



## *Westfield City Council Report*

**Ordinance Number:** 14-47  
**APC Petition Number:** 1412-ZOA-02  
**Requested Action:** Approval of an Ordinance to Amend Various Provisions of the Westfield-Washington Township Unified Development Ordinance.  
**Exhibits:**  
1. Staff Report  
2. Ordinance 14-47  
3. Summary of Revisions  
4. APC Certification  
5. Public Comment  
**Prepared by:** Jesse M. Pohlman, Senior Planner

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### **PETITION HISTORY**

This petition was introduced at the October 27, 2014, City Council meeting. The petition received its public hearing at the November 3, 2014, Advisory Plan Commission (the "APC") hearing. The APC forwarded the petition to the City Council with a unanimous favorable recommendation for approval at its November 3, 2014, meeting (see APC Certification at [Exhibit 4](#)). The petition is scheduled to be at the Council's November 10, 2014, meeting for adoption consideration.

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### **PROCEDURAL**

- Procedures to amend a zoning ordinance are established by Indiana Code (I.C. 36-7-4-600, et seq.). Amendments are required to be considered at a public hearing. The public hearing for this petition is scheduled for the November 3, 2014, Advisory Plan Commission meeting.
- No action by the Council is required at this time.

## OVERVIEW

The Westfield-Washington Township Unified Development Ordinance (the "UDO") was adopted by the Council on September 8, 2014. At that time, the Department and Council's Committee on Ordinance Revisions anticipated amendments would be proposed shortly thereafter in response to items that were still outstanding and that needed additional clarification. In addition, revisions to the adopted floodplain management regulations have been requested by the State in order to ensure compliance with federal regulations for the City's participation in the National Floodplain Insurance Program.

After consideration and recommendation by the Council's Committee on Ordinance Revisions, the proposed amendments are reflected in the attached ordinance (see Exhibit 2), which was forwarded by the Plan Commission with a favorable recommendation. A summary of the proposed changes are included in Exhibit 3.

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## STATUTORY CONSIDERATIONS

Indiana Code 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

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## RECOMMENDATIONS/ACTIONS

### APC Public Hearing

Comments were provided in writing and presented at the Plan Commission public hearing. The written comments received are attached hereto as Exhibit 5.

### APC Recommendation

At its November 3, 2014, meeting, the APC forwarded a unanimous **favorable recommendation** of Ordinance No. 14-47 (APC Petition No. 1412-ZOA-02) to the Council.

### City Council

Introduction: October 27, 2014

Eligible for Adoption: November 10, 2014

Submitted by: Jesse M. Pohlman, Senior Planner  
Economic and Community Development Department

## ORDINANCE 14-47

### AN ORDINANCE TO AMEND A VARIETY OF PROVISIONS OF THE WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE

**WHEREAS**, the City of Westfield, (the “City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the “Council”); and,

**WHEREAS**, it is the duty and the responsibility of the City to administer the Westfield-Washington Township Unified Development Ordinance (the “UDO”) throughout the City and Washington Township Indiana through a Joinder Agreement; and,

**WHEREAS**, from time to time it becomes necessary to amend and revise the UDO, and pursuant to I.C. § 36-7-4-602 and I.C. § 36-7-4-701, the City is authorized to amend the UDO; and

**WHEREAS**, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. 1412-ZOA-02 to the Council with a favorable recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the following provisions of the Unified Development Ordinance are amended as follows:

**Section 1.**     **Article 3.5(C) Floodplain Administrator; Duties** shall be amended to add a subsection (11) and (12) to read as follows: “11. Notify adjacent communities and the State’s floodplain coordinator prior to any alteration or relocation of a Watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. 12. Assure that maintenance is provided within the altered or relocated portion of said Watercourse so that the flood-carrying capacity is not diminished.”

**Section 2.**     **Article 5.5 Floodplain Overlay District** shall be amended as follows:

**A. Article 5.5(C) Definitions:** Shall be amended as follows:

- (i) Add new definition to read as follows: “Effective Date of Initial Floodplain Management Regulations: August 15, 1975.”
- (ii) Amend “Construction, New” definition as follows: “Any Building or Building Addition for which the Start of Construction commenced after the ~~effective date of this Ordinance~~ Effective Date of Initial Floodplain Management Regulations.”

