This district is established for higher density single family residential homes in residential areas with available state approved water and sewer facilities and such lands must be at least one-eighth (1/8) of its perimeter adjacent to the corporate limits of the town
1. Permitted Uses -
- Single Family Dwellings
 - Churches
 - Schools - Public and private with dormitory accommodations
 - Fire stations
 - ~~Accessory buildings as they relate to above uses~~
 - Utilities - All utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body
 - Child care home - in accordance with IC 36-7-4-1108
 - Residential facility for mentally ill - in accordance with IC 12-28-4-7
2. Special Exceptions -
- Convents, monasteries, theological schools, rectories and parish houses
3. Permitted Home Occupations -
- Art studio
 - Dressmaking
 - Professional office of a clergyman, lawyer architect, accountant, or counselor

- Typing or other office services
- Teaching musical instruments or dancing
- A business conducted entirely by mail
- Beauty shop - one chair operated by a resident
- Home garage sales not to exceed 7 days per year
- Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling
- Homebound schools for 12 or less full-time or part-time children including residents of the home
- Personal motor vehicle sales not to exceed 2 vehicles per year

Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Minimum Lot Size - Single Family - not less than 9,000 square feet
5. Minimum Lot Frontage on Road - Single family - 40 feet
6. Minimum Setback Lines for Single Family -
 - Front yards - 25 feet or the average of the setback of the other homes in the block
 - Side yard - 8 feet except corner lots when 20 feet will apply to side yards on road or street
 - Rear Yard - 25 feet
 - Minimum lot width at building line - Single Family - 50 feet
7. Maximum Building Height - Not to exceed 25 feet
8. Minimum ground level square footage, excluding porches, terraces and garages - Single Family -
 - Single story - 1,000 square feet
 - Two story - 750 square feet
 - Tri-level - 750 square feet (basement & 1st level)
 - Story and one-half - 750 square feet)
9. Parking - Off-street parking shall be provided in accordance with the provisions in this ordinance

G. SF 5 - This district is established for unincorporated towns or communities within the jurisdictional area of Washington Township which are presently platted and not served by a public sewer system.

1. Permitted Uses (with approved sanitary facilities) -

- Single family dwellings
- Churches
- ~~Accessory buildings — as related to above uses~~
- Fire stations
- Utilities - All utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body
- Child care home - in accordance with IC 36-7-4-1108
- Residential facility for mentally ill - in accordance with IC 12-28-4-7

2. Special Exceptions -

- Convents, monasteries, theological schools, rectories and parish houses

3. Permitted home occupations -

- Art Studio
- Dressmaking
- Professional office of a clergyman, lawyer, architect, accountant, or counselor
- Typing or other office services
- Teaching - musical instruments or dancing
- A business conducted entirely by mail
- Beauty shop - one chair operated by a resident
- Home garage sales not to exceed 7 days per year
- Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling
- Homebound schools for 12 or less full-time or part-time children including residents of the home.
- Personal motor vehicle sales not to exceed 2 vehicles per year.

Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign regulations for residence districts as outlined in the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Minimum Lot Area - Single family - not less than 7,000 square feet

5. Minimum Lot Frontage on Road - Single Family - 40 feet

6. Minimum Setback for Single Family -

- Front yard - 20 feet or the average of the setback of other homes in the block
- Side yard - 8 feet except on corner lots when 20 feet shall apply to the side of lots fronting a road or street
- Rear yard - 20 feet
- Minimum lot width at building line - 40 feet

7. Maximum Building Height - Not to exceed 25 feet

8. Minimum ground level square footage required, excluding porches, terraces and garages - Single Family -

- Single story - 800 Square feet
- Two-story - 650 square
- Tri-level - 650 square feet (basement & 1st level)
- Story and one-half - 650 square feet

9. Parking - Off-street parking shall be provided in accordance with the provisions of this ordinance

H. SF-A (Single-Family – Attached) - This district is established for attached single-family communities of four or less units per building with mandatory public water and sanitary sewer service. If public water and sanitary sewer service is not available, the developer will install with the development. This district is contemplated to provide an exceptional project where the project leads the zoning while providing owner occupied dwelling opportunities for individuals who desire to live in maintenance-free communities (i.e., where grass mowing, property maintenance, snow removal, etc. are commonly maintained and owned by a property owners association). Such communities may or may not include private streets. The new classification is a bridge between all the single family classifications and the multi-family classification.

1. Permitted Uses –

- 1) Two-unit single family attached dwellings
- 2) Three-unit single family attached dwellings
- 3) Four-unit single family attached dwellings
- 4) Accessory Structures as related to the Single Family Attached (SF-A) and owned by the Home Owners Association
 - (i) Clubhouse
 - (ii) Swimming Pool

(iii) Common Meeting Facility

2. Special Exceptions –
 - (a) None

3. Permitted Home Occupations – Business that does not have a visual, audible, olfactory, or physical impact on the site by conducting business on the premises.

Permitted home occupations shall not include the employment of a person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except where such are permitted by the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Minimum Lot Area – N/A

5. Minimum Lot Frontage on Roads – N/A

6. Maximum Dwelling Density per Acre – Up to four (4) dwelling units per acre

7. Mandatory public water and sewer service

8. Maximum Number of Acres per SF-A District: Thirty acres (30)

9. Minimum Green Space Area –
 - a. Will be 35 % of total acreage
 - b. All green space is owned and maintained by the Home Owners Association
 - c. Ten percent (10%) may be in an amenity package, including but not limited to: trails, picnic areas and recreational areas.
 - d. A maximum of fifty percent (50%) credit toward the required green space may come from: wetlands, third party regulated utility easements, legal drains and equivalent land.

10. Minimum Building Setback Lines –
 - a. Front yard (from pavement if private street, from right-of-way (ROW) if public street)
 - i) Expressways 50 Feet
 - ii) Primary Arterials 35 Feet
 - iii) Secondary Arterials 25 Feet
 - iv) Collectors 20 Feet
 - v) Local and Private streets 20 Feet

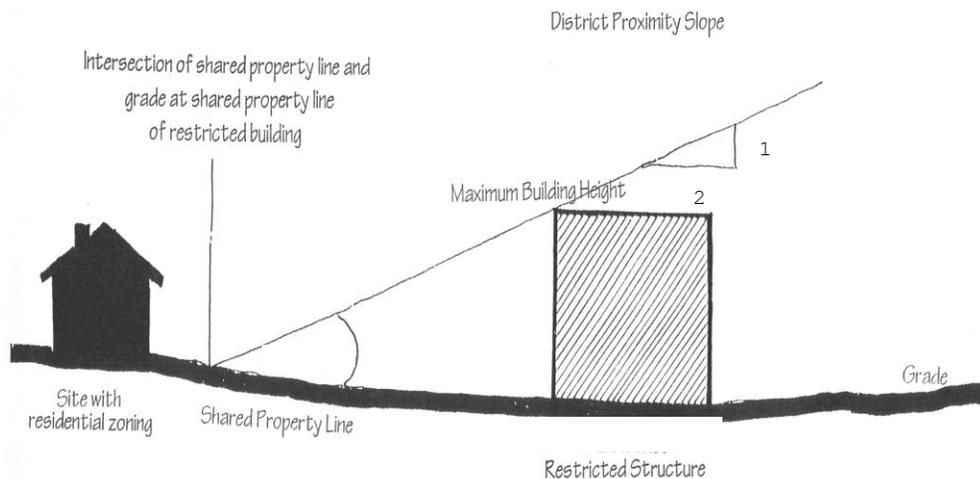
- vi) Buildings with more than one unit that are adjacent will stagger the front envelope for each unit by at least four (4) feet

11. Distance Between Structures –

- a. 25 Feet for one- and two-story structures with no vinyl exterior siding on the structure(s).
- b. 30 Feet for one- and two-story structures with any vinyl exterior siding on the structure(s).

12. Project Perimeter Setback – Will be at a 1:2 ratio as defined by Proximity Slope (one vertical to two horizontal)

Proximity Slope – A plane projected upward and outward from the property line or right of way line, whichever is closest to the building. 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 Figure below). No SF-A structure shall be erected above the projected 1:2 proximity slope line.



13. Maximum Building Height – 35 feet structures

14. All garage door openings will be off set from the road (which the structure is addressed from), which the unit fronts on by at least thirty (30) degrees.

