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ORDINANCE 12-06

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 favorable (7-0) 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" – Subdivision Control Ordinance, which is comprised of:
   a. Exhibit "A1" – WC 16.04.010 – General Provisions
   b. Exhibit "A2" – WC 16.04.220 – Procedures
   c. Exhibit "A3" – WC 16.04.210, 254 – Definitions

b. Exhibit "B" – WC 16.04.050, D – Local Business

c. Exhibit "C" – WC 16.04.180, Figure 2 – Use List

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 All ordinances or parts thereof in conflict herewith are hereby repealed.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 9 DAY OF April, 2012.

WESTFIELD CITY COUNCIL

Voting For	Voting Against	Abstain
Jim Ake	Jim Ake	Jim Ake
John Dippel	John Dippel	John Dippel
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Robert J. Smith	Robert J. Smith	Robert J. Smith
Cindy Spoljaric	Cindy Spoljaric	Cindy Spoljaric
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

Cindy J. Gossard, Clerk Treasurer

"I affirm, under the penalties of perjury, that I have taken reasonable measures to redact each Social Security Number in this document, unless required by law"

Signed

I hereby certify that ORDINANCE 12-06 was delivered to the Mayor of Westfield

on the 10 day of Apr, 2012, at 11:00pm.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 12-06

this 10 day of April, 2012.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 12-06

this _____ day of _____, 2012.

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.

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.

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.

R. *This section is intentionally left blank and is reserved for future use.*

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.

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.

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 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.

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.

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.

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_____

Amended: March 14, 2011; Ordinance 11-06;
April 9, 2012; Ordinance 12-06

(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.

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)

Printed_____

Signature_____(Seal)

Printed_____

(Organization Owner)

_____

By_____

Printed_____

Title_____

Amended: March 14, 2011; Ordinance 11-06;
April 9, 2012; Ordinance 12-06

(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 16.04.220 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. Primary Plat for Subdivision -

A. The owner or subdivider shall provide a plan of the subdivision which shall show the manner in which the proposed subdivision is coordinated with the comprehensive 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 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 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 - 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 inched 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 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 primary and secondary plat for a subdivision shall be accompanied by the applicable fees as contained in Figure 1 in this Chapter.

Step 2. 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.

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 primary plat and accept the application and plat, or return them to the subdivider with suggestions for changes.

C. After the Commission accepts the filing of the 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.

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

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

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

B. The original drawing of a secondary 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 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 secondary 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 City 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 City 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 city limits, or will run to the City Council for subdivisions within city limits. Such maintenance bond shall be for a period of three years after final inspection by the County Commissioners or the City 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 Secondary Plat - The Building Commissioner shall retain such 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 secondary plat, after recording, shall remain on file in the office of the Clerk-Treasurer. Copies of the secondary plat, as recorded by the Building Commissioner, shall be delivered to the subdivider.

<u>Terminology Changes</u>

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.

WC 16.04.210 Definitions

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

1. Abutting - Bordering

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28. Building - A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or other property. When separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure.

29. Building Area - The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, porches without roofs not

exceeding one story in height, or architectural appurtenances projecting not more than two feet.

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

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

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

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

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

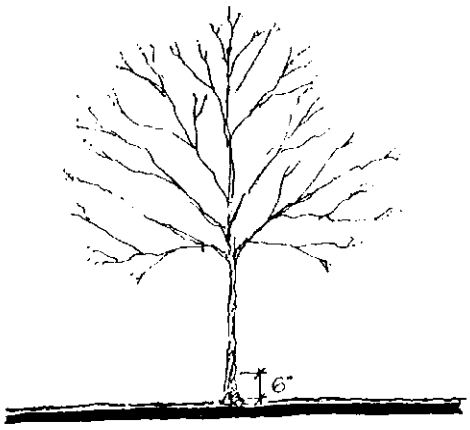
35. Building Line (Building Setback Line) - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line as defined by the legal description.

36. Building Permit - A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of the Westfield Building Code. The Building Permit is part of the Improvement Location Permit. The Westfield Building Code is administered for all of Washington Township under an inter-local agreement with Hamilton County.

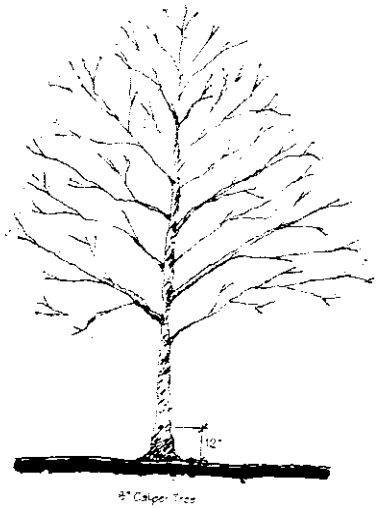
37. Building, Principal - A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as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

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

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



4" Caliper Tree



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

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

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

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

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

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

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

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

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

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

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

51. Commercial Farm Enterprise - An operation or use inherent to or closely associated with a farm or agriculture, such as the buying, selling or distribution of livestock or farm or agricultural products or products essential to farm operation; but no including industrial grain elevators, industrial mills, abattoirs, commercial hatcheries and poultry processing plants, the manufacture of commercial fertilizers and similar enterprises which are of an industrial nature.

