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Jennifer J Hayden
HAMILTON County Recorder IN
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ORDINANCE NO. 07-07

AN ORDINANCE (i) AMENDING THE ZONING MAP OF THE TOWN OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA AND (ii) AMENDING AND RESTATING THE EAGLE STATION PUD ORDINANCE

This Amended and Restated PUD Ordinance (the "Eagletown PUD") (i) amends the Zoning Ordinance of the Town of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the Town of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended with respect to the Additional Real Estate (defined below), and (ii) amends and restates the Eagle Station PUD.

WITNESSETH:

WHEREAS, the Town Council of the Town of Westfield, Indiana (the "Town Council") enacted the Eagle Station Planned Unit Development District Ordinance Number 06-46 (the "Eagle Station PUD");

WHEREAS, this Eagletown PUD (i) restates the text of the Eagle Station PUD to incorporate text amendments, and (ii) changes the zoning of the Real Estate legally described in what is attached hereto and incorporated herein by reference as Exhibit A-1 (the "Additional Real Estate") to the applicable terms and conditions of this Eagletown PUD;

WHEREAS, with respect hereto, the Plan Commission of the Town of Westfield and Washington Township (the "Commission") has conducted a public hearing as required by law in regard to (i) the application for a change of zoning filed by Wilfong & Kreutz Land Development, LLC for the Additional Real Estate and (ii) the application to amend the Eagle Station PUD per the terms of this Eagletown PUD;

WHEREAS, the Real Estate subject to and governed by this Eagletown PUD is legally described in what is attached hereto and incorporated herein by reference as Exhibit A-2 (the "Real Estate"), which Real Estate includes the Additional Real Estate; and

WHEREAS, the Commission by a vote of 5-1 has sent to the Town Council a positive recommendation adopted on the 23 day of July, 2007; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council, meeting in regular session, that the Zoning Ordinance and the Zone Map are hereby amended as follows:

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and used in the Real Estate, (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values through tout the Town of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the Town Council in adopting, to:

A. Encourage flexibility in the development of land in order to promote its most appropriate use;

B. Improve the design, character and quality of new development;

C. Encourage a harmonious and appropriate mixture of uses;

D. Facilitate the adequate and economic provisions of streets, utilities, and municipal services;

E. Preserve the natural environmental and scenic features of the Real Estate;

F. Encourage and provide a mechanism for arranging improvement on-site so as to preserve desirable features; and

G. Mitigate the problems which may be presented by specific site conditions.

SECTION 2. EFFECT. As specified in the Table of Contents and Table of Exhibits which follow on the next two pages, attached hereto and incorporated herein by reference are (i) Articles 1 thru 18 and (ii) Exhibits A thru F. The Zoning District Map, which is attached hereto and labeled as Exhibit B, allocates the Real Estate into the Market Center District, the Village Marketplace District, the Garden Office District, the Multi-Family District, the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, and Residential District 4 (collectively the "Districts"). This Eagletown PUD (i) supersedes the Zoning Ordinance, as modified by revisions, additions, and deletions, specified in Articles 1 thru 18 and Exhibits A thru F which follow (ii) amends, replaces, and supersedes the Eagle Station PUD, and (iii) shall govern the use and development of the Districts.

SECTION 3. SIZE OF DISTRICT – The size and configuration of any District south of 186th Street may be increased or decreased by up to 15%, so long as there is no increase in permitted densities and the Village Marketplace and Market Center Districts are not decreased by more than 5%.

Upon motion duly made and seconded, this Eagletown PUD was fully passed by the members of the Town Council this 13 day of Aug, 2007

TOWN COUNCIL, TOWN OF WESTFIELD

BY:

AYE		NAY
	Andy Cook	
	John Dippel	
	John Hart	
	Robert L. Horkay	
	Joe Plankis	
	Robert Smith	
	Ronald Thomas	

This Ordinance prepared by: Jon C. Dobosiewicz
Wilfong & Kreutz Land Development, LLC
17830 Casey Road
Westfield, In 46074

Attest:
Cindy Grossard
Clerk Treasurer

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

C Grossard

Signed

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ARTICLE 1. DEFINITIONS.

1. "Accessory Building" shall mean and refer to 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 the 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.

2. "Advisory Plan Commission" shall mean and refer to the Westfield-Washington Township Advisory Plan Commission.

3. "Aggregate Lot Area" shall mean and refer to the sum of all land acreage within a given development (i.e. planned developments, planned business districts, local retail districts) including outlots.

4. "Agriculture" shall mean and refer to 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.

5. "Alley" shall mean and refer to any private drive, with the exception of private streets, open for the purpose of affording a secondary means of vehicular access to abutting property which otherwise abuts upon a street and which is not intended for traffic other than public services and circulation to and from said property.

6. "Alternative Transportation Plan" shall mean and refer to 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.

7. "Apartment" shall mean and refer to a building or portion thereof designed for or occupied by more than two families. Also a multi-family dwelling.

8. "Art Studio" shall mean and refer to the conducting of one or more of the following activities: painting, sculpturing, jewelry making, weaving or other similar function defined as a fine are

9. "Assisted Living Facility" shall mean and refer to a facility for persons having such disabilities as to require assistance with daily living tasks. Such facilities contain four or more dwelling units and/or rooming units; provide a combination of housing, support services, personalized assistance, and healthcare; and respond to the individual needs of persons who need assistance with the activities of daily living, but do not require 24-hour skilled medical care.

10. "Banner" shall mean and refer to 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 or political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of this chapter.

11. "Beauty Shop" shall mean and refer to the providing of beauty culture services to members of the general public as the result of being properly licensed and inspected.

12. "Block" shall mean and refer to a unit or property bounded by streets, or by streets and/'or railroad right-of-way, waterways, or other barriers.

13. "Buffer Yard" shall mean and refer to a unit of yard together with the planting thereon.

14. "Building" shall mean and refer to 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 building shall be considered a separate structure.

15. "Building Area" shall mean and refer to 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.

16. "Building Commissioner" shall mean and refer to 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.

17. "Building, Detached" shall mean and refer to a building having no structural connection with another building.

18. "Building, Front Line of" shall mean and refer to the line of the face of the building nearest the front lot line.

19. "Building Height" shall mean the vertical distance from the grade level at the main entrance to the top of the parapet that comprises the majority of the perimeter of the building 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.

20. "Building Line (Building Setback Line)" shall mean and refer to 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.

21. "Building, Principal" shall mean and refer to 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.

22. "Business" shall mean and refer to 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.

23. "BZA" shall mean and refer to the Westfield-Washington Township Board of Zoning Appeals.

24. "Caliper" shall mean and refer to a standard trunk diameter measurement for trees. Caliper measurements are taken twelve inches above the finished grade.

25. "Church" shall mean and refer to a building and property used for public worship. A Church may include a daycare and meeting space facilities open to the general public at the election of the owner.

26. "Community Garden" shall mean and refer to a designated area within a subdivision common area set aside for use by residents for the growing of plants including fruits, vegetables and flowers. These areas may be segmented off for use by individual owners of lots within the subdivision.

27. "Concession / Mobility Rental Stand" shall mean and refer to a business use engaged in the sale of refreshments and rental of equipment such as bicycles to serve the needs of pedestrians visiting a sports complex or the Little Eagle Creek Trail.

28. "Construction Phasing Schedule" shall mean and refer to the Construction Phasing Schedule attached hereto and incorporated herein by reference as Exhibit E.

29. "Corner Lot" A Lot having frontage on two (2) public or private streets.

30. "Corner Break" shall mean and refer to the exterior corner along the facade of a home. The "exterior" corners of a covered porch, the outermost corners of the residence, and a projection with a height of no less than six feet shall count as a corner break.

31. "Cut-off fixtures, eighty-five degree. Eighty-five (85)" shall mean and refer to the 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.

32. "Cut-off fixtures, full" shall mean and refer to the 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.

33. “Declaration” shall mean and refer to any Declaration of Covenants, Conditions, or Restrictions prepared by the Developer with respect to all or any portion of the Real Estate, and recorded with the Recorder of Hamilton County, Indiana.

34. “Department” shall mean and refer to Westfield Community Development Department or its successors.

35. “Developer” shall mean and refer to Wilfong Land Companies, and its successors, assigns, and designees.

36. “Development Amenities” shall mean and refer to 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.

37. “Director” shall mean and refer to the Director of the Westfield Community Development Department.

38. “District” shall mean and refer to any of the 9 Districts within the Eagletown PUD.

39. “Driveway” shall mean and refer to a private road which provides access to a lot, or to a use located on such lot, from a public way.

40. “Dwelling” shall mean and refer to 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.

41. “Dwelling, Duplex” shall mean and refer to a building designed for or occupied by two family units, living independently of each other in individual dwelling units.

42. “Dwelling, Single Family Detached” shall mean and refer to 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.

43. “Dwelling, Multi-family” shall mean and refer to a building designed for or occupied by three or more family units, living independently of each other in individual dwelling units. Multi-family dwellings include apartments, townhomes, group homes, dormitories, etc.

44. “Dwelling, Quadraplex” shall mean and refer to a building designed for or occupied by four family units, living independently of each other in individual dwelling units.

45. “Dwelling, Single-family” shall mean and refer to a building designed for or occupied by one family unit.

46. “Dwelling, Single Family Attached” shall mean and refer to two through seven unit attached dwellings including but not limited to Quadplex Dwellings, Triplex Dwellings, Duplex Dwellings, and Townhouse Dwellings.

47. “Dwelling, Triplex” shall mean and refer to a building designed for or occupied by three family units, living independently of each other in individual dwelling units.

48. “Dwelling, Townhouse” shall mean and refer to 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.

49. “Dwelling Unit” shall mean and refer to 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.

50. “Easement” shall mean and refer to 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.

51. “Educational Institution” shall mean and refer to 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.

52. “Elevation” shall mean and refer to the front architectural façade of a dwelling.

53. “Evergreen” shall mean and refer to coniferous or broad-leaved plants whose leaves remain throughout the year and are continually dropping and being replaced by new springtime growth.

54. “Family” shall mean and refer to one or more persons occupying a building and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nurses home, fraternity or sorority house.

55. “Fiber Cement Siding” shall mean and refer to a substance that is not a Masonry product, but is a mix of Portland cement, ground sand, cellulose fiber, and various additives mixed with water and manufactured into a siding material.

56. “Fishing Pond” shall mean and refer to a storm water management pond that is stocked with fish for the purpose of providing recreational fishing opportunities for the residents of a District(s).

57. “Floor Area, Gross Ground” shall mean and refer to 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.

58. "Foot-candle" shall mean and refer to a unit of illumination produced on a surface, all points which are one foot from a uniform point source of one candle.

59. "Franchise Architecture" shall mean and refer to building design that is trademarked or identified with a particular chain or corporation and is generic in nature.

60. "Frontage" shall mean and refer to 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.

61. "Front Facing Garage Doors" A garage door that is parallel to the front elevation of the home.

62. "Garden Office District" shall mean and refer to what is identified on the Zoning District Map as the Garden Office District.

63. "Grade" shall mean and refer to the average level of the finished surface of ground adjacent to the exterior walls of the building.

64. "Herein" shall mean and refer to the entirety of, and anywhere within, this Eagletown PUD, and shall not be restricted to a particular paragraph or section in which the word "herein" appears.

65. "Home Occupations Permitted" shall mean and refer to 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.

66. "Hospice" shall mean and refer to a facility that provides inpatient support care and attends to the emotional, spiritual, social, and financial needs of terminally ill patients and their families.

67. "Hotel" shall mean and refer to 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.

68. "Illustrative Site Development Plan" shall mean and refer to the Illustrative Site Development Plan attached hereto and incorporated herein by reference as Exhibit C.

69. "In-line Tenant" shall mean and refer to any tenant within a multi-tenant building where each individual tenant has an exterior store front and patron entrance.

70. "Landscaping" shall mean and refer to 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.

71. "Landscaping Plan" shall mean and refer to 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 Article 14 –Landscaping Standards)

72. "Lighting Plan" shall mean and refer to a plan depicting proposed design and materials of light fixtures, location of lighting, and directional focus of lights. (see Article 15 –Lighting Standards)

73. "Linear Footage, Wall" shall mean and refer to 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.

74. "Loading and Unloading Berths" shall mean and refer to 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.

75. "Local Road or Street" shall mean and refer to local roads or streets accepting 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)

76. "Lot" shall mean and refer to a land area with a properly recorded legal description, accessible by means of a street.

77. "Lot, Corner" shall mean and refer to a lot at the junction of and abutting two or more intersecting streets.

78. "Lot, Depth of" shall mean and refer to 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.

79. "Lot, Interior" shall mean and refer to a lot other than a corner lot or through lot.

80. "Lot Line, Front" shall mean and refer to, 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.

81. "Lot Line, Rear" shall mean and refer to 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.

82. "Lot Line, Side" shall mean and refer to any lot boundary line not a front lot line or a rear lot

line.2

83. “Lot of Record” shall mean and refer to 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.

84. “Lot, Width” shall mean and refer to the dimension of a lot, measured between side lot lines on the building line.

85. “Masonry” Brick, limestone, natural stone, cultural stone, stucco and EIFS or other similar building material or a combination of the same, bonded together with mortar to form a wall, buttress or similar mass.

86. “Market Center District” shall mean and refer to what is identified on the Zoning District Map as the Market Center District.

87. “Multi-family” District” shall mean and refer to what is identified on the Zoning District Map as the Multi-family District.

88. “Natural Materials” Brick, wood, limestone, fiber cement siding, or natural stone.

89. “Nursing Home” shall mean and refer to 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.

90. “Open/Green Space” shall mean and refer to any part of the Eagletown PUD not covered by public or private streets, alleys, private residential lots, non-residential buildings and parking areas. Open space includes but shall not be limited to areas of residential, commercial or institutional developments and/or uses such as: parks, playgrounds, wetlands, trails, water retention/detention areas, floodplains, screening buffers, yards, parking lot planting areas and other landscaped areas.

91. “Open Space, Trails and Amenity Plan” shall mean and refer to the Open Space, Trails and Amenity Plan attached hereto and incorporated herein by references Exhibit D.

92. “Outside Sales Display, Permanent” shall mean and refer to merchandise placed outside of a commercial structure for purpose of sales.

93. “Outside Sales Display, Temporary” shall mean and refer to merchandise placed outside of commercial structures only during business hours for the purpose of temporary sales or

special sales events.

94. “Outlot” shall mean and refer to 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.

95. “Overhang” The portion of the roof structure that extends beyond the exterior walls of a home offering it protection from the elements.

96. “Owner” shall mean and refer to any owner of any part of the Real Estate.

97. “Parcel” shall mean and refer to a land area with properly recorded legal description.

98. “Parcel Coverage” shall mean and refer to the total ground area, within any particular parcel, covered by the primary structures plus garages and carports and other accessory structures, which are greater than thirty-six inches above grade level, excluding fences and walls not attached in any way to the roof.

99. “Park” shall mean and refer to 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.

100. “Parking Lot Planting Areas” shall mean and refer to 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.

101. “Parking Space” shall mean and refer to an area designed or used for parking a motor vehicle which complies with Article 9 of this Eagletown PUD.

102. “Plan Commission” shall mean and refer to the Westfield-Washington Township Advisory Plan Commission.

103. “Plat” shall mean and refer to a map or chart indicating the subdivision of land, intended to be filed for record

104. “Private School” shall mean and refer to a private, preschool, primary, grade, high or preparatory school or academy.

105. “Public gathering area” shall mean and refer to a space within a subdivision common area occupied by a structure and surrounding hardscape/landscape design including seating for a minimum of 10 persons.

106. “Public Utility Installations” shall mean and refer to 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.

107. "Real Estate" shall mean and refer to the real estate described in what is attached hereto and incorporated herein by references as Exhibit A-2.

108. "Residential District 1" shall mean and refer to what is identified on the Zoning District Map as the Residential District 1.

109. "Residential District 2" shall mean and refer to what is identified on the Zoning District Map as the Residential District 2.

110. "Residential District 3" shall mean and refer to what is identified on the Zoning District Map as the Residential District 3.

111. "Residential District 4" shall mean and refer to what is identified on the Zoning District Map as the Residential District 4.

112. "Ridge line" The intersection of two horizontal roof planes, or the angle formed by them, which form the peak of a pitched area. A hip roof shall be the equivalent of only one ridge line.

113. "Right-Of-Way" shall mean and refer to a legally established property designated for transportation uses.

114. "Shield" shall mean and refer to any attachment, which interrupts and blocks the path of light emitted from a luminaire or fixture.

115. "Shrub" shall mean and refer to a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

116. "Sign" shall mean and refer to 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.

117. "Sign area" shall mean and refer to 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.

118. "Sign awning" shall mean and refer to 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.

119. “Sign, center” shall mean and refer to a means of advertising used to identify a nonresidential center, which may include individual tenant advertising.

120. “Sign, projecting” shall mean and refer to any sign attached to a building or wall and extending laterally more than eighteen (18) inches from the face of a wall.

121. “Sign, residential complex or subdivision” shall mean and refer to residential complex or subdivision sign means a sign containing the name of a residential complex or subdivision, with or without its accompanying address.

122. “Sign, Under Canopy” shall mean and refer to small signs placed under a canopy or roof overhang to direct patron traffic to the store entrance.

123. “Sign, wall” shall mean and refer to 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.

124. “Single-Family Attached District” shall mean and refer to what is identified on the Zoning District Map as the Single Family Attached District.

125. “Street” shall mean and refer to a right-of-way designated for use by motor vehicles.

126. “Thoroughfare Plan” shall mean and refer to 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.

127. “Town Council” shall mean and refer to the Westfield Town Council.

128. “Tree” shall mean and refer to a large, woody plant having one or several self-supporting stems or trunks and numerous branches.

129. “Tree, Shade” shall mean and refer to a large tree growing to over forty (40) feet in height at maturity, usually deciduous and planted to provide canopy cover shade (see *Deciduous*).

130. “Tree, Street” shall mean and refer to a tree planted along the street right-of-way.

131. “Underlying Zoning Compendium” shall mean and refer to the Underline Zoning Compendium which is part of this Eagletown PUD but which was filed with the Westfield Community Development Department as a separate Underlying Zoning Compendium.

132. “Village Marketplace District” shall mean and refer to what is identified on the Zoning District Map as the Village Marketplace District.

133. “Westfield Community Development Department” shall mean and refer to the Westfield Community Development Department or its successors.

134. “Wireless Communication Service Facilities” shall mean and refer to 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.

135. “WPWD” shall mean and refer to the Westfield Public Works Department or its successors.

136. “Yard” shall mean and refer to a space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided by this ordinance.

137. “Yard, Front” shall mean and refer to 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

138. “Yard, Rear” shall mean and refer to a yard extending across the full width of the lot between the rear of the principal building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such principal building.

139. “Yard, Side” shall mean and refer to 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.

140. “Zoning District Map” shall mean and refer to the Zoning District Map attached hereto and incorporated herein by reference as Exhibit B.

141. “Zone Map” shall mean and refer to the official zone map corresponding to the Zoning Ordinance.

142. “Zoning Ordinance” shall mean and refer to the Zoning Ordinance of Westfield-Washington Township.

143. “40’ alley load lots” shall mean and refer to a lot type accessed via an alley.

144. “50’ alley load lots” shall mean and refer to a lot type accessed via an alley.

145. “60’ alley load lots” shall mean and refer to a lot type accessed via an alley.

146. “60’ front load lots” shall mean and refer to a lot type accessed via a street.

ARTICLE II. LAND USE CONTROLS. Section 16.04.010 of the Zoning Ordinance entitled "General Provisions", as contained in the Underlying Zoning Compendium, shall be inapplicable to the use and development of the Real Estate.

ARTICLE 3. SINGLE FAMILY RESIDENTIAL DISTRICTS. The terms, conditions, and provisions of this Article III shall apply to the use and development of Residential District 1, Residential District 2, Residential District 3, Residential District 4, and the Single Family Attached District.

Section 3.1. General Requirements. Provisions for Residential Uses are as follows:

A. Accessory Buildings and Uses.

1. Accessory buildings and uses are permitted in all districts, but not prior to the erection of the principal building.

2. Accessory uses installed according to Developmental Standards and Architectural Guidelines, such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, and lamp posts, are permitted in any front, side or rear yard without the issuance of any permit.

3. Accessories, such as large ground microwave antenna dishes, are not permitted in front or side yards; however, a satellite receiver antenna which is two feet in diameter or less may be installed in accordance with the provisions of IC 36-7-4-201.1.

B. Building Lines.

1. Building lines established in a recorded subdivision shall establish the setback of buildings in such subdivisions.

2. On through lots a front building setback line is required on each street.

3. On corner lots a front building setback is required on each street.

C. Building Height. All non-residential buildings are permitted to be a maximum of forty-five (45) feet in height.

D. Home Occupations.

1. The following uses shall be permitted as Home Occupations:

a. Art studio

b. Dressmaking or tailoring

c. Professional office of a clergyman, lawyer, architect, accountant, consultant, counselor, realtor, travel agent, or computer professional.

d. Typing or other office services.

e. Teaching musical instruments, tutoring, or dancing limited to a maximum of four (4) students at any one time.

f. A business conducted entirely by mail, internet or off-site delivery.

g. Beauty Shop – limited to one chair.

h. Home garage sale not to exceed two days per year.

i. Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling.

j. Homebound schools for full-time or part-time children including residents of the home.

k. Personal motor vehicle sales not to exceed two vehicles per year. No advertising of vehicle sales will be permitted on a lot or on a vehicle on a lot.

2. Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services. There shall be no exterior storage of equipment or materials used in such home occupations.

E. Signs: See Article 16.6.B.

F. Fences. 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.

1. Fences located within any required side or rear yard of a residence must occur behind the front façade line of the building and shall not exceed six feet in height, as measured from the topmost point thereof to the ground adjacent to the fence.

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

3. 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.

4. 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.

5. 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.

G. Swimming Pools.

1. Applicability. The standards in this Article 3.1.G shall apply to all swimming pools.

2. General Standards:

a. Swimming pools shall be constructed on the same parcel as the principal building to which they are accessory.

b. Swimming pools shall not be constructed in front of the principal building.

c. Swimming pools shall be required to meet the same setback requirements as the principal structure to which they are accessory.

d. Swimming pools shall be enclosed with a fence of not less than five feet in height.

H. Sidewalks and Pathways.

1. Subdivisions shall be provided with internal sidewalks or pathways along all internal streets as well as sidewalks or pathways along perimeter streets. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network.

Section 3.2. Residential District 1: The terms, conditions, and provisions of this Section 3 shall apply to the use and development of Residential District 1. Residential District 1 is reclassified on the Zone Map from AG-SF1 Residence District Classification to Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-2 district in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said SF-2 district, as specified in the Underlying Zoning Compendium, and as modified below by the deletion, addition, or modification of provisions and text thereof, shall govern the use and development of Residential District 1.

A. Permitted Uses:

1. Single Family Detached Dwellings

2. Churches

3. Public parks

4. Accessory buildings as related to single family residential uses.

5. Temporary buildings and job site trailers for construction purposes for a period not to exceed such construction.

6. Model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons.

7. Signs as permitted by this Eagletown PUD Ordinance.

8. All utilities, both regulated and unregulated (excludes offices and/or storage facilities).

9. Child care home - in accordance with IC 36-7-4-1108

10. Residential facility for mentally ill - in accordance with IC 12-28-4-7

11. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, recreational developments, trails, swimming pools, fitness centers, clubhouses, parks, ball fields, ball courts, practice facilities, playgrounds, gardens and related storage and support facilities, all of which shall be made available to the residents within the Real Estate as specified in any Declaration.

12. Any amenity structures or facility or part thereof and adjacent amenity areas thereto may be rented out under terms and conditions approved by the Developer or Association.

B. Minimum lot area: Eleven thousand (11,000) square feet

C. Minimum Lot Frontage on Road: Fifty (50) feet.

D. Minimum Setback Lines (all construction):

1. Front yard: Twenty-five (25) feet (corner lots are required two front yard setbacks)

2 Side yard: Twenty (20) feet aggregate with a minimum of six (6) feet on either side.

3. Rear yard: Twenty (20) feet.

4. Minimum lot width at building line: Eighty-five (85) feet

E. Maximum building height: Thirty-five (35) feet.

F. Minimum ground level square footage, exclusive of porches, terraces, and garages:

1. Single story: Two thousand two hundred (2,200) square feet

2. Two story: One thousand two hundred (1,200) square feet

3. Tri-level: One thousand six hundred (1,600) square feet (basement & 1st level)

4. Story and one-half: One thousand four hundred (1,400) square feet

G. Maximum Parcel Coverage: Thirty-five percent (35%) of lot area.

H. Parking: See Article 9.

I. Architectural Standards:

1. Elevations:

a. The front elevation of a home shall be the elevation containing the front door to the home.

b. A minimum of fifty percent (50%) of the front elevation of each home (excluding openings such as doors and windows, roofs, and any area within a dormer projecting from a roof) shall have masonry as the exterior building material.

c. The surface area of all remaining elevations shall have masonry or natural materials as the exterior building material subject to any exception permitted in this Article.

d. A shake style vinyl siding shall be permitted on the front elevation where masonry is not required.

2. A home shall have a minimum of three (3) ridge lines.

3. A home shall have a minimum of three (3) corner breaks on the front and side elevations.

4. Windows:

   a. A home shall have a minimum of three (3) windows on the front facade of the structure (a home shall be permitted two (2) windows on the front façade if one additional tree is planted in the front yard).

   b. A home shall have a minimum of two (2) windows on the each of the two side facades.

   c. A home shall have a minimum of three (3) windows on the rear facade of the structure.

   d. A double window (a single window unit with two windows side by side) will count as two windows.

   e. All windows shall have either shutters and/or architectural treatment. For windows in brick façade, the treatment shall be of natural or masonry materials and be applied to the sill and header at a minimum. For windows in a non-brick façade, the treatment shall be of natural materials and be applied to the sill, header and jams. The width of the architectural treatment shall be a minimum of 1/2 the vertical reveal dimension of the base siding material.

5. A stoop or porch is required on all homes. The minimum size shall be no less than four (4) feet in width and depth.

6. The minimum roof pitch of the main roof of the residence shall be 6/12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch.

7. Roof overhangs shall be a minimum of 8”. Elements such as porches, bays, walkways, etc., may be covered with fewer inches of overhang.

8. Roof vents shall be located to the rear half of the home when possible. All vents will be positioned to be minimally visible from the street and shall be painted to match the roofing material, black, or for those made of metal, left natural.

9. No two homes of the same elevation may be constructed next door to or directly across the street from one another.

10. Garages: A minimum of forty (40) percent of the homes within the District shall have a side, rear or courtyard load garage.

11. The Director has the authority to determine if a specific house plan meets these architectural building requirements and may allow up to two deviations from the above standards. No deviation of the elevation architectural standards in permitted.

J. Lot Landscaping Requirements:

1. A minimum of two (2) shade trees and ten (10) shrubs shall be planted in each front yard.

2. A mulched area a minimum of two (2) feet in width will be provided along one hundred percent (100%) of the front façade where not obstructed by walkways and/or driveways.

3. A minimum of one (1) ornamental tree and six (6) shrubs shall be planted in each side yard.

4. A mulched area a minimum of two (2) feet will be provided along the area of the required shrub plantings.

5. Each home shall have a minimum of one shade (1) tree in the rear yard.

6. Twenty-five percent of the shrubs required under this section may be substituted with perennial plants at the rate of 4 perennials per 1 shrub.

K. Landscaping: See Article 14.

L. Lighting: See Article 15.

Section 3.3. Residential District 2: The terms, conditions, and provisions of this Section 3 shall apply to the use and development of Residential District 2. Residential District 2 is reclassified on the Zone Map from AG-SF1 Residence District Classification to Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-2 district in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said SF-2 district, as specified in the Underlying Zoning Compendium, and as modified below by the deletion, addition, or modification of provisions and text thereof, shall govern the use and development of Residential District 2.