15. Minimum Square Footage Per Dwelling Unit (exclusive of porches, basements, terraces and garages) (with a minimum of seventy-five percent (75%) of the residential units being 1,500 square feet or greater)

- | | |
|---|-------------------|
| 1) Single story - | 1,300 Square Feet |
| 2) Story and one-half - (lower and main levels) | 1,600 Square Feet |
| 3) Two story - (lower and main levels) | 1,800 Square Feet |
16. All residential structures will have a two (2) car garage with matching driveway.
 17. Building Materials – Building materials will be governed by the terms of the Development Plan Review procedure set forth in this ordinance.
 18. Landscaping standards as required in WC 16.06. Landscaping
 19. Lighting standards as required in WC 16.07, Lighting

WC 16.04.040 Multi-Family Districts

A. MF1 – Multi-Family 1 – This district is established to provide opportunities for the development of single-family attached dwellings, including low-density townhomes, duplexes, triplexes, and quadraplexes. The purpose of this district is to encourage variety in housing stock within the community to provide housing opportunities to a diverse socio-economic cross-section of residents.

1. Permitted Uses -

- Multi-family residential
- Single-family attached residential
- Accessory buildings related to the uses listed below
- Assisted living facilities
- Churches
- Day care centers
- Fire Stations
- Hospices
- Nursing Homes
- Public Parks
- Schools - public and private with or without dormitories
- Temporary buildings for construction purposes for a period of time not to exceed time of construction
- Utilities - all utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body

2. 2. Special Exceptions -

- Convent, monasteries, theological schools, rectories, and parish houses
- Manufactured home parks (in accordance with the provisions of WC 16.04.090)

3. Permitted Home Occupations -

- Art studio
- Beauty shop - one chair operated by a resident of home
- Business conducted entirely by mail
- Dressmaking
- Home garage sales not to exceed seven (7) days per year
- Professional office of a clergyman, lawyer, architect, accountant, or counselor
- Repairing, servicing, or refurbishing equipment or parts, excluding motor vehicles, as long as the work is performed entirely within the home located in this district and performed by a member of the household living in the dwelling.
- Teaching - such as musical instruments or dancing
- Typing and other office services

Permitted home occupations shall not include the employment of persons in addition to occupants of the dwelling unit in performance of such services, and shall not include exterior display of signs, except as permitted by the sign regulations for residential districts as outlined in the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Location - The following criteria shall be met for a rezone to MF1 to be granted:
 - a. MF1 districts shall be located within the corporate limits of the Town of Westfield.
 - b. MF1 districts shall not be located within one-half (.5) mile of another MF1 or MF2 district.
 - c. MF1 districts shall utilize water and sewer facilities of adequate capacity, connected to a public utility.
 - d. MF1 districts shall be contiguous to an existing developed parcel.
5. Maximum Dwelling Density - Six (6) dwelling units per acre
6. Maximum Number of Dwelling Units Per Structure
 - a. Townhouse - 4 units per structure
 - b. Quadraplex- 4 units per structure
 - c. Triplex- 3 units per structure
 - d. Duplex- 2 units per structure
7. Maximum Number of Dwelling Units Per MF1 District – forty-eight (48) units
8. Minimum Square Footage Per Dwelling Unit (excluding porches, terraces, carports, and garages) – one thousand (1000) square feet
9. Minimum Road Frontage
 - a. Townhouse - seventy (70) feet
 - b. Quadraplex - seventy (70) feet
 - c. Triplex- sixty (60) feet
 - d. Duplex - fifty (50) feet

10. Minimum Setback Requirements

- a. Front Yard – twenty (20) feet
- b. Side Yard – twenty (20) feet
- c. Rear Yard – twenty (20) feet

11. Minimum Lot Width at Building Line

- a. Townhouse - forty-five (45) feet
- b. Quadraplex - forty-five (45) feet
- c. Triplex - fifty (50) feet
- d. Duplex - fifty (50) feet

12. Maximum Building Height - thirty-five (35) feet

13. Minimum Distance Between Buildings - twenty (20) feet

14. Parking - In addition to the off-street parking requirements in WC 16.04.120, the following provisions shall apply:

- a. Parking areas and spaces exposed to public streets or adjacent to one and two-family neighborhoods shall be screened by walls or other solid materials in addition to landscaping required in WC 16.06.
- b. Solid screens or landscape materials shall be installed to protect the privacy of residents when parking spaces are located within ten (10) feet of residential units and to prevent headlights from shining directly into windows.
- c. If dwelling units are provided with alley accesses, rear parking areas shall be permitted.

15. Building Materials - At least seventy-five (75) percent of building exteriors shall be covered with masonry materials, excluding all windows and doorways.

16. Green Space Areas- At least twenty (20) percent of the gross land area within each MF1 district shall be designated as secondary green space areas. The ownership of greenspace, how it will be protected from future development, and responsibility for future maintenance must be documented and recorded with the plat.

17. Transportation Accessibility -

- a. Street infrastructure within MF1 developments may be developed as public streets or private streets. Such infrastructure shall be perpetually accessible to residents and emergency vehicles.
- b. Streets within MF1 developments shall align and connect with existing streets outside such developments and provide for connections with future adjacent developments.
- c. At least two street accesses shall be provided for each MF1 development and adequate accessibility for emergency vehicles and school busses shall be ensured.
- d. MF1 developments shall possess primary accesses off of primary arterials or secondary arterials.
- e. Developers of MF1 projects may be required to construct turn lanes or acceleration/deceleration lanes on adjacent streets to minimize the negative traffic impacts of such development.
- f. If shared access roads are constructed to serve multiple developments or multiple owners, appropriate dedication or easement documents must be submitted to ensure perpetual access to emergency vehicles and affected residents.

18. Landscaping and Buffering - MF1 developments shall comply with the landscaping requirements in WC 16.06, Landscaping and Tree Preservation.

19. Lighting - see WC 16.07, Lighting

20. Other Requirements - see WC 16.04.100, Multi-Family Development Plans, Fencing, and Accessory Building Requirements.

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

B. MF2 – Multi-Family 2 -This district is established for medium density multi-family housing units. The purpose of the MF2 district is to provide affordable rental housing alternatives within the community.

1. Permitted Uses -

- **Multi-family residential**
- Accessory buildings related to uses listed below
- Assisted living facilities
- Churches
- Day care centers
- Fire Stations
- Hospices
- Nursing homes
- Public parks
- Schools - public and private with or without dormitories
- Temporary buildings for construction purposes for a period of time not to exceed time of construction
- Utilities - all utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body

2. Special Exceptions -

- Convents, monasteries, theological schools, rectories and parish houses
- Manufactured home parks (in accordance with the provisions of the WC 16.04.090)
- Sanitariums

3. Permitted Home Occupations -

- Art studio
- Beauty shop - one chair operated by resident
- Business conducted entirely by mail
- Dressmaking
- Home garage sales not to exceed 7 days per year
- Professional office of a clergyman, lawyer, architect, accountant, or counselor
- Repairing, servicing, or refurbishing equipment or parts, excluding motor vehicles, as long as the work is performed entirely within the home located in this district and performed by a member of the household living in the dwelling
- Teaching – such as musical instruments or dancing
- Typing and other office services

Permitted home occupations shall not include the employment of persons in addition to occupants of the dwelling unit in performance of such services, and shall not include exterior display of signs, except as permitted by the sign regulations for residential

