City of Westfield
Indiana 1834
Old Town Charm, New City Style

Westfield City Council Report

Petition Number:	0903-PUD-03
Approximate Address:	411 South Union Street
Petitioner:	The J.C. Hart Company, Inc.
Representative:	Jon Dobosiewicz, *Nelson & Frankenberger*
Requested Action:	A change in zoning from the MF-1 and EI districts to the Union Street Flats PUD District
Current Zoning Dist:	MF-1 and EI
Requested Zoning Dist:	Union Street Flats PUD
Approximate Acreage	19
Filing Date	February 3, 2009
Referral Date to APC:	February 9, 2009
APC Public Hearing:	March 2, 2009 (Workshop) March 16, 2009 (Public Hearing)
APC Determination:	March 16, 2009
Associated Cases:	NA
Associated Ordinances:	NA
First Reading	April 13, 2009
Public Hearing	Not Required by the City Council
Second Reading	April 27, 2009, if applicable (favorable from APC)
Eligible for Adoption	April 13th or April 16th, if applicable (favorable from APC); adoption is not recommended until Development Agreement is finalized and agreed upon
Exhibits:	Petitioner's Exhibits
Staff Planner Assigned:	Kevin M. Todd, AICP

PETITION HISTORY

The petition for change in zoning was filed by the Petitioner/Representative on February 3, 2009. The petition appeared before the Technical Advisory Committee (TAC) on February 17, 2009. The petition appeared before the APC Workshop on March 2, 2009 and presented testimony at the scheduled public hearing on March 16, 2009 before the APC.

PROCEDURAL

- Requests for changes in zoning and amendments to an existing PUD District are required to undergo a public hearing by State Code and City Ordinance.
- Notification of the March 2, 2009 Workshop Meeting and the March 16, 2009 public hearing was provided in accordance with the APC Rules of Procedure.

- On March 16, 2009, the APC issued a recommendation to the City Council in regard to the proposed changes in zoning in accordance with IC 36-7-4-602.

INTRODUCTION/ SUMMARY

The requested change in zoning of the subject property would allow the development of up to 250 multi-family dwelling units, a clubhouse and swimming pool, and the associated accessory structures. The proposal includes a minimum of 25% open space, an integrated trail and sidewalk system, a constructed portion of the Monon-Midland Loop, and an extension of South Street which will ultimately serve as a frontage road to US 31 and connect to Lantern Commons to the south. The proposal requires architectural features and materials that enhance the current Westfield standards.

PLANNED UNIT DEVELOPMENT (PUD) STANDARDS (WC 16.04.190, C1)

A planned unit development shall:

1. Address the policies included in the Comprehensive Plan specific to the neighborhood in which the PUD is to be located so as to encourage consistency with the community development vision as presented in the Comprehensive Plan.

The Future Land Use Map in the 2007 Comprehensive Plan is a concept map that generally assigns areas of the community to a specific land use classification. The land use categories are not parcel-specific and those places where the "boundary lines" of differing classifications meet are intended to offer flexibility in planning. The Plan identifies the subject area as being on the fringe of the "Downtown" and "Employment Corridor" (p. 23). The Plan does not contemplate residential uses in the Employment Corridor (pp. 52-53). It does recommend high-density residential in the downtown area.

Further, a master plan for Downtown is currently being reviewed by the City as a possible amendment to the Comprehensive Plan. The draft plan, the Grand Junction Master Plan, includes the subject property in its entirety, and it considers high-density multi-family residential for the site.

The proposal is generally consistent with the existing recommendations for downtown in the Comp Plan, and it is consistent with the recommendations in the draft Grand Junction Master Plan for Downtown Westfield.

2. Use design to provide compatibility between areas of different land uses and development intensities within the PUD.

The PUD proposal contemplates a single land use district, which primary use is multi-family residential. Secondary uses, accessory uses, and amenity uses would be subordinate to the primary use and would follow the same design standards that would be required for the primary use.

3. Buffer different types of land uses and development intensities outside of the PUD

from those within the PUD so as to minimize any adverse impact which new development may have on existing or zoned development.

The subject property abuts single-family residential, institutional, agricultural uses, and wooded areas. The PUD requires buffering on all but the west perimeter of the property. The western portion of the property is within a floodplain and is separated from the developable portion of the project by a regulated drain and associated easement.

4. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces.

The concept plan identifies an area for possible storm water detention and an easement for the Ana Kendall Drain. The drain is protected and maintained by the Hamilton County Surveyor's Office (HCSO). The largest area of existing trees is within the regulated drain easement, and is maintained by the HCSO.

5. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.

The concept plan identifies the flood zone and an easement for the Ana Kendall Drain. A letter from the Hamilton County Surveyor's Office (dated February 19, 2009, Exhibit 2) unofficially indicates that a significant portion of the site is within the floodplain, and that variances from the Hamilton County Drainage Board would be necessary to construct within this area.

6. Promote architecture that complements the surroundings.

The proposal includes building elevations and architectural standards that are compatible with the surrounding area. The elevations depict two and three-story buildings with varying roof lines, balconies, multiple materials, and other architectural treatments. The neighboring residential structures are largely finished with siding and have varying roof lines and other architectural treatments. The neighboring institutional structures are largely finished with brick and other architectural treatments. The PUD restricts the buildings adjacent to Union Street to a maximum of two-stories in height.

7. Counteract urban monotony and congestion on streets.

The PUD proposes a portion of the South Street extension. If constructed, and linked to Union Street, a portion of the US 31 frontage road will be complete. The frontage road will ultimately connect to Lantern Commons, to the south. The continuation of the existing grid system and the extension of new roads will alleviate congestion and provide a more navigatable street network.

8. The area designated in the PUD map must be a tract of land under single ownership or control. Single control of property under multiple ownerships may be

accomplished through the use of enforceable commitments.

Proof of ownership and consent has been provided for the petition file.

9. The concept plan shall indicate the land uses, development standards, and other applicable specifications which shall govern the development of the PUD site in lieu of the regulations for the non-planned unit development district. If the concept plan is silent on a particular land use, development standard, or other applicable specification, then the standards of the non-planned unit development district or the applicable regulations shall apply.

The proposed concept plan identifies the location of all proposed uses.

10. The PUD concept plan map shall show the general location of all improvements.

The proposed concept plan identifies the general location of all proposed improvements.

11. The PUD must comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Zoning Ordinance, other pertinent regulations, and adopted standards and policies, except where modification is specifically authorized through the provisions of this Section of the Ordinance.

Construction of the infrastructure to serve the Union Street Flats PUD would be consistent with that of any other new construction and would be required to follow all standards and regulations for such, unless otherwise modified by the PUD or approved by the City.

12. The PUD must include a statement of recreational amenities and how they benefit the PUD residents.

The PUD includes a requirement for a clubhouse with a half-court basketball court, a swimming pool, and an integrated trail and sidewalk system for the project.

PUBLIC POLICIES

Comprehensive Plan-Feb 2007

See above, "PUD STANDARDS, Item 1" for discussion.

Thoroughfare Plan-Feb 2007

The current Westfield-Washington Township Thoroughfare Plan roadway classification map identifies the impacted segment of Union Street as a "Secondary Arterial (p. 4-20)," and recommends a minimum dedication of a sixty (60) foot half right-of-way (p. 5-3). The Thoroughfare Plan further recommends the provision of an eight (8) foot asphalt path within the right-of-way of Union Street (p. 5-3).

The Thoroughfare Plan identifies the future frontage road as a "Collector (p. 4-20)," and

recommends a minimum dedication of a one hundred (100) foot full right-of-way (p. 5-3). It further recommends the provision of an eight (8) foot asphalt path within the right-of-way of the new frontage road (p. 5-3).

The Thoroughfare Plan defines the Monon-Midland Trace Loop as following the Anna Kendall Creek Trail (p. 4-14). A segment of that trail traverses the subject property and would be included in the project.

Parks & Recreation Master Plan-Dec 2007
The Westfield Parks & Recreation Master Plan makes no specific recommendation for the subject site.

Water & Sewer System-Aug 2005
Water and sewer service run within and nearby the subject property. At the time of development plan review, the developer will be required to provide a study of the water and sewer service to and from the site.

Annexation
The subject property is within the corporate boundaries of the City of Westfield.

Well Head Protection-Ord. 05-31
The subject property is not within a wellhead protection area.

INDIANA CODE
IC 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.
See above, "PUD STANDARDS, Item 1" for discussion.

2. Current conditions and the character of current structures and uses.
The subject property is currently improved with single-family detached dwellings and agricultural outbuildings. Neighboring properties are a mixture of single family residential, agricultural, wooded areas, and an institutional use (Union Friends Church).

3. The most desirable use for which the land is adapted.
The Comprehensive Plan established that multi-family residential is an appropriate use in the downtown area of Westfield. The draft Grand Junction Master Plan for Downtown Westfield further defines that vision and identified the subject area as appropriate for multi-family residential redevelopment. The recent planning efforts of the City have recommended the proposed use for the subject property.