A. Permitted Uses:

1. Single Family Detached Dwellings

2. Churches

3. Schools - public or private - without dormitory accommodations

4. Public parks

4. Concession / Mobility Rental Stand

5. Accessory buildings as related to single family residential uses

6. Fire stations

7. Temporary buildings and job site trailers for construction purposes for a period not to exceed such construction

8. Model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons.

9. Signs as permitted by this Eagletown PUD Ordinance.

10. All utilities, both regulated and unregulated (excludes offices and/or storage facilities).

11. Child care home - in accordance with IC 36-7-4-1108

12. Residential facility for mentally ill - in accordance with IC 12-28-4-7

13. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, recreational developments, trails, swimming pools, fitness centers, clubhouses, parks, ball fields, ball courts, practice facilities, playgrounds, gardens and related storage and support facilities, all of which shall be made available to the residents within the Real Estate as specified in any Declaration.

14. Any amenity structures or facility or part thereof and adjacent amenity areas thereto may be rented out under terms and conditions approved by the Developer or Association.

15. Day Care Center

B. Minimum lot area: Ten thousand (10,000) square feet, eleven thousand (11,000) square feet for lots within 50' of Eagle Parkway and Spring Mill Road.

C. Minimum lot frontage on road: Fifty (50) feet.

D. Minimum setback lines (all construction):

1. Front yard: Twenty –five (25) feet (corner lots are required two front yard setbacks)

2. Side yard: Fifteen (15) feet aggregate with a minimum of five (5) feet on either side.

3. Rear yard: Twenty (20) feet.

4. Minimum lot width at building line: Seventy-five (75) feet; eighty-five (85) feet for lots within 50' of Eagle Parkway and Spring Mill road.

E. Maximum building height: Thirty-five (35) feet.

F. Minimum ground level square footage, exclusive of porches, terraces, and garages:

1. Single story: One thousand six hundred (1,600) square feet

2. Two story: Eight hundred (800) square feet

3. Tri-level: One thousand four hundred (1,400) square feet (basement & 1st level)

4. Story and one-half: One thousand two hundred (1,200) square feet

G. Maximum parcel coverage shall be 40% of lot area.

H. Parking: See Article 9.

I. Architectural Standards.

1. Elevations:

a. The front elevation of a home shall be the elevation containing the front door to the home.

b. A minimum of fifty percent (50%) of the front elevation of each home (excluding openings such as doors and windows, roofs, and any area within a dormer projecting from a roof) shall have masonry as the exterior building material.

c. The surface area of all remaining elevations shall have masonry or natural materials as the exterior building material subject to any exception permitted in this Article.

d. A shake style vinyl siding shall be permitted on the front elevation where masonry is not required.

2. A home shall have a minimum of three (3) ridge lines.

3. A home shall have a minimum of three (3) corner breaks on the front and side elevations.

4. Windows:

   a. A home shall have a minimum of three (3) windows on the front facade of the structure (a home shall be permitted two (2) windows on the front façade if one additional tree is planted in the front yard).

   b. A home shall have a minimum of two (2) windows on the each of the two side facades.

   c. A home shall have a minimum of three (3) windows on the rear facade of the structure.

   d. A double window (a single window unit with two windows side by side) will count as two windows.

   e. All windows shall have either shutters and/or architectural treatment. For windows in brick façade, the treatment shall be of natural or masonry materials and be applied to the sill and header at a minimum. For windows in a non-brick façade, the treatment shall be of natural materials and be applied to the sill, header and jams. The width of the architectural treatment shall be a minimum of one-half (1/2) the vertical reveal dimension of the base siding material.

5. A stoop or porch is required on all homes. The minimum size shall be no less than four (4) feet in width and depth.

6. The minimum roof pitch of the main roof of the residence shall be 6/12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch.

7. Roof overhangs shall be a minimum of eight (8) inches. Elements such as porches, bays, walkways, etc., may be covered with fewer inches of overhang.

8. Roof vents shall be located to the rear half of the home when possible. All vents will be positioned to be minimally visible from the street and shall be painted to match the roofing material, black, or for those made of metal, left natural.

9. No two (2) homes of the same elevation may be constructed next door to or directly across the street from one another.

10. The Director has the authority to determine if a specific house plan meets these architectural building requirements and may allow up to two (2) deviations from the above standards. No deviation of the elevation architectural standards in permitted.

J. Lot Landscaping Requirements:

1. A minimum of two (2) shade trees, and ten (10) shrubs shall be planted in each front yard.

2. A mulched area a minimum of two (2) feet in width will be provided along one hundred percent (100%) of the front façade where not obstructed by walkways and/or driveways.

3. A minimum of one (1) ornamental tree and six (6) shrubs shall be planted in each side yard.

4. A mulched area a minimum of two (2) feet will be provided along the area of the required shrub plantings.

5. Each home shall have a minimum of one (1) shade tree in the rear yard.

6. Twenty-five percent (25%) of the shrubs required under this section may be substituted with perennial plants at the rate of four (4) perennials per one (1) shrub.

K. Landscaping: See Article 14.

L. Lighting: See Article 15.

Section 3.4. Residential District 3: The terms, conditions, and provisions of this Section 3 shall apply to the use and development of Residential District 3. Residential District 3 is reclassified on the Zone Map from AG-SF1 Residence District Classification to Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-3 district in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said SF-3 district, as specified in the Underlying Zoning Compendium, and as modified below by the deletion, addition, or modification of provisions and text thereof, shall govern the use and development of Residential District 3.

A. Permitted Uses:

1. Single Family Detached Dwellings

2. Churches

3. Schools - public or private - without dormitory accommodations

4. Public parks

5. Accessory buildings as related to single family residential uses

6. Temporary buildings and job site trailers for construction purposes for a period not to exceed such construction

7. Model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons.

8. Signs as permitted by this Eagletown PUD Ordinance.

9. All utilities, both regulated and unregulated (excludes offices and/or storage facilities).

10. Child care home - in accordance with IC 36-7-4-1108

11. Residential facility for mentally ill - in accordance with IC 12-28-4-7

12. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, recreational developments, trails, swimming pools, fitness centers, clubhouses, parks, ball fields, ball courts, practice facilities, playgrounds, gardens and related storage and support facilities, all of which shall be made available to the residents within the Real Estate as specified in any Declaration.

13. Any amenity structures or facility or part thereof and adjacent amenity areas thereto may be rented out under terms and conditions approved by the Developer or Association.

B. Minimum lot area: 7,500 square feet

C. Minimum lot frontage on road: 50 feet.

D. Minimum setback lines (all construction):

1. Front yard – 20 feet (corner lots are required two front yard setbacks)

2. Side yard – 6 feet

3. Rear yard – 20 feet

4. Minimum lot width at building line - 70 feet

E. Maximum building height: 35’

F. Minimum ground level square footage, exclusive of porches, terraces, and garages

1. Single story: 1,400 square feet

2. Two story: 800 square feet

3. Tri-level: 1,400 square feet (basement & 1st level)

4. Story and one-half: 1,200 square feet

G. Maximum parcel coverage shall be 50% of lot area.

H. Parking: See Article 9.

I. Architectural Standards:

1. Elevations:

a. The front elevation of a home shall be the elevation containing the front door to the home.

b. A minimum of fifty percent (50%) of the front elevation of each home (excluding openings such as doors and windows, roofs, and any area within a dormer projecting from a roof) shall have masonry as the exterior building material.

c. The surface area of all remaining elevations shall have masonry or natural materials as the exterior building material subject to any exception permitted in this Article.

d. A shake style vinyl siding shall be permitted on the front elevation where masonry is not required.

2. A home shall have a minimum of 3 ridge lines.

3. A home shall have a minimum of three (3) corner breaks on the front and side elevations.

4. Windows:

a. A home shall have a minimum of three (3) windows on the front facade of the structure (a home shall be permitted two (2) windows on the front façade if one additional tree is planted in the front yard).

b. A home shall have a minimum of two (2) windows on the each of the two side facades.

c. A home shall have a minimum of three (3) windows on the rear facade of the structure.

d. A double window (a single window unit with two windows side by side) will count as two windows.

e. All windows shall have either shutters and/or architectural treatment. For windows in brick façade, the treatment shall be of natural or masonry materials and be applied to the sill and header at a minimum. For windows in a non-brick façade, the treatment shall be of natural materials and be applied to the sill, header and jams. The width of the architectural treatment shall be a minimum of 1/2 the vertical reveal dimension of the base siding material.

5. A stoop or porch is required on all homes. The minimum size shall be no less than four (4) feet in width and depth.

6. The minimum roof pitch of the main roof of the residence shall be 6/12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch.

7. Roof overhangs shall be a minimum of 8”. Elements such as porches, bays, walkways, etc., may be covered with fewer inches of overhang.

8. Roof vents shall be located to the rear half of the home when possible. All vents will be positioned to be minimally visible from the street and shall be painted to match the roofing material, black, or for those made of metal, left natural.

9. No two homes of the same elevation may be constructed next door to or directly across the street from one another.

10. The Director has the authority to determine if a specific house plan meets these architectural building requirements and may allow up to two deviations from the above standards. No deviation of the elevation architectural standards in permitted.

J. Lot Landscaping Requirements:

1. A minimum of two (2) shade trees, and ten (10) shrubs shall be planted in each front yard.

2. A mulched area a minimum of two (2) feet in width will be provided along 100% of the front façade where not obstructed by walkways and/or driveways.

3. A minimum of one (1) ornamental tree and six (6) shrubs shall be planted in each side yard.

4. A mulched area a minimum of two (2) feet will be provided along the area of the required shrub plantings.

5. Each home shall have a minimum of one shade (1) tree in the rear yard.

6. Twenty-five percent of the shrubs required under this section may be substituted with perennial plants at the rate of 4 perennials per 1 shrub.

K. Landscaping: See Article 14.

L. Lighting: See Article 15.

Section 3.5. Residential District 4: The terms, conditions, and provisions of this Section 3 shall apply to the use and development of Residential District 4. Residential District 4 is reclassified on the Zone Map from AG-SF1 Residence District Classification to Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-4 district in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said SF-4 district, as specified in the Underlying Zoning Compendium, and as modified below by the deletion, addition, or modification of provisions and text thereof, shall govern the use and development of Residential District 4.

A. Permitted Uses:

1. Single Family Detached Dwellings

2. Single Family Attached Dwellings

3. Public parks

4. Accessory buildings as related to single family residential uses

5. Temporary buildings and job site trailers for construction purposes for a period not to exceed such construction

6. Model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons.

7. Signs as permitted by this Eagletown PUD Ordinance

8. All utilities, both regulated and unregulated (excludes offices and/or storage facilities).

9. Child care home - in accordance with IC 36-7-4-1108

10. Residential facility for mentally ill - in accordance with IC 12-28-4-7

11. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, recreational developments, trails, swimming pools, fitness centers, clubhouses, parks, ball fields, ball courts, practice facilities, playgrounds, gardens and related storage and support facilities, all of which shall be made available to the residents within the Real Estate as specified in any Declaration.

12. Any amenity structures or facility or part thereof and adjacent amenity areas thereto may be rented out under terms and conditions approved by the Developer or Association.

B. Minimum lot area:

1. 40’ alley load lots – 3,200 square feet

2. 50’ alley load lots – 4,400 square feet

3. 60’ alley load lots – 5,000 square feet

4. 60’ front load lots – 5,400 square feet

5. Single Family Attached Dwellings – N/A

C. Minimum lot frontage on road:

1. 40’ alley load lots – 40 feet

2. 50’ alley load lots – 40 feet

3. 60’ alley load lots – 40 feet

4. 60’ front load lots – 40 feet

5. Single Family Attached Dwellings – N/A

D. Minimum setback lines (all construction):

1. Front yard – (corner lots are required two front yard setbacks)

a. 40’ alley load lots – 10 feet

b. 50’ alley load lots – 10 feet

c. 60’ alley load lots – 10 feet

d. 60’ front load lots – 20 feet

e. Single Family Attached Dwellings – 10 feet alley load and side load, 20 feet front load

2 Side yard:

a. 40’ alley load lots – 6 feet

b. 50’ alley load lots – 6 feet

c. 60’ alley load lots – 6 feet

d. 60’ front load lots – 6 feet

e. Single Family Attached Dwellings – minimum 15’ between buildings

3. Rear yard:

a. 40’ alley load lots – 20 feet

b. 50’ alley load lots – 20 feet

c. 60’ alley load lots – 20 feet

d. 60’ front load lots – 15 feet

e. Single Family Attached Dwellings – minimum 15’ between buildings

4. Minimum lot width at building line:

a. 40’ alley load lots – 40 feet (50’ on corner lots)

b. 50’ alley load lots – 50 feet

c. 60’ alley load lots – 60 feet

d. 60’ front load lots – 60 feet

e. Single Family Attached Dwellings – N/A

5. Maximum building height:

   a. 40’ alley load lots – 35 feet

   b. 50’ alley load lots – 35 feet

   c. 60’ alley load lots – 35 feet

   d. 60’ front load lots – 35 feet

   e. Single Family Attached Dwellings – 45 feet

6. Minimum ground level square footage, exclusive of porches, terraces, and garages:

   a. Single story – 1,400 square feet

   b. Two story – 600 square feet

   c. Single Family Attached Dwellings – 700 square feet (including garage)

G. Maximum parcel coverage:

1. 40’ alley load lots – 80% of lot area

2. 50’ alley load lots – 70% of lot area

3. 60’ alley load lots – 60% of lot area

4. 60’ front load lots – 60% of lot area

5. Single Family Attached Dwellings – 100% of Lot Area

H. Parking: See Article 9.

I. Architectural Standards:

1. Elevations:

   a. The front elevation of a home shall be the elevation containing the front door to the home.

   b. A minimum of fifty percent (50%) of the front elevation of each home, excluding openings such as doors and windows, roofs, and any area within a dormer projecting from a roof, shall have masonry as the exterior building material.

c. The surface area of all remaining elevations shall have masonry or natural materials as the exterior building material subject to any exception permitted in this Article.

d. A shake style vinyl siding shall be permitted on the front elevation where masonry is not required.

2. A home shall have a minimum of 3 ridge lines. A Single Family Attached Dwelling building shall have a minimum of five (5) ridge lines.

3. A home shall have a minimum of three (3) corner breaks on the front elevation. A Single Family Attached Dwelling building shall have no minimum number of corner breaks.

4. Windows:

a. A home shall have a minimum of three (3) windows on the front facade of the structure (a home shall be permitted two (2) windows on the front façade if one additional tree is planted in the front yard).

b. A home (building in the case of a Single Family Attached Dwelling) shall have a minimum of two (2) windows on the each of the two side facades.

c. A home shall have a minimum of three (3) windows on the rear facade of the structure.

d. A double window (a single window unit with two windows side by side) will count as two windows.

e. All windows shall have either shutters and/or architectural treatment. For windows in brick façade, the treatment shall be of natural or masonry materials and be applied to the sill and header at a minimum. For windows in a non-brick façade, the treatment shall be of natural materials and be applied to the sill, header and jams. The width of the architectural treatment shall be a minimum of 1/2 the vertical reveal dimension of the base siding material.

5. A stoop or porch is required on all homes. The minimum size shall be no less than four (4) feet in width and depth.

6. The minimum roof pitch of the main roof of the residence shall be 6/12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch.

7. Roof overhangs shall be a minimum of 8”. Elements such as porches, bays, walkways, etc., may be covered with fewer inches of overhang.

8. Roof vents shall be located to the rear half of the home when possible. All vents will be positioned to be minimally visible from the street and shall be painted to match the roofing material, black, or for those made of metal, left natural.

9. No two homes of the same elevation may be constructed next door to or directly across the street from one another. Single Family Attached Dwelling buildings are not subject to this requirement.

10. The Director has the authority to determine if a specific house plan meets these architectural building requirements and may allow up to two deviations from the above standards. No deviation of the elevation architectural standards in permitted.

J. Lot Landscaping Requirements:

1. A minimum of one (1) shade trees, and six (6) shrubs shall be planted in each front yard or in front of each unit in the case of a Single Fmaily Attached Dwelling building.

2. A mulched area a minimum of two (2) feet in width will be provided along 100% of the front façade where not obstructed by walkways and/or driveways.

3. A minimum of four (4) shrubs shall be planted in each side yard (adjacent to the an exterior dwelling unit in the case of a Single Family Attached Dwelling).

4. A mulched area a minimum of two (2) feet will be provided along the area of the required shrub plantings.

5. Each home shall have a minimum of one shade (1) tree in the rear yard or per dwelling unit in the case of a Single Family Attached Dwelling building.

6. Twenty-five percent of the shrubs required under this section may be substituted with perennial plants at the rate of 4 perennials per 1 shrub.

K. Landscaping: See Article 14.

L. Lighting: See Article 15.

M. Dwelling Distribution:

1. No one dwelling type may exceed 70% of the total number of dwellings in the District.

2. A minimum of three Dwelling types shall be constructed within the District.

N. Additional Design Standard: A maximum of fifteen (15) lots is permitted adjacent to one another without a break comprised of a common area, a change in dwelling type or street right-of-way.

Section 3.6. Single-family Attached District: The terms, conditions, and provisions of this Section 3 shall apply to the use and development of the Single Family Attached District. The Single Family Attached Districts are reclassified on the Zone Map from AG-SF1 Residence District Classification to Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-A district in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said SF-A district, as specified in the Underlying Zoning Compendium, and as modified below by the deletion, addition, or modification of provisions and text thereof, shall govern the use and development of the Single-family Attached Districts.

A. Permitted Uses:

1. Single-Family Detached Dwellings

2. Single Family Attached Dwellings

3. Assisted Living Facility

4. Accessory buildings as related to single family residential uses

5. Concession / Mobility Rental Stand

6. Public Parks

7. Temporary buildings and job site trailers for construction purposes for a period not to exceed such construction

8. Model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons.

9. Signs as permitted by this Eagletown PUD Ordinance

10. All utilities, both regulated and unregulated (excludes offices and/or storage facilities).

11. Child care home - in accordance with IC 36-7-4-1108

12. Residential facility for mentally ill - in accordance with IC 12-28-4-7

13. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, recreational developments, trails, swimming pools, fitness centers, clubhouses, parks, ball fields, ball courts, practice facilities, playgrounds, gardens and related storage and support facilities, all of which shall be made available to the residents within the Real Estate as specified in any Declaration.

14. Any amenity structures or facility or part thereof and adjacent amenity areas thereto may be rented out under terms and conditions approved by the Developer or Association.

B. Minimum lot area: N/A

C. Minimum lot frontage on road: N/A

D. Minimum setback lines:

1. 30 feet from arterials

2. 20 feet from collectors and local streets

E. Maximum Building Height: 45'

f. Minimum distance between structures: 15' (6' side yard shall be applied to individual lots containing single family detached dwellings).

g. Minimum square footage per dwelling unit, exclusive of porches, terraces, and garages:

1. Single story – 1,500 square feet

2. Two and three story – 1,800 square feet

G. Minimum open space shall be 20% of total Single Family Attached District.

H. Parking: See Article 9.

I. Architectural Standards: (excluding Single Family Detached Dwellings which shall be governed by standards set fourth in Article 3.5.I)

1. Elevations:

a. Thirty percent (30%) of the surface area of the total building facade, excluding openings such as doors and windows, roofs, and

any area within a dormer projecting from a roof, shall have masonry as the exterior building material.

b. The remaining surface area shall have masonry or natural materials as the exterior building material subject to any exception permitted in this Article.

c. A shake style vinyl siding shall be permitted where masonry is not required not to exceed 30% of the total building façade.

2. Windows:

a. Each living unit shall have a minimum of three (3) windows on each facade of the structure (a living unit is permitted two (2) windows on a façade if one additional tree is planted in the corresponding yard).

b. A double window (a single window unit with two windows side by side) will count as two windows.

c. All windows shall have either shutters and/or architectural treatment. For windows in brick façade, the treatment shall be of natural or masonry materials and be applied to the sill and header at a minimum. For windows in a non-brick façade, the treatment shall be of natural materials and be applied to the sill, header and jams. The width of the architectural treatment shall be a minimum of 1/2 the vertical reveal dimension of the base siding material.

3. A stoop or porch is required on all homes. The minimum size shall be no less than four (4) feet in width and depth.

4. The minimum roof pitch of the main roof of the residence shall be 6/12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch.

5. Roof overhangs shall be a minimum of 8”. Elements such as porches, bays, walkways, etc., may be covered with fewer inches of overhang.

6. The Director has the authority to determine if a specific house plan meets these architectural building requirements and may allow up to two deviations from the above standards. No deviation of the elevation architectural standards in permitted.

J. Landscaping Requirements: (excluding Single Family Detached Dwellings which shall be governed by standards set fourth in Article 3.5.J)

1. A minimum of four (4) shade trees and ten (10) shrubs shall be planted for each dwelling unit.

2. A mulched area a minimum of two (2) feet in width will be provided along 100% of the building façade where not obstructed by walkways and/or driveways.

3. Twenty-five percent of the shrubs required under this section may be substituted with perennial plants at the rate of 4 perennials per 1 shrub.

4. Evergreen trees may be substituted for shrubs at a rate of one evergreen for every 4 shrubs.

5. Plantings may be placed throughout the Single Family Attached District.

6. Shade trees shall have a minimum caliper of 2" measured at 12" above grade. Shrubs shall be a minimum of 18" tall at planting.

K. Lighting: See Article 15.

L. Dwelling Distribution:

1. No one dwelling type may exceed 70% of the total number of dwellings in the District.

2. A minimum of three Dwelling types shall be constructed within the District.

Section 3.7. Amenities:

A. The following Amenities will be distributed throughout the Real Estate, for use by residents of districts designated by the Developer:

1. Clubhouse

2. A minimum of one large park or athletic fields complex (minimum of 25 acres in area)

3. A minimum of 5 small parks (minimum of 10,000 square feet in area)

4. A minimum of 4 swimming pools and swimming pool areas

5. A minimum of 5 playgrounds

6. Integrated trail system connecting all districts

B. Additionally, at least two of the following amenities shall also be provided within each residential district:

1. Fitness center

2. Basketball court

3. Tennis Court

4. Volleyball court

5. Putting green

6. Community garden

7. Public gathering area

8. Fishing Pond

C. Amenities required under this section will be provided within each District no later than the completion of fifty (50) percent of the dwellings within each district."

ARTICLE 4. MULTI-FAMILY DISTRICT. This district is established for high density multi-family housing units. The purpose of the Multifamily District is to provide high quality rental housing alternatives that may be developed in a design generally consistent with Exhibit "C" of the Eagletown PUD.

The Multi-family District is reclassified on the Zone Map from the AGSF-1 Residence District classification to the Planned Unit Development District classification, the underlying zoning of which shall be the MF -2 (Multi-family 2 District) in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said underlying zoning classification, specified in the Underlying Zoning Compendium, as modified below by the deletion, addition, or modification of the provisions and text thereof, shall govern the use and development of the Multi-family District.

Section 4.1. **Permitted Uses**. The following are permitted uses within the Multi-family District:

A. Single Family Detached Dwellings

B. Single Family Attached Dwellings

C. Condominiums

D. Townhomes

E. Duplexes, triplexes, and quadplexes

F. Multi-Family Dwellings

G. Accessory buildings related to uses listed below

H. Day care centers

I. Temporary buildings for construction purposes for a period of time not to exceed time of construction

J. Utilities, both regulated and unregulated (excludes offices and/or storage facilities).

K. Model homes, sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons.

L. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, recreational developments, trails, swimming pools, fitness centers, clubhouses, parks, ball fields, ball courts, practice facilities, playgrounds, gardens and related storage and support facilities.

M. Any amenity structures or facility or part thereof and adjacent amenity areas thereto may be rented out under terms and conditions approved by the Developer or Association.

Section 4.2. <u>Permitted Home Occupations</u>: The standards on Section 3.1.D shall apply.

Section 4.3. <u>Development Standards</u>:

A. <u>Maximum Dwelling Density</u> - fourteen (14) dwelling units per acre

B. <u>Maximum Number of Dwelling Units Per Structure</u> – thirty-six (36) units

C. <u>Maximum Number of Dwelling Units within the Multi-family District</u> - seven hundred (700) units

D. <u>Minimum Square Footage Per Dwelling Unit (excluding porches, terraces, carports, and garages)</u> - six hundred fifty (650) square feet

E. <u>Minimum Tract Requirement</u> – A minimum of 15 acres is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

F. <u>Minimum Lot Area</u> – None

G. <u>Minimum Road Frontage</u> – three hundred thirty (330) feet

H. <u>Minimum Setback Requirements (applied to perimeter of the Multifamily District)</u> -

1. Front Yard: thirty (30) feet along Eagle Parkway (Ditch Road extension), twenty (20) feet along all other streets.

2. Side Yard: twenty (20) feet

3. Rear Yard: twenty (20) feet

I. A minimum setback of 10’ shall be required between buildings and internal driveways/parking areas.

J. <u>Maximum building height</u>: forty-five (45) feet

K. <u>Proximity Slope</u>: – The proximity slope shall not apply to the development of the Real Estate.

L. <u>Minimum Distance Between Structures</u>: twenty (20) feet

M. Development Amenities – The MF District shall be provided with development amenities in accordance with the following requirements:

1. At least twenty (20) percent of the gross land area within the Multifamily District shall be designated as open space. The ownership of green space, how it will be protected from future development and responsibility for future maintenance must be documented and recorded with the plat.

2. The MF District shall be provided with the number of amenities within its open space as required by this section.

N. Required amenities may include, but are not limited to, clubhouses, gymnasiums, swimming pools, tennis courts, basketball courts, ball-fields (soccer, baseball, etc.), walking/jogging/biking trails, volleyball courts, and racquetball courts. Picnic/barbecue areas and playgrounds are permitted as amenities in accordance with the following standards:

1. One picnic/barbecue area, that shall include at least one barbecue grill and one picnic table, per 50 dwelling units

2. One large playground at least 5,000 square feet in area per 250 units. The amount of square feet required is the total play area including safe fall zones. Play equipment should include a variety of elements within a designated area mulched with ADA and CPSC approved safety surfacing. The play elements shall include at least the following numbers and types:

   a. Six (6) swings

   b. Three (3) detached/freestanding play elements

   c. Three (3) sliding elements

   d. Six (6) climbing elements

   e. One (1) overhead element

   f. Panels featuring play elements

   g. Decks, bridges, tunnels as required to attach various play elements to each other.

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

3. One small playground at least 2,000 square feet in area per 150 dwelling units. The amount of square feet required is the total play area including safe fall zones. Play equipment should include a variety of elements with a designated area mulched with ADA and CPSC approved safety surfacing. The play elements shall include at least the following numbers and types:

   a. Three (3) detached/freestanding play elements

   b. Three (3) sliding elements

   c. Three (3) climbing elements

   d. One (1) overhead element

   e. Panels featuring play elements

   f. Decks, bridges, tunnels as required to attach various play elements to each other.

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

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

Number of Units in Development	**Minimum Number of Amenities Provided**
1-150	2
151-300	4
301-450	5
451+	6

P. Parking: In addition to the requirements in Article 9, the following provisions shall apply:

1. Parking lots and spaces exposed to public streets or adjacent to one and two-family neighborhoods shall be screened by walls or other solid hedge row in addition to landscaping required in this Eagletown PUD.

2. Solid screens or landscape materials shall be installed when parking spaces are located within ten (10) feet of residential units and to prevent headlights from shining directly into windows.

Q. Building Materials: Masonry shall be the exterior building material on thirty percent (30%) of the facade of all buildings, excluding openings, such as doors and windows, roofs, and the area within any dormer projecting from a roof, and masonry or natural materials shall be the exterior building material on the remaining exterior façade areas of the building, excluding openings, such as doors and windows, roofs, and any façade area within a dormer projecting from a roof.

R. Transportation Accessibility:

1. Street infrastructure within the Multi-Family District may be developed as public streets or private streets. Such infrastructure shall be perpetually accessible to residents and emergency vehicles. Access easements shall be required.

2. Streets or Private Drives within the Multi-Family District shall align and connect with existing streets outside such developments and provide for connections with future adjacent developments.

3. At least two street accesses shall be provided to the Multi-Family District and adequate accessibility for emergency vehicles and school buses shall be ensured.

4. The Multi-Family District shall possess primary accesses off of primary arterials or secondary arterials.

5. Developers of the Multi-Family District may be required to construct turn lanes or acceleration/deceleration lanes on adjacent streets to maintain traffic service levels.

6. If shared access roads are constructed to serve multiple developments or multiple owners, appropriate dedication or easement documents must be submitted to ensure perpetual access to emergency vehicles and affected residents.

7. Multi-Family projects shall be provided with internal sidewalks or pathways along all internal streets as well as sidewalks or pathways along perimeter streets. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network.