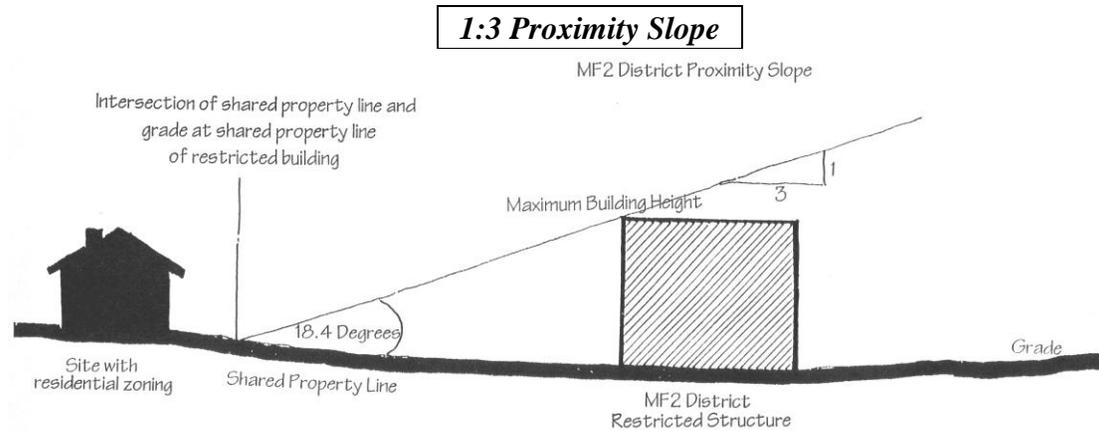
WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

districts as outlined in the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Location – The following criteria shall be met for a rezone to MF2 to be granted:
 - a. MF2 districts shall be located within the corporate limits of the Town of Westfield.
 - b. MF2 districts shall not be located within three-quarters (.75) of a mile of another MF1 or MF2 district.
 - c. MF2 districts shall utilize water and sewer facilities of adequate capacity, connected to a public utility.
 - d. MF2 districts shall be contiguous to an existing developed parcel.
5. Maximum Dwelling Density - ten (10) dwelling units per acre
 6. Maximum Number of Dwelling Units Per Structure - ten (10) units
7. Maximum Number of Dwelling Units Per MF2 District - one hundred fifty (150) units
8. Minimum Square Footage Per Dwelling Unit (excluding porches, terraces, carports, and garages) - six hundred fifty (650) square feet
9. Minimum Road Frontage - seventy (70) feet
10. Minimum Setback Requirements
 - a. Front Yard - thirty (30) feet
 - b. Side Yard - twelve (12) feet
 - c. Rear Yard - twenty (20) feet

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

11. Proximity Slope - The angle of projection of the proximity slope for multi-family developments under this Section shall be at 18.4 degrees or a 1:3 slope, as illustrated in the following figure:



No MF2 structure shall be erected above the projected 1:3 proximity slope line. The maximum height of any structure will be thirty-five (35) feet.

12. Minimum Distance Between Structures - twenty (20) feet
13. Development Amenities - MF2 districts shall be provided with development amenities in accordance with the following requirements:
- a. At least twenty (20) percent of the gross land area within each MF2 district shall be designated as secondary green space areas. The ownership of green space, how it will be protected from future development and responsibility for future maintenance must be documented and recorded with the plat.
 - b. In accordance with Table 16.04.040-1 below, MF2 districts shall be provided with the following number of amenities within their secondary green space.
 - c. The number of amenities required shall be proportional to the size of MF2 developments and may include, but is not limited to, clubhouses, gymnasiums, swimming pools, tennis courts, basketball courts, ball-fields (soccer, baseball, etc.), walking/jogging/biking trails, volleyball courts, and racquetball courts. Picnic/barbecue areas and playgrounds are permitted as amenities in accordance with the following standards:
 - 1.) One picnic/barbecue area, that shall include at least one barbecue grill and one picnic table, per 50 dwelling units
 - 2.) One large playground at least 5,000 square feet in area per 150 units. The amount of square feet required is the total play area including safe fall zones. Play equipment should include a variety of elements within a designated area mulched

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with ADA and CPSC approved safety surfacing. The play elements shall include at least the following numbers and types:

- Six (6) swings
- Three (3) detached/freestanding play elements
- Three (3) sliding elements
- Six (6) climbing elements
- One (1) overhead element
- Panels featuring play elements
- Decks, bridges, tunnels as required to attach various play elements to each other.

All play area surfacing must comply with Americans with Disabilities Act and Consumer Product Safety Commission requirements for fall heights and accessibility.

- 3.) One small playground at least 2,000 square feet in area per 50 dwelling units. The amount of square feet required is the total play area including safe fall zones. Play equipment should include a variety of elements with a designated area mulched with ADA and CPSC approved safety surfacing. The play elements shall include at least the following numbers and types:

- Three (3) detached/freestanding play elements
- Three (3) sliding elements
- Three (3) climbing elements
- One (1) overhead element
- Panels featuring play elements
- Decks, bridges, tunnels as required to attach various play elements to each other.

All play area surfacing must comply with Americans with Disabilities Act and Consumer Product Safety Commission requirements for fall heights and accessibility.

- d. Each type of amenity shall counts as one amenity, regardless of the quantity of the amenity that is provided (i.e., if two basketball courts are provided, they count as only one amenity).

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Table 16.04.040-1

Number of Units in Development	Minimum Number of Amenities Provided
1-60	2
61-90	3
91-120	4
121-150	5

14. Parking - In addition to the off-street parking requirements in WC 16.04.120, the following provisions shall apply:

- a. Parking lots and spaces exposed to public streets or adjacent to one and two-family neighborhoods shall be screened by walls or other solid materials in addition to landscaping required in WC 16.06.
- b. Solid screens or landscape materials shall be installed to protect the privacy of residents when parking spaces are located within ten (10) feet of residential units and to prevent headlights from shining directly into windows.

15. Building Materials - At least seventy-five (75) percent of building exteriors shall be covered with masonry materials, excluding all windows and doorways.

16. Transportation Accessibility -

- a. Street infrastructure within MF2 developments may be developed as public streets or private streets. Such infrastructure shall be perpetually accessible to residents and emergency vehicles.
- b. Streets within MF2 developments shall align and connect with existing streets outside such developments and provide for connections with future adjacent developments.
- c. At least two street accesses shall be provided for each MF2 development and adequate accessibility for emergency vehicles and school buses shall be ensured.
- d. MF2 developments shall possess primary accesses off of primary arterials or secondary arterials.
- e. Developers of MF2 projects may be required to construct turn lanes or acceleration/deceleration lanes on adjacent streets to maintain traffic service levels.
- f. If shared access roads are constructed to serve multiple developments or multiple owners, appropriate dedication or easement documents must be submitted to ensure perpetual access to emergency vehicles and affected residents.

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17. Landscaping and Buffering - MF2 developments shall comply with the landscaping requirements in WC 16.06, Landscaping and Tree Preservation.
18. Lighting - see WC 16.07, Lighting
19. Other Requirements - see WC 16.04.100, Multi-Family Development Plans, Fencing, and Accessory Building Requirements.

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WC 16.04.095 *Temporary Uses and Events*

A. Purpose and Intent

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

B. Exemptions

1. Events hosted on an individual homeowner's parcel including but not limited to garage sales, estate sales, private parties.
2. City sponsored events as approved by the City Council.

3. [Events held on public park property \(see rules established in the City of Westfield's Special Event Policy PK 01-11 administered by the Westfield Parks Department\).](#)

C. Standards for Temporary Uses, Events and Structures The review of temporary uses, events, or structures shall be reviewed in accordance with the following standards:

1. General Standards

- i. Parking requirements for the site at the time of development or if the parcel is vacant, present development standards; shall not substantially be impacted by the temporary event.
 1. The Director may limit the location for traffic flow or public safety reasons.
- ii. All temporary structures must meet the setbacks as defined in the zoning ordinance for the district in which they are being installed.
- iii. A proposed temporary event or use shall be located on a parcel with a permitted principle building or on a vacant parcel when the minimum required setbacks for the district are met.
 1. Temporary event/use shall be incidental to the principal permitted use or structure existing on the property or an abutting property.
 - a. Holiday Tree and Temporary Greenhouse Sales are exempt from this standard.
- iv. Goods and display materials must be stored inside either a permanent or temporary structure during non-event hours
 1. Holiday Tree and Temporary Greenhouse Sales are exempt from this standard.
- v. The temporary event shall not eliminate or negatively impact required parking for the underlying use. Additional parking may be required upon finding that the proposed temporary event/use increases the need for parking.
- vi. All equipment, materials, goods, poles, wires and other items associated with the event shall be removed from the premises within two (2) days of the conclusion of the temporary use or event.
- vii. All temporary events shall conform to all State and County Health Department regulations and codes including IC16-42-5 and 410 IAC 7-24.
- viii. Temporary events held in City of Westfield Parks and Playing Fields shall follow the requirements as outlined in the Westfield Park and Recreation Department's Policies and Procedures Manual.
- ix. Any temporary events that require the assignment of additional Westfield Police Officers and/or Westfield Fire Department Responders shall be responsible for the cost of said employees.
 1. Payments shall be made directly to the City of Westfield Police Department and/or the City of Westfield Fire Department.

2. Tent Events

- i. All tent events must meet the applicable standards under the General Standards subsection of this section of code.
- ii. Tent events are [permitted-allowed](#) in nonresidential districts and for non-residential uses in residential districts.
- iii. Tents must be located on the parcel of the primary business or on a vacant lot adjoining that of the primary business.