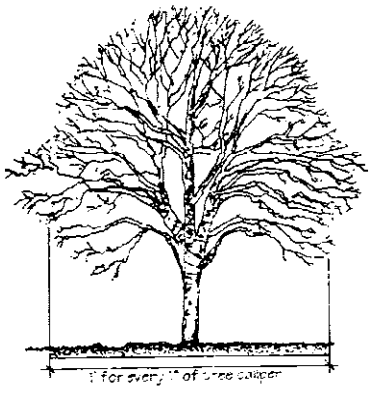
52. Commission - The Westfield-Washington Township Plan Commission.

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

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

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

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



Critical Root Zone

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

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

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

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

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

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

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

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

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

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

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

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

69. Director. Director of Community Development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

86. Expressway - An Expressway is an arterial highway for through traffic, whose main purpose is to move traffic rather than to provide access to individual properties. An Expressway is a divided highway with full or partial control of access and a limited number of at-grade intersections. (right-of-way width varies)

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

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

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

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

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

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

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

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

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

property abutting on one side between an intersecting street and the dead end of the street.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

interested parties shall be determined from the following sources: (1) the application; (2) the Auditor's Plat Books for the county in which the interested party property lies; and (3) the Auditor's Transfer Books for the county in which the interested party property lies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

157. Nonresidential Center. Nonresidential Center means any building or combination of buildings with more than one occupant or business.A nonresidential center may include one or more outlots.

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

159. Nursing Home - A facility licensed by the State Board of Health, which (1) provides nursing services on a continuing basis; (2) admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; (3) provides for licensed physicians services or supervision; (4) maintains medical records. Such facility may also provide other and similar medical or health service provided that no occupant requires physical restraint within the facility. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

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

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

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

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

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

165. Outside Sales Display, Permanent – Merchandise placed outside of commercial structures for sustained periods of time, involving the storage of merchandise

items outside during hours that business is not being conducted. Permanent outside sales displays must receive site development plan approval prior to their construction, creation, or improvement.

166. Outside Sales Display, Temporary – Merchandise placed outside of commercial structures only during business hours for the purpose of temporary sales or special sales events.
167. Outside Storage – Materials or equipment placed outside of structures except: those associated with temporary outside sales displays; materials being used in new building construction; construction refuse to be disposed of within fifteen (15) days; or permanent outside sales display areas that have received site development plan approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

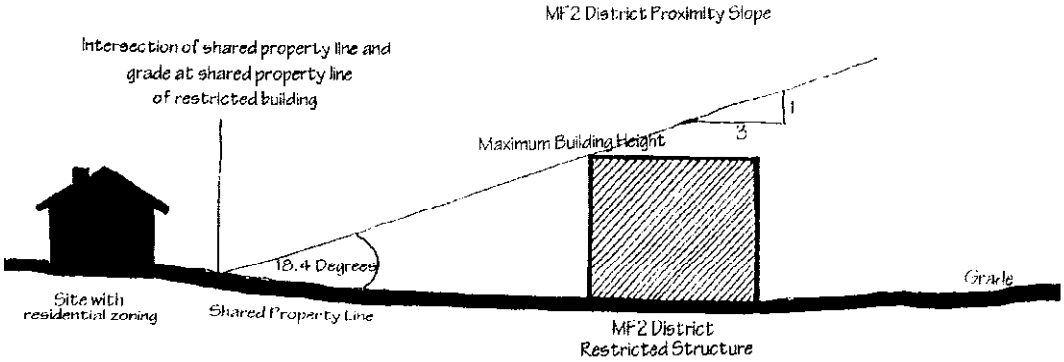
185. Private Street - A right-of-way not dedicated or accepted by the Town of Westfield for maintenance and repair responsibilities.

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

187. Professional Office Center - An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped

reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and shall conform to the standards and requirements of this Chapter.

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



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

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

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

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

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

194. Recreational Vehicle - Any boat, boat trailer, trailer, camping trailer, travel trailer, pick-up, coach, motor home or other unit built or mounted on a vehicle or

chassis, without permanent foundation, which may legally be driven or towed by a motor vehicle on a public right-of-way.

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

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

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

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

199. Ringelmann Number - The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke, or Ringelmann 0.

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

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

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

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

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

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

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

207. Shopping Center-Gross Leaseable Area - Gross leasable area of a shopping center shall mean the square footage of that space within the building or buildings comprising the shopping center which is primarily designed for leasing to or occupancy by tenants or other occupants who trade with the public, but shall not include public areas, administrative area, entrances, general utility area, corridors and like common area even though a portion of such areas may be utilized or leased on a temporary or permanent basis.

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

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

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

211. Sign, Acreage For Sale. A sign announcing the sale, rental, or lease of land.

212. Sign area. Sign area means the entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying

outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.