S. Signs: See Article 16.

T. Landscaping: See Article 14.

U. Lighting: See Article 15.

Section 4.4. Development Plan Procedures. Development plans in the Multi-Family District

shall meet the following requirements, in addition to the other requirements set forth in this ordinance.

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 20 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.

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. Straight/unbroken, front facades shall be limited to 100 feet in length.

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 4 feet to any side lot line.

D. 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.

Section 4.5. <u>Accessory Buildings</u>.

A. <u>General Standards</u>:

1. Accessory buildings shall be constructed on the same parcel as the principal building to which they are accessory.

2. No accessory building shall be constructed upon a parcel until the construction of the principal building has been commenced.

3. The standards of this Eagletown PUD 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.

4. 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.

5. Accessory buildings must be subordinate in height, width, length and bulk to the principal building.

B. Building Location:

1. Front Setback:

a) Front Yard: No accessory buildings may be erected closer than the front building line of the principal building.

b) Side and Rear Setback – Accessory buildings must meet the minimum side and rear yard setbacks of the Multi-Family District

c) The clubhouse building shall be located a minimum of two hundred (200) feet from the front property line.

C. Building Height: Accessory buildings shall not exceed forty-five (45) feet in height.

Section 4.6. Fences. 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.

A. Fences located within any required side or rear yard of a residence must occur behind the front façade line of the building and shall not exceed six feet in height, as measured from the topmost point thereof to the ground adjacent to the fence.

B. 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.

C. 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.

Section 4.7. Swimming Pools.

A. General Standards.

1. Swimming pools shall be constructed on the same parcel as the principal building to which they are accessory.

2. Swimming pools shall not be constructed forward of the principal building.

3. Swimming pools shall be required to meet the same front and side setback requirements as the principal structure to which they are accessory. The minimum rear yard shall be ten (10) feet.

4. Swimming pools shall be enclosed with a fence of not less than five feet in height.

ARTICLE 5. BUSINESS DISTRICTS. The terms, conditions, and provisions of this Article 5 shall apply to the use and development of the Market Center District, Village Marketplace District and Garden Office District.

Section 5.1. General Requirements. The following general requirements apply to all business districts within the Eagletown PUD.

A. Groups of business uses requiring parking space may join in establishing group parking area with not less than 80% of the sum of the separate Requirements for each participating use.

B. Public parking area and loading and unloading berths shall be paved with a hard surface.

C. 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.

D. Parking may be permitted in all required Building Setback Areas in business districts.

E. 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.

F. 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.

G. A suitable planting buffer shall be provided on any business yard that abuts a residential area in accordance with Article 14 – Landscaping Standards.

H. There shall be no storage or display of merchandise outside of a building except in a permanent outside sales display area established for the purpose. Permanent outside sales display shall be permitted only in the Market Center District.

I. Outside 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 is permitted. Farmers markets and sidewalk cafes are exempt from time restrictions.

J. Pedestrian walkways shall be provided between buildings and parking areas. Sidewalk connections shall also be made between buildings and adjacent sidewalks/paths within the right-of-way.

Section 5.2. **Market Center District** - This district is established to accommodate the general business needs of the township. The purpose of this district is to allow retail development of a nature that the area will be developed in a design generally consistent with Exhibit "C" of the Eagletown PUD.

The Market Center District is reclassified on the Zone Map from the AGSF-1 Residence District classification to the Planned Unit Development District classification, the underlying zoning of which shall be the Market Center (General Business District) in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said underlying zoning classification, specified in the Underlying Zoning Compendium, as modified below by the deletion, addition, or modification of the provisions and text thereof, shall govern the use and development of the Market Center District.

A. Special Requirements.

1. Architectural Standards (see Section 5.5)

B. Permitted Uses.

1. See Article 11 (Table of Permitted Uses) for list of permitted businesses.

2. Any other business not listed which can be classified as general business will be eligible with the approval by the Director.

C. Minimum Development Plan Requirement. A minimum of 30 acres is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

D. Minimum Lot Area. None

E. Minimum Development Plan Frontage on Road. 660 Feet

F. Minimum Building Setback Lines (applied to perimeter of the Market Center District):

1. Front Yard: 80 feet along SR 32 (as measured from the right-of-way at the time of adopting the Eagle Station PUD). Forty (40) feet along Eagle Parkway (Ditch Road extension). Twenty (20) feet for all other streets

2. Side Yard: Twenty (20) feet (Zero (0) feet for interior lot lines)

3. Rear Yard: Twenty (20) feet.

G. Maximum Building Height. Not to exceed sixty (60) feet, except that the maximum height may not exceed 100 percent (100%) of the depth of the front yard. For purposes of this computation, where access to the lot is by a frontage

road which is between the lot and State Highway 32, the roadway width of such frontage road shall be added to the depth of the front yard.

H. Minimum Building Height - All Uses. Fourteen (14) feet, to the highest point of the roof for a building with a flat roof; twelve (12) feet to the lowest eaves for a building with a gable, hip or gambrel roof.

I. Minimum Gross Floor Area. Three-thousand (3,000) square feet

J. Loading and Parking. See Article 9.

1. Frontage Roads - All frontage road intersections within this corridor shall be placed a minimum of six hundred (600) feet from the right-of-way of State Highway 32.

K. Signs. See Article 16.

L. Landscaping. See Article 14.

M. Lighting. See Article 15.

Section 5.3. Village Marketplace District. The purpose of this district is to allow commercial development of such a nature that the area will be developed in a design generally consistent with Exhibit "C" of the Eagletown PUD and that overall supporting services including roads and utilities can be provided in a proper manner to accommodate the needs of business in this district.

The Village Marketplace District is reclassified on the Zone Map from the AGSF-1 Residence District classification to the Planned Unit Development District classification, the underlying zoning of which shall be the SB (Special Business District) in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said underlying zoning classification, specified in the Underlying Zoning Compendium, as modified below by the deletion, addition, or modification of the provisions and text thereof, shall govern the use and development of the Village Marketplace District.

A. Special Requirements.

1. Architectural Standards (see Section 5.5)

2. No outside storage is permitted.

B. Permitted Uses.

1. See Article 11 (Table of Permitted Uses) for list of permitted businesses.

2. Any other business not listed which can be classified as general business will be eligible with the approval by the Director.

3. Multi-family dwelling units are only permitted on the second story and above.

4. Assisted Living Facility.

C. Minimum Tract Requirement. A minimum of 40 acres is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

D. Minimum Lot Area. None

E. Minimum Development Plan Frontage on Road. Six hundred sixty (660) feet

F. Minimum Setback Lines (applied to perimeter of the Village Marketplace District).

1. Front Yard: Seventy (70) feet along SR 32 (As measured from the existing right-of-way at the time of adoption of the Eagle Station PUD).

a. Forty (40) feet along Eagle Parkway (Ditch Road extension).

b. 20 feet for all other streets (0' for interior streets)

2. Side Yard: Twenty (20) feet (zero (0) feet for interior lot lines)

3. Rear Yard: Twenty (20) feet (zero (0) feet for interior lot lines)

G. Maximum Building Height. Not to exceed sixty (60) feet, except that the maximum height may not exceed one-hundred percent (100%) of the depth of the front yard. For purposes of this computation, where access to the lot is by a frontage road which is between the lot and State Highway 32, the roadway width of such frontage road shall be added to the depth of the front yard.

H. Minimum Building Height (All Uses). Fourteen (14) feet to the highest point of the roof for a building with a flat roof; twelve (12) feet to the lowest eaves for a building with a gable, hip or gambrel roof.

I. Loading and Parking. See Article 9.

1. Frontage Roads: All frontage road intersections within this corridor shall be placed a minimum of six hundred (600) feet from the right-of-way of State Highway 32.

J. Signs: See Article 16.

K. Landscaping: See Article 14.

L. Lighting: See Article 15.

Section 5.4. Garden Office District. This district is established to provide for general office development. The purpose of this district is to allow office development of such a nature that the area will be developed in a design consistent with Exhibit C of this Eagletown PUD and that overall supporting services, including roads and utilities, can be provided in a proper manner to accommodate the needs of business in this district.

The Garden Office District is reclassified on the Zone Map from the AGSF-1 Residence District classification to the Planned Unit Development District classification, the underlying zoning of which shall be the GO (General Office District) in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said underlying zoning classification, specified in the Underlying Zoning Compendium, as modified below by the deletion, addition, or modification of the provisions and text thereof, shall govern the use and development of the Garden Office District.

A. Special Requirements.

1. Architectural Standards (see Section 5.5)

2. No outside storage or outside sales display.

3. Garden Office 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.

B. Permitted Uses.

1. See Article 11 (Table of Permitted Uses) for list of permitted businesses.

2. Any other business not listed which can be classified as general office will be eligible with the approval by the Director.

C. Minimum Tract Requirement. A minimum of five (5) acres is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

D. Minimum Lot Area: None

E. Minimum Development Plan Frontage on Road: Three hundred thirty (330) feet.

F. Minimum Setback Lines (applied to perimeter of the Garden Office District).

1. Front Yard: forty (40) feet along Eagle Parkway (Ditch Road extension)
   a. Twenty (20) feet for all other streets.

2. Side Yard: ten (10) feet

3. Rear Yard: ten (10) feet

G. Maximum Building Height: Forty-five (45) feet

H. Maximum Parcel Coverage: Eighty percent (80%)

I. Loading and Parking: See Article 9.

J. Signs: See Article 16.

K. Landscaping: See Article 14.

L. Lighting: See Article 15.

Section 5.5. Architectural Standards.

A. General Requirements.

1. Any proposed development must conform generally with the exhibits contained within the Eagletown PUD. Building Requirements are divided into the Village Marketplace District, Market Center District, and the Garden Office District, with requirements specific to each area.

2. Signage shall be in conformance with regulations of an Architectural Tenant Criteria agreement and Article 16 of the Eagletown PUD. Signs may be lit externally and internally.

3. All heating, ventilating, communication, and other similar equipment located on the roof of any facility shall be screened from view on all sides in a manner that is homogenous with the balance of the structure.

4. Street light fixtures shall be pedestrian-scale fixtures. Lighting on Streets fronting retail shall come primarily from the retail and restaurant windows. Other lighting, such as the pedestrian fixtures, should be secondary to this lighting. Wall sconces should be decorative and compatible with surrounding architecture.

5. Outparcels shown fronting State Highway 32 and Eagle Parkway shall be required to subscribe to the overall architectural theme of the subject District and buildings shall be compatible with the character of the subject District. Common design

vocabulary shall include decorative pole lighting, similar landscape palette, and use of a similar building materials palette. Outlot development should be compatible in general exterior design and materials with the primary development structure or structures. Franchise Architecture shall be modified to conform to the above noted design vocabulary.

6. Monument Signage shall be incorporated to match the general character and identity of the primary structures. Iconic elements may be used as entry treatments at Eagle Parkway and State Highway 32. Monument Signage shall be as directed in Article 16 of this Eagletown PUD.

B. Village Marketplace District.

1. The street west from the roundabout at Eagle Parkway (Depicted in Exhibit "C") is intended to be a walkable, pedestrian-oriented place which also accommodates slow moving vehicle traffic and parking. This street shall have a cross section to accommodate two moving lanes and shall have attached sidewalks on either side, with at least one row of street trees on the sidewalk on each side. This street shall be a landscaped two lane driving street with parallel parking and twelve (12) foot wide sidewalks. Crosswalks shall be emphasized with special paving emphasis to reinforce pedestrian safety.

2. The centrally located "Village Marketplace Green" shall be streetscaped to accommodate kiosks, public art, outdoor dining, entertainment and special events. Buildings on the surrounding streets shall be set to the "build to" property lines, as shown in the exhibits contained in the Eagletown PUD, in at least 50% of their length. Facades will be allowed to set back from these lines for outdoor dining or entry courtyards where businesses are located, or where facades articulation is provided. Open spaces shall be set within the Village Marketplace Green**.** All buildings fronting on the "Village Green" shall have their primary entrances face the green, but shall have four-sided architecture so that they also face important side streets. All such retail and restaurant uses shall have windows or doors occupy a minimum of sixty percent of their frontage along the Village Marketplace Green.

3. Parking access shall be provided, surrounding the Village Marketplace Green and the primary street extended west, to a series of parking areas behind buildings. Parking accesses for blocks shall be provided in the following manner:

   a. North –South streets connected by the "Loop Road"

   b. Structured Parking is permitted, as long as the exterior architecture is harmonious with the primary buildings.

4. Parking may be located in any building. Any parking structures in the blocks along the primary street or Village Marketplace Green shall be "wrapped" with

retail or office space, and in the case of residential areas, the wrap shall be residential units.

5. Sidewalks shall be a minimum of twelve (12) feet wide and have a minimum clear width for walking of ten (10) feet, unobstructed by any permanent or temporary streetscape elements, signs, displays or outdoor eating areas. Sidewalks may be used for outdoor eating or retail sales, subject to approval by the Developer.

6. Entrance Roads to the Village Marketplace District shall be streetscaped from State Highway 32 and Eagle Parkway with signage, lighting, landscaping, and clearly marked and accessible entries into properties. Certain streets may be extended through the area to connect with neighborhoods to the north, both for vehicles and pedestrians.

7. Retail, restaurant and entertainment uses are encouraged on the immediate area of the Village Marketplace Green. It is not necessary or desirable for the entire length of the Village Marketplace Green to be of a retail orientation. Retail on the first level with office and residential uses on 2nd and 3rd levels is encouraged.

8. Residential masses above the retail in the Village Marketplace District shall allow balconies, verandas and penthouse decks and shall observe "build-to" lines. Each residential building shall have offsets and setbacks, and visible vertical or horizontal reveals or protrusions that break up the visual monotony of individual buildings. Each primary building entrance facing Village Marketplace Green shall have an awning or other architectural element to protect pedestrians from rain and snow when entering and leaving the building.

9. Each roofline which is longer than one-hundred (100) shall include at least one (1) change of at least two (2) feet in roof silhouette per one-hundred (100) feet of ridgeline distance.

C. Market Center District:

1. Materials and Colors. Buildings within the Market Center District shall have a simple palette of materials which may include:

   a. Plaster, brick and stucco wall material

   b. Split-faced block concrete

   c. Glass

   d. Masonry

2. Prohibited Materials. Prohibited materials include these materials on any building:

a. Rustic materials and overlay decorative materials

b. Heavy shakes, slump block and weeping mortar

c. Plastic, plywood, aluminum or vinyl siding

3. Retail Center Development. An active street frontage extending east from the roundabout at Eagle Parkway is encouraged to reinforce the pedestrian activity of the Village Marketplace District. Although large format retail stores are allowed in this area, traffic calming effects will be introduced to encourage low-speed traffic and safe pedestrian crossings. Building facades shall be articulated with canopies and covered entrances to encourage a more pedestrian friendly environment.

D. Garden Office District:

1. Materials and Colors. Buildings within the Market Center District should have a simple palette of materials which may include:

a. Plaster, brick and stucco wall material

b. Split-faced block concrete

c. Glass

d. Masonry

2. Prohibited Materials. Prohibited materials include these materials on any building:

a. Rustic materials and overlay decorative materials

b. Heavy shakes, slump block and weeping mortar

c. Plastic, plywood, aluminum or vinyl siding

ARTICLE 6. STATE HIGHWAY 32 OVERLAY ZONE. Section 16.04.075 of the Zoning Ordinance, entitled "State Highway 32 Overlay Zone", shall be inapplicable to the use and development of the Real Estate, as appropriate standards are specified in Article 5 – Business Districts and 14 – Landscaping Standards, and the corresponding Exhibits, of this Eagletown PUD.

ARTICLE 7. STATE HIGHWAY 32 LANDSCAPE OVERLAY ZONE. Section 16.04.077 of the Zoning Ordinance, entitled "State Highway 32 Landscape Overlay Zone", as specified in the Underlying Zoning Compendium, and as modified in Section 14.8 of the Eagletown PUD by the deletion, addition, or modification of provisions and text thereof, shall govern the use and development of the applicable land uses.

ARTICLE 8. MULTI-FAMILY DEVELOPMENT PLAN, FENCING, ACCESSORY BUILDING, SWIMMING POOLS AND TRASH RECEPTACLES. Section 16.04.100 of the Zoning Ordinance, entitled (Multifamily Development Plan, Fencing, Accessory Building Requirements", shall be inapplicable to the use and development of the Real Estate, as appropriate standards are specified in Articles 3, 4, and 14 of this Eagletown PUD.

ARTICLE 9. OFF-STREET LOADING AND PARKING

Section 9.1. **Loading Berths.**

A. Loading Berths shall be screened per the requirements of Article 14-4.I of this Eagletown PUD.

B. Off-street loading berths shall be provided only to the rear and side of buildings. Loading berths are not permitted along the front façade of building.

C. Shared loading facilities may be provided for multiple businesses.

D. Business and Professional Offices, Medical Facilities, Schools, Hotels and Similar Businesses shall provide one loading berth for each one hundred thousand (100,000) square feet of space or additional fraction thereof.

E. Other business uses shall provide one (1) loading berth for businesses with five thousand (5,000) square feet to ten thousand (10,000) square feet. Two (2) loading berths shall be provided for businesses with ten thousand one (10,001) square feet to one hundred thousand (100,000) square feet. For business uses over one hundred thousand (100,000) square feet, one (1) additional berth for each additional fifty thousand (50,000) square feet.

Section 9.2. Off-street Parking. In connection with any building or structure which is to be erected or substantially altered, and which requires off-street parking spaces, there shall be provided such off-street parking space in accordance with regulations set forth hereinafter:

A. Use. Except as may otherwise be provided for the parking of trucks or for special uses, required accessory off-street parking facilities required as accessory to uses listed herein, lots shall be for the use of adjacent businesses, their patrons, occupants and employees. Areas of the lot may be designated to a specific business.

B. Location. Parking spaces must be within six hundred (600) feet walking distance from the main entrance to the building served. Parking Garages shall be encouraged.

C. Computation. When determination of the number of required parking spaces required by this section results in a requirement of fractional space, any fraction shall be counted as one parking space. On-street parking may be included in the parking count.

D. Collective Provisions for Non-Residential Uses. Off-street parking facilities for separate uses may be provided collectively if the total number

of spaces so provided is not less than 80% of the sum of the separate requirements of each such use.

E. Size. A required off-street parking space shall be at least ten (10) feet in width and at least twenty (20) feet in length, exclusive of access drives, aisles, ramps, columns. Such space shall have vertical clearance of at least seven (7) feet. Parallel parking shall require twenty-two (22) feet in length.

F. Access. Each required off-street parking space shall open directly upon an aisle or a driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

Angle of Parking Space	Aisle Width
45 degree angle	14 Feet
60 degree angle	18 Feet
90 degree angle	24 Feet

All off-street parking facilities shall be provided with appropriate means or vehicular access to a street in a manner which will least interfere with traffic movements.

G. Curbs. All parking lots (associated with non single-family residential uses) including access drives and parking spaces shall require concrete curbing.

H. Surfacing. All open off-street parking areas shall be improved with a compacted gravel or stone base, or equal, not less than four (4) inches thick, and paved. The owner is to be responsible for any replacement of blacktop to said parking area necessitated by the Town's repair of underground facilities.

I. Lighting. A system of pole lights shall be installed to provide an adequate standard of illumination over the parking lot of planned business developments during business hours and minimum security illumination during non-business hours. Emergency lighting shall be permitted during non-business hours.

J. Required Spaces. Parking spaces accessory to designated uses shall be provided to meet the following minimum requirements:

1. Residential Dwellings

a. Two (2) parking spaces for each single family dwelling in all Residential Districts (includes attached or detached).

b. In addition to the requirements of this Article 9, one (1) additional parking space shall be provided for every four (4) dwellings in the Single Family Attached District.

c. Multi-Family District: One (1) parking space for each bedroom within the dwelling units. In addition to the requirements of this Article 9, one (1) additional parking space shall be provided for every six (6) Dwellings in the Multi-Family District.

2. Hotels: One (1) parking space for each room plus one (1) parking space for each two (2) employees on day shift.

3. Churches: One (1) parking space for each four seats.

4. Theaters: One (1) parking space for each five seats

5. Medical and Dental Clinics: Three (3) parking spaces for each examining or treatment room, plus one (1) parking space for each doctor and employee in the building.

6. Establishments handling the sale and consumption of food and refreshment on the premises: One (1) parking space for each three (3) seats of serving area plus one parking space for each employee on primary shift.

7. Banks, Savings and Loans, and Financial Institutions: One parking space per each three hundred (300) square feet of floor space.

8. General Offices: One (1) parking space per each two hundred fifty (250) square feet of assignable office area.

9. Retail Uses: One (1) parking space per each three hundred (300) square feet of floor space.

10. Service Stations: One (1) parking space for each employee, plus two (2) for each service stall.

11. Parking space requirements for other uses will be determined by the Director based upon data supplied by the applicant in response to traffic and parking data requested to be furnished with the application for an improvement location permit.

9.3 <u>Bicycle Parking</u>. To read as follows: In connection with any building or structure or structure which is to be erected or substantially altered, and which

requires off-street vehicular parking spaces, there shall be provided such bicycle parking in accordance with regulations set forth hereinafter:

A. Location. Bicycle parking must be provided within six hundred (600) feet from the main entrance to the building served.

B. Required Number. Bicycle parking shall be provided to meet the following minimum requirements:

1. Residential Uses.
   a. Bicycle parking shall not be required for Single family detached and attached dwellings.
   b. Facilities designed to accommodate one (1) bicycle parking space per three (3) dwelling units shall be provided for multi-family dwellings

2. Non-Residential Uses.
   a. Facilities designed to accommodate five (5) bicycle parking spaces per one hundred (100) required vehicular parking spaces shall be provided for all non-residential uses.

3. The required bicycle parking facilities noted in this section shall be designed to accommodate a minimum of four (4) bicycles.

4. The maximum number of bicycle parking spaces required for a use under this section shall be forty (40).

ARTICLE 10. DEVELOPMENT PLAN REVIEW. Purpose: A Development Plan Review process is hereby established for the Eagletown PUD. The Development Plan Review Process shall be applicable to all zoning districts. The approval or disapproval of a Development Plan is hereby delegated to the Plan Commission or, in certain limited situations as set forth below, to the Director.

Section 10.1. Districts Designated for Development Plan Review.

A. Development Plan Approval. The approval of a Development Plan shall be a prerequisite for any: (i) new construction; (ii) building additions; (iii) new or expanded surface parking areas; (iv) new or expanded surface loading areas; (v) exterior building renovations that require a building permit; or, (vi) permanent signs that require a permit pursuant to the Zoning Ordinance.

B. Development Plan Authority.

1. The authority to approve or disapprove a Development Plan within the Real Estate is delegated to the Advisory Plan Commission.

2. The review process for Development Plans for individual outlots or blocks within a Development Plan previously approved by the Advisory Plan commission shall be delegated to the Director.

C. Development Requirements (General). Each Development Plan shall demonstrate compliance with all applicable provisions of this Eagletown PUD;

1. The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development; and,

2. The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.

Section 10.2. **Development Plan Review**. Development Requirements for each District.

A. Any Multi-Family District.

1. Site Access and Site Circulation.

a) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;

b) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,

c) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the project. Multi-family projects shall be provided with internal sidewalks or pathways along all internal streets as well as sidewalks or pathways along perimeter streets. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network.

d) Where site access has been officially approved by an agency other than the Town, the Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

2. Landscaping: See Article 14.

3. Lighting: See Article 15.

4. Signs: See Article 16.

5. Building Materials:

All new buildings or building additions located in the Multi-Family District shall meet the requirements as described in Article 4.3.

B. For the Market Center District, Village Marketplace District, and Garden Office District:

1. Site Access and Site Circulation:

a) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;

b) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,

c) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.

2. Where site access has been officially approved by an agency other than the Town, the Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

3. Landscaping: See Article 14.

4. Lighting: See Article 15.

5. Signs: See Article 16

6. Building Orientation.

a) Each building façade oriented to a Public Street shall be a finished façade.

b) No loading spaces or loading docks shall be permitted to face a public street.

6. Building Materials. In order to create variation and interest in the built environment, all new buildings or building additions applicable shall use the exterior building materials specified in Article 5.5 of this Eagletown PUD.

C. For the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, and Residential District 4:

1. Site Access and Site Circulation:

a) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;

b) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,

c) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and

efficient movement of both vehicular and pedestrian traffic in and around the subdivision.

2. Landscaping: See Article 14.

3. Lighting: See Article 15.

4. Signs: See Article 16.

5. Building Orientation: In order to create variation and interest in the built environment, all new single family subdivisions shall utilize appropriate techniques (e.g., plat restrictions, building setback lines, or other method as approved by the Plan Commission) to accomplish the design objectives as set forth below:

   At least one (1) of the following two (2) design objectives:

   a) Development of single family subdivisions in which single family lots are so laid out that dwellings are located with the front of the dwelling oriented toward the perimeter street of the subdivision. This design objective may be accomplished through the utilization of frontage road in those instances where the classification of the perimeter street would prohibit individual lots from gaining direct access to the perimeter street; or,

   b) Single family dwellings located on lots adjacent to a perimeter street of a subdivision and located so as to have a rear or side façade oriented to said perimeter street, shall not be permitted. Landscape buffers per the requirements of Article 14 of this Eagletown PUD shall be provided.

6. Development Plan as Requirement for Primary Plat Approval. Approval shall not be granted to any primary plat unless a development plan shall have been approved prior to or contemporaneous with the primary plat.

Section 10.3. Findings Required for Approval of a Development Plan. The Plan Commission or Director shall approve a Development Plan upon finding that the proposed development plan satisfies the development requirements specified in this Eagletown PUD.

Section 10.4. Plan Documentation and Supporting Information. All requests for Development Plan approval shall include the following plans:

A. Site Plan.*

B. Overall Plan.*

C. Landscape Plan. *

D. Building Elevations.*

E. Lighting Plan.*

F. Sign Plan.*

G. Site Access and Site Circulation Plan.*

H. Statement of Development Build-out.*

*****Items **not** required for an individual single family dwelling or accessory residential structure on a lot in the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, or Residential District 4.

Section 10.5. **Procedures**.

A. Application for Development Plan Approval by the Plan Commission shall be in compliance with the following procedures:

1. Pre-Filing Conference. A pre-filing conference with Staff is required prior to the filing of any Development Plan for public hearing before the Plan Commission. At the pre-filing conference, the petitioner shall provide three (3) copies of a preliminary sketch plan capable of depicting the proposed development. Staff may take up to ten (10) business days to review the proposed sketch plan and provide comments back to the petitioner. The petitioner is encouraged to incorporate the comments received from Staff into the design of the project prior to filing for Development Plan approval.

   Notwithstanding anything contained in this Eagletown PUD to the contrary, neither the Staff's conceptual review of the sketch plan nor Staff's comments to the petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed Development Plan.

2. Who May File. Development Plans may be initiated by a petition signed by the owners of the land involved in the petition, or the owner's authorized agent and the Developer. If an authorized agent files a petition, a signed and notarized consent form must accompany the application.

3. Filing Deadline. All Development Plans shall be filed at least forty (40) days prior to the initial public meeting at which they are to be considered by the Plan Commission.

4. Forms of Filing. All Development Plans for public hearing by the Plan Commission shall be on forms provided by the Community Development

Department. In addition, Site Plans, Overall Plans, Landscape Plans, Building Elevations, Lighting Plans, Sign Plans, Site Access and Site Circulation Plans, surveys, legal descriptions, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality. The number of copies of all petitions and supporting documentation required to be filed shall be as established by the Community Development Department.

5. Findings of Fact. The petitioner shall, at the time of filing of the petition, file proposed detailed written findings of fact.

6. Specifying Request. All Development Plans shall specify the approvals or waivers requested. Any items, even if indicated on the proposed Site Plan, Overall Plan, Building Elevations or Site Access and Site Circulation Plan, shall not be considered a part of the request presented to the Plan Commission for its consideration unless specified in the Development Plan.

7. Docketing by the Community Development Department. Each Development Plan filed shall be reviewed for completeness. All Development Plans which are determined to be in proper form pursuant to the guidelines established by the Community Development Department shall, within ten (10) days of filing, be numbered and docketed by the Staff for an initial hearing by the Plan Commission.

