

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

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

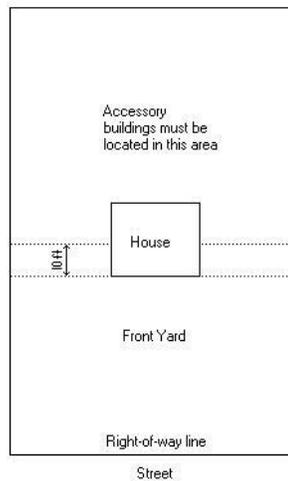
## 2. Accessory Buildings:

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

c. Building Location:

i. Front Setback:

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



(2) Parcels Not In Recorded Subdivisions:

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

ii. Side and Rear Setback –

(1) Parcels In Recorded Subdivisions:

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

(2) Parcels Not In Recorded Subdivisions:

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

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

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

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

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

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

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

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

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

4. Swimming Pools:

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

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