4. The conservation of property values throughout the jurisdiction.
As Downtown Westfield redevelops, this proposed change is expected to have neutral or positive impacts on property values within the vicinity and jurisdiction. The project would provide a higher density residential project which is important for downtown revitalization efforts.

5. Responsible growth and development.
The site is contiguous to other developments, and the redevelopment of the subject site would be consistent with the principle of contiguous growth. City services such as water, sewer, and emergency services already exist on or near the subject property.

APPLICABLE COMMITMENTS

- None have been submitted as of the date of this report. A Development Agreement is pending, and should be finalized and agreed upon prior to voting on this petition.

RECOMMENDATIONS / ACTIONS

- City Administrative Staff [January 20, 2009]
  The Westfield City Staff under their final report to the Westfield-Washington Advisory Plan Commission made a positive recommendation for this petition in accordance with the attached documentation, with a condition that the Development Agreement offered by the developer is submitted prior to Council consideration of the case and is acceptable to the City Council.

- Advisory Plan Commission [January 20, 2009]
  The Westfield-Washington Advisory Plan Commission has forwarded a favorable recommendation (Vote of: 7-0) regarding this petition in accordance with the attached documentation, with the following conditions:
  1. That the Development Agreement offered by the developer is submitted prior to Council consideration of the case and is acceptable to the City Council.
  2. That Section 4.1 is corrected to reflect "No parking on Union Street…"

- Board of Zoning Appeals [N/R]

- City Council
  - First Reading: [April 13, 2009,]
  - Public Hearing: [N/R]
  - Second Reading: [April 27, 2009, if applicable]
  - Eligible for Adoption: [April 13, 2009 or April 27, 2009; adoption is not recommended until Development Agreement is finalized and agreed upon]

Hereby submitted this 3rd day of April, 2009.

Robert Smith, *APC President*
Cindy Spoljaric, *APC Vice-President*
Kevin M. Todd, AICP, *Interim APC Secretary*

WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION

The Westfield-Washington Advisory Plan Commission met on Monday, March 16, 2009, to consider a requested change in zoning of approximately 19 acres from the MF-1 and EI districts to the Union Street Flats PUD. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed rezone is as follows:

0903-PUD-03, The J.C. Hart Company and Nelson & Frankenberger,
441 South Union Street; Request a change in zoning of approximately 19 acres
from the MF-1 and EI districts to the Union Street Flats PUD

A motion was made and passed to send a positive recommendation to the City Council to approve 0903-PUD-03.

I, Kevin M. Todd, being the Interim Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on March 16, 2009.

Kevin M. Todd, Interim Secretary

March 16, 2009
Date

Case No.	0903-PUD-03
Petitioner	The J.C. Hart Company and Nelson & Frankenberger
Description	441 South Union Street; Request a change in zoning of approximately 19 acres from the MF-1 and EI districts to the Union Street Flats PUD.

Todd introduced the petition which is a change in zoning of 19 acres to the Union Street Flats PUD. He stated this project would allow for the construction of up to 250 multi-family dwelling units. He further stated amenities will include a clubhouse with indoor swimming pool and half court basketball court, minimum of 25% open space which calculates to approximately 4.5 to 5 acres, an integrated trail and sidewalk system which includes the construction of a portion of the Monon/Midland loop through downtown Westfield, bicycle parking facilities throughout the project, area to be dedicated to the city for possible regional storm water detention for the downtown area. He also stated the proposal also identifies future right-of-way for a South Street extension on the west side of Union Street which would help accomplish one of the goals of the thoroughfare plan by establishing a frontage road along US 31 which would ultimately connect to the Lantern Commons project to the south. The project does conform to the Grand Junction Master Plan. Since the March 2 Workshop meeting, the petitioner has revised the document to address concerns of neighbors, city staff and the Commission including clarification of open space definition, inclusion of privacy fencing requirements and restrictions, reduction in maximum building height, inclusion of maximum building height of two stories for buildings which front on Union Street, addition of bicycle parking facilities, addition of trail width requirements, inclusion of trail lighting requirements and reduction of pole lighting maximum height requirements. He added that the petitioner has met the requirements of the ordinance and did hold neighborhood meeting on February 26. Todd also noted that although the staff report mentions the PUD ordinance is pending, at the time of the publishing of the report there were still items which needed to be address which have been addressed and the project is now compliant. He finished his comments stating staff recommends a positive recommendation to the City Council with the condition that a development agreement offered by the developer be submitted prior to Council consideration which is acceptable to the City Council. Todd introduced Melody Sweat, the Westfield Parks Director, who presented additional information.