8. Investigation of Petitions. Upon assignment of a number and hearing date, a copy of the Development Plan and relevant supporting documentation shall be distributed to members of Staff and the members of the Technical Advisory Committee for review and comment.

   The Director may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Staff concerning the proposal contained in the Development Plan and a report from members of the Technical Advisory Committee. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.

9. Notice Requirements. All notices for public hearings regarding a Development Plan Approval before the Plan Commission shall be provided in accordance with the Plan Commission's Rules of Procedure. Any Development Plan, which has been delegated to Director for approval, may occur without public notice and without a public hearing. All detailed development plan approvals are delegated to the Director.

B. Application for Development Plan Approval by the Director shall be accomplished in compliance with the following procedures:

1. All Development Plans for approval by the Director shall be on forms provided by Community Development Department. In addition, Site Plans, Building Elevations, surveys, legal descriptions, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality. The number of copies of a Development Plan and supporting documentation required to be filed shall be as established by the Community Development Department.

2. Contact the Director to make an appointment to deliver the Development Plan and provide a brief explanation of the proposed development.

3. Director shall have a period of not more than fifteen (15) days in which to review the proposed Development Plan and either make a decision concerning the Development Plan or request, in writing, additional information from the applicant.

4. Director may seek the advice and comment of members of Staff or the Technical Advisory Committee prior to making a decision.

5. Any Development Plan, which has been delegated to the Director, may occur without public notice and without a public hearing.

6. Appeals of Determinations by Director. Any determination of the Director made under the authority of this Chapter may be appealed by any interested party to the Plan Commission within five (5) business days of such decision by filing a letter with the Plan Commission. Such letter shall request a hearing on the matter by the Plan Commission at the Plan Commission's next regularly scheduled meeting for which published notice of the appeal pursuant to I.C. 5-3-1 can be provided.

C. Fees. In order to defray administrative costs, the following fees shall be applicable:

1. Development Plans filed for Plan Commission approval – See the Adopted Fee Schedule or,

2. Development Plans filed for Director's approval – included in the building permit fee.

The applicant shall pay all fees at the time of filing of a Development Plan.

D. Hearings. All public hearings regarding a Development Plan before the Plan Commission shall be conducted in accordance with the procedures set forth in the Rules of Procedure of the Plan Commission and in this Subsection I.

E. Amendments.

1. Amendments to Development Plans pending determination by the Plan Commission.

a) Amendments Proposed at a Public Hearing. The applicant may make amendments to Development Plans pending determination by the Plan Commission at any time prior to a vote being called for by the Plan Commission. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the consideration of such amended Development Plan to the next meeting of the Plan Commission.

The Plan Commission, in its sole discretion, may assign a continued Development Plan to a committee of the Plan Commission for further review and evaluation prior to the next meeting of the Plan Commission.

If amendments are presented by the Petitioner and agreed to by the Plan Commission at the public hearing, revised plans indicating all amendments, as approved by the Plan Commission, shall be filed with the Community Development Department within thirty (30) days of the Plan Commission hearing or prior to the issuance of an Improvement Location Permit, whichever is earlier.

b) Amendments to Development Plans Prior To Preparation of a Staff Report. In order for the written Staff Report regarding a Development Plan to include comments and recommendations related to plans amended in response to comments provided by Staff or members of the Technical Advisory Committee, any such amendments must be received by Staff at least two (2) weeks prior to the scheduled public hearing by the Plan Commission.

If the Director determines that additional changes have been made to the Development Plan beyond those necessary to comply with the recommendations of Staff or members of the Technical Advisory Committee, the Director may continue the public hearing of the Development Plan before the Westfield – Washington Township Plan Commission and require the re-submittal of the amended plans for review by Staff and members of the Technical Advisory Committee.

2. Amendments to Development Plans Pending Determination by the Director. The applicant may make amendments to Development Plans pending determination by the Director at any time prior to a determination being made by the Director. If, in the sole discretion of the Director, the proposed amendment is of such a nature that additional time is needed for review, the amended Development Plan shall be deemed a new filing and shall be reviewed within the time frames set forth in WC 16.04.165, I., 2., above for the initial review of Development Plans by the Director.

3. Amendments to Approved Development Plans. Minor amendments to Development Plans which have already received approval from the Plan Commission or the Director and which do not involve: (a) an increase in height, area, bulk or intensity of land uses; (b) the designation of additional land uses; (c) the reduction in perimeter yards; (d) the addition of driveways or access points; or, (e) reduction in the amount of parking for any use, may be authorized by the Director without a public hearing in its continuing administration of the Development Plan if, in the determination of the Director, the requested minor amendments do not adversely impact the purpose or intent of the overall development.

   Such minor amendments authorized by the Director shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

   If the Director determines that the proposed minor modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes an increase in intensity of any land use or if the proposed modification includes the designation of an additional land use(s), petitioner shall be required to file a new petition for Development Plan Approval.

   Any decision of the Director regarding the amendment of Development Plan may be appealed by any interested party to the Plan Commission within thirty (30) days of such determination.

F. Signature for Findings. All findings specified above for the approval of a Development Plan shall be reduced to writing and signed by the Director of the Community Development Department in the case of a determination by the Director, or by the President of the Plan Commission in the case of a determination by the Plan Commission, and retained as a part of the permanent record of the determination.

Section 10. 8. <u>Plan Documentation</u>. This section applies to all Development Plan Applications requiring Plan Commission Review.

A. This section applies to all Development plan Applications requiring Plan Commission Review. A site plan (indicates the nature of the proposed development) filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

1. North arrow;

2. Graphic scale;

3. Address of the site;

4. Proposed name of the development;

5. Area map insert showing the general location of the site referenced to major streets, section lines and Alternative Transportation System, as well as the zoning and land use of adjacent property;

6. Legal description of the site;

7. Boundary lines of the site including all dimensions of the site;

8. Names, centerlines and right-of-way widths of all streets, alleys and easements;

9. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines or building setback lines;

10. Location and dimensions of all existing structures, including paved areas;

11. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;

12. Location and name of all existing and proposed public or private streets, access easements, Alternative Transportation System, and rights-of-way within two-hundred (200) feet of the site;

13. Location of all floodway and floodway fringe areas within the boundaries of the site;

14. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;

15. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - # of parking

spaces required and provided, residence - # of dwelling units per net acre, office - gross floor area);

16. Structures proposed for demolition should be indicated as such;

17. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);

18. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);

19. All improvements to street system on-site and off-site;

20. Plan for sidewalks or Alternate Transportation System;

21 Measurement of curb radius and/or taper;

22. Names of legal ditches and streams on or adjacent to the site;

23. Location and type (e.g. ground, pole, wall) of all signs on the site;

24. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails or other similar uses;

25. Existing zoning and land use of all adjoining real estate; and,

26. All Elements as required by the Westfield Public Works Department and Town of Westfield.

27. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

28. Director, in its sole discretion, may, in writing, waive or relax any of the Site Plan requirements listed above, which are not necessary to support a thorough review of the project.

B. This section applies to all Development plan Applications requiring review by the Director. A site plan (indicates the nature of the proposed development) filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

1. North arrow;

2. Graphic scale;

3. Address of the site;

4. Legal description of the site;

5. Boundary lines of the site including all dimensions of the site;

6. Names, centerlines and right-of-way widths of all streets, alleys and easements;

7. Location and dimensions of all existing structures, including paved areas;

8. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;

9. Location of all floodway and floodway fringe areas within the boundaries of the site;

10. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;

11. Use of each structure by labeling and size (e.g. one story house – 1,200 sq. ft., detached garage – 576 sq. ft., storage shed – 120 sq. ft.);

12. Structures proposed for demolition should be indicated as such;

13. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);

14. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);

15. Measurement of curb radius and/or taper;

16. Names of legal ditches and streams on or adjacent to the site; and,

17. All Elements as required by the Westfield Public Works Department and Town of Westfield.

18. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

19. Director, in its sole discretion, may, in writing, waive or relax any of the Site Plan requirements listed above, which are not necessary to support a thorough review of the project.

C. Overall Plan (Not required for single family dwellings or accessory residential structure on a lot in the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, or Residential District 4). An Overall Plan (if applicable, indicates the nature of the subject project and its relationship to the major features of the larger integrated center of which the project is a part) filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

1. North arrow;

2. Graphic scale;

3. Address of the site;

4. Proposed name of the development;

5. Area map insert showing the general location of the site referenced to major streets, section lines and Alternative Transportation System, as well as the zoning and land use of adjacent property;

6. Legal description of the site;

7. Boundary lines of the site including all dimensions of the site;

8. Names, centerlines and right-of-way widths of all streets, alleys and easements;

9. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines and/or building setback lines;

10. Location and name of all existing and proposed public or private streets, access easements, Alternative Transportation System, and rights-of-way within two-hundred (200) feet of the site;

11. Location of all floodway and floodway fringe areas within the boundaries of the site;

12. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;

13. All improvements to street system on-site and off-site;

14. Plan for sidewalks or Alternate Transportation System;

15. Location, dimensions, and type (e.g. ground, pole, wall) of all signs on the site. Include separate elevations of proposed sign structures with all dimensions drawn to scale;

16. Areas reserved for park, recreation, conservation, wetland, common area, lake or other similar uses;

17. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

18. Director, in its sole discretion, may, in writing, waive or relax any of the Overall Plan requirements listed above, which are not necessary to support a thorough review of the project.

D. Landscape Plan (Not required for single-family dwellings or accessory residential structure on an individual lot in the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, or Residential District 4). Landscape Plans filed in connection with the submission of a Development Plan shall: indicate compliance with the requirements of Article 14 - Landscaping Standards; be drawn to scale of not more than 1"=100'; and, include the following items:

1. Names and addresses of owners, developers, plan preparers, plan preparation dates, graphic scale of drawings, and north arrow;

2. Address of the site;

3. Proposed name of the development;

4. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;

5. Locations, quantities, sizes and names (botanical names and common names) – of planting materials;

6. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;

7. Locations of barriers to be placed at or beyond the driplines of trees to be preserved and types of materials to be used for barriers;

8. Planting and installation details as necessary to ensure conformance with required standards;

9. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill;

10. Tables clearly displaying relevant statistical information, including numbers of existing trees, numbers of trees to be preserved, etc.;

11. Overlay sheets at the same scale as landscape plans that display locations, sizes, and common names of individual trees that measure eight (8) inches or more in caliper, areas of dense trees or shrubs, and other natural areas which are to be preserved or removed; and,

12. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

13. Director, in its sole discretion, may, in writing, waive or relax any of the Landscape Plan requirements listed above, which are not necessary to support a thorough review of the project.

E. Building Elevations. Building Elevations filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:

1. Address of the site;

2. Proposed name of the development;

3. Graphic scale;

4. Elevations for each facade of the building;

5. Specification or sample of the type and color of building materials to be used for all wall, window, roof and other architectural features;

6. A separate true color rendering of the proposed building, including any proposed wall sign; *

7. Placement, size, color and illumination details for any proposed wall sign;*

8. Details of any exterior architectural lighting proposed on or around the building;

9. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

10. Director, in its sole discretion, may, in writing, waive or relax any of the Building Elevation requirements listed above, which are not necessary to support a thorough review of the project.

*****The foregoing Building Elevations and specified detail shall not be required for residences in the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, or Residential District 4.

F. Lighting Plan (Not required for single family dwellings or accessory residential structure on a lot in the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, or Residential District 4). Lighting Plans filed in connection with the submission of a Development Plan shall: indicate compliance with the requirements of Article 15. Lighting Standards, be drawn to scale of not more than 1"=100', and, include the following items:

1. North arrow;

2. Graphic scale;

3. Address of the site;

4. Proposed name of the development;

5. Boundary lines of the site including all dimensions of the site;

6. Location and dimensions of all existing structures, parking areas and walkways;

7. Type and location of all exterior of lighting fixtures, including, wattage and type of light;

8. Intensity of lighting at base of light structure and at the lot line measured in foot-candles;

9. If architectural building lighting is proposed, indicate the location, type and intensity of lighting on each building façade. (If architectural building lighting is proposed, the photometric plan required in item h. above, shall include the architectural building lighting in the measurement of overall light intensity at the lot line.);

10. Timing of lighting and method of control of lighting; and,

11. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

12. Director, in its sole discretion, may, in writing, waive or relax any of the Lighting Plan requirements listed above, which are not necessary to support a thorough review of the project.

G. Sign Plan (Not required for single family dwellings or accessory residential structure on a lot in a the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, or Residential District 4). Sign Plans filed in connection with the submission of a Development Plan shall; indicate compliance with the requirements of Article 16 - Sign Standards; be drawn to scale; and, include the following items:

1. Address of the site;

2. Proposed name of the development;

3. Graphic scale;

4. A site plan indicating the location of any existing or proposed freestanding signs;

5. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;

6. Elevation of proposed signs including size, materials and color;

7. A true color rendering of the proposed signs;

8. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination; and,

9. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

10. Director, in its sole discretion, may, in writing, waive or relax any of the Sign Plan requirements listed above, which are not necessary to support a thorough review of the project.

11. All signs and areas for the signs, residential, non-residential, and temporary, will be in accordance within Town construction Standards and Specifications. A sign plan for the entire development shall be submitted and approved by the Community Development Department and WPWD.

Any non-standard road signs that are proposed will be the responsibility of the Developer or the HOA to replace after installation. WPWD will only replace signs that are standard to the current "stock" signs utilized by WPWD.

H. Site Access and Site Circulation Plan (Not required for a single-family dwelling or accessory residential structure on a lot in the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, or Residential District 4). A Site Access and Site Circulation Plan shall be required for all development, except individual single-family homes. The Site Access and Site Circulation Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

1. North arrow;

2. Graphic scale;

3. Address of site;

4. Proposed name of the development;

5. Area map insert showing the general location of the site referenced to major streets, section lines and Alternate Transportation System;

6. Names, centerlines and right-of-way widths of all streets, alleys and easements;

7. Location and name of all existing and proposed public or private streets, access easements and rights-of-way within two-hundred (200) feet of the site;

8. Location of any proposed or existing driveway onto a street or alley and its width at the lot line;

9. Depictions of all travel lanes, turning movements, vehicle storage areas and tapers, including dimensions, at all driveways;

10. All improvements to the street system on-site and off site;

11. Centerline measurements between all existing and proposed driveways within two-hundred (200) feet of the site;

12. Measurement of curb radius and/or taper;

13. Location and dimensions of primary vehicular ways in and around the proposed development;

14. Location of any proposed or existing sidewalk or pathway;

15. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

16. The Site Access and Site Circulation Plan requirements listed above may be incorporated into the required Site Plan.

17. Director, in its sole discretion, may, in writing, waive or relax any of the Site Access and Site Circulation Plan requirements listed above, which are not necessary to support a thorough review of the project.

I. Traffic Impact Study (Not required for individual single-family dwellings or accessory residential structure on a lot in the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, or Residential District 4). A Traffic Impact Study shall be required when a proposed development will meet or exceed the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) 150 or more dwelling units; (ii) 15,000 square feet or more of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more square feet of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or, (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction). A registered professional engineer shall prepare the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, an applicant shall meet with the Staff of the Community Development Department and WPWD to determine an appropriate scope for the Traffic Impact Study.

J. Statement of Development Build-Out (Not required for a single-family dwelling or accessory residential structure on a lot in the Single Family Attached District, Residential District 1, Residential District 2, Residential District 3, or Residential District 4). Petitioner shall indicate, either on the submitted site plan, overall plan or in writing, a statement of: (i) the order of development of the major infrastructure elements of the project; (ii) project phase boundaries, if any; (iii) the order and content of each phase; and, (iv) an estimate of the time frame for build-out of the project.

ARTICLE 11. EAGLETOWN PUD - TABLE OF PERMITTED USES

PUD Districts	Market Center District	Village Marketplace District	Garden Office District
Residential Uses			
Multifamily		x	
Condominiums		x	
Nursing Homes, Retirement Centers, Board &Care Centers		x	
Assisted living facilities		x	
Business Uses			
Accountants, Architects, Engineers, Consultants		x	x
Amphitheaters		x	
Antiques	x	x	x
Hotels, Motels, Bed and Breakfasts	x	x	
Art Schools		x	x
Artisan School		x	x
Assembly Hall		x	x
Artisan, pottery, craft production shop	x	x	
Auditoriums		x	x
Auto Parts Sales	x		
Auto Rental	x		
Auto Repair Garages	x		
Auto Rustproofing	x		
Auto Storage	x		
Auto sales, New or used, service	x		
Bakeries	x	x	
Banks, S&Ls and Financial Institutions with or without drive-through	x	x	
Barber, beauty shops, spas, tanning salons, fitness centers	x	x	x
Barber and Beauty Schools		x	x
Bicycle and electric scooter sales, service and repair	x	x	
Billiard Parlor		x	
Blueprinting,photocopying Job Printing	x	x	
Boat and Trailer Sales and Service			
Book stores	x	x	
Bowing Alley	x		
Business and Clerical Schools			x
Bus Stations	x		

ARTICLE 11. EAGLETOWN PUD - TABLE OF PERMITTED USES

PUD Districts	Market Center District	Village Marketplace District	Garden Office District
Bus Stops	x	x	x
Camera stores	x	x	
Caskets and Casket Supplies	x		
Charitable donation Pick-Up Staion	x		
Charitable Institution		x	x
China and Glassware Shops		x	
Churches, Chapels, and Places of Worship		x	
Civic centers		x	
Civic Clubs		x	x
Coin shops		x	
Commercial Parking Lots and Structures	x	x	x
Commissary, Food Catering Services	x	x	
Consumer Service Office	x	x	x
Crating and Packaging Service	x	x	
Credit Union Offices	x	x	
Custard, Ice Cream, Dessert, Candy Shops	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	x	
Discount Stores-Under 10,000 sq.,ft	x	x	
Discount stores over 10,000 sq.ft	x		
Distributors--Inside Storage	x		
Drive Through Food and Beverage	x	x	
Drive-In food and Beverage	x	x	
Drug Stores	x	x	
Dry cleaning and Laundry Pick up with and without Drive-Through	x	x	
Educational Institutions Public and Private		x	x
Electrical or non-polluting vehicle service, rental & sales	x		
Electrical Supply Store	x		
Electronics, computer, cable, TV, Internet & related sales & service	x	x	
Embalming School			x
Employment Agencies	x		
Exhibition Halls		x	
Fabric Shops	x	x	
Floor Coverings	x		

ARTICLE 11. EAGLETOWN PUD - TABLE OF PERMITTED USES

PUD Districts	Market Center District	Village Marketplace District	Garden Office District
Florists	x	x	
Frozen Food Stores and Lockers	x		
Fruit Stands, Permanent		x	
Fruit Stands, Temporary(Farmers Mkt)		x	
Furniture Stores	x	x	
Furrier Shops		x	
Galleries		x	
Garden and Lawn Materials and Supply Stores	x		
Gasoline stations	x		
Gift Shops	x	x	
Government Offices-Universities		x	x
Greenhouses, Retail	x		
Grocery Stores	x	x	
Health, Fitness, and Exercise Center	x	x	x
Hardware Stores	x	x	
Hobby Shops	x	x	
Home Remodeling Company	x	x	
Home Remodeling Supplies and Materials	x		
Hospitals(Minor), Medical and Dental Clinics and Labs	x	x	x
Insurance Companies	x	x	x
Interior Decorating		x	
Jewelry Stores	x	x	
Language Schools		x	x
Laundromats and Self-Service Dry Cleaning	x		
Lawyers		x	x
Libraries		x	x
Liquor stores	x	x	
Loan Offices	x	x	x
Locksmith Shops	x		
Luggage Stores	x	x	
Mail Order Stores	x	x	
Major Appliance Store	x	x	
Millinery		x	
Miniature golf, batting range, rock climbing & other small recreation	x		
Mortuaries	x		
Motorcycle sales, rental and service (indoor display)	x		
Museums		x	

ARTICLE 11. EAGLETOWN PUD - TABLE OF PERMITTED USES

PUD Districts	Market Center District	Village Marketplace District	Garden Office District
Music, Records, Instruments	x	x	
Music Schools		x	x
Newspaper Distribution Station	x	x	x
Newspaper Publishing			x
Nursery-Plants, Retail	x		
Optometrists	x	x	x
Paint and Wallpaper Stores	x	x	
Pet Grooming	x	x	
Pet Shops	x	x	
Philanthropic Institutions		x	x
Photography School	x	x	x
Photography Studio	x	x	
Photography Supplies	x	x	
Physicians and other Health Care Personnell	x	x	x
Picture Framing	x	x	
Plumbing Showrooms and Shop	x		
Police Stations	x	x	
Post Offices		x	
Printing and Photocopying, small Jobs	x	x	
Professional and & Technical Schools			x
Real Estate Offices	x	x	x
Recycling Collection Centers, Drop Off (small)	x		
Restaurants and dining facilities having > 50% gross sales from food	x	x	
Restaurants and dining facilities having < 50% gross sales from food	x	x	
Restaurants with Live Entertainment	x	x	
Roller and Ice Skating Rinks		x	
Root beer, coffee, non-alcoholic beverage store with or without drive thru	x	x	
Semi-Automatic Car Wash	x		
Sewing Machine Sales and Service	x		
Shoe Repair	x	x	
Shoe Stores	x	x	
Sporting Goods	x	x	
Stationery Stores	x	x	
Tailor or Seamstress		x	
Tennis Facilities	x		x
Testing Laboratories			x

ARTICLE 11. EAGLETOWN PUD - TABLE OF PERMITTED USES

PUD Districts	Market Center District	Village Marketplace District	Garden Office District
Theaters-Indoor		x	
Tire and Auto Service Center	x		
Tobacco Shops		x	
Tool and light Equipment Rental	x		
Toy Stores	x	x	
Travel Bureaus	x	x	
Upholsters	x		
Veterinarians-Small Animals, No Outdoor Runs	x		
Wearing Apparel and Accessory Shops	x	x	
Wholesalers-Inside Storage	x		
Christmas Tree Sales	x	x	
Convents, Manasteries, Theological Schools			x
Fraternities, Lodges		x	x
Day Care Centers		x	x
Heliports			x
Hospitals	x	x	x
Office Buildings-General Purpose	x	x	x
Private Clubs and Lodges		x	x
Racquetball and Handball Clubs, Fitness Centers, and Sqas	x	x	x
Rehabilitation Centers		x	
Scientific and other Research Laboratories and Facilities			x
Schools and Kindergartens			x
Tennis and Swim Clubs			x
Utilities-Regulated except transmission substations and power generation	x	x	x
Utilities-Unregulated except facilities that create air or noise pollution	x	x	x
Video, DVD Stores	x		
Wireless Communicaton Devises, Sales and Service	x	x	x
Wireless Communications Towers or Transmission Facilities	x		

ARTICLE 12. PRINCIPALS AND STANDARDS OF DESIGN.

Section 12.1. General. Subdivision plans shall conform to the principles and standards which are contained in this section or as may be further supplemented by "Construction Standards" adopted by the Westfield Town Council and administered by the Westfield Public Works Department.

Section 12.2. Streets.

A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.

B. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.

C. Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

D. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

E. Widths of streets shall conform to the standards specified in the Hamilton County Thoroughfare Plan and the Westfield Thoroughfare Plan.

F. The maximum length of cul-de-sacs shall be eight hundred and fifty (850) feet measured along the centerline from the intersection at origin to the center of the circle. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of one hundred (100) feet for streets abutting single family residential districts seventy (70) feet for alleys abutting single family residential districts and one hundred twenty (120) feet for streets abutting all other districts. If lengths greater than six hundred (600) feet are allowed, a turn around point must be provided at approximately half way between the intersection and the cul-de-sac. Where a cul-de-sac is greater than four hundred (400) feet in length, a sidewalk shall be constructed between the end of the cul-de-sac and the adjacent street.

G. Alleys shall be encouraged in residential districts and may be included in commercial and industrial areas where needed for loading, unloading, or access purposes. Alleys shall be at least sixteen (16) feet in width with a twenty (20) foot right-of-way. No alley shall terminate in a dead end.

H. At intersections of streets the property line corners shall be rounded by arcs with radii of not less than twenty (20) feet, or by chords of such arcs.

I. If the smaller angle of intersection of two streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Plan Commission.

J. Intersections of more than four (4) streets at one (1) point shall not be permitted.

K. Where parkways or special types of streets are involved, details of the design will be supplied.

L. When subdividing land, consideration shall be given to all natural features, such as existing stands of trees, streams and creeks, historic locations, or similar conditions which, if preserved, will add attractiveness and value to the community.

M. A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turn-around shall be provided for any such temporary dead-end street which extends 200 feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended and shall be confirmed per the Westfield Public Works Department's specifications.

N. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center line in accordance to the town construction standards and specifications.

O. Curvature measured along the center line shall have a minimum radius as follows:

1. Primary Arterials and Secondary Arterials: Six hundred seventy-five (675) feet

2. Collectors: Three hundred (300) feet

3. Local Roads or Streets: One hundred fifty (150) feet

P. Between reversed curves on primary arterials and secondary arterials there shall be a tangent of not less than 100 feet; on local roads and streets such tangent shall be not less than 40 feet.

Q. Maximum grades for streets shall be as follows:

1. Primary arterials and secondary arterials; not greater than five percent (5%).

2. Collectors and local roads and streets, not greater than eight percent (8%).

R. The minimum grade of any street gutter shall not be less than five-tenths percent (0.5%).

S. No fence, wall, hedge, tree, or shrub planting which obstructs sight lines and elevations between three (3) and twelve (12) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the inside curb lines and a line connecting points:

1. Twenty-five (25) feet from intersections of Collectors or Local Roads or Street,

2. Twenty (75) feet from intersections of Expressways, Primary Arterials, or Secondary Arterials, and

3. Five (10) feet from intersections of driveways or alleys.

In the case of rounded property corners, the above distances shall be measured from the point at which the inside curb lines would intersect if they were not to have been rounded at the corner. Clear zone and site distance shall be in accordance with the INDOT Road Design Manual.

T. No driveway shall be located within twenty-five (25) feet of the intersection of two street lines. Individual access driveways within 600' of State Road 32 will be permitted only with a right-in configuration and only where a center median separates opposing traffic lanes. No full access shall be permitted between State Road 32 and an interior frontage drive at entrance locations along State Road 32.

U. Minimum Right-of-way Width - Minimum right-of-way widths that are required to be dedicated to Hamilton County or the Town of Westfield are established as follows:

1. Primary Arterial 1- (State Road 32) - varies, minimum of seventy-five (75) feet of' half right-of-way

2. Primary Arterial 2 - (Eagle Parkway east of Springmill Road) - One hundred thirty (130) feet; One hundred fifty (150) feet intersections.

3. Secondary Arterials (Eagle Parkway west of Springmill, 186th Street west of Eagle Parkway, Spring Mill/Six Points Road) – One hundred twenty (120) feet; One hundred fifty (150) feet intersections.

4. Collectors – (186th Street east of Eagle Parkway, Casey Road, new Casey Road, Eagletown Road, 193rd west of Six Points Road) - One hundred (100) feet; One hundred thirty (130) feet intersections.

5. Local Roads and Streets – fifty (50) feet

V. At the intersection of any proposed Local Road or Street with and Expressway, Primary Arterial, Secondary Arterial, or Collector; acceleration lanes, deceleration lanes, passing blisters, or left turn lanes may be required to be constructed.

W. Standards for frontage places shall be submitted to the Westfield Public Works Department for review and approval prior to the submittal of a Primary Plat and Development Plan Application for a subdivision utilizing frontage places.

X. Full cut access to frontage roads at Eagle Parkway should be a minimum of 600' from the State Road 32 right-of-way.

Y. Right-of-way necessary for the future construction of roundabouts shall be provided at the intersection of all Arterial and Collector roadways. Parking and building setbacks including landscaping requirements shall still be measured from the right-of-way widths prescribed under Section 12.2.U of this ordinance in these cases.

Z. Roundabouts and the approaches should be designed for 40 mph for arterials and 30 mph for local and collector roadways. On Collectors and arterials roundabouts shall be designed to accommodate a WB-67 design vehicle.

Section 12.3. Blocks.

A. Block lengths should be at least two lot depths in length or approximately 300 feet.

B. The maximum block length shall be one thousand six hundred (1600) feet.

C. Blocks shall be of sufficient width to permit two tiers of appropriate depth, except where an interior street parallels an expressway, primary arterial, or secondary arterial.