213. Sign Area Allocation. The amount of permitted signage available to a particular user or tenant.

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

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

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

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

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

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

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

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

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

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

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

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

225. Sign, Interior Circulation. A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs. Interior Circulation Signs are not commercial way-finding signage.

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

227. Sign, monument. A Sign which is permanently fixed to the ground.

228. Sign, Nonresidential Real Estate. A sign announcing the sale, rental, or lease of nonresidential property.

Sign, Nonresidential Special Event. A Temporary Sign for a nonresidential entity, including businesses, charitable organizations, or not-for-profit corporations, which advertises grand openings, customer-appreciation events, public gatherings, and other similar events as determined by the Director.

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

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

231. Sign Plane – The flat area free of architectural ornamentation on the façade of a building or structure that is intended primarily for or can be utilized for displaying a sign. For buildings in which the building face is offset into multiple faces, only the face on which the sign will be located shall be used for calculating the Sign Plane.

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

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

234. Sign, Real Estate. Real estate sign means a sign announcing the sale, rental, or lease of real property.

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

236. Sign, Residential Real Estate. A sign announcing the sale, rental, or lease of residential property.

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

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

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

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

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

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

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

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

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

246. Smoke Unit - The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this

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

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

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

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

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

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

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

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

254. Subdivision - A division of land into two or more parcels, sites or lots any one of which is less than five acres in area for the purpose of immediate or future transfer or ownership; or any division of land involving a non-residential use. The improvement of one or more parcels, sites or lots involving the allocation of land for streets or easements for use of occupants or leaseholders and the extension and maintenance of public sewers, water or drainage shall be considered as a subdivision, provided, however, the division of land into parcels, sites or lots of more than five acres not involving any new streets or easements of access or the sale or exchange of any parcel, site or lot between adjoining property owners where such sale is not for the declared purpose of additional building sites shall not be considered, for the purpose of this ordinance, as a

subdivision. Provided, further, that the division of land of not less than three acres along an existing road or street for the purpose of erecting a single family residence that does not require public sewers or water shall not be considered a subdivision.

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

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

257. Temporary. Temporary means a transitory use or structure which maybe established for a period of not more than 10 consecutive calendar days and not to exceed a period of time totaling 30 days within a calendar year. This definition does not apply to Temporary Signage, per WC 16.08.010 K.

258. Thoroughfare - Public right-of-way

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

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

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

262. Town - The Town of Westfield, Indiana.

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

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

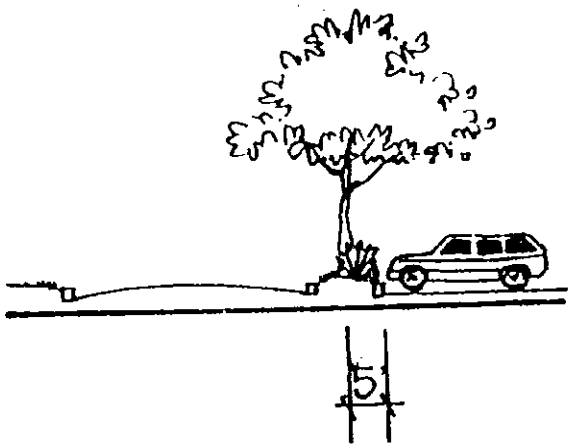
265. Tree, Ornamental – A small to medium sized tree, growing approximately 15 feet to 40 feet in height at maturity, planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Ornamental Tree

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

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

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



Shade Tree

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

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

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

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

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

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

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

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

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

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

279. Vibration - Oscillatory motion transmitted through the ground.

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

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

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

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

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

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

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

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

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

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

WC § 16.04.050 Business Districts

A. General Requirements (other than historical district) -

1. Groups of users requiring parking space may join in establishing group parking area with capacity aggregating that required for each participating use, with the approval of the Plan Commission.

2. Public parking area and loading and unloading berths shall be paved with a dust proof or hard surface.

3. One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.

4. Loading and unloading berths shall not be required for business uses, which demonstrate that they do not receive or transmit goods or wares in quantity by truck delivery.

5. Parking may be permitted in the required front yard for business uses.

6. On a through lot, front yards shall be provided on each street in the local business, general business and historical districts.

7. The maximum building height requirements may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirement.

8. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, distribution poles and lines, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

9. A suitable planting screen shall be provided on any business yard that abuts a residential area in accordance with the landscaping provisions in this section. Such plantings shall provide an effective screen at the time of construction of the development.

10. The Plan Commission shall review and approve plans to assure adherence to developmental standards and overall conformity to the Master Plan and Zoning Ordinance.

11. There shall be no storage or display of merchandise outside of a building except in a sales lot established for that purpose and except for merchandise associated with sidewalk-type sales events of less than one (1) week in duration and with a frequency of no more than once every six (6) calendar months.

B. GO - General Office District - This district is established to provide for general office development.

1. Special Requirements -

   - No outside storage, vending machines or outside sales display.
   - General office business shall be conducted within buildings so constructed that no noise, dust, or dirt shall be audible or visible beyond the confines of the building.