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- iv. Tents shall be subordinate in size to the primary structure.
 - v. Signs shall be limited to two (2).
 - 1. Signs shall not exceed twelve (12) square feet each.
 - 2. Signs must be affixed to the temporary structure associated with the event.
 - 3. No other signs shall be ~~permitted~~ allowed.
 - 4. Signs shall not be illuminated.
 - 5. Signs must meet all other applicable standards of the Sign Ordinance.
 - vi. Tent events shall be an extension of the existing uses on site and not in addition to.
 - vii. No sale displays outside the tent shall be ~~allowed~~ permitted.
 - 1. All items or products shall be under a tent or inside the store after business hours.
 - viii. Lighting shall be ~~permitted~~ allowed inside the tent only.
 - ix. Noise must be kept to a level that is not audible from forty (40) feet or more away from the source or is at a level of ninety (90) decibels or less when measured six feet from its source on a dB(A) meter.
 - x. Hours of operation shall not exceed the hours of the business.
 - xi. Permitting
 - 1. Temporary Use/Event Permits are issued by the Community Development Department.
 - 2. Tent events are ~~permitted~~ allowed per parcel for up to thirty (30) days per permit with a sixty (60) day total per calendar year maximum.
 - 3. Permits may be issued for consecutive days.
 - 4. Applicants must provide dates of events.
 - 5. Inspections by Community Development and the Fire Department will be required.
 - a. Tents must meet Uniform Fire Code or International Fire Code standards.
 - 6. Limited Exception – Temporary Use/Events conducted in accordance with the following standards shall not be required to obtain a Temporary Use/Event Permit. However, such Temporary Use/Event shall comply with the other standards of this Ordinance.
 - a. Tent events lasting no more than 3 days; and
 - b. The tent size does not exceed 600 square feet; and
 - c. The sale of any item, product, or service shall be prohibited.
3. Sidewalk Sales
- i. All sidewalk sales must meet the applicable standards under the General Standards subsection of this section of code.
 - ii. All sidewalk sales must be located within ten (10) feet of the business's pedestrian entrance.
 - iii. Such sales events shall not impede pedestrian traffic or force pedestrians into vehicle traffic lanes.
 - 1. A five (5) foot pedestrian access area on the sidewalk shall be maintained at all times.
 - 2. The pedestrian access area on the sidewalk shall not be interrupted or impeded with building, utility or landscaping elements such as but not limited to columns, supports, plantings or other such materials.
 - iv. Tents are prohibited.
 - v. No permit required
4. Temporary Greenhouse and Holiday Tree Sales shall meet the standards of all Federal, State and City Building and Fire Codes outlined below.
- i. All Temporary Greenhouse and Holiday Tree Sales must meet the applicable standards under the General Standards subsection within this section of code.
 - ii. Holiday Tree Lots and Temporary Greenhouse sale areas are restricted to three thousand eight hundred (3,800) square feet.
 - 1. With the permission of the Community Development Director, Holiday Tree Lots may be increased up to five thousand (5,000) square feet.

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- iii. Temporary Greenhouse Sales and Holiday Tree Lots operations shall be conducted between the hours of 6:00 a.m. and 8:00 p.m.
 - iv. Such sales are restricted to nonresidential districts and permitted nonresidential uses in residential districts.
 - v. Bagged, bulk items must be stored within an adjacent permanent or temporary structure.
 - vi. Signs shall be limited to two (2).
 - 1. Signs shall not exceed twelve (12) square feet each.
 - 2. Signs must be affixed to the temporary structure associated with the event.
 - 3. No other signs shall be ~~permitted~~allowed.
 - 4. Signs shall not be illuminated.
 - 5. Signs must meet all other standards of the Sign Ordinance.
 - vii. Music must be kept to a level that is not audible from forty (40) feet or more away from the source or is at a level of ninety (90) decibels or less when measured six feet from its source on a dB(A) meter.
 - viii. Permitting
 - 1. Temporary Use/Event Permits are issued by the Community Development Department.
 - 2. Permit for these sales shall be valid for a maximum of sixty (60) consecutive calendar days.
 - a. Applicants must provide dates of sales.
 - 3. A permit is required for each location of operation.
 - 4. No more than two (2) permits shall be issued per parcel per calendar year.
 - 5. Inspections by Community Development and the Fire Department will be required.
5. Outdoor Café and Eating Area In addition to the standards outlined in the above subsection, standards for Temporary Event/Use, outdoor cafes and eating areas are subject to the following conditions:
- i. All outdoor cafés and eating areas shall conform to all State and County Health Department regulations and code including IC16-42-5 and 410 IAC 7-24.
 - ii. Lighting must be compliant with the standards set in this chapter.
 - 1. Festoon lighting is not ~~permitted~~allowed.
 - iii. Music must be kept to a level that is not audible from forty (40) feet or more away from the source or is at a level of ninety (90) decibels or less when measured six feet from its source on a dB(A) meter.
 - iv. Such cafes and eating areas shall not impede pedestrian traffic or force pedestrians into vehicle traffic lanes.
 - 1. A five (5) foot pedestrian access area on the perimeter of the outdoor café and eating area shall be maintained at all times.
 - a. The pedestrian access area on the sidewalk shall not be interrupted with building, infrastructure, utility or landscaping elements such as but not limited to columns, supports, plantings or other such materials.
 - v. Proposed area must be compliant with all Federal, State and City Building Codes and access requirements.
 - 1. Proposed outdoor cafés and eating areas that would occupy or extend into public rights-of-way may not be located in such a manner that renders any public right-of-way, sidewalk, or path non-compliant with Federal, State, or City Building Code.
 - vi. Permitting
 - 1. Temporary Use/Event Permits shall be issued annually by Community Development Director and the Fire Marshal.
 - 2. Outdoor cafés and eating areas located in areas requiring an encroachment permit are not ~~permitted~~allowed prior to April 1st or after October 31st.
 - 3. All furniture and fencing or other separation devices used in areas requiring an encroachment permit must be removed completely by October 31st of each year leaving the area free of all obstructions.
 - a. No modifications or alterations shall be made to or within the public

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- right-of-way to accommodate or support furniture or fencing devices without the written consent of WPWD.
- b. Any modifications or alterations permitted by WPWD shall be of such nature as to be completely removed, repaired and replaced, and shall allow for unobstructed access to the public right-of-way upon the conclusion of the permitted outdoor café operation.
4. For outdoor cafés and eating areas located within rights-of-way, encroachment permit applications shall be submitted along with the Temporary Use permit.
- D. Temporary Use/Event Permit Submittal and Procedure Information In addition to the required information pertaining to the request as contained within this section, the applicant shall submit the following to the City of Westfield, Community Development Department.
1. A completed application form and required fee.
 2. A written statement describing the requested use, operations plan, traffic control and the proposed time period.
 3. An 8.5" x 11" plot plan or sketch that illustrates:
 - i. The property lines of the site.
 - ii. Adjacent uses and zoning districts.
 - iii. Location of fire hydrants.
 - iv. Existing and proposed buildings or structures.
 - v. Boundaries of proposed sales/activity area.
 - vi. Proposed lighting and method of power.
 - vii. Parking calculations based upon standards set within this Chapter.
 - viii. Proposed traffic circulation.
 - ix. Location and size of proposed signs.
 - x. Location and method of trash disposal.
 - xi. Any other information deemed necessary by the Community Development Director or their designee.
 4. Proof of ownership, or if the applicant is not the owner of the land, written permission from the property owner for said use/activity.
 5. If standards above require an Improvement Location Permit or Encroachment Permit, those applications shall be submitted with Temporary Use/Event Permit application.
 6. Proof that reasonable liability insurance is carried depending on the use/activity.
 - i. The City of Westfield and Washington Township shall be added as an additional insured at the applicant's expense.
 7. If alcohol is sold or consumed, proof of appropriate permits from the State of Indiana, Alcohol and Tobacco Commission is required.
 - i. No aspect of the City of Westfield Temporary Event, Use or Structure permit shall exempt any entity or individual from all applicable State laws regarding the serving of alcoholic beverages.
 8. If cooking or eating is involved in a temporary event, outdoor café or some other eating area, proof of review and approval from the Hamilton County Health Department is required.
 9. The Community Development Department will coordinate reviews with Westfield Police and Fire departments. Submittals must be made to the Community Development Department thirty (30) days prior to the scheduled event.
- E. Penalties
1. Any person or entity that violates any part of the provisions of this Article shall have the permit revoked for the event.
 - i. If the violation is abated, a permit may be re-instated after a review by the Community Development Director, Chief of Police, Fire Chief or their designees.
 2. Any person or entity that has their permit revoked more than once in a one (1) year period will be prohibited from applying for any Temporary Use/Event permits for one (1) year.
 3. In the event of a Public Safety emergency the Mayor, Deputy Mayor, Chief of Police, or Fire Chief may revoke the permit.
 - i. If a permit is revoked for Public Safety reasons, the person and entity that were issued the permit may not apply for any Temporary Use/Event permits for a period of two (2) years.
 4. Continued non-compliance after the revocation of said permit necessitating additional enforcement