Section 12.4. Lots.

A. All lots in the R1, R2, R2, and R4 Districts (excluding Single Family Attached Dwellings) shall abut on a street.

B. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets, some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

C. Corner residential lots shall be of sufficient width to permit appropriate setbacks from both streets.

Section 12.5. Easements. Easements for utilities shall be provided. Such easements shall have a minimum width of 20 feet, and where located along lot lines, one-half of the width shall be taken from each lot. Before determining the location of easements the plan shall be discussed with the local public utility companies to assure their proper placing and the installation of such services.

Section 12.6. Building Setback Lines. See zoning districts.

Section 12.7. Open Space.

A. See Article 17 for open space provisions. A minimum of 21 percent of the aggregate area of all districts shall be provided as open space. For example if the aggregate area of all the districts is 930 acres then a minimum of 195.3 acres of open space would be provided within the real estate.

B. A public way, crosswalk, or easement not less than 15 feet in width shall be provided for access to the open space.

C. Open space, where applicable, shall be placed adjacent to or connected to existing or proposed open space located on adjoining property.

ARTICLE 13. STANDARDS OF IMPROVEMENT. The final plats of the real estate shall conform to the following standards of improvement:

Section 13.1 <u>Monuments and Markers</u>.

A. Shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

B. Monuments shall be set:

1. At the intersection of lines forming angles in the boundary of the subdivision.

2. At lease two (2) monuments shall be set on each side of a straight section of street, such monuments shall be on lot corners near each end of the street.

3. At least two monuments shall be set on any straight line over 400 feet in length. Such monuments shall be on lot corners near each end of the line.

C. Markers shall be set:

1. At the beginning and ending of all curves along street property lines.

2. At all points where lot lines intersect curves, either front or rear.

3. At all angles in property lines of lots.

4. At all other lot corners not established by a monument.

D. Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four inches by four inches by thirty inches, set vertically in place. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers shall consist of iron pipes or steel bars at least 30 inches long, and not less than 5/8 inch in diameter.

Section 13.2. <u>Streets</u>.

A. Streets and alleys should be completed as shown on approved plans, profiles and cross-sections provided by the subdivider, and prepared by a qualified engineer or surveyor.

B. Streets shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be constructed and inspected in accordance to

Town Constructions Standards and Specifications

C. Underdrains are required for all roadways and must meet the Town of Westfield Standards and Specifications. Prior to placing street surfaces, adequate subsurface drainage for streets shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be as described by the current edition of INDOT standard specifications and as approved by the Plan Commission. Upon completion of street improvements, plans and profiles as built shall be filed with the Westfield Public Works Department. As built drawings must be submitted to the GIS Division of WPWD in the appropriate format for approval.

D. All traffic control devices shall comply with guidelines and requirements of the current edition of the Indiana Manual on Uniform Traffic Control Devices.

E. Before any bond covering a street installation is released, the Plan Commission, Town Council, or Building Commissioner may request that core borings (asphalt or concrete) of the street be provided to the Westfield Utilities Department or the Hamilton County Highway Department, or their designated representative(s), at the subdivider's expense, for thickness determination.

F. Prior to the acceptance of asphalt streets, the subdivider shall employ and pay for the services of an independent testing laboratory to take cores at selected locations and perform Marshall stability, flow and density test, and perce of compaction determination on completed asphalt work.

G. Prior to acceptance of concrete street, the subdivider must provide satisfactory test results from an independent testing laboratory to the Westfield Utilities Department or the Hamilton County Highway Department.

H. A developer may request permission from the Director of the Westfield Public works Department to delay the installation of the one (1) inch surface layer of asphalt until the binder layer of asphalt has had sufficient time to prove its durability under the stress of heavy construction traffic, but this delay shall not exceed one (1) year. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the one (1) inch surface layer of asphalt. All bonds are approved through WPWD for performance and maintenance of infrastructure. Performance bonds of 110% of the construction cost are required during construction. At substantial completion a punch list is developed by a WPWD inspector. Once the punch list items are complete, outstanding fees paid, and digital as builts approved, the performance bond can be "flipped" to a maintenance bond. The maintenance bond is a 3 year bond that is set at 10% of the construction cost.

Section 13.3. Sewers.

A The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the Health Officer. The subdivider shall be responsible for providing sewer extensions from any subdivision(s) located within the Eagletown PUD to a main sewer connection point as may be established by written agreement between the subdivider and the Town Council.

B. When an approved outlet is not available, one of the following methods of sewage disposal shall be used:

1. A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with minimum requirements of the environmental protection agency.

C. All development within the Town of Westfield and/or to be annexed by the Town of Westfield must install sanitary sewers per the Town's Sanitary Sewer Master Plan. Individual lot septic systems and development wide treatment facilities are not allowed. Constructions plans must be provided to the WPWD for review and approval prior to construction. Construction plans must contain the standard specifications and details from the Town's Standards and Specifications for approval. WPWD also issues sanitary sewer construction permits that must be applied for at the time that construction drawings are submitted. Digital as builts must be submitted after construction for review and approval by the GIS Division of the WPWD. Performance and maintenance bonds will be required as described in Art 13.2.H.

D. In sections 16.04.240 C -Sewers and 16.04.240 D of the Zoning Ordinance - Water, the phrase "The subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual system or an individual water supply is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.

Section 13.4. Water.

A. All development shall install water main per the Town's Water Master Plan and Town Standards and Specifications. Individual wells are not allowed. Construction plans must be provided to the WPWD for review and approval prior to construction. Construction plans must contain the standard specifications and details from the Town's Standards and Specifications for approval. WPWD also issues water main extension permits that must be applied for at the time that construction drawings are submitted. Digital as builts must be submitted after construction for review and approval by the GIS Division of the WPWD. Performance and maintenance bonds will be required as described in Art. 13.2.H.

Section 13.5. Storm Drainage.

A. All development within the Town shall adhere to the Town's Stormwater Technical Standards Manual. Constructions plans must be provided to the WPWD for review and approval prior to construction. Construction plans must contain the standard specifications and details from the Town's Standards and Specifications for approval. WPWD issues a stormwater permit that must be applied for at the time that construction drawings are submitted. Digital as builts must be submitted after construction for review and approval by the GIS Division of the WPWD. Performance and maintenance bonds will be required as described in Art. 13.2.H.

B. All Development shall adhere to erosion control requirements (Ordinance 06-16).

C. All storm drainage ponds within five hundred (500) feet of the east property line of Residential District 3 shall incorporate an aeration system.

Section 13.6. Curbs and Gutters. The subdivider shall provide curbs and gutters on each side of the street surface in the proposed subdivision.

Section 13.7. Sidewalks, Pedestrian Paths, Jogging Paths, and Bicycle Paths.

A. The Plan Commission shall require sidewalks or paths (see Exhibit D) to be installed on each side of the street in all districts.

B. Where a proposed subdivision abuts an existing street right-of-way, the Plan Commission shall require the developer to construct sidewalks parallel to the existing street.

C. The Plan Commission may require developers to construct off-site sidewalks adjacent to the developers' project to respond to infrastructure demands created by said project.

D. When a proposed subdivision lies between or adjacent to existing subdivisions which have been provided with sidewalks, the Plan Commission shall require connecting sidewalks (which are extensions of the existing sidewalks) to be constructed.

E. If a sidewalk, pedestrian path, jogging path and/or bicycle way is to be installed, a plan shall be submitted to the Plan Commission with the Primary Plat and Secondary Plat drawings.

F. Sidewalks shall be provided on both sides of all roadways. Handicap ramps shall conform to the latest INDOT/ADA requirements for color and tactile edges.

G. When a sidewalk, pedestrian path, jogging path, and/or bicycle way crosses a street intersection within or adjacent to a subdivision (where one of the streets is a primary arterial or a secondary arterial), necessary safety devices, such as painted crosswalks, signs, or other traffic control devices shall be installed at the developer's expense.

H. When sidewalks, pedestrian paths, jogging paths, and/or bicycle ways are to be installed, they shall be constructed in accordance with the Hamilton County Alternative Transportation Plan and the Construction Standards for the Town of Westfield, which have both been adopted by the Town of Westfield.

Section 13.8. Street Signs. The subdivider shall provide the subdivision with street signs which shall meet the standards of the Town of Westfield and/or the standards of the Hamilton County Highway Department at the intersection of all streets. Such street signs shall be installed in all subdivision sections which have received Secondary Plat approval prior to the issuance of any Building Permits in such subdivision sections.

A. Street Lights -The subdivider shall provide the subdivision with street lights, the type of which will be determined by the subdivider, at locations as the subdivider shall determine.

B. Fire Hydrants -The subdivider shall provide the subdivision with fire hydrants. The types of hydrants and location of hydrants shall be determined by the Westfield -Washington Township Fire Department and approved by Plan Commission.

C. Landscaping -Suitable landscaping plan shall be developed for review and approval by the Plan Commission including procedures to be utilized for maintaining the landscaped area (see Article 14 - Landscaping).

Section 13.9 . Construction Standards.

A. Construction plans shall meet the most current Westfield Public Works Department standards and be approved by the Westfield Public Works Department.

B. Construction standards for the following items may be found in "Town of Westfield Construction Standards", administered by the Westfield Public Works Department:

1. Paving and Surfacing

2. Erosion Control

3. Principles and Standards of Roadway Design

4. Minimum Standards of Improvement

5. Landscaping for Utilities

6. Monuments and Markers

7. Curbs and Gutters

8. Street Signs

9. Water Mains

10. Storm Sewers

11. Gravity Sanitary Sewers

12. Force Mains

13. Submersible Lift Stations, and

14. Sidewalks

ARTICLE 14. LANDSCAPING STANDARDS

Section 14.1. General Landscaping Provisions.

A. Purpose and Intent. This Article establishes regulations for the preservation of natural features and minimum standards for the provision, installation, and maintenance of landscape materials. The regulations specified herein are intended to promote the health, attractiveness, and safety of the community; foster aesthetically pleasing and environmentally sensitive development that protects and preserves the appearance and character of the community; and encourages the preservation of natural areas such as mature tree stands and stream corridors.

This Article establishes standards to manage and control drainage and erosion; to increase the compatibility of development with the natural environment and adjacent developments; and to maintain and increase the value of land by requiring landscaping to be incorporated into developments. The standards set forth herein promote important physical and psychological benefits through the use of landscaping to reduce noise and lighting; promote innovative and cost conscious approaches to the design, installation, and maintenance of landscaping; and establish procedures and standards for the administration and enforcement of this Article.

B. Applicability.

1. This Article shall apply to all zoning districts and all public, private, and institutional developments.

2. This Article shall apply to nonresidential uses, residential subdivisions, or other residential developments that require site development plan approval.

C. Content of Landscape Plan. Landscaping plans shall comply with the following standards:

1. Landscape plans shall be submitted for all required green belt buffer areas, buffer yards, conservation easements, landscape easements, and areas owned in common within proposed developments. It is recommended that landscape plans be prepared by licensed landscape architects, nurserymen, or other professionals experienced in landscape design, installation, and maintenance. A narrative describing ownership, use, and maintenance responsibilities of these areas should be specified in the submittal.

2. Landscape plans shall show the entire project drawn to scale on standard sized sheets (minimum 24” x 36”) and shall contain the following information:

a. Standard size sheets at the same scale as landscape plans that display locations, sizes, and common names of existing individual trees that measure twelve (12) inches or more in caliper, areas of dense trees or shrubs, and other natural areas.

b. Names and addresses of owners, developers, plan preparers, plan preparation dates, scale of drawings, and north arrows;

c. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;

d. Locations, quantities, sizes, and names (botanical names and common names) of planting materials;

e. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;

f. Locations of barriers to be placed at or beyond driplines of trees to be preserved and types of materials to be used for barriers;

g. Planting and installation details as necessary to ensure conformance with required standards;

h. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill; and

i. Tables clearly displaying relevant statistical information, including numbers of existing trees and numbers of trees preserved, for example.

D. Modifications. When a change in use occurs, or when modifications that require a building permit are made to existing structures, landscaping shall be required to be installed in a manner that is comparable in nature and extent to the impact of the proposed change or modification.

Section 14.2. Preservation and Replacement of Trees.

A. Developers shall take reasonable measures to design and locate proposed structures in a manner that minimizes the destruction of significant tree specimens.

B. Prior to site development plan approval or the issuance of a building permit, developers shall inventory all trees which possess a caliper measure of at least twelve (12) inches. Tree inventories shall depict locations, sizes, and common names of existing trees and individual shrubs; areas containing dense trees or shrubs; and other natural site features. Existing trees that are to be preserved shall be credited toward required landscaping requirements based on the sizes of such preserved trees.

C. The following considerations shall be made in regard to tree preservation efforts:

1. The practicability of arranging site plan components around existing features;

2. The condition of vegetation with respect to continued vitality;

3. The possibility of preserving vegetation through pruning rather than removal.

4. The desirability of a particular tree or species by reason of its appearance; historic or ecological significance; botanical characteristics; and the function the vegetation would fulfill as a site plan component;

5. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation; and

6. The potential for interference with utility services along the use of roads and walkways.

D. Tree preservation plans shall be submitted with site plans that detail locations, sizes, and common names of preserved trees; individual shrubs; areas of dense tree or shrub concentrations, and other natural features which are to be preserved or removed. No disturbance shall be permitted in the critical root zones of preserved trees. Disturbances include trenching, backfilling, driving or parking equipment, and dumping trash, oil, paint, or other materials detrimental to plant health.

E. Should any tree designated for preservation die within five (5) years of project completion, the owner shall replace such tree with a tree (or trees) of equal tree preservation value within 180 days (see following paragraph for value calculation).

F. Incentives to Preserve Trees – Existing trees that are preserved shall contribute to

required on-site landscaping, based proportionally on their caliper measure. Certain "cull" species and deformed trees may not be permitted to be credited. Preserved trees under eight (8) inches in caliper shall be credited at the rate of one (1) times the caliper measure of such trees. However, trees with a caliper of less than two (2) inches shall not qualify for credit. Preserved trees between eight (8) and sixteen (16) inches in caliper shall be credited at the rate of two (2) times the caliper measure of such trees. If preserved trees possess caliper measures of sixteen (16) inches or greater, credit shall be calculated at the rate of four (4) times the caliper measure of such trees. A qualifying six (6) inch caliper preserved tree shall be credited as three (3) required two (2) inch caliper trees. A qualifying fourteen (14) inch caliper preserved tree shall be credited as twenty-eight (28) required two (2) inch caliper trees. And, a qualifying eighteen (18) inch caliper preserved tree shall be credited as thirty-six (36) required two (2) inch caliper trees.

G. Barriers shall be used to protect trees during site development. Barriers shall be specified on landscape plans and shall be placed at or beyond the driplines of trees to be preserved. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.

H. Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve identified tree specimens.

Section 14.3. <u>Selection, Installation, and Maintenance of Plant Materials</u>.

A. <u>Selection</u>.

1. Shade Trees -Shade trees shall be a minimum of eight (8) feet in height and have a caliper measure of at least two (2) inches, measured twelve (12) inches above finished grade. Shade trees shall be of a variety that will attain an average mature spread greater than twenty (20) feet.

2. Evergreen Trees -Evergreen trees shall be a minimum height of six (6) feet.

3. Ornamental Trees -Ornamental trees shall have a minimum trunk size of two (2) inches in caliper, measured twelve (12) inches above finished grade.

4. Shrubs shall possess a minimum height of eighteen (18) inches at the time of planting.

5. Substitutions – If plant substitutions become necessary due to seasonal planting problems or a lack of plant availability, revisions to planting

plans shall be permitted based on the substitution list below. For on-site requirements only, substitutions may be made for up to one-half (50%) of required plants. If plant substitutions do not fulfill the following criteria, changes to previously-approved plans shall be resubmitted and reviewed for new approval.

a) One (1) shade tree shall equal two (2) ornamental trees which shall also equal two (2) evergreen trees

b) One (1) ornamental tree shall equal one (1) evergreen tree.

c) One (1) evergreen tree shall equal three (3) evergreen shrubs.

d) Only one (1) level of substitution is permitted per substitution

B. Installation.

1. Landscaping materials shall be installed in accordance with planting procedures established by the American Association of Nurseryman.

2. Required landscaping of development projects shall be completed prior to the issuance of Certificates of Occupancy for non-residential and multi-family projects, and prior to the issuance of building permits for more than fifty percent (50%) of the lots within each section of residential subdivisions. Landscaping installation may be delayed up to 120 days due to the following:

a. Periods of adverse weather, or

b. Conflicts between construction scheduling and proper planting conditions.

C. Maintenance.

1. All newly planted vegetative material shall meet minimum American Standard for Nursery Stock Standards.

2. Landscaping shall be maintained in healthy growing condition. This includes:

a. Regular irrigation, weeding, fertilizing, pruning, mowing, and other maintenance of outside plant materials on the property;

b. Mature trees shall not be topped. They shall be pruned according to procedures established in the National Arborist Association Standards, published by the National Arborist Association;

c. Treating plant materials that exhibit evidence of insect pest or disease damage;

d. Replacement of dead or dying plant materials with specimens in good, healthy, growing condition. Replacement shall be completed using the same plant materials approved on landscape plans.

e. Replenishing natural landscape materials such as rock, stone, bark chips and shavings that no longer cover the area in which they were originally deposited.

f. Repairing, replacing, or maintaining structural landscaping features including, but not limited to fountains, reflecting pools, outdoor art work, screening walls, retaining walls, fences, benches or other street furniture elements, as necessary to maintain these items in good condition.

g. Any other action necessary to maintain landscaping installed in accordance with an approved landscape plan.

3. Plantings and landscaping features required by this Chapter shall be subject to inspection to verify continued compliance with this Chapter.

Section 14.4. <u>General Landscape Design Standards</u>.

A. <u>Consultation</u> -A landscape architect, nurseryman, or other professional experienced in the installation and care of plant materials shall be consulted to ensure that proposed plants are appropriate and will survive.

B. <u>Scale and Nature of Landscaping.</u> The scale and nature of landscaping materials shall be appropriate to the size of proposed structures. Large-scale buildings should be complemented by large-scale plants. Form, texture, color, pattern of growth, and adaptability to local conditions shall be considered when selecting plant materials.

C. <u>Clearance</u>. Trees shall be planted so that when they reach maturity, there will be a minimum of ten (10) feet of clearance between tree trunks and structures, building overhangs, walls, fences, and other trees.

D. <u>Materials</u>. Grass and other vegetative ground cover shall be used in all green space areas, including parking lot islands, except for decorative mulch planting beds containing trees and/or shrubs; and inert stabilization in areas subject to severe runoff or erosion.

E. Lines of Sight. Plantings in landscaped areas shall not obstruct sight lines as per Section 16.04.230 2.v of the Zoning Ordinance.

F. Energy Conservation. Plantings shall be arranged to promote energy conservation wherever practical. This includes using deciduous trees on the south and west sides of buildings to provide shade from summer sun and planting evergreens on the north of buildings to insulate against winter winds.

G. Noise Reduction. Properties adjacent to highly trafficked roads or businesses shall arrange landscaping to reduce the intensity of noise by reflecting, deflecting, or absorbing sound. Some techniques to accomplish this include using earth berms, walls, fences, or plantings to provide physical separation and to absorb noise. When a berm is used to form a visual screen in lieu of or in conjunction with a hedge or wall, it shall not exceed a slope of forty-five (45) degrees and shall be completely covered with shrubs, grass, or other living ground cover.

H. Ground Cover. Landscape plans shall clearly identify areas where stone or other inert materials are to be used as ground cover. Areas not so designated shall be required to have grass or other vegetative ground cover.

I. Trash and Loading Facilities. Trash dumpsters, trash pads, loading areas consisting of two or more loading spaces, loading docks, service areas, and maintenance areas shall be screened from residential uses and public roads. Screening of such facilities shall be achieved by using an eight (8) foot high, completely opaque fence or wall, a six (6) foot high berm, or an eight (8) foot high evergreen screen planted nine (9) feet on center in a double staggered row. Within non-residential and multifamily zoning districts, trash receptacles shall be enclosed on three (3) sides by masonry (brick, stone, stucco veneer, or fiber cement) wall and include a solid metal or wood gate. Enclosures shall also be located behind the front yard line. When a roof is provided over the dumpster enclosure, no minimum height shall be required. Trash Dumpsters enclosures shall be required to have a secondary means of access including a solid door or gate or be screened by other appropriate means such as by the positioning of the access across form an adjacent building wall.

J. Heating and Cooling Facilities. Ground-mounted heating and cooling units for nonresidential or multi-family structures shall be completely screened.

K. Softening of Walls and Fences. Plant materials other than ground cover shall be placed intermittently (approximately every 40 feet) against long expanses (over 80 feet) of building walls, fences, and other barriers to create a softening effect. However, ground cover plants may supplement the plant materials required by this paragraph.

L. Detention/Retention Basins and Ponds. Detention/retention basins and ponds shall be landscaped in a manner that replicates the natural form of ponds. Such

landscaping shall include shade trees, ornamental trees, evergreens, shrubbery, hedges, and/or other plant materials.

M. Monument Sign Landscaping. A landscape area a minimum of the sign square footage plus one (1) shrub per thirty (30) square feet of sign area shall be provided.

Section 14.5. On-Site and Street Frontage Landscaping Requirements.

A. On-Site Standards

1. Yards, setback areas, and green space areas within developments shall be landscaped with live vegetation.

2. The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted are set forth in Table 14.5.1.

Table 14.5.1: Minimum On-Site Requirements

Land Use Type	Plant Materials		
	Shade Trees	Ornamental or Evergreen Trees	Shrubs
Single-Family Residential Development	6 per dwelling unit	4 per dwelling unit	12 per dwelling unit
Multi-Family Residential Development	1 per dwelling unit	1 per dwelling unit	4 per dwelling unit
Institutional Uses	2 per acre	3 per acre	10 per acre
Retail Uses	10 per acre	10 per acre	25 per acre
Office Uses	5 per acre	5 per acre	25 per acre

A proportional decrease in the required number of trees is allowed if larger caliper trees are planted. Trees with caliper measures of four (4) inches may replace two (2) required two (2) inch caliper trees.

3. Institutional uses include, without limitation, schools, churches and government offices.

4. For Institutional uses:

a. Trees required to be planted in interior parking lot landscaping areas may be counted toward meeting on-site landscaping requirements as set forth in the table above.

b. Identified acreage for constructed athletic fields and courts (including the adjacent perimeter for coaching and spectator viewing), and constructed playgrounds with equipment may be subtracted from the total acreage before computing on-site requirements.

5. Trees should be grouped together whenever possible to simulate natural tree stands, versus trees being planted in straight rows. Except in the case of street trees, which should be aligned in a row parallel to the street.

6. Required trees and plantings within residential land uses must be planted somewhere within each individual residential district. All plantings in residential developments may be credited toward overall on-site landscaping requirements set forth in Table 14.5.1.

7. Required trees and plantings within non-residential land uses must be planted within the subject District. All trees and plantings are credited to overall development requirements.

8. Existing trees or woodlands that are preserved may be counted toward minimum planting requirements.

B. Road Frontage/Street Tree Standards

1. In residential districts, where property abuts primary arterials, secondary arterials, or collector roads not internal to the District, at least one (1) shade tree per thirty (30) linear feet of road frontage may be planted within the road rights-of-way. Trees planted along road frontage in residential developments may be credited toward overall on-site landscaping requirements set forth in Table 14.5.1.

2. In non-residential districts where property abuts any public right-of-way, except State Road 32, at least one shade tree per forty (40) linear feet of road frontage may be planted within the road rights-of-way. Trees planted along road frontage in nonresidential developments may be credited toward overall on-site landscaping requirements set forth in Table 14.5.1.

3. Shade trees required to be planted along road frontage shall be located outside drainage and utility easements, shall be located in a manner that mitigates interference with infrastructure located within such easements and may be clustered or grouped in order to attain creative site design.

4. When evergreen and/or ornamental trees are preserved along road frontage

and qualify for preservation credit, they may count 1:1 toward road frontage requirements.

Section 14.6. Buffer Yard Requirements.

A. Buffer Yard Requirements

1. Buffer yard shall not be required internal to any District, and shall be required only in areas adjacent to (i) streets on the perimeter of Districts and (ii) within individual institutional uses. All buffer yards shall be a minimum of twenty (20) feet in width.

   a. Institutional uses include, without limitation, schools, churches, day care facilities and fire stations.

   b. Within buffer yards, at least one (1) evergreen tree per thirty (30) linear feet and three (3) evergreen shrubs per thirty (30) linear feet shall be planted. Shade Trees may be substituted for evergreen trees at a one-to-one (1:1) basis (shade:evergreen) along road frontages. In order to create a more effective buffer, evergreen trees may be substituted in lieu of evergreen shrubbery on a one-to-three (1:3) basis (tree:shrub). Along Eagle Parkway and Springmill Road/Six Points Road Evergreen Trees shall be used to meet the shrub requirements of this sub-section." This will result in a tree planted every 15' on center along those Eagle Parkway and Springmill Road/Six Points Road buffer yards

   c. If woodlands are located within buffer yards, preserved trees may be substituted for required plants in buffer yards.

   d. In residential districts, plantings required to be placed in buffer yards shall be credited toward total on-site landscaping requirements set forth in Table 14.5.1.

   e. In non-residential districts, trees required to be planted in buffer yards shall be credited toward total on-site landscaping requirements set forth in Table 14.5.1.

   f. Buffer yard requirements, Road Frontage Standards, and State Road 32 Landscaping are not intended to be cumulative. Where overlapping the more restrictive planting standard shall apply. This subsection shall not apply to Eagle Parkway and Springmill Road/Six Points Road where buffer yards are adjacent to the right-of-way.

   g. Buffer yards shall not be required where the front of a lot or dwelling(s) is adjacent to a perimeter street or between the Village Marketplace and Market Center Districts.

Section 14.7. <u>Parking Area Landscaping</u>. The following landscape requirements shall be applied to parking lots to screen parking areas from streets, to prevent the creation of large expanses of paving, and to provide shade to paved areas.

A. Parking Lot Landscaping

1. Area Required – A portion of vehicular use areas shall be maintained as landscaped area. The total amount of interior parking lot area that must be landscaped shall be based on the total number of proposed parking spaces. Such standards are set forth in Table 14.6.1:

Table 14.6.1: Percentage of Parking Lot Landscaping

Number of Parking Spaces	**Percentage of Vehicular Use Area to be landscaped**
0 to 4	0 %
5 to 24	5 %
25 to 49	7.5 %
50 or more	10 %

2. Parking Lot Islands

a. Parking lot islands shall be located at the perimeter of parking lots rather than the interior, to screen the lot from the street and act as a buffer between the road and the lot.

b. Parking lot islands shall be constructed at least six (6) inches above the surface of parking lots; there shall be no minimum area or required width.

c. Interior landscaped areas shall be curbed in a manner that restricts vehicles from driving over landscaped areas.

d) Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking spaces to a maximum of three hundred (300) feet in length.

e) Parking lot islands shall include at least one (1) tree and four (4) shrubs per parking lot island. One hundred (100) percent of every parking island shall be covered with permitted groundcover material to achieve complete coverage.

f) No landscaping within parking lot islands may unreasonably obstruct

visibility for vehicles entering, maneuvering in, or exiting parking areas. Such landscaping shall be constructed in compliance with visibility standards set forth in the Zoning Ordinance.

g) Trees and shrubs required to be planted in parking lot landscape islands shall be counted toward meeting total on-site landscaping requirements as set forth in Table 14.5.1.

B. Perimeter Parking Lot Landscaping

1. Application

a. Perimeter landscaping is required for parking lots with ten (10) or more spaces where:

1.) the parking lot is located within a required yard; or

2.) the parking area is located within one hundred (100) feet of the perimeter of a District or a right-of-way line.

b. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings should be grouped an aesthetically pleasing manner.

c. Trees and shrubs required to be planted in perimeter parking lot landscape areas may be counted toward meeting total on-site landscaping requirements as set forth in Table 14.5.1.

2. Requirements - Perimeter parking lot landscape areas shall include the following landscape improvements:

a. There shall be one tree per thirty (30) linear feet of parking lot length. Trees may be clustered.

b. There shall be one shrub per three (3) feet of parking lot length. Shrubs may be clustered.

c. Perimeter parking lot landscape areas not planted with trees or shrubs shall be covered with grass or other permitted groundcover or mulch.

d. Perimeter parking lot landscaping requirements, buffer yard requirements, road frontage standards, and State Highway 32 landscaping are not intended to be cumulative. State Highway 32 standards shall supersede the buffer yard planting standard which shall supersede the perimeter parking area requirements which shall supersede the road frontage standards where overlapping.