2. Permitted Uses -

   - General business and professional offices
   - Insurance offices
   - Manufacturing representatives offices
   - Medical or veterinarian offices
   - Financial institutions
   - Real estate offices
   - Multi-family housing (3 units or more with MF1 standards)
   - Municipal or government buildings
   - Public or private schools
   - Agriculture
   - Accessory buildings and uses customarily incidental to any of the above uses

3. Special Exceptions -

   - Office/warehouse buildings
   - Day care facilities

4. Minimum Lot Area - 3 acres

5. Minimum Lot Frontage on Road - 250 feet

6. Minimum Setback Lines -

   - Front Yard - 60 feet

   - Side Yard - For side yards adjoining a road or street - not less than 60 feet
     For side yards abutting a residential area - 60 feet
     All other side yards - 20 feet

   - Rear Yard - 20 feet unless the rear yard abuts a residential district in which case the rear yard setback shall be 60 feet

7. Maximum Building Height - 50 feet

8. Minimum Ground Level Square Footage - None. However, not more that eighty (80) percent of the total area of any lot or any development on multiple lots shall be occupied by buildings, roads, parking area, drainage facilities and other accessory uses.

9. Parking - Off-street and/or private parking shall be provided in accordance with the provisions in this ordinance.

10. Exemption - Any residence which is located in this district, as of December 1990, that is converted into offices, is exempt from the standards of this subsection. Such exemption does not apply to additions or exterior modifications which increase the size of the structure.

C. GO -PD - General Office - Planned Development - This district is established to permit the development of lands to provide offices as contained in this subsection, single family homes and low density multi-family units when such lands are developed in a comprehensive plan of which business use may not exceed 20 percent and multi-family shall not exceed 30 percent.

1. Special Requirements -

- No outside storage, vending machines or outside sales display.
- General office business shall be conducted within buildings so constructed that no noise, dust, or dirt shall be audible or visible beyond the confines of the building.

2. Permitted Uses -

- Single family - with minimum SF 4 standards
- Cluster homes
- General business and professional offices
- Insurance offices
- Manufacturing representatives offices
- Medical or veterinarian offices
- Financial institutions
- Real estate offices
- Multi-family housing (2 units or more with MF-1 standards)
- Municipal or government buildings
- Public or private schools
- Accessory buildings and uses customarily incidental to any of the above uses

3. Special Exceptions -

- Office/warehouse buildings
- Day care facilities

4. Minimum Lot Area - 30 acres

5. Minimum Lot Frontage on Road - 500 feet

6. Minimum Setback Lines -

   - Front Yard - 100 feet

   - Side Yard - For side yards adjoining a road or street - not less than 60 feet
     For side yards abutting a residential area - 60 feet
     All other side yards - 20 feet

   - Rear Yard - 20 feet unless the rear yard abuts a residential district in which case the rear yard setback shall be 60 feet

7. Maximum Building Height - 40 feet

8. Minimum Ground Level Square Footage - None. However, not more than eighty (80) percent of the total area of any lot or any development on multiple lots shall be occupied by buildings, roads, parking areas, drainage facilities and other accessory uses.

9. Parking - Off-street and/or private parking shall be provided in accordance with the provisions in this ordinance.

10. Application Procedures - Applications for General Office Planned Developments shall consist of the following steps:

    a) Preliminary plans presented to the building commissioner must:

       - Be drawn to scale.
       - Show dimensional boundaries of property to be developed.
       - Indicate location, type and size of structures, and use and arrangement of all structures (details are not necessary).
       - Show the proposed number of parking and loading spaces.
       - Show the proposed locations and width of driveways, entrances and exits.
       - Show all areas to be maintained as permanent open space.
       - Provide a traffic study to include:

         1) A comparative analysis of present capacity of streets adjacent to the proposed development with potential capacity volumes, taking into consideration the effect the proposed development will have upon engendering additional traffic; and

2) A circulation plan for all streets (existing and proposed) which will show recommendations for controlling, signaling, channeling, storing and warning traffic.

- Include a statement of financial responsibility which demonstrates the ability of the developer to proceed with construction and development.
- Show locations and dimensions of sidewalks.
- Provide for dedication of any rights-of-way that may be necessary.
- Show location of any easement for utilities, public or private.
- Include a statement of proposed covenants to insure that the development plan is reasonable.
- Insure proper drainage.
- Provide a statement as to the proposed timetable for development if the project is to be done in phases.
- Submit a preliminary plan indicating the proposed location of land within the property to be developed. Such plan shall indicate the proposed general location of such future buildings and construction requirements such as exterior design and height that shall be met by the developer, tenant, or owner including landscaping requirements, parking, traffic control patterns, and other information which will satisfy the Plan Commission as to the total size and impact of the planned business development.

b) The Building Commissioner shall review all materials, plans and schedules and make recommendations to the Plan Commissions as to the suitability of the development as to:

- Unified design
- Safe ingress and egress
- Adequate and properly located parking and loading facilities

c) After approval of the preliminary plans by the Plan Commission, the following is required for final plan approval:

- Engineering plans and specifications for all sanitary sewers, storm sewers, and water distribution lines, as well as telephone, gas and electric utility lines.
- Any changes from preliminary plans.
- Deed or easement agreements.
- Final construction schedule stating the date for final construction on the proposed development.
- File a surety bond or escrow agreement to insure the final completion of all site improvements which includes streets, drives, walks, walls, water mains, storm and sanitary sewers, and landscape plantings. The bond shall be made to the town for an amount to be specified by the Town Council.
- Landscaping Plan.