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action on the part of the City of Westfield may result in:

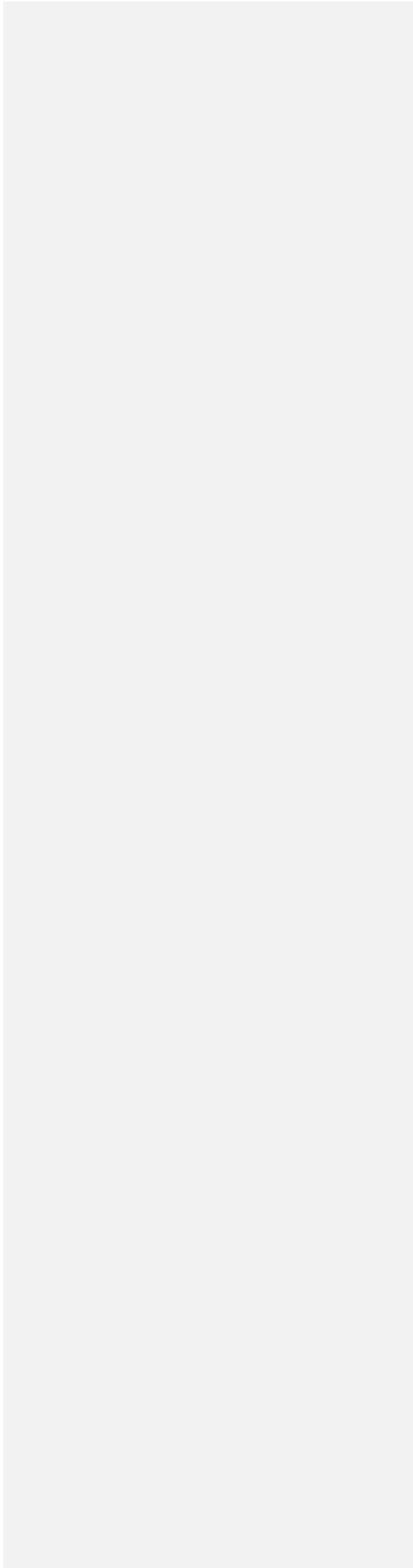
- i. The assessment of fines, fees, attorney’s fees and court costs as provided for in applicable City and State enforcement statutes.

F. Fees

- 1. The fee for application for a Temporary permit shall be as per the approved Community Development Department Fee Schedule at the time of application.
- 2. Fees for application shall be separate from and not applied to any other permits or deposit fees associated with the Temporary event, use or structure.
- 3. Fees for any Temporary event, use, or structure application which is denied shall be non-refundable.
- 4. For events located in City Parks and Playing Fields, fees are required per the City of Westfield Parks and Recreation Department Policies and Procedures Manual.
 - i. Parks and Recreation Department fees shall be paid directly to the City of Westfield Parks and Recreation Department.

G. Appeal

- 1. Any decision to deny a Temporary Use/Event Permit by the Community Development Director may be appealed to the Board of Zoning Appeals.



WC § 16.04.100 Multi-Family Development Plan, Fencing, Accessory Buildings, Swimming Pools, and Trash Receptacles

1. Development Plan Procedures - Development plan procedures for multi-family housing, apartments, condominiums, town houses, and cooperatives. A development plan for apartment use shall accompany the application for an improvement location permit. The development plan shall meet the following requirements, in addition to the other requirements set forth in this ordinance. All plans for construction of four units or more shall be subject to approval of the Plan Commission.
 - a. The building or buildings shall be so designated or located so that the distance from any window of any room proposed to be used for human habitation shall be not less than 40 feet from the wall of any structure on the property, such distance to be measured by a line perpendicular to the plane of the surface of said window, except that this distance may be reduced to not less than 30 feet for an exposure where a room is a bathroom or laundry utility room or is used as a community or group meeting room or for a similar purpose. No separate free-standing building shall be closer than 20 feet to any other building on or off of the site or lot. Provided, that the board may reduce any of these dimensions, if in its judgment, the intent of this sub-section is preserved.
 - b. In the event that more than one building is proposed, they shall be designed to be located so that no more than two buildings are in a straight, unbroken line. Each apartment use building shall be designed with setbacks or breaks of not less than 6 feet to all exterior walls for every two building units.
 - c. Off-street parking space, adequate space for service facilities, shall be provided in the side yards or rear yard and shall in no event be located in the required front yard, provided, that no off-street parking area or service facility area shall be located closer than 10 feet to any side lot line. The off-street parking areas and service facility areas shall have sufficient lighting facilities, which shall be located and adjusted so that the glare or beam is directed away from any adjoining property, public street or apartment use dwelling windows.
 - d. Any open-air off-street parking area and service facility area shall be suitable screened with shrubbery or trees along all streets and adjoining or adjacent property lines on the lot. The locations and names of the shrubbery planting shall be indicated on the development plan or on a separate landscape plan which shall become a part of the application. The shrubbery may be planted informally or in a row and may include several varieties and sizes provided that the Board shall be satisfied that said shrubbery will screen any parking areas and expected ground activity from the view of abutting or opposite properties, and also that vision clearance at access points will be provided for safety purposes.
 - e. The location of all driveways, parking areas, service facility areas, and streets shall be shown on the development plan. Also, the location, type and size of proposed public water, sewage and drainage facilities shall either be shown on the plan or on accompanying drawings.

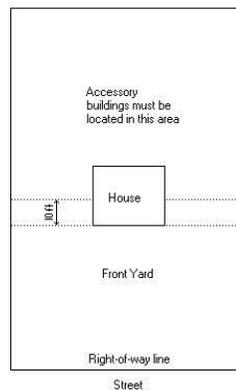
2. Accessory Buildings:

- a. Applicability – In residential districts, these standards (the standards of WC 16.04.100, 2) shall not apply to accessory buildings in compliance with the terms of the Westfield-Washington Township Zoning Ordinance prior to the revision of these standards on October 8, 2001. Such pre-existing structures shall be regarded as conforming structures. No variance to allow the continued use of such structures shall be necessary unless any newly proposed expansion or modification to such structures conflicts with the standards set forth within this Section (WC 16.04.100, 2) of the zoning ordinance.
- b. General Standards:
 - i. Accessory buildings shall be constructed on the same parcel as the principal building to which they are accessory.
 - ii. No accessory building shall be constructed upon a parcel until the construction of the principal building has been commenced.
 - iii. No accessory building shall be occupied/utilized unless the principal building on the same parcel is first legally occupied for a permitted use within the applicable zoning district.
 - iv. The standards of the zoning ordinance shall not prevent the use of a temporary construction building to be utilized for the storage of tools, materials, and other equipment during the period of construction.
 - v. Construction Period – the construction of accessory buildings shall be completed:
 - (1) Within one year of the issuance of a building permit, in the event that such permit is obtained individually; or
 - (2) Within one year of the completion of construction of the principal building, in the event that the building permit for the accessory building is obtained at the same time that the building permit for the construction of the principal building is obtained.
 - vi. Accessory buildings shall be constructed in a manner that does not substantially alter the character of the vicinity in which such buildings are to be located.
 - vii. Accessory buildings must be subordinate in height, width, length and bulk to the principal building.
 - viii. Accessory buildings shall be held under the same ownership and maintenance as the principal building.

c. Building Location:

i. Front Setback:

- (1) **Parcels In Recorded Subdivisions:** No accessory buildings may be erected closer than ten (10) feet from the front yard of a principal structure as illustrated in the following figure (i.e., accessory buildings may not be located closer than 10' from the portion of a parcel between the road right-of-way and a plane established by the portion of the principal structure closest to the right-of-way, running parallel to such right-of-way). Temporary accessory buildings shall not be constructed in front of the rear building line of the principal building.