- (iii) Amend “Manufactured Home Park, Existing” definition as follows: “A Manufactured Home Park for which the construction of Buildings and facilities for servicing the Manufactured Homes (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the ~~effective date of this Ordinance~~ Effective Date of Initial Floodplain Management Regulations.”
- (iv) Amend “Manufactured Home Park, New” definition as follows: “A Manufactured Home Park for which the construction of Buildings and facilities for servicing the Manufactured Homes (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the ~~effective date of this Ordinance~~ Effective Date of Initial Floodplain Management Regulations.”

**B. Article 5.5(H)(9) Major Subdivisions** shall be amended as follows: “~~Major Subdivisions/Development: All Major Subdivisions and other Development proposals (including Manufactured Home Parks), which are greater than fifty (50) Lots or five (5) acres,~~ within this Overlay shall: (a) Be consistent with the need to minimize flood damage. (b) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage hazards. (c) Have adequate drainage provided to reduce exposure to flood hazards. (d) Provide BFE data. (e) Minimize development in the SFHA and/or limit density of development permitted in the SFHA. (f) Ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).”

**Section 3. Article 6.1(B) Accessory Use and Building Standards; General Standards** shall be amended as follows: Add a section (8) under the General Standards to read as follows: “8. Carports shall be consistent in design, appearance and materials with the Principal Building. Carports for Single-family Dwellings shall be attached to the Principal Building.”

**Section 4. Article 6.3(C) Architectural Standards; Single-family Districts (Residential Uses)** shall be amended as follows:

A. **Article 6.3(C)(1) Perimeter Lots** shall be amended as follows: “A minimum of one (1) of the following two (2) design objectives shall be met for Dwellings on Perimeter Lots. For purposes of this section, a Perimeter Lot shall include Lots abutting: (a) an External Street or alternative transportation corridor bearing a designation on the Thoroughfare Plan, abutting; or (b) a Common Area abutting an External Street, or abutting an alternative transportation corridor bearing a designation on the Thoroughfare Plan (collectively, “Perimeter Lot”): If a Lot abutting a

Common Area is not within the view shed (without regard to landscaping and mounding) from the Subdivision's External Street or alternative transportation corridor frontage, then the Perimeter Lot standards shall not apply.

- B. **Article 6.3(C)(1)(b)(ii)(b) Perimeter Lots; Rear/Side Building Façade Enhancements; Qualifying Characteristics** shall be amended as follows: “The closest Building Façade of the Dwelling from the Right-of-way line of the External Street or alternative transportation corridor bearing a designation on the Thoroughfare Plan is greater than two hundred and fifty (250) feet ~~from the Right-of-way line of the External Street~~ (1 point); or five hundred (500) feet (2 points).
- C. **Article 6.3(C)(2)(a) Streetscape Diversity** shall be amended as follows: “The front façade of a front-load garage shall be recessed from the Front Building Façade by at least five (5) feet. A rear-load garage or a side-load garage, with a minimum of twenty-five (25) square feet of windows in the Building Façade oriented toward the Street, shall also meet this objective.”

**Section 5.** **Article 6.4 Building Standards** shall be amended as follows:

- A. **Article 6.4(B) Minimum Building Separation** shall be relocated to **Article 6.16 Setback Standards** in between section (C) and (D). This standard provides that: “If a minimum Building Separation requirement is not otherwise provided by the Zoning District of a Lot that permits multiple Principal Buildings, then the minimum Building Separation requirement of the Zoning District's minimum Side Yard Building Setback Line shall apply.”
- B. **Article 6.4(F) Agriculture-Related Uses** shall be amended as follows: “More than one (1) Principal Building shall be permitted on a Lot for the following uses: Agricultural Uses, Agritourism Uses, Equestrian Facilities, ~~Hobby Farms~~, and Nurseries.”