Section 14.7. <u>Plant Materials</u>.

A. A minimum of three (3) different species of shade trees shall be used per each development site.

B. A minimum of three (3) different species of shrubs shall be required per development site.

Section 14.8. <u>State Highway 32 Landscaping</u>.

A. It is the purpose of the State Highway 32 Landscape Overlay Zone to promote the public health, safety, comfort, and general welfare by providing for consistent and coordinated landscaping of the properties bordering State Highway 32 in Washington Township, Hamilton County.

1. Application.

a. This section (14.8) shall apply to all land uses that lie within an area of 200 feet of the right-of-way of State Highway 32.

b. The standards of this section and other landscaping requirements are not intended to be cumulative. Where overlapping the State Highway 32 landscaping standards shall apply.

c. Trees and shrubs required to be planted under this section may be counted toward meeting total on-site landscaping requirements as set forth in Table 14.5.1.

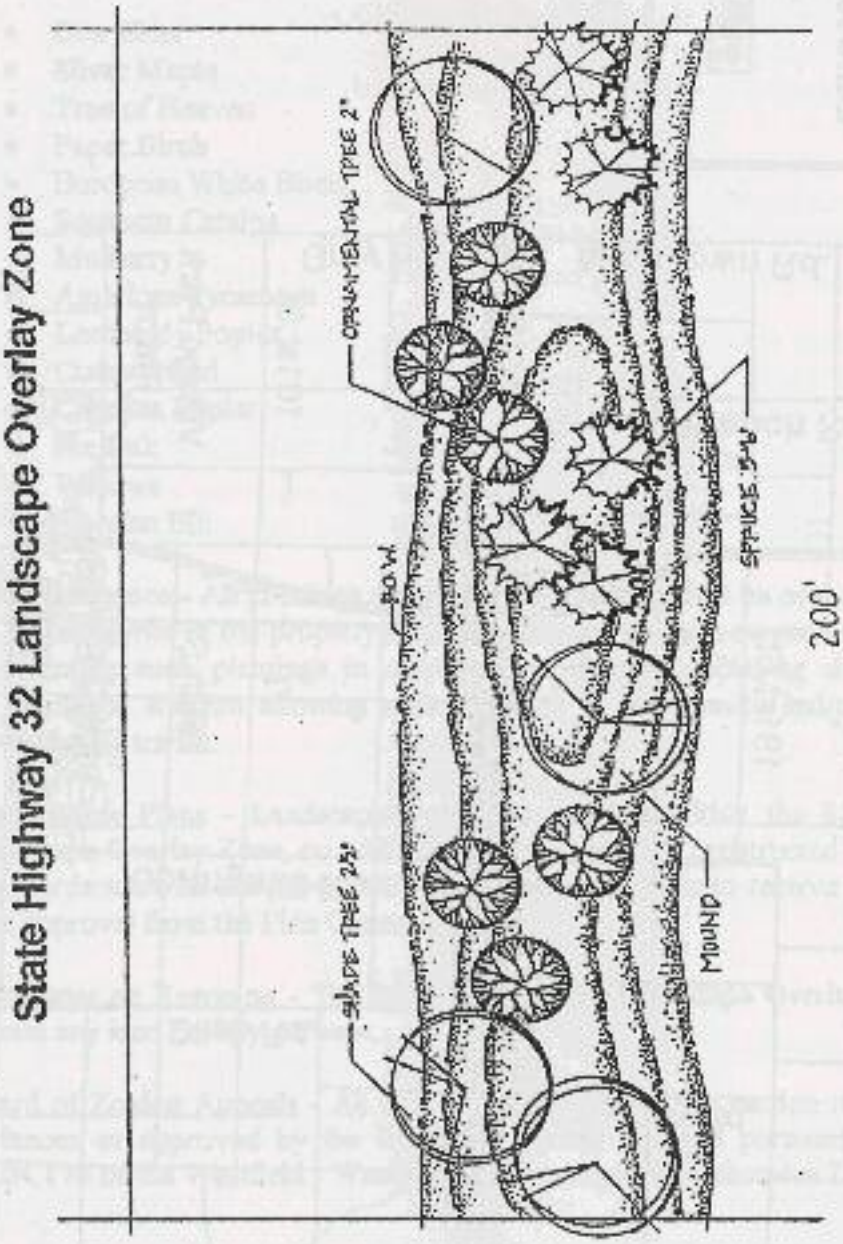
2. <u>Landscaping</u> - In conjunction with other landscaping requirements established in this Eagletown PUD, all development activities in the State Highway 32 Landscape Overlay Zone shall meet the following minimum landscaping requirements:

a. Frontage Along State Highway 32

1. All development activities on properties having frontage on State Highway 32 shall include construction of landscaping consistent with that which is established in Figure 14.1.

Figure 14.1

Frontage Along State Highway 32



2. This exhibit illustrates four shade trees, six ornamental trees, and five evergreen trees to be planted every two hundred lineal feet in a staggered manner, on a 3-4 mound, along such frontage.

3. All mounding along State Highway 32 shall be located at least thirty (30) feet from the existing State Highway 32 right-of-way.

4. No mounding or landscaping shall be permitted to interfere with drainage and/or utilities.

5. Any partial section of the two hundred foot frontage landscaping depicted in Figure 14.1, shall be landscaped in a manner which is proportionate to its size (i.e., a one hundred foot section of road frontage would be planted with half the number of trees as a two hundred foot section).

6. When calculating the number of trees to be planted along such frontage results in a fraction, the number of trees required shall be rounded up to the nearest whole number (i.e., a calculation of 2.3 trees results in 3 trees being required).

7. It is not necessary for such plantings to be placed identically to those illustrated in Figure 14.1;

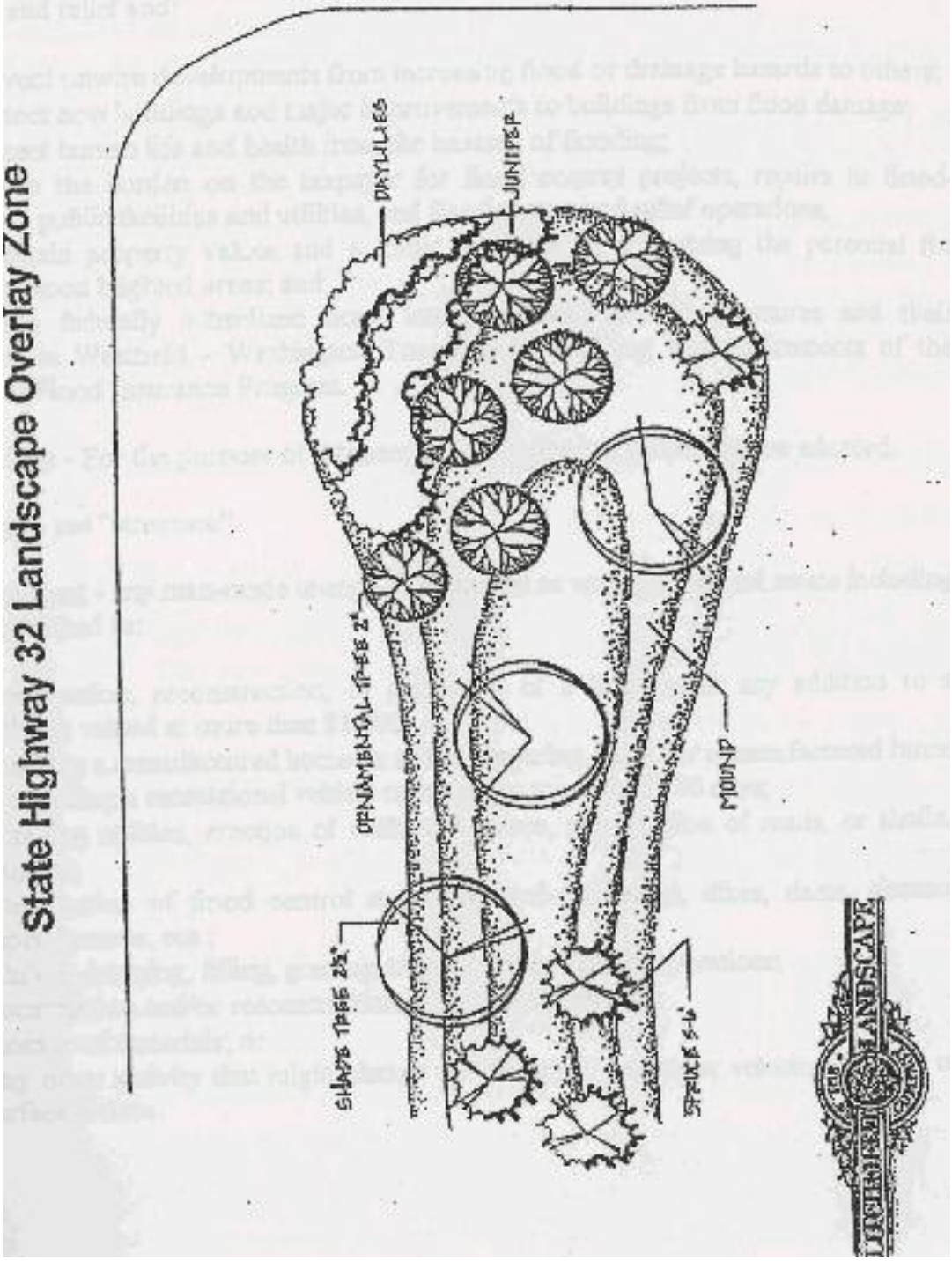
8. The minimum width of the landscape planting area under the overlay requirements shall be seventy (70) feet as measured from the existing State Road 32 right-of-way.

b. Intersections along State Highway 32

1. All development activities on properties which include or abut intersections along State Highway 32 (including all thoroughfares, driveways, and vehicular accesses to property) must include construction of landscaping consistent with that which is established in Figure 14.2.

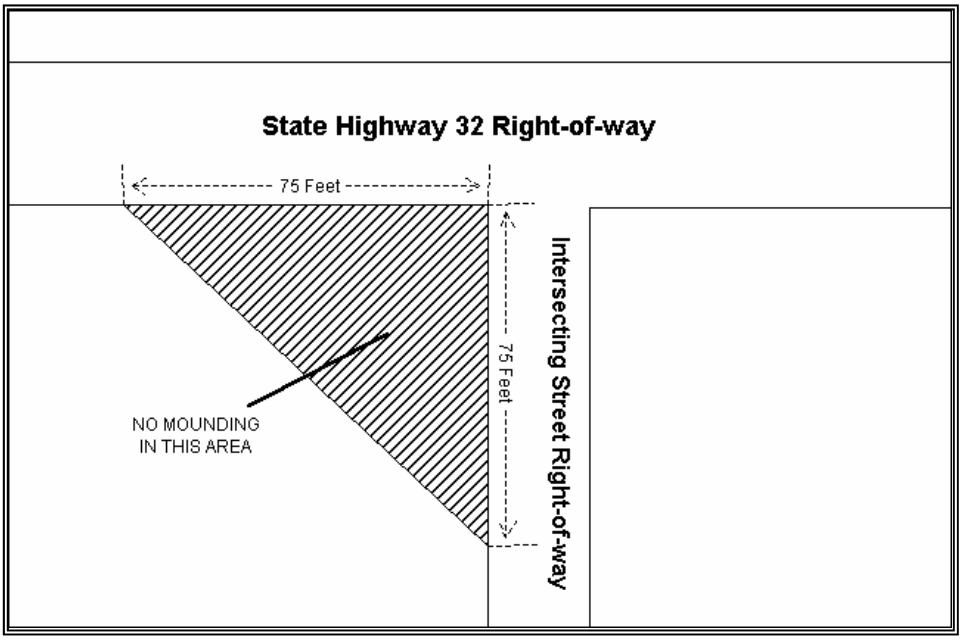
Figure 14.2

Intersections Along State Highway 32



2. This exhibit illustrates daylilies, junipers, and six ornamental trees to be planted on the bulb-like termination of the 3-4 foot frontage mounding facing State Highway 32 at each intersection.

3. Such mounding shall not be placed or permitted to remain on any corner lot within the triangular area formed by the intersection of rights-of-way lines and points seventy-five



(75) feet from such intersection.

4. In the case of rounded rights-of-way intersections, the seventy-five (75) feet distance shall be measured from the point at which the rights-of-way lines would intersect if they were not to have been rounded at the corner.

5. All mounding shall be located at least thirty (30) feet from the existing State Highway 32 right-of-way and the rights-of-way of intersecting streets.

6. No mounding or landscaping shall be permitted to interfere with drainage and/or utilities.

7. It is not necessary that mounding required within the State Highway 32 Landscape Overlay Zone meet the requirements established elsewhere in Eagletown PUD.

8. It is not necessary for such plantings to be placed identically to those illustrated in Figure 14.2.

9. The minimum width of the landscape planting area under the overlay requirements shall be seventy (70) feet as measured from the existing State Road 32 right-of-way.

c. Species shall include three (3) varieties each of shade trees, ornamental trees, and evergreens which shall produce a design that is consistent along the State Road 32 frontage of this Eagletown PUD.

ARTICLE 15. LIGHTING STANDARDS

Section 15.1

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

B. Applicability. These regulations shall be applicable to all outdoor lighting sources within the Eagletown PUD, which are newly designed, constructed, erected or placed into operation.

C. Exceptions. Exceptions to these lighting standards shall include the following:

1. All outdoor light fixtures permitted prior to the adoption of the Eagletown PUD.

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

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

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

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

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

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

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

1. The installation, sale, lease, or purchase of any mercury vapor lamp shall be prohibited;

2. The use of laser source light or other similar high intensity light for outdoor advertising, when projected above the horizontal shall be prohibited;

3. The operation of searchlights and floodlights for advertising purposes shall be prohibited;

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

5. The illumination of off-site advertising signs shall be prohibited.

E. General Lighting Standards. For all areas located in the Eagletown PUD the following standards shall apply:

1. All light fixtures shall be fully shielded and direct light downward toward the earth's surface;

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

3. All lighting sources shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way;

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

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

F. Additional Standards. For all uses within the Market Center, Village Marketplace, Garden Office, and Multi-Family districts the following standards shall apply:

1. All light fixtures shall be positioned in such a manner so that no light-emitting surface is visible from a residential area or public right-of-way when viewed at ground level;

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

these measurements, light will still be visible at or beyond property lines.)

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

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

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

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

7. No outdoor sports or recreational facilities shall be illuminated after 10:30 p.m. except to conclude a scheduled recreational or sporting event that started prior to 9:30 p.m.

G. Sign Lighting.

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

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

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

4. Lamps utilized in the internal illumination of wall signs turned on between 11:00 p.m. and 5:00 a.m. shall be reduced to a maximum of 75 percent of their lumen output.

H. Lighting Plans. The applicant for any permit required by the Community Development Department that proposes outdoor lighting shall submit a lighting plan set which includes:

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

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

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

4. All plot lighting levels shall be depicted at ten (10) foot intervals or less.

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

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

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

ARTICLE 16. SIGN STANDARDS

Section 16.1. Purpose and Intent. Westfield-Washington Township wishes to establish sign regulations for the design, placement, and maintenance of signs in Washington Township which provide a reasonable and impartial means to permit communication, protect the public health, safety, and general welfare, minimize hazards to pedestrians and motorists along thoroughfares and at intersections, enhance the aesthetic environment of Westfield-Washington Township, safeguard property values, minimize possible adverse effects of signs on nearby property, protect public and private investment in buildings and open spaces and implement relevant provisions of the comprehensive plan as updated on an annual basis.

Section 16.2. Applicability. WC 16.08.010 Sign Standards – General Provisions in the Zoning Ordinance as specified in the Underlying Zoning Compendium and as modified below by the deletion, addition, or modification of provisions and text thereof, shall govern all signs within the Eagletown PUD. These regulations shall be applicable to all signs within the Eagletown PUD, which:

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

B. Involve relocation or replacement of existing sign structures or supports commenced after the effective date of this chapter.

C. To the extent that any of the developmental standards specified in this Article 16 differ from or conflict with the sign standards specified in any other Article of this PUD, the sign standards in such other Articles and Exhibits shall control and apply.

Section 16.3. Exceptions**.** All signs require a sign permit from the Community Development Department. Exceptions to the sign standards and permit requirements under this chapter shall include:

A. All regulatory, informational, identification, or directional signs required by law or government entity;

B. Temporary signs advertising annual events put on by Westfield or Washington Township public entities and school districts;

C. Scoreboards for public and private recreational facilities and institutions that do not provide for commercial or business advertising displays;

D. Permanent drive-thru menu boards where drive-thru uses are permitted;

E. Window signage placed upon the building interior, or flush with window surface, not covering more than 50 percent of the window upon which it is placed.

F. Postal signs, historic site makers or plaques, flags of government or noncommercial institutions, and address numbers;

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

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

I. Private informational signs such as “no trespass,” “private,” “sale,” etc. which do not exceed four (4) square feet in surface area;

J. Signs offering residential property for sale, lease, or rent, provided that such signs shall not exceed twenty (20) square feet per face, are placed wholly on the subject property and are limited to a maximum of one (1) sign per street frontage;

K. Signs offering commercial or industrial property for sale, lease, or rent, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, and are limited to a maximum of one (1) sign per street frontage;

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

M. Political signs which do not impair lines of sight for vehicles or pedestrians;

N. Seasonal decorations within the appropriate holiday season or civic festival season;

O. Signs attached to light poles identifying parking areas as long as they do not exceed three (3) square feet in surface area; and

P. Signs of less that 4 square feet in area identifying a resident’s affiliation with a local sports team.

Section 16.4. Prohibitions. Prohibitions to these sign standards shall include the following:

A. No signs or sign structure shall be similar in coloring, shape, function or location nor resemble, conflict with or be confused with any approved traffic-control sign or device;

B. No sign shall create a safety hazard for vehicles or pedestrians as determined by the Town Engineer;

C. No sign shall be placed in any public right-of-way except publicly owned traffic-control and transit signs, informational, identification, and directional signs;

D. No pole signs shall be permitted within this PUD (See Pole Sign in Zoning Ordinance definitions);

E. No off-premise sign shall be permitted within this PUD;

F. No display of temporary signs such as banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, balloons or inflatable signs shall be permitted except for banners permitted on a limited basis pursuant to Section WC 16.08.010 L; This requirement shall not apply to residential districts.

G. No sign shall project into the public right-of-way; except that a business sign mounted on a building may be permitted to project eighteen (18) inches from the face of a building elevation. Relief from this standard may be granted by the Town Council or designee;

H. No sign shall be mounted on a roof or extend above an eave or parapet of a building wall;

I. Any sign shall be permitted to revolve, flash, blink, swing or appear to move if otherwise permitted by the standards of this Article or other signage standards in this PUD;

J. No sign shall be affixed to trees, fence posts, utility poles or other support structures; and

K. No sign shall be placed on a personal or commercial vehicle or trailer which is then parked or positioned for the primary purpose of displaying the said sign.

Section 16.5. General Sign Regulations. All signs shall conform to the following regulations:

A. Signs must be kept clean, painted, in working operation and free of hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as not to be detrimental to the public health, safety or general welfare;

B. Abandoned sign copy shall be removed by the owner or lessee of a site upon which the sign is located within three (3) months after the business or service advertised by the sign ceases operations;

C. Sign foundations and structures with copy removed may remain upon a site for twenty-four (24) months with the property owner's written consent provide that the foundations and structure are maintained pursuant to WC 16.08.010 E, 1.

D. All monument signs shall be designed and located to maintain clear lines of sight along public rights-of-way;

E. Maximum sign height shall be measured from the natural grade elevation upon which the sign is placed or crown height of the adjacent roadway, whichever is higher;

F. Illumination of signs shall be regulated per Article 15: Lighting of this Eagletown PUD;

G. Illuminated non-residential signs shall be setback a minimum distance of twenty-five (25) feet from any residential district;

H. In no instance shall a permitted nonresidential use or tenant be restricted to less than twenty-five (25) square feet of sign area, nor shall any permitted nonresidential use or tenant be permitted to display more than five hundred square feet of sign area;

I. Sign area shall be computed as the smallest continuous rectangular figure that circumscribes a single sign display including writing, representations, emblems, logos or other displays, exclusive of the supporting framework, base, or structural bracing clearly incidental to the sign display;

J. In no instance shall wall sign square footage exceed the linear footage of the wall on which it is placed (See "Linear Footage, Wall" in Zoning Ordinance Definitions);

K. Changeable copy signage shall be allowed only when incorporated into a permanent sign structure as allowed by this ordinance; and,

L. For signage with changeable copy area, the entire changeable copy area shall be counted toward sign display area square footage, regardless of the amount of information placed upon the changeable copy area.

M. Identification with the Town of Westfield. Title signs shall include, as an integral part of the sign design, the words "of Westfield" following any designation of an industrial park, office park, apartment development, subdivision development or shopping center name and alike. The size of the words "of Westfield" may be a minimum of 50% of the size of the development's name on the sign, and shall not be counted toward square footage allowed or cost. If the word "Westfield" is already part of the development's name on the sign, there shall be no requirement for the location of the words "of Westfield" on the sign.

Further, where "of Westfield" is required on a sign, the design and material used to include this wording shall be the same as the other lettering on the sign.

Section 16 .6. Residential District Signs. No sign shall be erected in a residential district except for the following:

A. Residential complexes and subdivisions shall be permitted either of the following entrance signage options:

1. One (1) monument sign per residential complex or subdivision entrance, which shall not exceed nine (9) feet in height, and shall not exceed thirty-two (32) square feet per sign face; or,

2. Two (2) separate sign display areas per entrance, provided that the sign display areas are directly incorporated into an entrance landscape feature, wall, or other decorative feature. In no instance shall the sign display area exceed fifteen (15) feet in height or total more than one hundred (100) square feet of sign area.

B. Home occupations shall be permitted one (1) sign per residence which shall not exceed two (2) square feet in total sign area; and

C. Home occupation signs shall only be affixed to a wall or door of the structure containing the business.

D. Permitted non-residential uses located in residential districts shall be allowed signage per the standards of Section 16.7.

Section 16.7. Individual Nonresidential Signs. All individual nonresidential uses shall be permitted signage as detailed below. Outlots of nonresidential centers are not considered individual uses, and are permitted signage as detailed in Section 16.10.

A. Wall Sign Area Allocation:

1. For all permitted individual nonresidential uses, total wall sign area allocation permitted shall be one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way;

2. The total permitted wall sign area allocation may be divided between wall, awning, and projecting signs (projecting signs permitted in Village Marketplace District only); and

3. A maximum of three (3) wall signs shall be permitted.

B. Monument Signs:

1. A maximum of one (1) monument sign shall be permitted for each public street frontage per lot in all zoning districts;

2. Monument signs may have a maximum sign display area of sixty (60) square feet per sign face;

3. Monument sign display area may have a maximum height dimension of six (6) feet and a maximum width dimension of twelve (12) feet;

4. Monument signs may have a maximum sign height of nine (9) feet only when incorporating a sign base and sign cap features;

5. Monument signs incorporating a cap or base shall have a minimum base height of six 6 inches, a maximum base height of twenty-four (24) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed three (3) feet; and,

6. Sign caps and bases shall not be used for sign display or advertising purposes.

C. Setbacks:

1. All signs shall conform to the side and rear yard setback requirements for structures as set forth in this PUD; and

2. Signs shall have a minimum front yard or right-of-way setback requirement of five (5) feet from a property line or right-of-way.

Section 16.8. Village Marketplace District. Signs within the Village Marketplace District shall be regulated per Article 5.3 and Article 16 of this PUD. In addition to these sign standards the following sign type is also permitted within the Village Marketplace District:

A. Each tenant is permitted a maximum of two (2) projecting signs which do not exceed sixteen (16) square feet per sign face.

Section 16.9. Garden Office District. The Garden Office District will be regulated by the following sign standards:

A. Entrance and Interior Circulation signs shall be permitted per the standards for nonresidential center signs contained in Section 16.10.

B. Wall signs shall be permitted per the standards for center in-line tenant signage (Section 16.10.D) with a maximum of 2 wall signs per tenant.

C. A uniform and complimentary sign plan will be required for all ground

signs on site, including entrance and tenant signage. A sign plan must address colors and materials and be approved by the Director prior to the issuance of individual permanent sign permits for tenants and entrances.

Section 16.10. <u>Nonresidential Center Signs</u>.

A. <u>Monument Sign(s)</u>:

1. Number and Size:

a. The Market Center District shall be permitted the following monument signs:

1) Four (4), monument signs, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred fifty (250) square feet of sign area per face; along the north side of the State Highway 32 frontage spaced no less than six hundred (600) feet apart.

2) One (1), monument sign, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face along its Eagle Parkway Frontage.

2) One (1), monument sign, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face along the south side of the State Highway 32 frontage.

b. The Village Marketplace District shall be permitted the following monument signs:

1) One (1), monument sign, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face; along the State Highway 32 frontage.

2) One (1), monument sign, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face along its Eagle Parkway Frontage.

c. Nonresidential center monument signs shall have a minimum base height of two (2) feet and a minimum cap height of six (6) inches. Total aggregate sign cap and base height shall not exceed six (6) feet; and,

d. Sign caps and bases shall not be used for display or advertising purposes.

B. Entrance Sign(s):

1. In addition to nonresidential monument signs, a nonresidential center shall be permitted one (1) entrance sign per point of ingress; and,

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

C. Interior Circulation Sign(s):

1. Nonresidential centers are permitted interior circulation signage containing traffic directing information only (such as “Enter”, “Exit”, “Do Not Enter”, etc.). Circulation signage shall be limited to a maximum of three (3) feet in height, and a sign area of two (2) square feet per sign face.

2. Additional interior circulation signage with no copy restriction shall be permitted. This type of signage shall be limited to a maximum of six (6) feet in height, and a sign area of six (6) square feet per sign face.

D. Center In-Line Tenant Signage:

1. All in-line tenants of nonresidential centers shall be permitted one (1) square foot of signage for each linear foot of tenant space;

2. Corner in-line tenants shall have only one front façade.

3. The total permitted sign area allocation may be divided between wall and awning signs;

4. Wall signs in nonresidential centers shall be located on front building elevations except that those tenants with corner locations are permitted to place signage on a sidewall;

5. Any side wall sign square footage shall be deducted from the total sign allocation for the tenant space; and

6. Center in-line tenants shall not be permitted individual monument signs.

E. Outlot Signage:

a. All outlots of nonresidential centers shall be permitted two (2)

square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way;

b. The total permitted sign area allocation may be divided between wall and awning signs;

c. Signs may be located on any building elevation;

d. All sign square footage shall be deducted from the total sign allocation for the outlot;

e. Outlots within a nonresidential center shall not be permitted individual monument signs.

Section 16.11. Sign Area Bonus**.** The total sign allotment for an individual nonresidential use, tenant, or a nonresidential center may be increased by a specified percentage for compliance with design criteria as listed below. Percentage increases shall be based on the original sign allotment calculation. If more than one criterion is met, then sign area bonuses will be granted cumulatively.

A. Sign Area Allotment Bonuses:

1. Sign Number: For individual non-residential signs and outlots, a five percent sign area allotment bonus shall be granted for limiting the total number of signs to three (3) or less;

2. Where monument signs are permitted, a ten (10%) percent sign area allotment bonus shall be granted for not having a monument sign.

3. Alternative Materials. A ten (10%) sign area allotment bonus shall be granted when all signage on site is primarily comprised of decorative wood, brick, stone, sculpted metal, or equivalent substitutes. This bonus is also available on a Tenant/Outlot basis in Nonresidential Centers.

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

B. Wall Sign Bonuses:

1. Individual Letters. A ten (10%) percent wall sign area bonus shall be granted for individual nonresidential uses, tenants, or outlots whose wall signs consist primarily of individual letters mounted directly on a building

surface.

C. Monument Signs:

a. Materials. A ten (10%) percent monument sign area and height bonus shall be granted for using brick, stone or equivalent substitute in the construction of a sign base, cap and supporting structure.

b. Matching Materials. A ten (10%) percent monument sign area bonus shall be granted if over fifty (50%) percent of the sign base, cap, and supporting structure matches the building materials used on a front elevation of the building(s).

c. Landscaping. A ten (10%) percent monument sign area bonus shall be granted for landscaping the area around a base of a monument sign. Refer to Article 14 for landscaping details.