D. LB - Local and Neighborhood Business District - This district is established to provide a local or neighborhood residential community with retail services, convenience shopping, and professional services to meet the daily needs of the community.. Permitted uses in this District include general office, neighborhood shopping centers, financial institutions and other small to moderate size businesses.

1. Special Requirements

   Development Plan – Any proposed development in the LB District shall be subject to the requirements for the filing of a Development Plan as set forth in WC 16.04.065 and Section 15, below.

   When the standards of this Section are found to be in conflict with other standards of the Westfield - Washington Township Zoning Ordinance, the stricter standards shall prevail.

2. Permitted Uses - See Figure 2 for list of permitted businesses.

   Notwithstanding the provisions of Figure 2, the following uses shall also be considered Permitted Uses in the Local and Neighborhood Business District:

   - Liquor stores and taverns
   - Carry out food and beverage business (excluding drive-in or drive-through service)

3. Special Exception Uses – None.

4. Minimum Lot Area – None.

5. Minimum Lot Frontage - 50 Feet.

6. Minimum Setback Requirements

   a. Front Yard Adjacent to All Districts –

      Required front yards adjacent to all districts shall be 60 feet. Exception: The required front yard may be reduced to the average setback of the legally established buildings or structures where an existing front yard setback is established by two or more existing, legally established buildings or structures within the same block and within three-hundred (300) feet in either direction.

b. Side Yards Adjacent to Residential Districts -

Required side yards adjacent to residential districts shall be 60 feet. Exception: If the required side yard abuts an alley, the required side yard setback shall be 40 feet from the right-of-way line of the alley.

c. Side Yards Adjacent to Non-Residential Districts –

Required side yards adjacent to non-residential districts shall be 15 feet.

d. Rear Yards Adjacent to Residential Districts -

Required rear yards adjacent to residential districts shall be 60 feet. Exception: If the required rear yard abuts an alley, the required rear yard setback shall be 40 feet from the right-of-way line of the alley.

e. Rear Yard Adjacent to Non-Residential Districts –

Required rear yards adjacent to non-residential districts shall be 20 feet.

7. Use of Required Yards

All required yards shall be maintained as green space and landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials in compliance with the requirements of Chapter 6. Landscape Standards of this Ordinance, and shall remain free from buildings or structures except where expressly permitted below:

a. Front Yard Adjacent to Non-Residential Districts –

Required front yards adjacent to non-residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than ten (10) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from buildings or structures.

b. Front Yard Adjacent to Residential Districts –

Required front yards adjacent to residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than thirty (30) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from buildings or structures.

c. Side and Rear Yards Adjacent to Non-Residential Districts –

Required side and rear yards may include interior access driveways, provided that the remainder of said required side or rear yard shall be maintained as green space free from buildings or structures.

d. Side and Rear Yards Adjacent to Residential Districts –

Required side and rear yards shall be maintained as green space free from buildings or structures.

8. Maximum Building Height

No building or structure shall be erected above a projected 1:3 proximity slope line (See WC 16.04.040, B., 11).

The maximum height of any building or structure shall be forty-five (45) feet above grade.

9. Square Footage Requirements

a. Minimum Business Size – 800 square feet.

b. Maximum Business Size – 30,000 square feet.

c. Aggregate Maximum of All Building(s) within the Development – 90,000 square feet.

10. Parking

a. See WC 16.04.120, Off-Street Loading and Parking; and,

b. All access drives, parking areas, loading areas, driveways, interior access drives and interior access driveways shall be constructed with a durable, dust free surface of concrete or asphalt.

11. Loading – See WC 16.04.120.

12. Signs – See WC 16.08, et seq.

13. Landscaping – See WC 16.06, et seq.

14. Lighting – See WC 16.07.010.

15. Development Plans

Development Plans filed for any new construction, building additions, new or expanded surface parking areas, new or expanded surface loading areas, exterior building renovations or signs in the LB District shall, in addition to any Development Requirements contained elsewhere in this Ordinance, also comply with the following additional Development Requirements:

a. Pedestrian Access and Orientation:

   Developers of sites in the Local Business District shall provide sidewalks or pathways along all adjoining public or private streets. Such sidewalks or pathways shall be designed so as to connect to an existing or proposed sidewalk, pathway or trail network.

b. Building Fascia:

   All buildings and structures within a Local Business District development shall share a common architectural style.

c. Vehicle Access:

   Each vehicle access point shall be designed in compliance with the criteria set forth in this Ordinance and the "Town of Westfield Construction Standards", administered by the Westfield Utilities Department.

d. Development Pattern:

   Developments may be either: (i) a freestanding individual development; or, (ii) an integrated development containing more than one (1) business in one (1) or more buildings.