**Section 6.** **Article 6.8 Landscaping Standards** shall be amended as follows:

- A. **Article 6.8(E)(6)(vi) Preservation and Replacement of Trees; Incentives to Preserve Trees** shall be amended as follows: “Shall be of a species native to the ~~ecosystem~~ State or on the Master Tree and Shrub List, as maintained by the City.”
- B. **Article 6.8(F)(2)(b); Mounds; Maximum Slope** shall be amended as follows: “The maximum slide slope of mounds shall not exceed a three (3) (horizontal units) to one (1) (vertical unit) ratio. The maximum slide slope of a mound may be increased to a two (2) (horizontal units) to one (1)

(vertical unit) ratio for those areas of the mound that only includes trees and shrubs and no-mow Groundcover or mulch.”

- C. **Article 6.8(L); Foundation Plantings** shall be amended to add a section (5) to read as follows: “5. Monument Signs shall include a landscaped area at the base of the Monument Sign. The minimum size of the landscaped area shall be equivalent to one side of the Monument Sign’s Sign Face. The landscaped area shall be substantially covered with a variety of planting types such as Groundcover, perennials, shrubs, and ornamental trees.”
- D. **Article 6.8(N)(5); Buffer Yard Requirements; Required Buffer Yard** shall be amended to add a section (b) to read as follows: “b. Single-family Dwelling Subdivisions Abutting Agricultural Uses: If the Plan Commission determines a smaller Buffer Yard is appropriate after consideration of the existing and potential use of the adjacent property, then as part of the Overall Development Plan review, the Plan Commission may approve a narrower Buffer Yard with fewer plantings than required above (but no less than 15 feet wide) for Single-family Dwelling Subdivisions adjacent to an Agricultural Use.”

**Section 7.** **Article 6.16 Setback Standards** shall be amended to add a section (H) as follows: “H. Side Load Garages: The Minimum Building Setback Line for a Side Yard in a Major Subdivision in a Single-family District may be reduced to five (5) feet for Dwellings with a side or courtyard loading garage; however, the Lot’s aggregate Building Setback Lines for the combined Side Yards shall be a minimum of the District’s Minimum Building Setback Line for a Side Yard multiplied by two (2).”

**Section 6.** **Article 8.6(G) Open Space and Amenity Standards; Qualifying Site Features** shall be amended as follows:

- A. **Article 8.6(G)(1) [Third Party Regulated Utility Easements]** shall be amended as follows: “A maximum of fifty percent (50%) of required Open Space may come from: wetlands, third party regulated utility easements that existed prior to the development of the property (e.g., gas or oil pipelines, transmission lines), legal drains and equivalent land, as determined by the Plan Commission or Director.”
- B. **Article 8.6(G) [Medians in Right-of-Way]** shall be amended to add a subsection (4) to read as follows: “4. Street (public or private) medians may qualify towards required Open Space only if the following criteria are met: (a) Medians are placed within Common Areas which are maintained by the homeowners’ association; (b) Medians are a minimum of sixteen (16) feet wide from back of curb to back of curb; and (c) Medians are

landscaped, at a minimum, pursuant to the Street Tree requirements set forth in Article 6.8 Landscaping Standards.”

**Section 7.** **Article 10.12(A) Processes & Permits; Subdivision; Applicability** shall be amended as follows:

- A. **Article 10.12(A)** amended to read “**Applicability Authority:** This Article establishes the process for the subdivision of land, in accordance with *CHAPTER 7: SUBDIVISION REGULATIONS*, to ensure adherence to the standards of this Ordinance. Subdivision applications shall be generally considered favorably by the Plan Commission and Department.”
- B. Add a new section following **Article 10.12(A)** to read as follows: “**Applicability:** The procedures set forth in this Article shall be required for all Minor and Major Subdivisions (see also CHAPTER 12: DEFINITIONS).”

**Section 8.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts undertaken to in creation of this Ordinance are hereby ratified.

[The remainder of this page intentionally left blank.]

**ALL OF WHICH IS ORDAINED THIS TENTH DAY OF NOVEMBER, 2014.**

**WESTFIELD CITY COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

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Jim Ake

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Jim Ake

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Jim Ake

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Steven Hoover

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

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Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 14-47 was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of November, 2014, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 14-47  
this \_\_\_\_\_ day of November, 2014.

I hereby VETO ORDINANCE 14-47  
this \_\_\_\_\_ day of November, 2014.