(2) **Parcels Not In Recorded Subdivisions:**

- (i) Accessory buildings shall be located at least 75 feet from all rights-of-way.
- (ii) No accessory buildings may be erected in the front yard of a principal structure (i.e., accessory buildings may not be located between a road right-of-way and a plane established by the portion of the principal structure closest to the right-of-way, running parallel to such right-of-way).

ii. Side and Rear Setback –(1) Parcels In Recorded Subdivisions:

- (i) Accessory buildings of 200 square feet or less shall be a minimum of two and a half (2.5) feet from the side and rear lot lines and shall be located outside of all easements;
- (ii) Accessory building over 200 square feet shall meet the minimum side and rear yard setbacks of the underlying zoning district (unless otherwise limited by WC 16.04.100, 2, c, i, (1) above).

(2) Parcels Not In Recorded Subdivisions:

ii-(i) Accessory buildings ~~must~~ shall meet the minimum side and rear yard setbacks of the underlying zoning district (unless otherwise limited by WC 16.04.100, 2, c, i, (1) above).

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d. Building Height: Accessory buildings shall not exceed 18 feet in height (to be measured as per WC 16.04.210, Definitions, “Building, Height of”).

3. Fences - On residential lot less than three acres, fences located within any required front yard shall not exceed 42 inches in height, as measured from the topmost point thereof to the ground adjacent to the fence.

Fences located within any required side or rear yard of a residence shall not exceed six feet in height, as measured from the topmost point thereof to the ground adjacent to the fence.

Any fence placed upon an erected earth berm or masonry wall must govern its total height to the limitations herein.

Open wire mesh fences surrounding tennis courts may be erected to a height of 16 feet, if such fences shall only enclose a regulation court area and standard apron areas.

Fences enclosing an institution, a public park, schools, commercial or industrial property may consist of an open mesh fence not to exceed a height of ten feet.

No sign, fence, wall, shrub or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersection streets and a straight line connecting them at points 30 feet distance from the intersection of the street lines. Agricultural fences shall not be subject to height limitations.

Fences constructed of wood for the purpose of obscuring view shall be installed so that the finished side of the fence is facing outward. Fences constructed of wood that are on a property line in which two or more land owners share in the expense are not subject to this provision.

4. Swimming Pools:

a. Applicability – These standards (the standards of WC 16.04.100, 4) shall not apply to swimming pools in compliance with the terms of the Westfield-Washington Township Zoning Ordinance prior to the revision of these standards on October 8, 2001. Such pre-existing structures shall be regarded as conforming structures. No variance to allow the continued use of such structures shall be necessary unless any newly proposed expansion or modification to such structures conflicts with the standards set forth within this Section (WC 16.04.100, 4) of the zoning ordinance.

b. General Standards:

EXHIBIT F

- i. Swimming pools shall be constructed on the same parcel as the principal building to which they are accessory.
 - ii. Swimming pools shall not be constructed in front of the principal building.
 - iii. Swimming pools shall be required to meet the same setback requirements as the principal structure to which they are accessory.
 - iv. Swimming pools shall be enclosed with a fence of not less than five feet in height.
5. Trash Receptacles – Trash receptacles shall be enclosed on all sides within non-residential and multi-family zoning districts.

WC 16.04.180 Figures

The following figures are hereby declared to be a part of this Article:

Figure 1. Schedule of Fees

The Schedule of Fees shall be as established by annual resolution of the Town Council of the Town of Westfield. Such Schedule of Fees shall be available for review in the office of the Town Clerk and in the office of the Community Services Department.

Figure 2. Use List

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Commercial Businesses

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Advertising and Business Signs, Fabrication		X	X	X
Amphitheaters	X	X		
Antiques	X	X		
Apartment-Hotels, Motels, Hotels		X		
Art School	X	X		
Artisan School	X	X	X	
Assembly Halls	X	X		
Auction Rooms		X	X	
Auditoriums		X		
Auto Parts Sales		X	X	
Auto Rental		X	X	
Auto Repair Garages			X	
Auto Rustproofing			X	
Auto Storage			X	
Auto Sales, New or Used, Service and Repair		X		
Bakeries	X	X	XP	
Banks and Savings & Loan Assn.	X	X		
Barber and Beauty Schools	X	X		
Barber and Beauty Shops	X	X		
Bicycle Sales, Rental & Service	X	X		
Billiard Parlor		X		
Blueprinting, Photocopying Job Printing		X	X	
Boat and Trailer Sales & Service		SP. EX.		X
Book Stores	X	X		
Bowling Alley		X		
Business and Clerical Schools		X		
Bus Stations		X	X	
Camera Stores	X	X		
Car Wash (Indoor)	SP. EX	X		
Caskets and Casket Supplies (Mortuary)		X	X	
Cemetery Monument Sales		X	X	X
Cemetery Monuments & Tombstones Manufacture (Including Engraving)			X	X
Charitable Donation Pick-Up Station	X	X		
Charitable Institutions		X		
China and Glassware Shops	X	X		

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Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Churches	X	X		
Civic Centers	X	X		
Civic Clubs	X	X		
Coin Shops	X	X		
Commercial Parking Lots and Structures, Public	X	X	X	
Commissary, Food Catering Serv.		X	X	
Concrete Contractors - Heavy Commercial			X	X
Consumer Service Offices	X	X		
Crating and Packaging Service			X	
Credit Union Offices	X	X		
Custard Stands	X	X		
Dancing Schools	X	X		
Delicatessen	X	X		
Dentists	X	X		
Department Stores - Under 10,000 Sq. Ft.	X	X		
Department Stores - Over 10,000 Sq. Ft.		X		
Discount Stores - Under 10,000 Sq. Ft.	X	X		
Discount Stores - Over 10,000 Sq. Ft.		X		
Distributors - Inside Storage			X	
Distributors - Outside Storage				X
Drive-In Food and Beverage		X		
Drug Stores	X	X		
Dry Cleaning & Laundry Pickup	X	X		
Educational Institutions Public and Private	X	X		
Electrical Contractors, Heavy Commercial			X	X
Electrical Supply Store		X	X	
Embalming School		X	X	
Employment Agencies	X	X	XP	
Exhibition Halls	X	X		
Exterminators		X	X	
Fabric Shops	X	X		
Farm Implement Sales & Service		X	X	X
Feed Stores		X	X	
Fire Stations	X	X	X	X
Floor Coverings	X	X		
Florists	X	X		

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Frozen Food Stores & Lockers		X	X	
Fruit Stands, Permanent	X	X		
Fruit Stands, Temporary	SP.EX.	X		
Furniture Stores	X	X		
Furrier Shops	X	X		
Galleries	X	X		
Garden and Lawn Materials and Supply Stores	X	X	X	
Gasoline Service Station	SP.EX.	SP.EX.		
General Construction Company		SP.EX.	X	X
Gift Shops	X	X		
Glass Fabrication & Installation			X	
Government Offices-Universities	X	X	XP	
Greenhouses, Retail		X		
Grocery Stores	X	X		
Health, Fitness, and Exercise Center		X		
Hardware Stores	X	X		
Hobby Shops	X	X		
Home Remodeling Company		X	X	
Home Remodeling Supplies and Materials		X	X	
Hospitals (Minor), Medical and Dental Clinics and Labs	X	X	X	
Industrial Laundry and Dry Cleaning Plants			X	
Insurance Companies	X	X		
Interior Decorating	X	X		
Jewelry Stores	X	X		
Language Schools	X	X		
Laundromats and Self-Service Dry Cleaning	X	X		
Lawyers	X	X		
Libraries	X	X		
Liquor Stores	SP.EX.	X		
Loan Offices	X	X		
Locksmith Shops	X	X	SP. EX.	
Luggage Stores	X	X		
Lumber Yards - Including Millwork				X
Mail Order Store	X	X		
Major Appliance Store		X		
Millinery	X	X		
Miniature Golf, Archery, Driving		X		