   In order to create an integrated development that may include Out Lots, a rezone to the LB-PD shall be required.

   In the case of an integrated development, documentary assurances shall be filed with the Plan Commission indicating that all lots or uses within the integrated development shall be provided with, at a minimum, the following: (i) regular trash pick-up; (ii) snow removal; (iii) common vehicle access point(s), and drive(s) and parking area(s), including maintenance thereof.

e. Outside Storage or Display –

(1) No outside storage or display of materials or merchandise shall be permitted.

(2) No outside vending machines shall be permitted.

(3) All business uses shall be conducted within buildings so constructed that no noise, dust or dirt shall be audible or visible beyond the confines of the building or structure.

(4) Trash containers shall: (i) be screened on all sides with a solid walled or fenced enclosure not less than six (6) feet in height above grade and equipped with wood covered gates; (ii) not be located between the front line of the primary building and the front lot line; and, (iii) not be located in any required yard.

E. LB-H - Local Business - Historical District - The purpose for establishing this district is to provide for the needs of local business in the central business district of the Town of Westfield and also to provide for the preservation, restoration, adaptive use and/or reconstruction of properties and historic buildings in the district.

1. Permitted Uses - See Figure 2 for list of permitted local businesses. Other business not listed which can be classified as local business will also be eligible with the approval of the Plan Commission

2. Special Exceptions -

- Auto Rustproofing
- Auto sales, new or used, service and repair
- Gasoline service stations
- Liquor stores and taverns
- Fruit stands, temporary
- Any outdoor food and beverage business
- Self-service food and beverage business
- Carry-out food and beverage business
- Drive-in food and beverage stores
- Convents, monasteries, theological schools, rectories, parish houses
- Multi-family housing
- Single family dwelling
- Recycling collector system

3. General Requirements and Guidelines - Historical

a) Commercial Buildings - Structures to be remodeled or altered to be utilized for commercial purposes shall retain original design and features of the existing structure.

Materials used for restoration and repair for windows, doors, exterior siding, roofing and other exterior needs shall replicate to the extent possible the existing materials utilized in the period of initial construction.

b) Exterior modifications for porches, overhangs, chimneys and room additions shall be compatible in design of the original structure or like structures. Wood products and white and earth tone colors shall be utilized to the extent possible.

c) Residences - New homes, single or multi-family, to be located in the district shall be of a design and constructed with materials to be contemporary with existing structures. Modifications to existing homes and accessory buildings shall also be compatible with the period of original construction utilizing white, earth tones or historical colors and emphasis on wood exteriors.

d) Approval Procedure - An applicant requesting a building permit shall provide to the Building Commissioner three copies of the specifications and design for all renovation, restoration or new construction and signage in the local business - historical district (LB-H). The Building Commissioner will provide information to all applicants on the type of facilities that are being encouraged and the materials for construction that the Plan Commission has endorsed. Any person who shall make application for an improvement location permit for a new building or the substantial alteration of an existing building whether it be the restoration, rehabilitation, or its adaptive use shall submit preliminary drawings, including site plan, sign plans, floor plans and elevations to the Plan Commission for review and approval.

e) Exemption - All requirements or conditions pertaining to setback lines, lot area sized, parking requirements and loading and unloading berths may be waived by the Plan Commission without a variance based upon the general purpose and intended use of the facility to be restored or rehabilitated.

F. GB - General Business District - This district is established to accommodate the general business needs of the township including incorporated and unincorporated towns and is served by public water and sewers. This district is more comprehensive than the local business district.

1. Special Requirements - None

2. Permitted uses - See Figure 2 for list of permitted businesses. Any other business not listed which can be classified as general business will be eligible with the approval of the Plan Commission

3. Special Exceptions -

- Auto rustproofing

- Gasoline service stations
- General construction company
- Coal yards
- Mobil home sales
- Salt storage - outside
- Book stores, adult
- Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
- Lumber yards - including millwork
- Multi-family housing
- Taverns
- Industrial schools or training facilities
- Amusement parks
- Convents, monasteries, theological schools, rectories, parish houses
- Large animal hospitals
- Manufactured home parks (in accordance with provisions of WC 16.04.090)
- Outdoor theaters
- Material recycling facilities (MRFs)
- Commercial composting facilities

4. Minimum Lot Area - None

5. Minimum Lot Frontage on Road - 80 Feet

6. Minimum Setback Lines -

- Front Yard -
  - ⇒ General Business - 60 feet for newly established area
    Average of other businesses in the block for established business areas
  - ⇒ Planned business development (see WC 16.04.050 F)

- Side Yard -
  - ⇒ General Business - For side yards adjoining a road or street - not less than 60 feet in new area.
    For side yards abutting a residential area, 60 feet, or if there is an alley between a residential district and the general business district, the side yard setback shall be 20 feet from the alley.
    In established business districts where it is customary to have the businesses abut one another, side yard requirements may be waived except on corner lots when the street side setback shall prevail

- Rear Yard - General business - 20 feet

- Minimum Lot Width at Building Line - None

7. Maximum Building Height - Not to exceed 60 feet

8. Minimum Ground Level Square Footage - None

9. Parking - Off-street and/or private parking shall be provided in accordance with the provisions in this ordinance.

10. Loading and Unloading Berths - Loading and unloading berths shall be provided as identified in this ordinance.

G. SB - Special Business District - This district is established to provide for the needs of general business planned business development and multi-family uses. Business developments in this district are subject to the requirements and standards of planned business development for general business as outlined in Article I, except where other requirements and standards for special business districts are specifically set forth.