\_\_\_\_\_  
J. Andrew Cook, Mayor

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J. Andrew Cook, Mayor

## Overview of Unified Development Ordinance **Patch Revisions**

### Summary

The following is a list of revisions proposed to the Unified Development Ordinance (the "UDO").

### Chapter 3: Administration

- 1) **Article 3.5(C) Floodplain Administrator; Duties** (pg. 3-5): The Indiana Department of Natural Resources (IDNR) has requested modifications to the adopted floodplain overlay as they've determined are necessary in order to comply with the Federal Emergency Management Agency's (FEMA) criteria for the Township's participation in the National Flood Insurance Program and recently released Flood Insurance Rate Maps. IDNR has requested two additional Floodplain Administrator duties be added:
  - a) Proposed Language: Add a subsection (11) and (12) as follows: "11. Notify adjacent communities and the State's floodplain coordinator prior to any alteration or relocation of a Watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. 12. Assure that maintenance is provided within the altered or relocated portion of said Watercourse so that the flood-carrying capacity is not diminished."

### Chapter 5: Overlay Districts

- 2) **Article 5.5 Floodplain Overlay District (FOD)** (pg. 5-26): IDNR has requested modifications to the adopted floodplain overlay as they've determined are necessary in order to comply with FEMA's criteria for the Township's participation in the National Flood Insurance Program and recently released Flood Insurance Rate Maps.
  - a) Article 5.5(C): Definitions (pg. 5-26): Several definitions use the effective date of the UDO (or previous version of the floodplain ordinance, as the case may be) as a benchmark date. IDNR has requested the effective date of the community's first floodplain ordinance be used as the benchmark, rather than the effective date of the UDO. As a result, the following modifications are proposed:
    - i. Effective Date of Initial Floodplain Management Regulations: Add an "Effective Date of Initial Floodplain Management Regulations" definition to read as follows: "August 15, 1975."
    - ii. Article 5.5(C)(4) Construction, New (pg. 5-27): Modify the definition, as follows: "Any Building or Building Addition for which the Start of Construction commenced after the ~~effective date of this Ordinance~~ Effective Date of Initial Floodplain Management Regulations."
    - iii. Article 5.5(C)(28) Manufactured Home Park, Existing (pg. 5-29): Modify the definition, as follows: "A Manufactured Home Park for which the construction of Buildings and facilities for servicing the Manufactured Homes (including, at a minimum, the installation of utilities, the construction of streets, and either final site

grading or the pouring of concrete pads) is completed before the ~~effective date of this Ordinance~~ Effective Date of Initial Floodplain Management Regulations."

- iv. Article 5.5(C)(30) Manufactured Home Park, New (pg. 5-29): Modify the definition, as follows: "A Manufactured Home Park for which the construction of Buildings and facilities for servicing the Manufactured Homes (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the ~~effective date of this Ordinance~~ Effective Date of Initial Floodplain Management Regulations."
- b) Article 5.5(H)(9): Major Subdivisions (pg. 5-40):
  - i. Existing Language: "Major Subdivisions: All Major Subdivision proposals within this Overlay shall: (a) Be consistent with the need to minimize flood damage. (b) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage hazards. (c) Have adequate drainage provided to reduce exposure to flood hazards. (d) Provide BFE data. (e) Minimize development in the SFHA and/or limit density of development permitted in the SFHA. (f) Ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders)."
  - ii. Proposed Language: "~~Major Subdivisions/Development~~: All Major Subdivision proposals Subdivisions and other Development (including Manufactured Home Parks), which are greater than either fifty (50) Lots or five (5) acres, within this Overlay shall..."

## Chapter 6: Development Standards

### 3) Article 6.1(B) Accessory Use and Building Standards; General Standards (pg. 6-2):

- a) Issue: Architectural incompatibility of carports in residential districts.
- b) Existing Language: None.
- c) Proposed Language: Add a section (8) under the General Standards to read as follows: "8. Carports shall be consistent in design, appearance and materials with the Principal Building. Carports for Single-family Dwellings shall be attached to the Principal Building."