Section 16.12. Sandwich Board Signs. Sandwich board signs shall only be permitted in the Market Center and Village Marketplace Districts and shall conform to the following regulations:

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

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

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

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

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

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

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

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

I. Sandwich board signs shall not be permanently affixed to any structure or

sidewalk, and must be removed at the end of each business day;

J. Signs shall only be placed within 10 feet of, and directly in front of, a business façade having a public entrance. See the graphic below:

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

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

Section 16.13. Under Canopy Signs. Under canopy signs shall only be permitted in the Market Center and Village Marketplace Districts and shall conform to the following regulations:

A. Under canopy signs shall be placed under canopies or roof overhangs.

B. Under canopy signs shall not count toward the total sign allotment for a commercial use or business;

C. Under canopy signs shall not exceed one (1) per building entrance;

D. Under canopy signs shall not exceed three (3) square feet in area;

E. Under canopy signs shall not be separately illuminated; and,

F. Under canopy signs shall contain only the address, logo, or name of the occupant or business served by the entrance.

Section 16.14. Temporary and Special Event Signs. Temporary and special event signs shall only be allowed for permitted non residential uses and for all permitted uses in commercial zoning districts. All temporary and special event signage shall conform to the following regulations:

A. New businesses, seasonal businesses, grand openings, or special events may

display a banner that does not exceed 32 square feet in size, and is securely attached to a structure or support device.

B. Application must be made, and a temporary sign permit issued prior to the display of temporary signage.

C. All existing business shall be limited to one (1) temporary sign permit annually;

D. All temporary signs shall be placed on the property on which the permitted use is being conducted;

E. Temporary sign permits shall be limited to fifteen (15) calendar days per quarter; and

F. Temporary sign permits may be issued for a calendar year or renewed on a quarterly basis at the Community Development Department

Section 16.15. Nonconforming Signs. All existing signs which do not conform to this section are designated lawfully nonconforming and shall either be removed or brought into compliance with these regulations at such a time when new development or expansion is proposed, or when a change in signage is proposed for the property upon which the sign is located. Lawful nonconforming signs shall not be relocated, expanded, or altered except to permit routine maintenance and repairs. In no case shall the replacement of individual tenant name panels on a non-residential center sign constitute the need to bring the non-residential center sign into compliance with these sign regulations.

Section 16.16. Permits. After the effective date of the ordinance codified in this title, and except as otherwise provided, no person shall erect any sign as defined herein without first obtaining a sign permit from the Community Development Department. The Community Development Department Director and his/her designated staff shall have the authority to review and decide upon all sign permit applications. Signs which shall not require a permit include all signs or displays permitted in Section 16.3, Exceptions. Application for a permit shall be made in writing, upon forms prescribed and approved by the Director and shall contain the following information:

A. Name, address, and telephone number of applicant or business;
B. Site address;
C. Graphic scale;
D. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
E. A site plan indicating the location of any existing or proposed monument signs;
F. A square footage calculation of any proposed sign(s), as well as the location and square footage of all existing on-site sign(s);
G. Elevation of proposed signs including size, materials, color and dimensions;
H. A true color rendering of the proposed signs;

I. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination;

J. Indication of sign type(s) as defined in this chapter;

K. Written consent of the owner of the building, structure, or land on which the sign is to be erected if the applicant is not the owner; and

L. Temporary and special event sign displays shall provide a schedule for sign displays which indicate the dates and duration of the sign displays.

M. Any other information necessary to support a thorough review of the project and as requested in writing by the Director

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

ARTICLE 17. SQUARE FOOTAGE, RESIDENTIAL UNITS, DENSITY AND OPEN SPACE STATISTICS

Section 17.1 Square Footage and Residential Unit Estimates, Maximum Densities:

Market Center District:	134 Acres (Approximate)
Retail Space:	995,000 Sq.Ft. (Approximate)
Village Marketplace District:	123 Acres (Approximate)
Retail Space:	620,000 Sq.Ft. (Approximate)
Office Space:	100,000 Sq.Ft. (Approximate)
Apartments:	200 (Approximate)
Assisted Living:	300 (Approximate)
Garden Office District:	34 Acres (Approximate)
Office Space:	210,000 Sq.Ft (Approximate)
Multi Family District:	49 Acers (Approximate)
Apartments:	536 as illustrated
Townhomes:	133 as illustrated
	14 Units per Acre (Maximum)
	700 Units (Maximum)
Single Family Attached District:	141 Acres (Approximate)
Townhomes:	356 as illustrated
Duplexes:	30 as illustrated
Quads:	328 as illustrated
Density:	6.0 Units per Acre (Maximum)
Residential District 1:	119 Acres (Approximate)
Single Family Detached:	180 as illustrated
Density:	2.0 Units per Acre (Maximum)
Residential District 2:	129 Acres (Approximate)
Single Family Detached:	206 as illustrated
Density:	2.0 Units per Acre (Maximum)
Residential District 3:	117 Acres (Approximate)
Single Family Detached:	266 as illustrated
Density:	3.0 Units per Acre (Maximum)
Residential District 4:	99 Acres (Approximate)
Single Family Detached:	255 as illustrated
Townhomes:	208 as illustrated
Duplexes:	32 as illustrated
Density:	6.0 Units per Acre (Maximum)

Aggregate Data:

Eagletown PUD - total acreage:	998 Acres (Approximate)
Open Space - total acreage:	210.0 Acres (Approximate)
Retail Space - total square feet:	1,615,000 Sq.Ft. (Approximate)
Office Space - total square feet:	310,000 Sq.Ft. (Approximate)
Multi-Family Apartment Units:	**800 Units (Maximum)**
Single Family Detached and Attached Dwellings - Total Units:	**2230 Units (Maximum)**

Section 17.2 <u>Open Space Statistics</u>:

Market Center District:	134 Acres (Approximate) /	10 Acres (Approximate)
Village Marketplace District:	123 Acres (Approximate) /	29 Acres (Approximate)
Garden Office District:	34 Acres (Approximate) /	12 Acres (Approximate)
Multi-Family District:	49 Acres (Approximate) /	12 Acres (Approximate)
Single Family Attached District:	141 Acres (Approximate) /	54 Acres (Approximate)
Residential District 1:	120 Acres (Approximate) /	34 Acres (Approximate)
Residential District 2:	129 Acres (Approximate) /	31 Acres (Approximate)
Residential District 3:	117 Acres (Approximate) /	13 Acres (Approximate)
Residential District 4:	99 Acres (Approximate) /	16 Acres (Approximate)
Total:	**998 Acres (Approximate) /**	**210 Acres (Approximate)**

Total PUD Open Space: 21% (Minimum)

ARTICLE 18. PROCEDURAL PROVISIONS

Section 18.1. Developer's Consent. Without the consent of the Developer, no other developer, user, or tenant may obtain any permits or approvals, whatsoever, with respect to the Real Estate or any portion thereof, and as such, and by way of example but not by limitation, none of the following may be obtained without the approval and consent of the developer:

A. Improvement location permits for any improvements within the Real Estate;

B. Sign permits for any signs within the Real Estate;

C. Building permits for any buildings within the Real Estate;

D. Primary or secondary plat approval for any part of the Real Estate;

E. Development plan approval or detail development plan approval for any part of the Real Estate;

F. Any taxed amendments or other variations to the terms and conditions of this Eagletown PUD.

Section 18.2. Plan Commission. The Plan Commission, upon petition of the Developer at a public hearing conducted per the rules of the plan commission, may approve a development standard or guideline that is not included in, or is different from, those set forth in this Eagletown PUD, so long as the Plan Commission determines that any such addition or modification would not substantially affect the integrity of the development of the Real Estate, and is appropriate for the site and its surroundings.

Section 18.3. Appeal. The denial by the Department of Development of any requests for approvals may be appealed to the Plan Commission, which may affirm or reverse the decision of the Department of Development, and any denial by the Plan Commission of any requests for any approvals may be appealed to the Town Council, which may affirm or reverse the decision of the Plan Commission. In circumstances permitted under the Zoning and Eagletown PUD Ordinances, appeal may also be made to the Town's Board of Zoning Appeals.

Section 18.4. **Detailed Development Plans and Secondary Plats**. Detailed Development Plan and Secondary Plat Approval is hereby delegated to and shall be by the Director.

Section 18.5. **Primary Plats in Business Districts**. A Primary Plat shall not be required but may be submitted for real estate within business districts at the time of Development Plan Review.

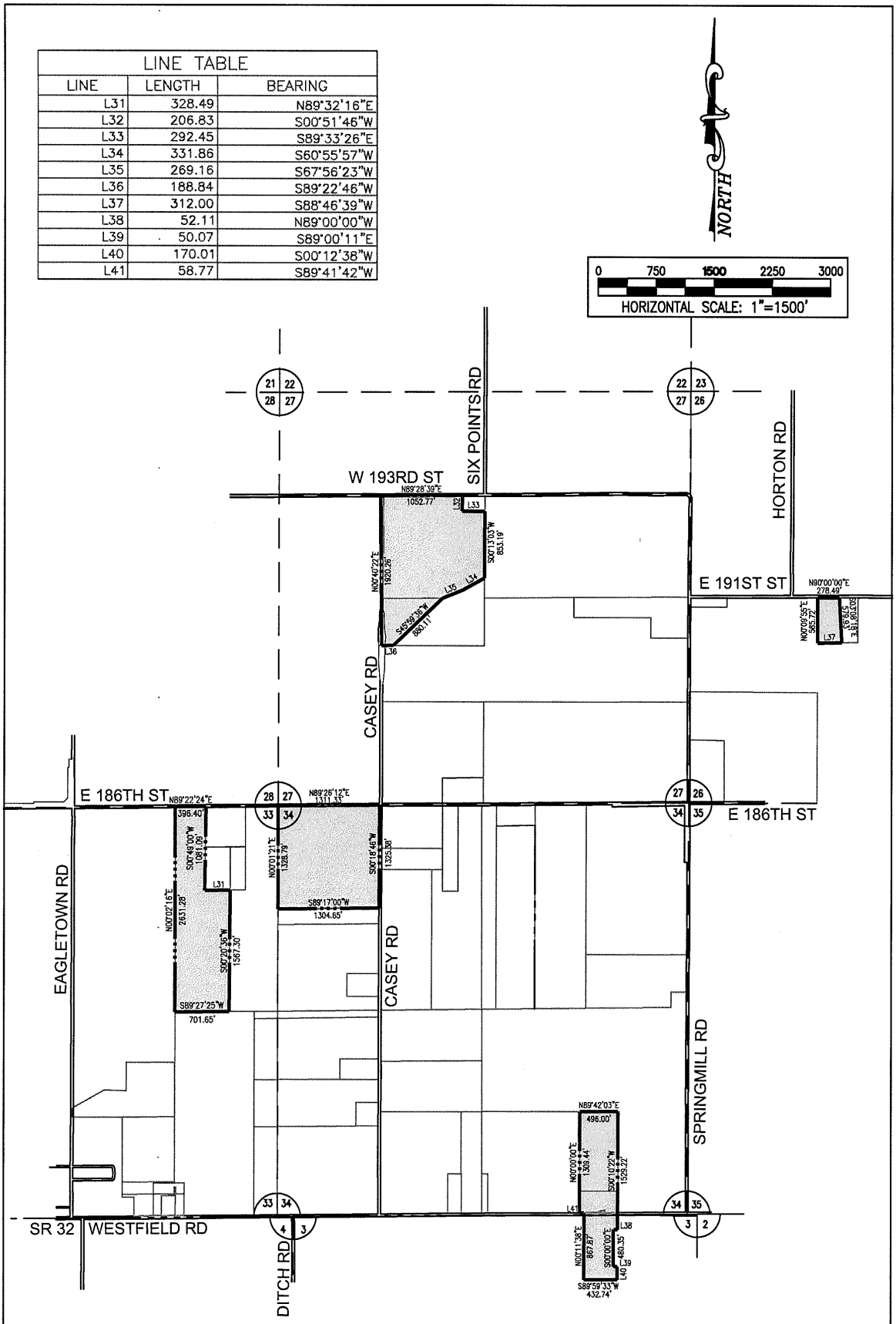
Section 18.6. Existing Uses and Structures. Notwithstanding anything to the contrary in this Eagletown PUD, any parcel or portion of Real Estate, which is being used for

residential or agricultural uses or purposes on the date of enactment of this Eagletown PUD, along with any structures existing on the date of the enactment of this Eagletown PUD, may continue and shall be permitted until the commencement of development of that parcel per the terms of this Eagletown PUD.

Section 18.7. **Phasing Schedule Procedures**. The Real Estate will be developed in multiple phases, and separate Development Plans may be submitted for approval. The Phasing Schedule in Exhibit E, as approved as part of this Eagletown PUD, including estimates of intervals during which Development Plans will be submitted and during which development will commence, are hereby deemed to be reasonable. Nothing in Exhibit E or elsewhere in this Eagletown PUD or in WC 16.04.190(D)(5) and WC 16.04.190(J) shall prohibit the filing of Development Plans for any particular District or portion thereof before or after the dates in the Exhibit E Phasing Schedule. In the absence of intentional misrepresentation of gross negligence by the Developer, extensions shall be granted and no penalties shall be sought or imposed for changes. The terms of WC 16.04.190(D)(5) and WC 16.04.190(J) are superseded and replaced by the terms stated herein.

Section 18.8. Other Local, State and Federal Requirements. The Eagletown PUD shall not exempt development of the real estate from compliance with all applicable local, state, and federal requirements and standards including but not limited to Wellhead Protection and regulations for property in proximity to public-use airports." This section does **not** apply to local zoning ordinance requirements which are superseded and replaced by the terms stated in the Eagletown PUD."

LINE TABLE		
LINE	LENGTH	BEARING
L31	328.49	N89°32'16"E
L32	206.83	S00°51'46"W
L33	292.45	S89°33'26"E
L34	331.86	S60°55'57"W
L35	269.16	S67°56'23"W
L36	188.84	S89°22'46"W
L37	312.00	S88°46'39"W
L38	52.11	N89°00'00"W
L39	50.07	S89°00'11"E
L40	170.01	S00°12'36"W
L41	58.77	S89°41'42"W



NOTE: THE LEGAL DESCRIPTION AND BOUNDARY INFORMATION SHOWN IN THIS EXHIBIT ARE NOT PART OF A BOUNDARY SURVEY OF THE PARCELS AND ARE ONLY TO BE USED FOR ZONING PURPOSES.

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Proj. No.: 2006-0539

EXHIBIT A-1:
Legal Description And Boundary Information
Rezone - Eagletown Pud

Scale: 1"=1500'

Date: 03-20-07

Sheet No: 2 of 2

PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 3 EAST, LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA DESCRIBED AS FOLLOWS:
COMMENCING AT THE HARRISON MONUMENT MARKER AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 3 EAST: THENCE ON THE NORTH LINE OF SAID SECTION SOUTH 89 DEGREES 20 MINUTES 15 SECONDS WEST (ASSUMED BEARING) 950.00 FEET TO A MAG NAIL AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE ON THE WEST LINE OF REAL ESTATE IN DEED RECORD IN INSTRUMENT NUMBER XXXXXXXX IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA SOUTH 00 DEGREES 39 MINUTES 45 SECONDS EAST 1086.91 FEET TO THE SOUTHWEST CORNER OF SAID REAL ESTATE TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE ON THE SOUTH LINE SAID REAL ESTATE NORTH 89 DEGREES 20 MINUTES 15 SECONDS 308.00 FEET TO THE WEST LINE (OR NORTHWEST CORNER) ? OF REAL ESTATE IN DEED RECORDED INSTRUMENT NUMBER 9709710348 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE ON (SAID) WEST LINE SOUTH 00 DEGREES 45 MINUTES 46 SECONDS WEST 1564.05 FEET TO THE SOUTH LINE OF SAID QUARTER SECTION TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE ON SAID SOUTH LINE SOUTH 89 DEGREES 29 MINUTES 14 SECONDS 678.57 FEET TO THE SOUTHEAST CORNER OF REAL ESTATE IN DEED RECORDED INSTRUMENT NUMBER 9809841961 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE ON THE WEST LINE OF SAID REAL ESTATE NORTH 00 DEGREES 05 MINUTES 59 SECONDS EAST 2648.94 FEET TO THE NORTH LINE OF SAID QUARTER SECTION TO A MAG NAIL; THENCE ON SAID NORTH LINE NORTH 89 DEGREES 20 MINUTES 15 SECONDS EAST 374.23 FEET TO THE PLACE OF BEGINNING CONTAINING 33.50 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, RIGHT OF WAY, EASEMENTS AND RESTRICTIONS OF RECORDS.

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 3 EAST LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA DESCRIBED AS FOLLOWS:
BEGINNING AT A HARRISON MONUMENT MARKER AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST;
THENCE ON THE NORTH LINE OF SAID NORTHWEST QUARTER NORTH 89 DEGREES 28 MINUTES 42 SECONDS EAST (ASSUMED BEARING) 1323.61 FEET TO A HARRISON MONUMENT MARKER AT THE NORTHEAST CORNER Of SAID QUARTER QUARTER SECTION: THENCE ON THE EAST LINE OF SAID QUARTER QUARTER SECTION, SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 1324.37 FEET TO A MAG NAIL AT THE SOUTHEAST CORNER OF SAID QUARTET QUARTER SECTION; THENCE ON THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, SOUTH 89 DEGREES 23 MINUTES 53 SECONDS WEST 1323.29
FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE SOUTHWEST CORNER OF SAID QUARTER QUARTER SECTION, THENCE ON THE WEST LINE OF SAID QUARTER QUARTER SECTION NORTH 00 DEGREES 10 MINUTES 40 SECONDS EAST 1326.22 FEET TO THE POINT OF BEGINNING, CONTAINING 40.26 ACRES, MORE OR LESS.

PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:
BEGINNING AT THE HARRISON MONUMENT AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 3 EAST, THENCE ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER NORTH 89 DEGREES 40 MINUTES 27 SECONDS EAST 1031.85 FEET TO A MAG NAIL ON THE WEST LINE A 1.39 ACRE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT No. 9609634782; THENCE ON SAID WEST LINE SOUTH 00 DEGREES 09 MINUTES 46 SECONDS WEST 207.30 FEET TO A 5/8" STEEL REBAR WITH YELLOW CAP STAMPED "MILLER SURVEYING" ON THE SOUTH LINE OF SAID 1.39 ACRE TRACT; THENCE ON SAID SOUTH LINE NORTH 89 DEGREES 40 MINUTES 27 SECONDS EAST 293.00 FEET TO A 5/8" STEEL REBAR WITH YELLOW CAP STAMPED 'MILLER SURVEYING" ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE ON SAID EAST LINE SOUTH 00 DEGREES 09 MINUTES 46 SECONDS WEST 843.46 FEET TO THE SOUTH LINE OF THE TRACT OF REAL ESTATE DESCRIBED IN DEED RECORD BOOK 352 PAGE 345; THENCE ON SAID SOUTH LINE SOUTH 64 DEGREES 51 MINUTES 36 SECONDS WEST 650.95 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 45 DEGREES 59 MINUTES 36 SECONDS WEST 880.11 FEET; THENCE SOUTH 89 DEGREES 22 MINUTES 46 SECONDS WEST 188.84 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 53 SECONDS EAST 1920.26 FEET TO THE POINT OF BEGINNING, CONTAINING 43.704 ACRES MORE OR LESS.

A PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 3 EAST LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE NORTH LINE OF SAID SOUTHWEST QUARTER NORTH 89 DEGREES 59 MINUTES 53 SECONDS WEST (ASSUMED BEARING) TO A MAG NAIL AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 03 DEGREES 50 MINUTES 18 SECONDS EAST 598.26 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING ON THE SOUTH LINE OF THE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT No. 9357399; THENCE ON SAID SOUTH LINE SOUTH 88 DEGREES 35 MINUTES 08 SECONDS WEST 311.76 FEET A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE SOUTHWEST CORNER OF SAID REAL ESTATE; THENCE ON THE WEST LINE OF SAID REAL ESTATE NORTH 00 DEGREES 20 MINUTES 55 SECONDS EAST 604.64 FEET TO A MAG NAIL ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE ON SAID NORTH LINE SOUTH 89 DEGREES 59 MINUTES 53 SECONDS EAST 267.93 FEET TO THE POINT OF BEGINNING, CONTAINING 4.00 ACRES, MORE OR LESS.

PART SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;
BEGINNING AT A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION 63.87 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER THENCE NORTH 89 DEGREES 12 MINUTES 19 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 498.81 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 54 SECONDS WEST A DISTANCE OF 1128.99 TO THE SOUTH LINE OF THE REAL ESTATE DESCRIBED IN DEED TO W.T. GLIDDEN PER INSTRUMENT #963618; THENCE SOUTH 89 DEGREES 10 MINUTES 30 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 1.12 FEET; THENCE NORTH 01 DEGREES 40 MINUTES 59 SECONDS WEST A DISTANCE OF 191.02 FEET; THENCE SOUTH 59 DEGREES 12 MINUTES 19 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 491.84 FEET; THENCE SOUTH 00 DEGREES 13 MINUTES 52 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER AND THE POINT OF BEGINNING. CONTAINING 15.09 ACRES, MORE OR LESS.
EXCEPT
DESCRIPTION OF REAL ESTATE: PER INSTRUMENT #200200065521
A PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE SOUTH LINE OF SAID QUARTER SECTION SOUTH 89 DEGREES 12 MINUTES 19 SECONDS WEST (ASSUMED BEARING), 1059.47 FEET; THENCE PERPENDICULAR TO THE LAST DESCRIBED COURSE, NORTH 00 DEGREES 47 MINUTES 41 SECONDS WEST, 25.00 FEET TO A POINT ON THE APPARENT NORTH RIGHT OF WAY LINE OF STATE ROAD 32 (50 FOOT TOTAL RIGHT OF WAY), SAID POINT BEING THE POINT OF BEGINNING OF THE herein DESCRIBED EASEMENT; THENCE CONTINUING NORTH 00 DEGREES 47 MINUTES 41 SECONDS WEST 37.40 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 8.56 FEET; THENCE SOUTH 77 DEGREES 10 MINUTES 50 SECONDS WEST 64.01 FEET; THENCE SOUTH 32 DEGREES 11 MINUTES 38 SECONDS WEST 21.05 FEET TO A POINT ON SAID RIGHT OF WAY LINE; THENCE ON AND ALONG SAID RIGHT OF WAY LINE, NORTH 89 DEGREES 12 MINUTES 19 SECONDS EAST 81.77 FEET TO THE POINT OF BEGINNING; CONTAINING 2395 SQUARE FEET, MORE OR LESS.

A PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 18 NORTH, RANGE 3 EAST, LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 18 NORTH, RANGE 3 EAST (SAID NORTHEAST CORNER BEING NORTH 00 DEGREES 00 MINUTES 00 SECONDS 0.81 FEET FROM THE HARRISON MARKER AT THE CLOSING CORNER FOR SAID NORTHEAST QUARTER); THENCE SOUTH 89 DEGREES 27 MINUTES 25 SECONDS WEST (ASSUMED BEARING) 134.42 FEET TO THE HARRISON MARKER AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 89 DEGREES 17 MINUTES 14 SECONDS WEST 895.58 FEET ON AND ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO A MAG NAIL AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00 DEGREES 00 MINUTES 18 SECONDS WEST 188.48 FEET TO 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE NORTH 89 DEGREES 59 MINUTES 42 SECONDS WEST 52.00 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 00 DEGREES 00 MINUTES 18 SECONDS WEST 480.35 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 89 DEGREES 59 MINUTES 42 SECONDS EAST 52.00 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 00 DEGREES 00 MINUTES 18 SECONDS WEST 266.92 SOUTH RIGHT-OF-WAY LINE OF THE CENTRAL INDIANA RAILROAD; THENCE SOUTH 89 DEGREES 52 MINUTES 41 SECONDS WEST 429.39 FEET ON AND ALONG SAID SOUTH RIGHT-OF-WAY LINE; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 931.32 FEET TO A MAG NAIL ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 17 MINUTES 14 SECONDS EAST 429.50 FEET TO THE POINT OF BEGINNING. CONTAINING 8.631 ACRES, MORE OR LESS.

NOTE: THE LEGAL DESCRIPTION AND BOUNDARY INFORMATION SHOWN IN THIS EXHIBIT ARE NOT PART OF A BOUNDARY SURVEY OF THE PARCELS AND ARE ONLY TO BE USED FOR ZONING PURPOSES.