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Range, Trampoline Centers				
Mobile Home Sales			X	
Model Display Homes & Garages			X	
Mortuaries		X		
Motorcycle Sales, Service, Repair and Outdoor Display		X		
Museums	X	X		
Music, Records, Instruments	X	X		
Music Schools	X	X		
Newspaper Distribution Station		X	X	
Newspaper Publishing		X	X	
Nursery - Plants, Retail	X	X		
Optometrists	X	X		
Paint and Wallpaper Stores	X	X		
Painting and Decorating Contractors-Heavy Commercial			X	X
Pet Grooming	X	X		
Pet Obedience Schools		X		
Pet Shops	X	X		
Philanthropic Institutions	X	X		
Photography School	X	X		
Photography Studio	X	X		
Photography Supplies	X	X		
Physicians	X	X		
Picture Framing	X	X		
Plumbing Contractors - Heavy Commercial			X	X
Plumbing Showrooms and Shop		X	X	
Police Stations	X	X	X	X
Post Offices	X	X	X	X
Printing and Photocopying, Small Jobs	X	X		
Professional & Technical Schools		X	X	
Radio and TV Service	X	X	X	
Real Estate Offices	X	X		
Recycling Collection Systems				X
Restaurants and Cafeterias Having More Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins	X	X		
Restaurants and Cafeterias Having Less Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins	SP. EX.	X		

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Restaurants With Live Entertainment		X		
Roller & Ice Skating Rinks		X		
Roofing Contractors - Heavy Commercial			X	X
Root Beer Stands		X		
Self-Service Car Wash		X		
Semi-Automatic Car Wash	SP.EX.	X		
Septic System Contractors			X	X
Sewing Machine Sales & Service	X	X		
Sheet Metal Contractors - Heavy Commercial			X	X
Shoe Repair	X	X		
Shoe Stores	X	X		
Sporting Goods	X	X		
Stationery Stores	X	X		
Storage and Transfer (Household Goods)			X	X
Storm Doors, Windows, Awnings, Siding Contractors - Manufacture			X	X
Taylor or Seamstress	X	X		
Taxidermist			X	
Tennis Facilities		X		
Testing Laboratories			X	
Theaters - Indoor		X		
Tire and Auto Service Center		X	X	
Tire Recapping			X	
Tobacco Shops	X	X		
Tool and Light Equipment Rental		X	X	
Toy Stores	X	X		
Trailer Rentals		SP.EX.		X
Travel Bureaus	X	X		
Travel Trailer Sales & Rentals		SP.EX.		X
Truck Cleaning, Service, Rental and Repair			X	X
Trucking Companies			X	X
Typewriter Sales, Rental and Service	X	X		
Upholsters	X	X	XP	
Veterinarians - Small Animals, No Outdoor Runs	X	X		
Warehouses - Inside Storage			X	X
Wearing Apparel & Accessory Shops	X			
Wholesalers - Inside Storage			X	X

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Industrial Businesses

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Assembly Operations of Pre-Manufactured Parts, Components			X	X
Assembly, Repair & Manufacture of Light Component Parts			X	X
Bottling of Alcoholic and Non-Alcoholic Beverages			X	X
Bulk Storage, Petroleum Prod.				X
Canning, Bottling, Processing & Packaging of Food				X
Coffee Roasting			X	X
Concrete Mixing - Permanent				X
Data Processing		X	X	X
Engineering and Research Labs			X	X
Granaries, Grain Processing, Starch Manufacturing				X
Industrial Schools & Training Facilities		X	X	X
Leather Products Manufacturing From Finished Leather			X	X
Machine, Welding, Tool and Die Shops			X	X
Mfg. & Assembly of Communication Equipment			X	X
Mfg. & Assembly of Major Household Appliances			X	X
Mfg. & Assembly of Marine Equipment			X	X
Mfg. & Assembly of Office Equipment			X	X
Mfg. of Boiler Tanks				X
Mfg. of Cabinets			X	X
Mfg. of Cans and Containers			X	X
Mfg. of Cement				X
Mfg. of Cloth Products from Finished Cloth			X	X
Mfg. of Detergents & Soaps				X
Mfg. of Furniture			X	X
Mfg. of Glass & Glass Products			X	X
Mfg. of Jewelry, with Retail	X	X		
Mfg. of Jewelry, without Retail			X	X
Mfg. of Musical Instruments			X	X

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Mfg. of Non-Alcoholic Beverages			X	X
Mfg. of Office Machinery			X	X
Mfg. of Optical Goods			X	X
Mfg. of Paper Boxes and Paper Products From Finished Paper			X	X
Mfg. of Portable Household Appliances, Electric Hand Tools, etc.			X	X
Mfg. of Railroad Equipment, Repair and Service				X
Mfg. of Recording Instruments, Phonograph Records, etc.			X	X
Mfg. Tools, Implements, Machinery			X	X
Mattress Mfg. & Upholstering			X	X
Milk Processing, Bottling & Mfg. of Milk Products			X	X
Motor Truck Terminals				X
Outdoor Advertising Signs, Mfg. and Construction				X
Pharmaceutical, Medicine, & Cosmetic Mfg.			X	X
Production of Concrete Blocks, Shapes, Cinder Blocks, etc.				X
Secondary Food Processing and Packaging & (Initially Processed off the Premises)			X	X
Stamping & Fabricating Metal Shops			X	X
Structural Steel Fabricating				X
Warehousing & Distribution Operations (Outside Storage)				X
Well Drilling				X

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Miscellaneous Businesses

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial	AG – SF1	Multi-Family
Airports & Landing Fields					SP.EX	
Amusement Parks		SP.EX.			SP.EX	
Boarding & Lodging Houses	X	X				MF 1-2
Book Stores, Adult				X		
Cemeteries					X	
Cemeteries - Pet					X	
Christmas Tree Sales	X	X			SP.EX.	SP.EX. ALL MF
Convents, Monasteries, Theological Schools, Rectories, Parishes	SP.EX.	SP.EX.			SP.EX.	SP.EX. ALL MF
Fraternities, Lodges	X	X				
Day Care Centers	X	X				MF 1-2
Golf Courses - Country Clubs					SP.EX. SF 1-2	
Heliports		X	X	X	SP.EX. SF 1	
Hospitals, Major		X				
Kennels - Including Outdoor Runs			<u>SP.EX.</u>		SF 1 SP.EX.	
Livestock Auction Sale Barns					SP.EX. SF 1	
Large Animal Hospital					SP.EX. SF 1	
Mobile Home Parks						SP.EX.
Multi-Family Housing						X
Nursing Homes		SP EX				MF 2
Office Buildings - General Purpose	X	X	X			
Private and Public Schools with Dorms					SP.EX. SF 1	SP.EX. MF 1-2
Private Clubs, Lodges	X	X			SP.EX. SF 1	
Public & Private Camps					SF 1	
Raising Small			X		SP.EX.	

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial	AG – SF1	Multi-Family
Animals for Biological Purposes					SF 1	
Raising Animals for Furs or Pets			X		SP.EX. SF 1	
Riding Academies					SP.EX. SF 1	
Riding Stables					SP.EX. SF 1	
Sanitariums		X				MF 2
Schools and Kindergartens	X	X			X	X
Stockyards - Shipping, Holding & Sale of Animals					SP.EX.	
Tennis & Swim Clubs		X			SP.EX. SF 1-2	
Utilities-Regulated by Indiana Utility Regulatory Commission	SP.EX. - All Areas					
Utilities - Not Regulated by Indiana Utility Regulatory Commission	Permitted All Areas					
Wireless Communication Service Facilities (including Cell Towers)			SP.EX.	SP.EX.		

P = Eligible in Planned Business Development

NOTE: General Purpose Office Buildings are also Eligible to be Located in LB-H, SB-PD

NOTE: Where this table conflicts with other sections of the zoning ordinance that address “permitted uses” or “special exception uses” in the various zoning districts, then this table shall supercede those other sections.

NOTE: Land uses not listed on Figure 2 or in other sections of the zoning ordinance that address “permitted uses” or “special exception uses” in the various zoning districts shall be prohibited. (As amended by Ordinance 01-05 on July 9, 2001)

WC 16.04.220 Procedures

A subdivider desiring approval of a plat of a subdivision of any property located in Washington Township, Hamilton County, Indiana shall submit a written application to the Westfield - Washington Township Plan Commission. Such application shall be accompanied by the information, requirements and plans set forth in this section.

In order to make the most of opportunities related to developing subdivisions and to conserve time, effort and expense, subdividers shall be required to consult with the Building Commissioner and other public officials at monthly Technical Advisory Committee meetings prior to their request for approval of primary plats from the Plan Commission.