### 4) Article 6.3(C) Architectural Standards; Single-family Districts (Residential Uses):

- a. Article 6.3(C)(1) Perimeter Lots (pg. 6-11):
  - i. Issue: In the strictest application of the existing language, there could be lots that are not visible from the External Street and that abut a common area abutting the External Street (see following exhibit).
  - ii. Existing Language: "A minimum of one (1) of the following two (2) design objectives shall be met for Dwellings on Lots abutting an External Street, abutting a Common Area abutting an External Street, or abutting an alternative transportation corridor bearing a designation on the Thoroughfare Plan (collectively, "Perimeter Lot"):"
  - iii. Proposed Language: "A minimum of one (1) of the following two (2) design objectives shall be met for Dwellings on Perimeter Lots. For purposes of this section, a Perimeter Lot shall include Lots abutting: (a) an External Street or

**PERIMETER LOT STANDARD EXHIBIT**  
(FOR ILLUSTRATIVE PURPOSES ONLY)



ALL LOTS COLORED COULD BE A PERIMETER LOT UNDER STRICTEST APPLICATION OF EXISTING LANGUAGE

- PERIMETER LOT
- PROPOSED REVISION IS INTENDED TO REMOVE THESE LOTS FROM BEING QUALIFIED AS A PERIMETER LOT SUBJECT TO THE ENHANCEMENT REQUIREMENTS
- EXAMPLE "VIEW SHEDS" OF LOTS FROM EXTERNAL STREET FRONTAGES

- iv. alternative transportation corridor bearing a designation on the Thoroughfare Plan, abutting; or (b) a Common Area abutting an External Street, or abutting an alternative transportation corridor bearing a designation on the Thoroughfare Plan (collectively, "Perimeter Lot"): If a Lot abutting a Common Area is not within the view shed (without regard to landscaping and mounding) from the Subdivision's External Street or alternative transportation corridor frontage, then the Perimeter Lot standards shall not apply.
- b. Article 6.3(C)(1)(b)(ii)(b) Perimeter Lots; Rear/Side Building Façade Enhancements; Qualifying Characteristics (pg. 6-12):
  - i. Issue: A dwelling greater than 250' from the External Street receives one (1) point towards the enhancement requirement for a perimeter lot. The proposed language would allow an additional point to be credited for a dwelling greater than 500' from the External Street, acknowledging the greater separation is desirable.
  - ii. Existing Language: "The closest Building Façade of the Dwelling is greater than two hundred and fifty (250) feet from the Right-of-way line of the External Street."
  - iii. Proposed Language: "The closest Building Façade of the Dwelling from the Right-of-way line of the External Street or alternative transportation corridor bearing a designation on the Thoroughfare Plan is greater than two hundred and fifty (250) feet from the Right-of-way line of the External Street (1 point); or five hundred (500) feet (2 points)."
- c. Article 6.3(C)(2)(a) Streetscape Diversity (pg. 6-14):
  - i. Issue: The current standard does not clearly acknowledge that a rear-load garage accomplishes the same objective.
  - ii. Existing Language: "The front façade of a front-load garage shall be recessed from the Front Building Façade by at least five (5) feet. A side-load garage, with a minimum of twenty-five (25) square feet of windows in the Building Façade oriented toward the Street, shall also meet this objective."
  - iii. Proposed Language: "The front façade of a front-load garage shall be recessed from the Front Building Façade by at least five (5) feet. A rear-load garage or a side-load garage, with a minimum of twenty-five (25) square feet of windows in the Building Façade oriented toward the Street, shall also meet this objective."
- 5) Article 6.4(F) Building Standards; Agriculture-Related Uses (pg. 6-20):
  - d. Issue: This standard includes the term "Hobby Farms", which is not a term used in the adopted version of the UDO and should have been deleted.
  - e. Existing Language: "More than one (1) Principal Building shall be permitted on a Lot for the following uses: Agricultural Uses, Agritourism Uses, Equestrian Facilities, Hobby Farms, and Nurseries."
  - f. Proposed Language: "More than one (1) Principal Building shall be permitted on a Lot for the following uses: Agricultural Uses, Agritourism Uses, Equestrian Facilities, ~~Hobby Farms,~~ and Nurseries."