1. Permitted Uses -

- All general and local businesses as outlined in Figure 2. Any other business not listed which can be classified as local or general business will also be eligible with the approval of the Plan Commission
- Multi-family Housing

2. Special Exceptions -

- Auto rustproofing
- Auto sales, new or used, service and repair
- Fruit stands, temporary
- Any outdoor food and beverage business
- Self-service food and beverage business
- Gasoline service stations
- Coal yards
- Salt storage - outside
- Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
- Lumber yards - including millwork
- Liquor stores and taverns
- Restaurants - drive-in and carry-out food and beverage stores
- Industrial schools or training facilities

- Amusement parks
- Convents, monasteries, theological schools, rectories, parish houses
- Large animal hospitals
- Manufactured home parks (in accordance with provisions of WC 16.04.090
- Outdoor theaters
- Material recycling facilities (MRFs)

3. Minimum Lot Area - As required under Planned Business Development district.

4. Minimum Lot Frontage on Road - As required under Planned Business Development district.

5. Minimum Setback Lines - As required under Planned Business Development district.

6. Maximum Building Height - As required under Planned Business Development district.

7. Minimum Ground Level Square Footage - As required under Planned Business Development district

8. Parking - Off-street and/or private parking shall be provided in accordance with the provisions of this ordinance.

9. Loading and Unloading Berths - Loading and unloading berths shall be provided as identified in this ordinance.

H. LB-PD and GB-PD - Local Business - Planned Development and General Business - Planned Development - The purpose of these districts is to allow commercial development of such a nature that the areas will be developed in a compatible design and that overall supporting services including roads and utilities can be provided in a proper manner to accommodate the needs of business in these districts. Outlot development should be compatible in general exterior design, coloration, and use of materials to that of the primary development structure or structures.

1. General Requirements - The general requirements for obtaining a building permit for a planned business development in any district shall be in accordance with the following procedures. In any district in which rezoning of land, or a special exception, or an exemption from special exception restrictions, or a variance from the ordinance requirements is requested in connection with the development of land or buildings subject to the provisions, requirements, and standards of this ordinance governing planned business development, the petitioner for such rezoning, special exception, exemption or variance, in connection with such planned business development shall petition the Plan Commission or Board of Zoning Appeals, as appropriate, for such rezoning, special exception, exemption or variance, and shall notify surrounding property owners of such petition. Prior to the hearing on such petition, the petitioner shall submit evidence to the

Plan Commission or Board, as appropriate, that all land owners located within a 500 foot radius of the proposed development have been notified in writing of the petitioner's request for such rezoning, special exception, exemption or variance. Such notice shall inform the notified land owners of the date for the public hearing to be held by the Board of Zoning Appeals or Plan Commission. For the purpose of determining the names and addresses of such land owners, the most recent real estate tax assessment records as they appear in the office of the assessor of Hamilton County, Indiana on the date the petition for rezoning, special exception, exemption or variance is filed shall be deemed the true names and addresses of persons entitled to notice. Outlot development area shall not exceed 25 percent of the total development.

2. Minimum Tract Requirements -

- In Planned Business Developments for General Business districts - A minimum of 10 acres
- In Planned Business Developments for Local business districts - A minimum of 5 acres
- Enclosed Industrial districts (Industrial Parks) - A minimum of 10 acres
- Where Local and General Business are included in the same Planned Business Development, the 10 acre minimum shall apply

3. Permitted Uses -

- All businesses approved for Local Business as shown on Figure 2 are eligible for Planned Local Business Development.

- All businesses approved for General Business as shown on Figure 2 are eligible for Planned General Business Development.

4. Special Exceptions -

a) Planned Business Development - Local Business -

- Auto rustproofing
- Auto sales, new or used, service and repair
- Gasoline service stations
- Liquor stores and tavern
- Fruit stands, temporary
- Any outdoor food and beverage business
- Self-service food and beverage business
- Carry-out food and beverage business
- Drive-in food and beverage stores
- Convents, monasteries, theological schools, rectories, parish houses
- Manufactured home parks - in accordance with the provisions of WC 16.04.090