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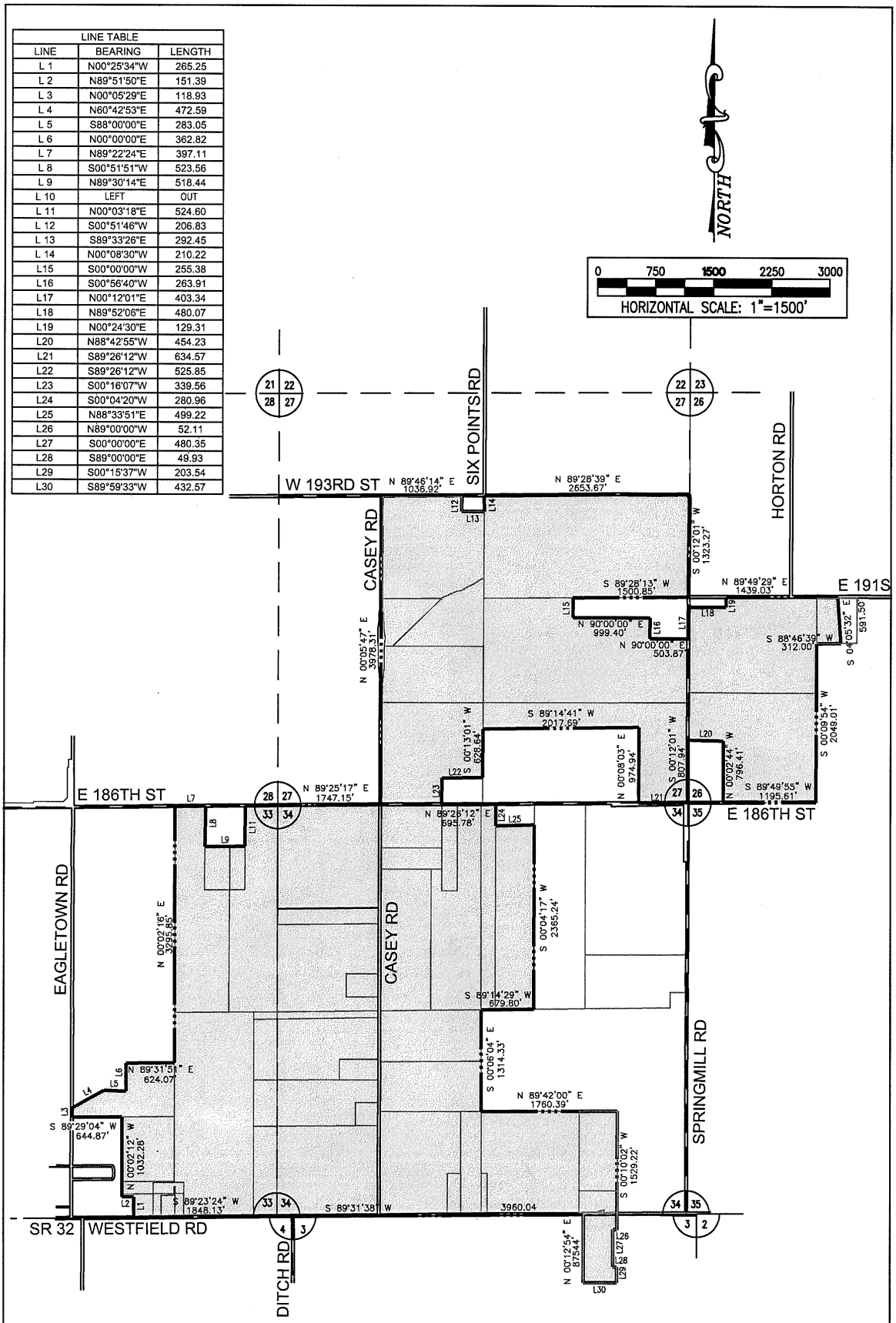
M C M X X V I

Proj. No.: 2006-0539

EXHIBIT A-1:
Legal Description And Boundary Information
Rezone - Eagletown Pud

Scale: 1"=1500'
Date: 03-20-07
Sheet No: 1 of 2

LINE TABLE		
LINE	BEARING	LENGTH
L 1	N00°25'34"W	265.25
L 2	N89°51'50"E	151.39
L 3	N00°05'29"E	118.93
L 4	N60°42'53"E	472.59
L 5	S88°00'00"E	283.05
L 6	N00°00'00"E	362.82
L 7	N89°22'24"E	397.11
L 8	S00°51'51"W	523.56
L 9	N89°30'14"E	518.44
L 10	LEFT	OUT
L 11	N00°03'18"E	524.60
L 12	S00°51'46"W	206.83
L 13	S89°33'26"E	292.45
L 14	N00°08'30"W	210.22
L15	S00°00'00"W	255.38
L16	S00°56'40"W	263.91
L17	N00°12'01"E	403.34
L18	N89°52'06"E	480.07
L19	N00°24'30"E	129.31
L20	N88°42'55"W	454.23
L21	S89°26'12"W	634.57
L22	S89°26'12"W	525.85
L23	S00°16'07"W	339.56
L24	S00°04'20"W	280.96
L25	N88°33'51"E	499.22
L26	N89°00'00"W	52.11
L27	S00°00'00"E	480.35
L28	S89°00'00"E	49.93
L29	S00°15'37"W	203.54
L30	S89°59'33"W	432.57



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Proj. No.: 2006-0539

EXHIBIT A-2:
Legal Description And Boundary Information
Text Amendment - Eagletown Pud

Scale: 1"=1500'

Date: 03-02-07

Sheet No: 2 of 2

A part of Sections 26, 27, 33, and 34, Township 19 North, Range 3 East, Washington Township, Hamilton County, Indiana, being described as follows:

Beginning at the Southeast corner of Section 33, Township 19 North, Range 3 East; Thence S 89°23'24" W, 1848.13; Thence N 0°25'34" W, 265.25 feet; Thence S 89°51'50" W, 151.39 feet; Thence N 0°02'12" E, 1032.28 feet; Thence S 89°29'04" W, 644.87 feet to the centerline of Eagletown Road; Thence along said centerline N 0°05'29" E, 118.93 feet; Thence N 60°42'53" E, 472.59 feet; Thence S 88°00'00" E, 283.05 feet; Thence N 0°00'00" E, 362.82 feet; Thence N 89°31'51" E, 624.07 feet; Thence N 0°02'16" E, 3295.85 feet to the north line of said Section 33 and the centerline of 186th Street; Thence along said north line and centerline N 89°22'24" E, 397.11 feet; Thence S 0°51'51" W, 523.56 feet; Thence N 89°30'14" E, 518.44 feet; Thence N 0°03'18" E, 524.60 feet to the north line of said Section 33 and the centerline of 186th Street; Thence East along the north lines of Sections 33 and 34 and said centerline N 89°25'17" E, 1747.15 feet to the centerline of Casey Road; Thence along the centerline of Casey Road N 0°05'47" E, 3978.31 feet to centerline of W 193rd Street; Thence along said centerline N 89°46'14" E, 1036.92 feet; Thence S 0°51'46" W, 206.83 feet; Thence S 89°33'26" E, 292.45 feet; Thence N 0°08'30" W, 210.22 to the intersection of W 193rd Street and Six Points Road; Thence East along the centerline of 193rd Street N 89°28'39" E, 2653.67 feet to the East line of Section 27 and the intersection of 193rd Street and Spring Mill Road; Thence along said East line and Spring Mill Road S 0°12'01" W, 1323.27 feet to the intersection of Spring Mill Road and 191st Street; Thence S 89°28'13" W, 1500.85 feet; Thence S 0°00'00" W, 255.38 feet; Thence N 90°00'00" E, 999.40 feet; Thence S 0°56'40" W, 263.91 feet; Thence N 90°00'00" E, 503.87 feet to the East line of Section 27 and the centerline of Spring Mill Road; Thence along said east line and centerline N 0°12'01" E, 403.34 feet; Thence N 89°52'06" E, 480.07 feet; Thence N 0°24'30" E, 129.31 feet to the centerline of 191st Street; Thence along said centerline N 89°49'29" E, 1439.03 feet; Thence S 04°05'32" W, 591.50 feet; Thence S 88°46'39" W, 312.00 feet; Thence S 0°09'54" W, 2049.01 feet to the South line of Section 26 and the centerline of 186th Street; Thence along said south line and centerline S 89°49'55" W, 1195.61 feet; Thence N 0°02'44" W, 796.41 feet; Thence N 88°42'55" W, 454.23 feet to the West line of said Section 26 and the centerline of Spring Mill Road; Thence along said West line and centerline S 0°12'01" W, 807.94 feet to the Southwest corner of said Section 26 and the intersection of Spring Mill Road and 186th Street; Thence along the south line of Section 27 and the centerline of 186th Street S 89°26'12" W, 634.57 feet; Thence N 0°08'03" E, 974.94 feet; Thence S 89°14'41" W, 2017.69 feet; Thence S 0°13'01" W, 628.64 feet; Thence S 89°26'12" W, 525.85 feet; Thence S 0°16'07" W, 339.56 feet to the South line of said Section 27 and the centerline of 186th Street; Thence along said south line and centerline N 89°26'12" E, 695.78 feet; Thence S 0°04'20" W, 280.96 feet; Thence N 88°33'51" E, 499.22 feet; Thence S 0°04'17" W, 2365.24 feet; Thence S 89°14'29" W, 679.80 feet; Thence S 0°06'04" E, 1314.33 feet; Thence N 89°42'00" E, 1760.39 feet; Thence S 0°10'02" W, 1529.22 feet; Thence N 89°00'00" W 52.11 feet; Thence S 0°00'00" E 480.35 feet; Thence S 89°00'00" E 49.93 feet; Thence S 0°15'37" W 203.54 feet to the south line of the now abandoned Central Indiana Railroad; Thence along said south line S 89°59'19" W, 432.57 feet; Thence N 0°12'54" E, 875.44 feet to the centerline of SR 32 and the South line of Section 34; Thence along said South line S 89°31'38" W, 3960.04 feet to the point of beginning. Containing 998 acres more or less.

NOTE: THE LEGAL DESCRIPTION AND BOUNDARY INFORMATION SHOWN IN THIS EXHIBIT ARE NOT PART OF A BOUNDARY SURVEY OF THE PARCELS AND ARE ONLY TO BE USED FOR ZONING PURPOSES.

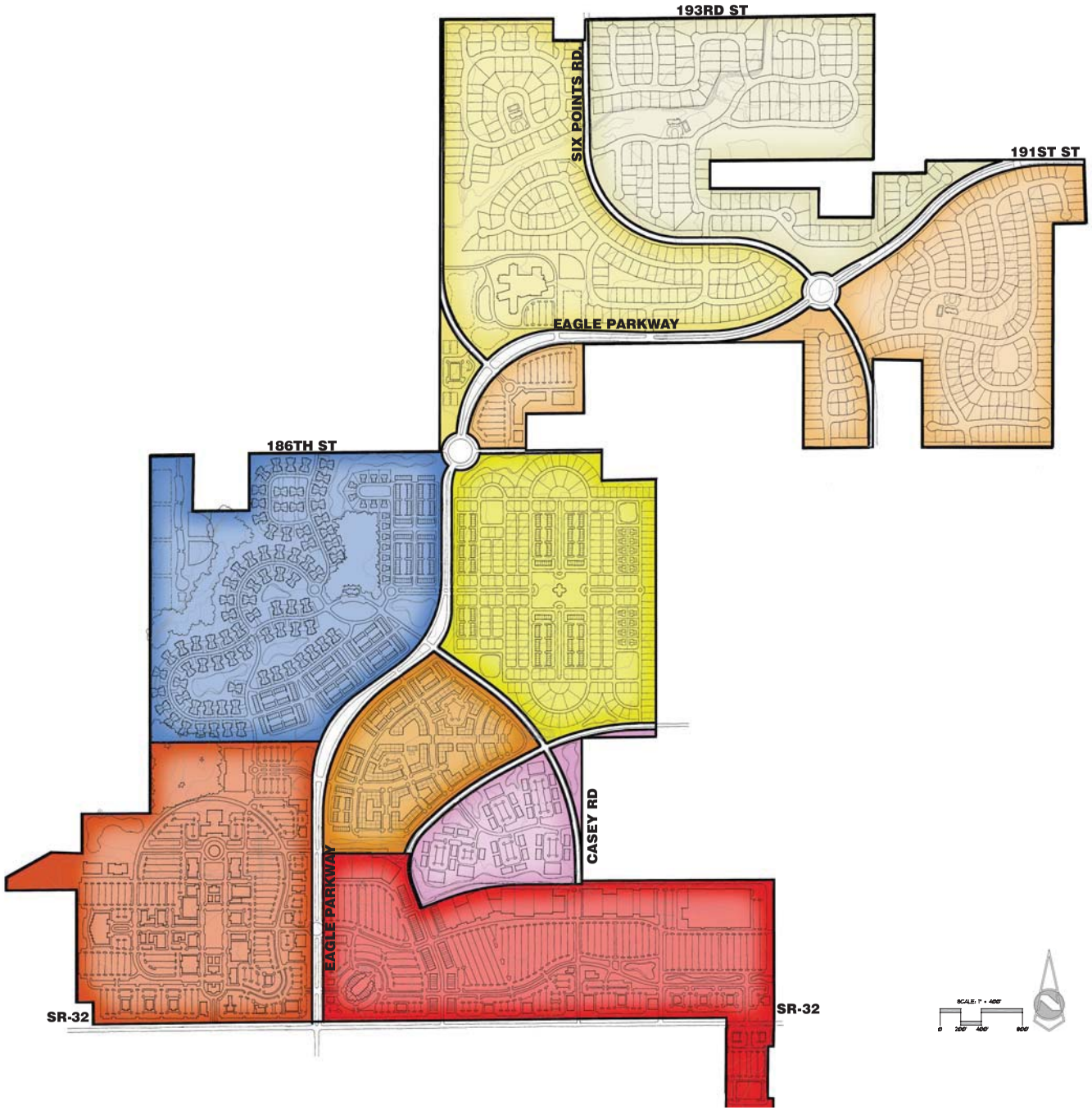
EMH&T
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
7400 North Shadeland Avenue
Suite 150, Indianapolis, IN 46250
Phone: 317.913.6930 Fax:317.913.6928
Columbus Cincinnati Indianapolis Charlotte
M C M X X V I

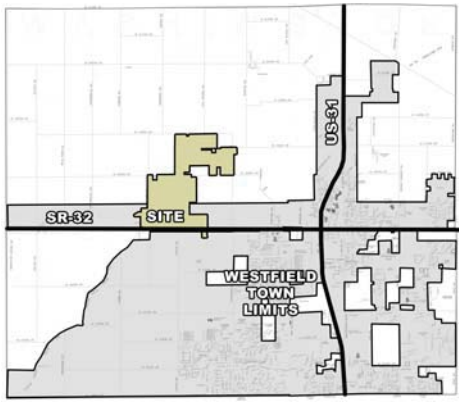
Proj. No.: 2006-0539

EXHIBIT A-2:
Legal Description And Boundary Information
Text Amendment - Eagletown Pud

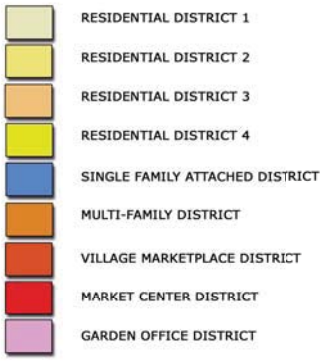
Scale: N/A
Date: 03-20-07
Sheet No: 1 of 2

Eagletown PUD - Exhibit B





LOCATION MAP



LEGEND

EAGLETOWN *Zoning District Map*

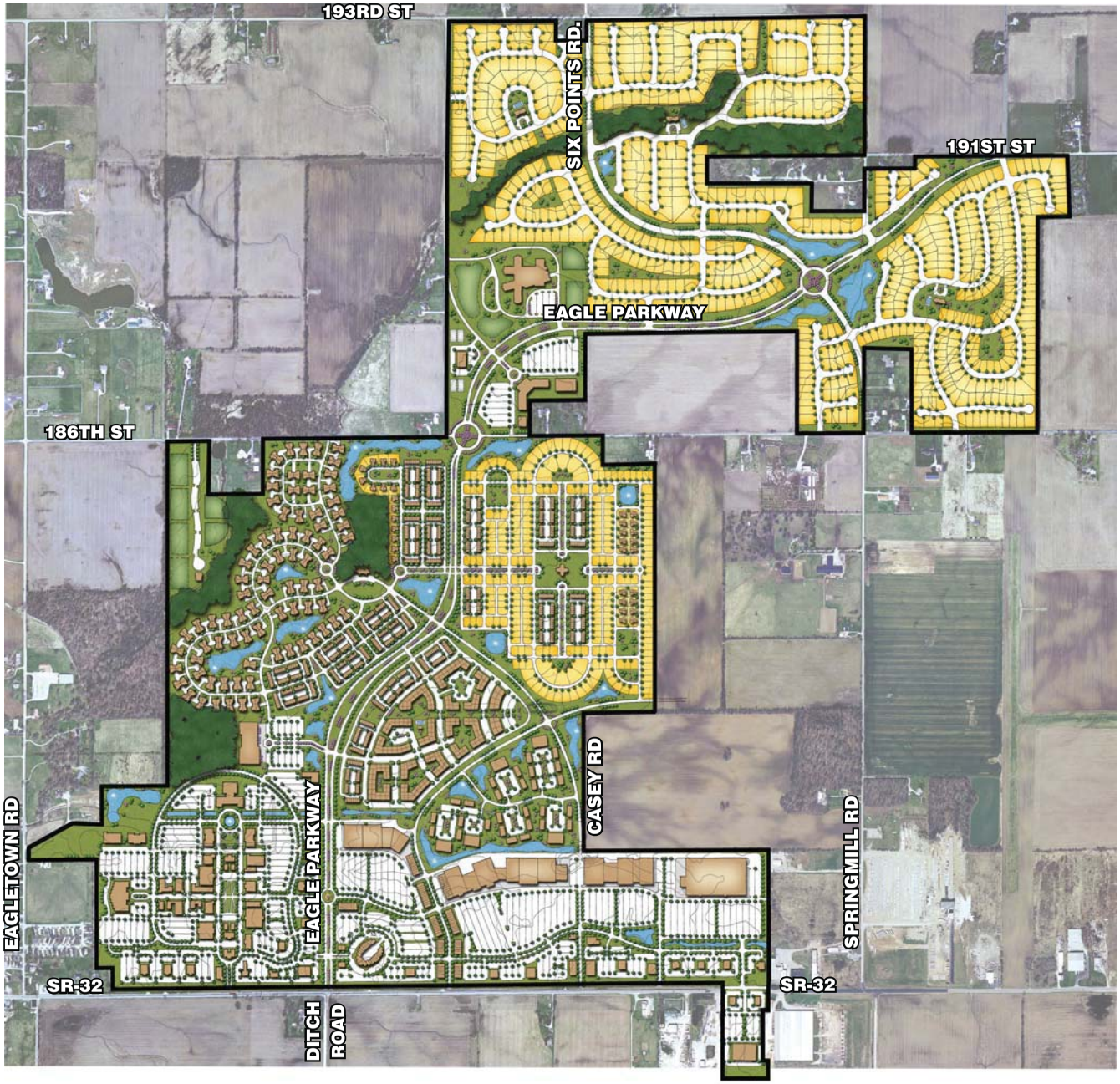
WILFONG · KREUTZ LAND DEVELOPMENT, LLC

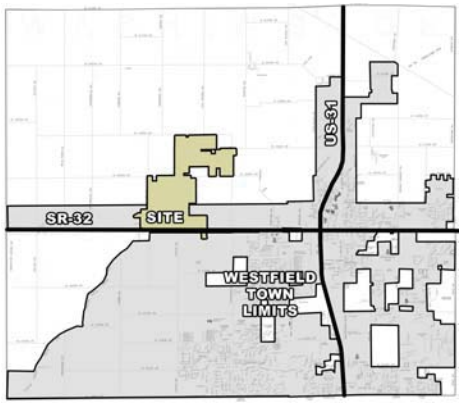
MKEC ENGINEERING CONSULTANTS, INC.

SLAGGIE ARCHITECTS, INC.

03.26.2007

Eagletown PUD - Exhibit C





LOCATION MAP

EAGLETOWN

Illustrative Site Development Plan

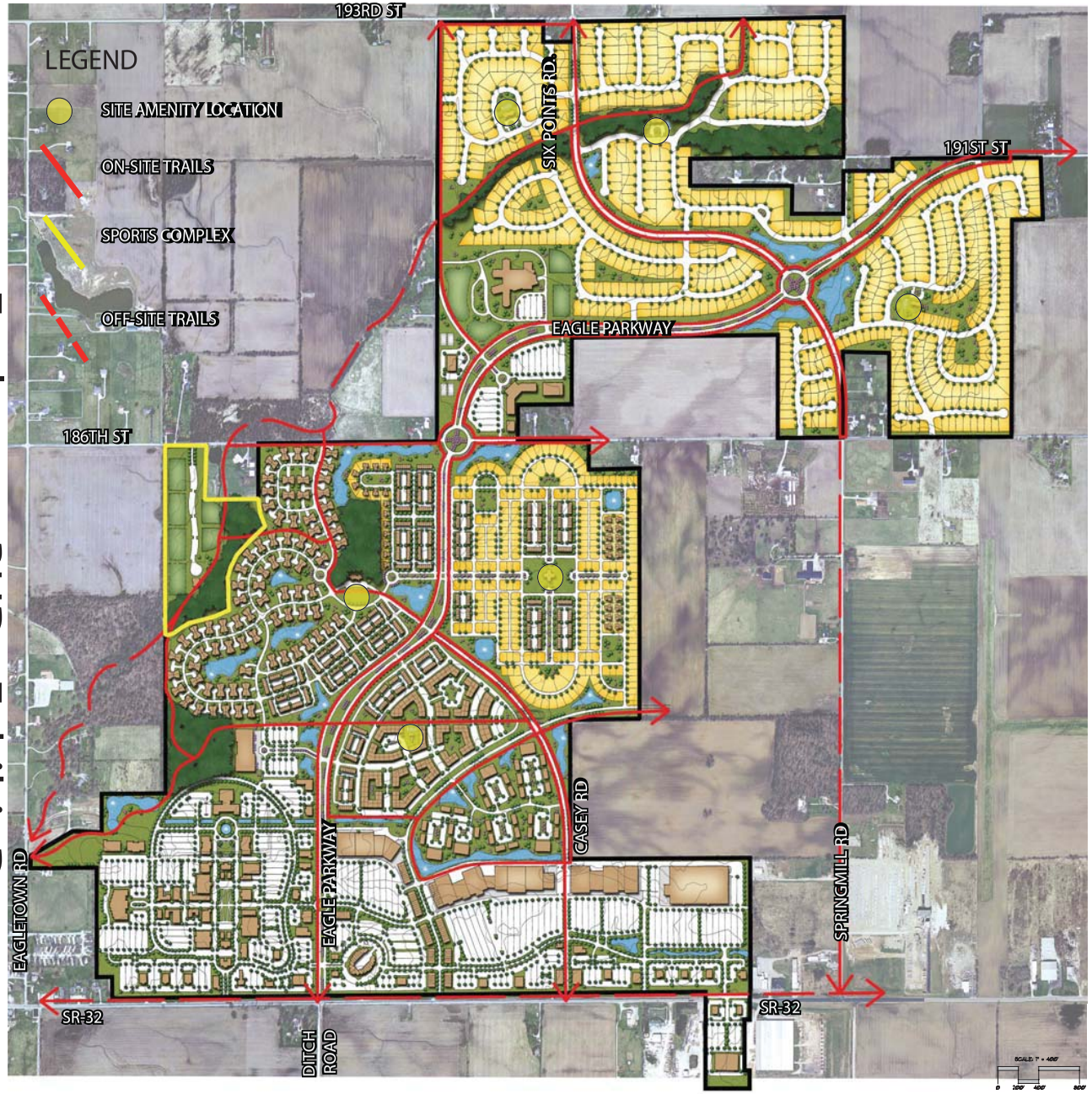
WILFONG · KREUTZ LAND DEVELOPMENT, LLC

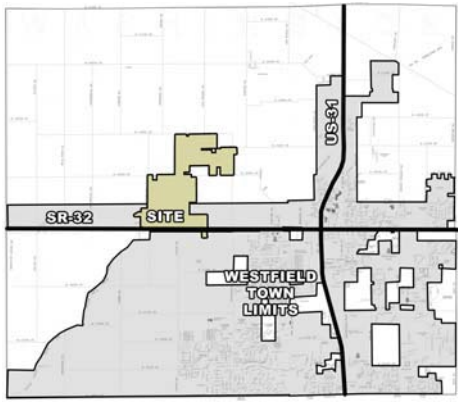
MKEC ENGINEERING CONSULTANTS, INC.

SLAGGIE ARCHITECTS, INC.

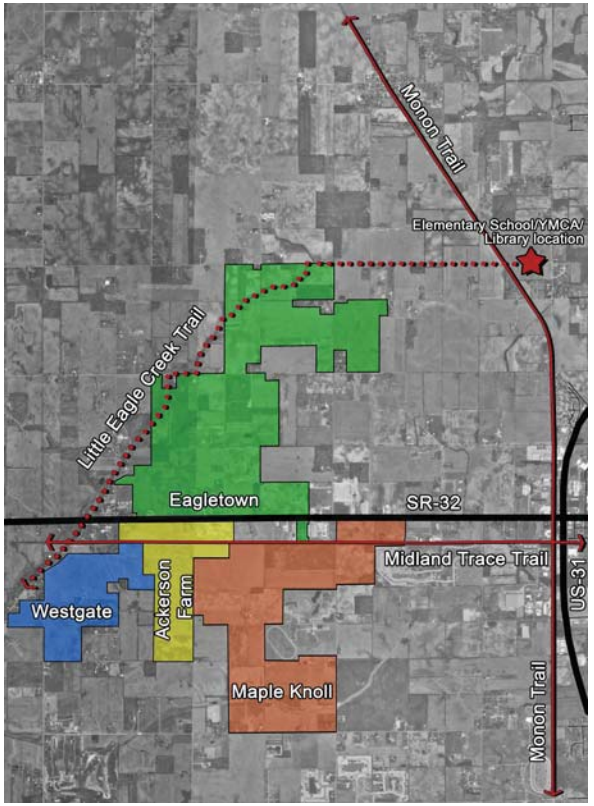
03.26.2007

Eagletown PUD - Exhibit D



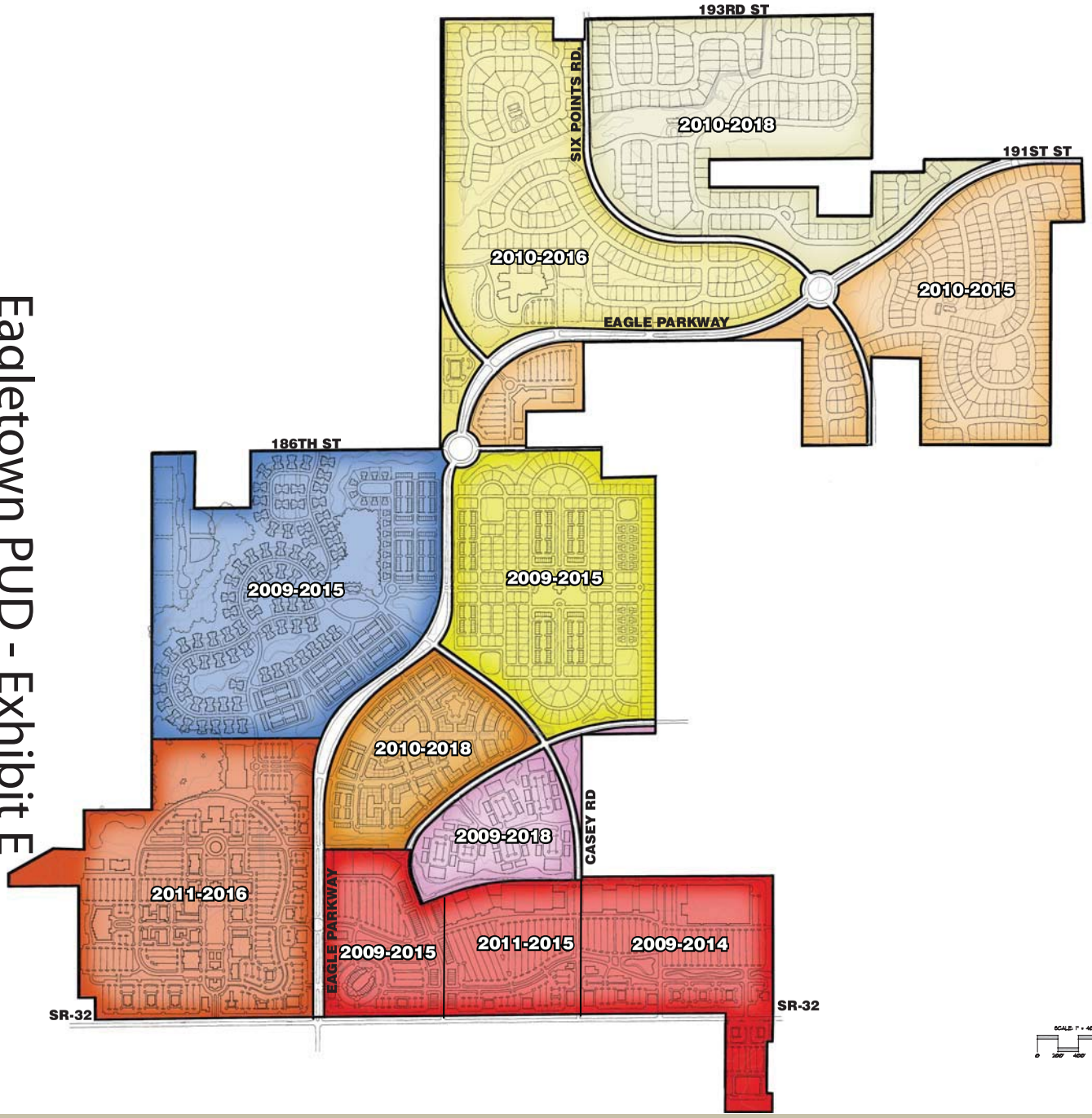


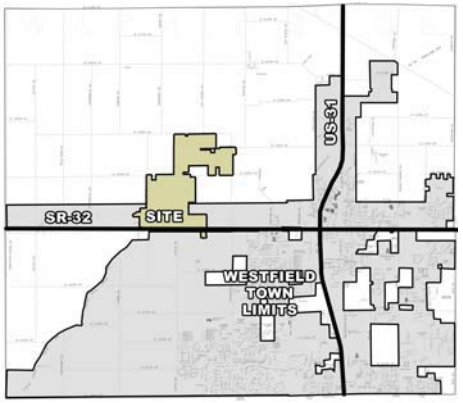
LOCATION MAP



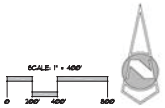
OFF-SITE TRAILS

Eagletown PUD - Exhibit E





LOCATION MAP



- RESIDENTIAL DISTRICT 1: 2010-2018
- RESIDENTIAL DISTRICT 2: 2010-2016
- RESIDENTIAL DISTRICT 3: 2010-2015
- RESIDENTIAL DISTRICT 4: 2009-2015
- SINGLE FAMILY ATTACHED DISTRICT: 2009-2015
- MULTI-FAMILY DISTRICT: 2010-2018
- VILLAGE MARKETPLACE DISTRICT: 2011-2016
- MARKET CENTER DISTRICT: 2009-2015
- GARDEN OFFICE DISTRICT: 2009-2018

LEGEND

EAGLETOWN *Construction Phasing Schedule*

WILFONG · KREUTZ LAND DEVELOPMENT, LLC

MKEC ENGINEERING CONSULTANTS, INC.

SLAGGIE ARCHITECTS, INC.

03.26.2007