6) Article 6.8 Landscaping Standards:

- a) Article 6.8(E)(6)(vi) Preservation and Replacement of Trees; Incentives to Preserve Trees (pg. 6-28):
  - i. Issue: The existing standard only allows “species native to the ecosystem” to receive a tree preservation credit.
  - ii. Existing Language: “Existing trees that are preserved...may be credited...if the tree ... [is] of a species native to the ecosystem.”
  - iii. Proposed Language: Existing trees that are preserved...may be credited...if the tree meets all of the following criteria...“Shall be of a species native to the ecosystem State or on the Master Tree and Shrub List, as maintained by the City.”
- b) Article 6.8(F)(2)(b); Mounds; Maximum Slope (pg. 6-29):
  - i. Issue: The existing maximum slope may discourage undulation and may cause buffer yards to be wider than necessary; however, a steeper slope with grass may cause maintenance issues and have undesirable aesthetic results (access for ride-on equipment and equipment causing ruts).
  - ii. Existing Language: “The maximum slide slope of mounds shall not exceed a three (3) (horizontal units) to one (1) (vertical unit) ratio.”
  - iii. Proposed Language: “The maximum slide slope of mounds shall not exceed a three (3) (horizontal units) to one (1) (vertical unit) ratio. The maximum slide slope of a mound may be increased to a two (2) (horizontal units) to one (1) (vertical unit) ratio for those areas of the mound that only includes trees and shrubs and no-mow Groundcover or mulch.”
- c) Article 6.8(L); Foundation Plantings (pg. 6-34):
  - i. Issue: Article 6.17(F)(11)(b); Sign Standards; General Sign Regulations; Monument Signs; Landscaping cross-references that landscaping around monument signs shall be required in accordance with Article 6.8; Landscaping; however, Article 6.8 does not include a landscaping requirement.
  - ii. Existing Language: No standard.
  - iii. Proposed Language: Add a section (5) under the Foundation Plantings standards to read as follows: “5. Monument Signs shall include a landscaped area at the base of the Monument Sign. The minimum size of the landscaped area shall be equivalent to one side of the Monument Sign’s Sign Face. The landscaped area shall be substantially covered with a variety of planting types such as Groundcover, perennials, shrubs, and ornamental trees.”
- d) Article 6.8(N)(5)(chart); Buffer Yard Requirements; Required Buffer Yard (pg. 6-36):
  - i. Issue: A wide buffer yard for a single-family development abutting agricultural land (e.g., fields) may not be necessary, especially if the adjacent land is likely to be developed for a similar or more intense use (e.g., as anticipated in the Comprehensive Master Plan).

ii. Existing Language:

5. Required Buffer Yard: The minimum required Buffer Yard shall be determined by the abutting Zoning District(s) and/or land uses, whichever is more restrictive, in accordance with the following chart.

Chart: Required Buffer Yard

Required Buffer Yard Type		Planting Materials per 100 lineal feet							
		AG-SF1	SF1, SF2	SF3	SF4, SF5, SFA	MF	Institutional	Business	Industrial
Proposed Use / Zoning District	AG-SF1	-	-	-	-	-	-	-	-
	SF1, SF2	A	-	-	-	-	-	-	-
	SF3	B	A	-	-	-	-	-	-
	SF4, SF5, SFA	B	A	A	-	-	-	-	-
	MF	B	B	A	A	-	-	-	-
	Institutional	A	B	B	B	B	-	-	-
	Business	A	C	B	B	B	A	-	-
	Industrial	A	C	C	C	C	B	A	-

- a. Institutional Uses: The Plan Commission may approve a smaller Buffer Yard than required above (but no less than 15 feet) for Institutional Uses on Lots of Record (as of December 10, 2001, when Ordinance 01-16 was adopted) that are less than ten (10) acres in size and adjacent to residential uses, provided:
- i. The proposed structure shall be finished in a manner that is in character with the adjacent neighborhood.
  - ii. Landscaping may be required to be supplemented with a fence or masonry wall to assist in addressing the impact of the proposed use on adjacent existing uses.
  - iii. No drives or Parking Areas shall be permitted in a reduced Buffer Yard area.