The subdivider should also request a National Cooperative Soil Survey Map with interpretation and limitations for the intended usage; request conservation planning assistance from Hamilton County Soil and Water Conservation District; check with Hamilton County Surveyor concerning legal drains on tract and adjoining properties; check with the Indiana Department of Natural Resources, Division of Water, concerning floodplains on tract or adjoining properties; and check with the Hamilton County Highway Department or the Westfield Utilities Department concerning road construction, roadside ditch specifications, culverts, and private drain tile on tract and adjoining properties.

Step 1. ~~Preliminary-Primary~~ Plat for Subdivision -

- A. The owner or subdivider shall provide a preliminary plan of the subdivision which shall show the manner in which the proposed subdivision is coordinated with the master plan and its provisions; specifically, with relation to the requirements of the thoroughfare plan; school and recreational sites; shopping centers; community facilities; sanitation; water supply and drainage; and other developments existing and proposed, in the vicinity; provided, however, that no land shall be subdivided for residential use unless adequate access to the land over improved streets exists or will be provided by the subdivider, or if such land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.
- B. The subdivider shall provide the following:
 1. Location map (which may be prepared by indicating the data by notations on available maps) showing:
 - Subdivision name and location
 - Any street related to the subdivision
 - Existing elementary and high schools, parks and playgrounds, available for serving the area proposed to be subdivided, and other community facilities

- Title, scale, north point and date
- Land use adjacent to proposed subdivision and owners names

2. A ~~preliminary-primary~~ plat prepared by a land surveyor or land planner showing:

- Proposed name of the subdivision
- Names and addresses of the owner, owners, land surveyor or land planner
- Streets on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community, unless extensions of such streets) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree plantings and other pertinent data.
- Easements - locations, widths and purposes
- Statement concerning the location and approximate size or capacity of utilities to be installed
- Layout of lots, showing dimensions and numbers and square footage
- Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes
- Contours at vertical intervals of two feet if the general slope of the site is less than 10 percent and at vertical intervals of five feet if the general slope is greater than 10 percent
- Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners
- Building setback lines
- Legend and notes
- Drawing indicating the proposed method of drainage for storm sewers and other surface water drainage
- Other features or conditions which would affect the subdivision favorable or adversely
- Scale, north point and date - ~~preliminary-primary~~ plat of the subdivision shall be drawn to a scale of 50 feet to one inch, or 100 feet to one inch; provided, however, that if the resulting drawing would be over 36 inches in shortest dimension, a scale as recommended by the commission may be used
- A national cooperative soil survey showing the soil limitations based upon the intended usage of the development land
- A statement from the County and State Highway Departments or the Westfield Utilities Department concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes, and other specifications deemed necessary
- If private sewage systems, a statement from the County Health Officer whether private septic system can be used on this property
- If legal drain is involved, a statement from the County Drainage Board concerning easements, right-of-way, permits, etc.

- If floodplain is involved, a statement from the Indiana Department of Natural Resources, Division of Water, concerning construction in floodway, including floodplain high water marks, etc.

3. A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision, or become covenants in the deeds for lots. Representations, oral or written, and all covenants made to the Plan Commission may not be revised, altered, or changed in any way prior to or after filing of the ~~final~~secondary plat without approval of the Plan Commission. These become conditions in the approval of the subdivision and noncompliance of these conditions will result in denial or revocation of subdivision approval.

C. The application for ~~preliminary-primary~~ and ~~final~~secondary plat for a subdivision shall be accompanied by the applicable fees as contained in Figure 1 in this Chapter.

Step 2. ~~Preliminary-Primary~~ Plat Approval -

~~A.~~ After a primary plat has been approved, a subdivider becomes eligible for secondary plat approval. Secondary plat approval is hereby delegated to the Community Development Director.

~~A-B.~~ After an application for approval of a plat of a subdivision, together with two copies of all maps and data, has been filed, the Commission shall review the ~~preliminary primary~~ plat and accept the application and plat, or return them to the subdivider with suggestions for changes.

~~B-C.~~ After the Commission accepts the filing of the ~~preliminary-primary~~ plat, it may conduct a public hearing, notify the applicant in writing, and notify by general publication or otherwise, any person or governmental unit having probable interest in the proposed plat. The cost of publication of the notice of hearing shall be met by the applicant.

~~C-D.~~ Within a reasonable time which shall not exceed 60 days following the hearing on the ~~preliminary-primary~~ plat, the Commission will notify the applicant in writing that it has approved the ~~preliminary-primary~~ plat and is ready to receive the ~~final~~secondary plat, or will advise the applicant of any further changes in the ~~preliminary-primary~~ plat which are required or should have consideration before approval will be given. Approval of ~~preliminary-primary~~ plat~~s~~ does not constitute approval of the entire project.

Step 3. ~~Final~~Secondary Plat - The ~~final~~secondary plat shall meet the following specifications:

A. The ~~final~~secondary plat may include all or only a part of the ~~preliminary~~ plat which has received approval.

EXHIBIT H

B. The original drawing of a finalsecondary plat of a subdivision shall be drawn to a scale of 50 feet to one inch. A scale of 100 feet to one inch may be used if necessary to make the final drawing no larger than 18 by 23 inches in order that the plat may be inserted in the plat books in the recorders office without the necessity of folding said plat. Three black or blue line prints shall be submitted with the original finalsecondary plat, or, in order to conform to modern drafting and reproduction methods, three black line prints and a reproducible print shall be submitted.

C. The following basic information shall be shown:

- Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 5000 feet.
- Accurate distances and direction to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
- Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- Accurate metes and bounds description of the boundary.
- Source of title to the land to be subdivided as shown by the books of the county recorder of Hamilton County.
- Street names.
- Complete curve notes for all curves included in the plan.
- Street lines with accurate dimensions in feet and hundredths of feet, with angles to street and lot lines.
- Lot numbers and dimensions.
- Accurate locations or easements for utilities and any limitations on such easements.
- Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
- Building setback lines and dimensions.
- Location, type, material and size of all monuments and lot markers.
- Plans and specifications for the improvements required in this Chapter.
- Restrictions of all types which will run with the land and become covenants in the deeds for lots.
- Name of the subdivision and the method of designating the subdivision name at all exits or entrances.
- Name and address of the owner and the subdivider
- North point, scale and date
- Certification by a land surveyor or engineer
- Rendering of all permanent signage for all entrances to the subdivision.
- Certification of dedication of streets and other public property
- Certificate for approval by the Commission
- A performance bond which will:

a) Run to the Westfield Town Council:

- b) Be in an amount determined by the Commission to be sufficient in amount to complete the improvements and installations in compliance with this Ordinance. A statement of the total estimated amount sufficient to complete all improvements and installations shall be furnished by the subdivider and attest to by a land surveyor or a professional engineer registered by the Indiana State Board of Registration for Professional Engineers and Land Surveyors;
- c) Be with surety satisfactory to the Commission, and;
- d) Specify the time for the completion of the improvements and installations.

This bond shall not be released until a certificate signed by a registered professional engineer or land surveyor, as the case may be, who has been approved by the Town Council, shall have been filed stating that said engineer has inspected the improvements and installations guaranteed by the bond during their construction and installation and that they have been made or installed in accordance with approved specifications.

- A road and street maintenance bond which will run to the County Commissioner for subdivisions which are located outside incorporated town limits, or will run to the Town Council for subdivisions within a town limits. Such maintenance bond shall be for a period of three years after final inspection by the County Commissioners or the Town and will be in such amount so as to insure quality of workmanship and guarantee of repairs due to normal usage of streets.

The Commission shall affix the Commission's seal upon the approval plat, together with the certifying signatures of its president and secretary. If it is disapproved, it shall set forth the reasons for such disapproval in its own records and provide the applicant with a copy.

D. Recording of ~~Final~~Secondary Plat - The Building Commissioner shall retain such ~~final~~secondary plat, so approved, and shall cause such plat to be recorded in the office of the Hamilton County Recorder only upon satisfactory completion by the subdivider of all administrative details required by this Ordinance. Said ~~final~~secondary plat, after recording, shall remain on file in the office of the Clerk-Treasurer. Copies of the ~~final~~secondary plat, as recorded by the Building Commissioner, shall be delivered to the subdivider.

Terminology Changes

- A. All references to "preliminary plat" in this zoning ordinance shall be "primary plat", in accordance with Ind. Code 36-7-4-700 Series.
- B. All references to "final plat" in this zoning ordinance shall be "secondary plat", in accordance with Ind. Code 36-7-4-700 Series.

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