- Material recycling facilities (MRFs)

b) Planned Business Development - General Business -

- Auto rustproofing
- Gasoline service stations
- Coal
- Salt storage - outside
- Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
- General construction companies
- Lumber yards - including millwork
- Mobile home sales
- Liquor stores and taverns
- Industrial schools or training facilities
- Amusement parks
- Convents, monasteries, theological schools, rectories, parish houses
- Large animal hospitals
- Manufactured home parks - in accordance with the provisions of WC 16.04.090
- Outdoor theaters
- Material recycling facilities (MRFs)

c) Where in districts requiring Planned Business Development for Local Business, General Business and Special Business, there is proposed to be developed an enclosed shopping center with 100,000 square feet or more of gross leasable area, the special exception businesses and other uses as listed in 4.a) and 4.b) of this subsection may be exempted from such special exception restrictions if written approval is obtained from the Board of Zoning Appeals indicating which businesses and other uses listed as special exceptions may be included in such enclosed shopping center or in areas adjacent to such enclosed shopping center as appurtenant uses within 300 feet of the shopping center. The written approval by the Board of Zoning Appeals for such exemption must be granted on or before final plans are approved by the Plan Commission for the project. Such approval shall be recorded in the minutes of the Board of Zoning Appeals and a copy transmitted to the petitioner.

5. Minimum Frontage Required on Street of Primary Access-

- 10 acre minimum - 660 feet
- 5 acre minimum - 330 feet

6. Minimum Setback Lines -

- Front Yard - 10 acre minimum - 60 feet
  5 acre minimum - 30 feet

- Side Yard - 10 acre minimum - 15 feet
  5 acre minimum - 15 feet

- Rear Yard - 10 acre minimum - 20 feet
  5 acre minimum - 20 feet

- Minimum Lot Width at Building Line - None

7. Minimum Number of Structures - None

8. Minimum Size of Structures - None

9. Application Procedure - Applications for a Planned Business Development shall consist of the following steps:

   a) Preliminary plans presented to the Building Commissioner must:

      - Be drawn to scale.
      - Show dimensional boundaries of property to be developed.
      - Indicate location, type and size of structures, and use and arrangement of all structures (details are not necessary).
      - Show the proposed number of parking and loading spaces.
      - Show the proposed locations and width of driveways, entrances and exits.
      - Show all areas to be maintained as permanent open space.
      - Provide a traffic study to include:

        1) A comparative analysis of present capacity of streets adjacent to the proposed center with potential capacity volumes, taking into consideration the effect the proposed center will have upon engendering additional traffic; and

        2) A circulation plan for all streets (existing and proposed) which will show recommendations for controlling, signaling, channeling, storing and warning traffic.

      - Include a statement of financial responsibility which demonstrates the ability of the developer of the center to proceed with construction and development
      - Show locations and dimensions of sidewalks
      - Provide for dedication of any right-of-ways that may be necessary
      - Show location of any easements for utilities, public or private
      - Include a statement of proposed covenants to insure that the development plan is reasonable
      - Insure proper drainage

- Provide a statement as to the proposed timetable for development if the project is to be done in phases
- Submit a preliminary plan indicating the proposed location of land within the property to be developed which may be developed as out-lots of the shopping center or other business. Such plan shall indicate the proposed general location of such future buildings and construction requirements such as exterior design and height that shall be met by the developer, tenant, or owner including landscaping requirements, parking, traffic control patterns, and other information which will satisfy the Plan Commission as to the total size and impact of the planned business development.

b) The Building Commissioner shall review all materials, plans and schedules and make recommendations to the Plan Commission as to the suitability of the development as to:

- Unified design
- Safe ingress and egress
- Adequate and properly located parking and loading facilities

c) After approval of the preliminary plans by the Plan Commission, the following is required for final plan approval:

- Engineering plans and specifications for all sanitary sewers, storm sewers, and water distribution lines, as well as telephone, gas and electric utility lines
- Any changes from preliminary plans
- Deed or easement agreements
- Final construction schedule stating the date for final construction on the proposed development
- File a surety bond or escrow agreement to insure the final completion of all site improvements which includes streets, drives, walks, walls, water mains, storm and sanitary sewers, and landscape plantings. The bond shall be made to the Town for and amount to be specified by the Town Council.

I. General Variance - Where the developer of business located in a planned business development district can show the provisions of this ordinance would cause unnecessary hardship if strictly followed, and where in the opinion of the Plan Commission because of the type and number of businesses to be located in such planned business development, the required number of parking spaces or the required size of such parking spaces or the; number of loading berths or the required size or configuration of such loading berths for such businesses are not practical, then the Plan Commission may authorize a variance from such required standards of this section and such variance shall be entered into the minutes of the Plan Commission together with the reasoning for the departure from the required standards.

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 City Council of the City of Westfield. Such Schedule of Fees shall be available for review in the office of the City Clerk and in the office of the Community Services Department.

Figure 2. Use List

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		
Churches	X	X		
Civic Centers	X	X		
Civic Clubs	X	X		

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
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		
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.		

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
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 Range, Trampoline Centers		X		
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		

Amended: August 9, 2004; Ordinance 04-30;
March 14, 2011; Ordinance 11-06;
April 9, 2012; Ordinance 12-06

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
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		
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

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
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

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

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Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial
Mfg. of Musical Instruments			X	X
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

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			SP.EX.		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	

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Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial	AG – SF1	Multi-Family
Raising Small Animals for Biological Purposes			X		SP.EX. 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. (in GB-PD)	X	X	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)

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