Chart: Buffer Yard Types

Buffer Yard Type	Planting Materials per 100 lineal feet				
	Width	Shade Trees	Evergreen Trees	Shrubs	Mound / Fence
Buffer A (small)	30 feet	3	3	10	none required
Buffer B (medium)	40 feet	4	4	10	4' tall undulating mound for at least 60% of the length of the shared Lot Line
Buffer C (large)	50 feet	5	5	20	4' tall undulating mound for at least 60% of the length of the shared Lot Line and a 6' - 8' tall opaque fence

- iii. Proposed Language: Add a section (b) under the Required Buffer Yard chart to read as follows: "b. Single-family Dwelling Subdivisions Abutting Agricultural Uses: If the Plan Commission determines a smaller Buffer Yard is appropriate after consideration of the existing and potential use of the adjacent property, then as

part of the Overall Development Plan review, the Plan Commission may approve a narrower Buffer Yard with fewer plantings than required above (but no less than 15 feet wide) for Single-family Dwelling Subdivisions adjacent to an Agricultural Use."

7) **Article 6.16 Setback Standards** (pg. 6-20):

- a) Issue: Building a home with a side-load garage is difficult with the current side yard setbacks (in combination with the other minimum lot standards) in the single-family residential districts, based on the typical width of a home with a side-load garage. Side-load garages are desirable and should be encouraged. As a result, a proposed language provides flexibility while ensuring an aggregate setback is still maintained.
- b) Existing Language: None.
- c) Proposed Language: Add a section (H) to read as follows: "H. Side Load Garages: The Minimum Building Setback Line for a Side Yard in a Major Subdivision in a Single-family District may be reduced to five (5) feet for Dwellings with a side or courtyard loading garage; however, the Lot's aggregate Building Setback Lines for the combined Side Yards shall be a minimum of the District's Minimum Building Setback Line for a Side Yard multiplied by two (2)."

## Chapter 8: Design Standards

8) **Article 8.6(G) Open Space and Amenity Standards; Qualifying Site Features** (pg. 8-11):

- a) Article 8.6(G)(1) [Third Party Regulated Utility Easements]:
  - i. Issue: "Third party regulated utility easements" could potentially include easements that are created to accommodate the development (e.g., landscaping easements, common areas, drainage easements) when the intent was to qualify those existing easements that are undevelopable (e.g., gas pipelines, transmission lines).
  - ii. Existing Language: "A maximum of fifty percent (50%) of required Open Space may come from: wetlands, third party regulated utility easements, legal drains and equivalent land, as determined by the Plan Commission or Director."
  - iii. Proposed Language: "A maximum of fifty percent (50%) of required Open Space may come from: wetlands, third party regulated utility easements that existed prior to the development of the property (e.g., gas or oil pipelines, transmission lines), legal drains and equivalent land, as determined by the Plan Commission or Director."
- b) Article 8.6(G)(3) [Medians in Right-of-Way]:
  - i. Issue: Wider medians, which enhance and contribute to the open space value of a neighborhood, are not permitted to qualify as open space.
  - ii. Existing Language: None, except that the Open Space definition specifically states that "[o]pen Space does not include medians in Rights-of-way or any area of land included on a Lot used for another primary use such as residential or commercial."
  - iii. Proposed Language: Add a subsection (4) to read as follows: "4. Street (public or private) medians may qualify towards required Open Space only if the following

criteria are met: (a) Medians are placed within Common Areas which are maintained by the homeowners' association; (b) Medians are a minimum of sixteen (16) feet wide from back of curb to back of curb; and (c) Medians are landscaped, at a minimum, pursuant to the Street Tree requirements set forth in Article 6.8 Landscaping Standards."

## Chapter 10: Processes & Permits

### 9) **Article 10.12(A) Processes & Permits; Subdivision; Applicability** (pg. 10-31):

- a) Issue: The UDO is not as clear for when a Primary and Secondary Plat is required as it is for when a Development Plan is required.
- b) Existing Language:
  - A. **Applicability**: This Article establishes the process for the subdivision of land in accordance with CHAPTER 7: SUBDIVISION REGULATIONS.
- c) Proposed Language:
  - A. **Applicability Authority**: This Article establishes the process for the subdivision of land, in accordance with *CHAPTER 7: SUBDIVISION REGULATIONS*, to ensure adherence to the standards of this Ordinance. Subdivision applications shall be generally considered favorably by the Plan Commission and Department.
  - B. **Applicability**: The procedures set forth in this Article shall be required for all Minor and Major Subdivisions (see also CHAPTER 12: DEFINITIONS).

**WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION  
CERTIFICATION**

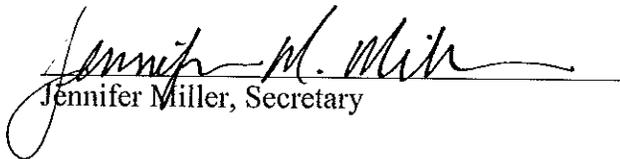
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The Westfield-Washington Township Advisory Plan Commission held a public hearing on Tuesday, November 3, 2014, to consider an amendment to the Westfield-Washington Township Unified Development Ordinance. Notice of the public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposal is as follows:

Case No.	1412-ZOA-02
Petitioner	City of Westfield
Description	Petitioner requests various text amendments to the Unified Development Ordinance generally pertaining to Article 3.5: Floodplain Administrator; Article 5.5: Floodplain Overlay; Article 6.1: Accessory Buildings; Article 6.3: Architectural Standards; Article 6.8: Landscaping Standards; Article 6.16: Setback Standards; Article 8.6: Open Space Standards; and Article 10.12: Subdivision Processes and Permits.

On November 3, 2014, a motion was made and passed to send a unanimous favorable recommendation to the City Council regarding Petition No. 1412-ZOA-02 (Vote: 7 in favor, 0 opposed).

The above-mentioned proposal and the Advisory Plan Commission's recommendation thereof are hereby certified.

  
Jennifer Miller, Secretary

November 4, 2014

Date

**From:** [Linda Naas](#)  
**To:** [Jesse Pohlman](#)  
**Cc:** [APC](#)  
**Subject:** Amendments to UDO Ord 14-47  
**Date:** Monday, November 03, 2014 3:45:16 PM

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Jesse,

Would you please submit and read at the APC meeting this evening as I am unable to attend to present for our group? Last minute change. Thank you.

[http://www.westfield.in.gov/eGov/documents/1413922970\\_24802.pdf](http://www.westfield.in.gov/eGov/documents/1413922970_24802.pdf)

**Pages 6-7.**

Concerned about this since we just discussed this at great length in respect to distance from neighboring properties under agricultural setbacks for stables when accepting the current UDO.

- We are concerned and do not favor changing setbacks from agricultural use from the minimum 30' to 15' based on an APC consideration of future uses.
1. How much input would the agricultural neighbor have in this determination - there appears to be none included in the amendment?
  2. Would you consider "with abutting agricultural property owners' agreement"?
  3. We believe there is no need for an exception.
  4. The least future use setback would always be 30' minimum.
  5. Allowing single-family dwellings within 15' of agricultural use could bring "neighbor issues" between the properties.
  6. We don't want this 15' on single family to be an argument to further restrict land use on agricultural properties.
  7. We also think it is a bad idea to make the setback subjective by allowing review.
  8. We can only suspect that developers are asking for this change. Not even agriculture uses would want single family homes 15' closer to their properties.
  9. Planned future uses have been known to change in the Westfield zoning area, so are you proposing this only in the case of no changes being made later?

**Open space on page 7 & 8:**

1. What is the intended use and purpose of Open Space?
2. Most of these easements can have maintenance and construction equipment and personnel from time to time.
3. If we allow this as open space for use of residents, wouldn't that use be restricted?
4. And then to include medians as Open Space - the question is do we expect people and children to be using these open spaces? Do we want them playing or walking between traffic on the medians?
5. Are these types of land appropriate and safe for people and their dogs to serve the purpose of Open Space.
6. Doesn't this also speak to increased density and fly against the character of our community.
7. The American Planning Association's comments on the fact that slums became slums because there was a lack of open space and it is nearly impossible to add in the future.

As usual it appears to us that developers are wanting to minimize setbacks in this instance and other changes in the amendments to maximize building space. Are we really ready to "squeeze" our neighbors closer and closer in every way possible?

We oppose these changes.

161st Street Neighbors  
Linda Naas