Sweat stated she has been working with the Petitioner on outstanding issues with the trails and will work out lighting issues as they move forward and stated her support for the project.

Discussion followed regarding:

- Parking stall size;
- PUD wording regarding the Grand Junction Plan versus Comprehensive Plan;
- No parking on Union Street for the project versus all the parking on site for residents;
- Increase in traffic;
- South Street development;

Mr. Jon Dobosiewicz, Nelson & Frankenberger, introduced John Hart, JC Hart Company; Todd May, JC Hart Company; Gary Weaver, Weaver & Sherman Design; and Jim Shinaver, Nelson & Frankenberger. He addressed the Legislative Intent in order to address concerns regarding the verbiage regarding the Grand Junction Plan. He also stated the ordinance should reflect that parking on Union Street cannot be counted.

Mr. Gary Weaver presented further details of the project and discussed the site plan, building elevations, trails, landscape plan, and architectural variety.

Dobosiewicz shared a letter sent dated March 9, which includes 46 items or changes made to the text as a result of the Commission concerns from the workshop meeting as well as comments and concerns of the public and City staff.

A Public Hearing opened at 7:31 p.m.

Ms. Julie Sole spoke in support of the petition as a resident, and spoke of the Chamber's support of the petition.

Mr. John Whitaker spoke on behalf of Union Bible College as well as himself as a resident in support of the petition.

Mr. Terrell Gray spoke in support of the petition.

Ms. Diane Settle expressed concern regarding the traffic impact and density.

Mr. Joe Plankis spoke in support of the petition.

Ms. Karen Bonnie expressed concern about tree preservation, in particular a Burr Oak which is 100 years old; she expressed appreciation that the petitioner stated consideration that the proposed road may be moved back five feet in order to preserve said tree and acknowledged these concerns.

Mr. Delbert Dodson spoke against the petition and expressed concern regarding economic slowdown, need for the development, need for an upscale apartment community at this time, the effect on projects already approved, overdevelopment of Westfield, and traffic. He questioned granting of rezone, architectural integrity, and what type of residents is the City hoping to attract.

Mr. Jim Anderson spoke in support of the petition.

Mr. Todd Hoard expressed concern regarding the zoning.

Mr. Alton Hoard asked for clarification regarding the base flood elevation on the Hamilton County Surveyor's exhibit. He also expressed concern about the flood plain and misuse of PUD zoning.

Mr. Richard Morris echoed concern about the flood plain and asked what will be done to prevent flooding of surrounding properties.

Mr. Warren Bonnie stated the floodplain map was a guestimate not really a survey. He further stated the South Street extension isn't really in the markings, but we are working on it; it may happen one day. He believes until these issues are resolved, nothing should be built there.

Ms. Juanita Gripp stated no one has approached her family about this project.

The Public Hearing closed at 7:59 p.m.

Dobosiewicz responded to public hearing comments stating there is floodplain on the property, which has been identified. He further stated as the development process proceeds, this will be studied in greater detail, and there will be no buildings constructed in areas where not permitted. He also addressed traffic on Union Street and the zoning process.

Discussion followed regarding:

- Tree preservation public hearing comment
- Further traffic study
- Working with residents to make sure concerns are addressed
- Parking Computation

Motion: To send 0903-PUD-03 to the Westfield City Council with a positive recommendation with the following conditions:

1. That the Development Agreement offered by the developer is submitted prior to Council consideration of the case and is acceptable to the City Council.

2. That Section 4.1 is corrected to reflect "No parking on Union Street…"

Motion by: Horkay; Second by: Spraetz; Vote: 7-0

Union Street Flats

AT GRAND JUNCTION

Ordinance 09-02
PC Docket # 0903-PUD-03

J. C. Hart Company, Inc.

April 13, 2009
(Westfield City Council – 1st Reading)

ORDINANCE 09-~~_____~~02

AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF WESTFIELD-WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

This PUD Ordinance (the "~~South Union~~UNION STREET FLATS PUD") amends the Zoning Map of the City of Westfield-Washington Township, Hamilton County, Indiana;

WITNESSETH:

WHEREAS, the Plan Commission conducted a public hearing, as required by law, in regard to the application for a change of zoning filed by J.C. Hart Company, Inc. with respect to the Real Estate; and

WHEREAS, under Docket Number **09~~____~~03-PUD-~~____~~03**, on the _____ day of _____, 2009, the Plan Commission forwarded this matter to the City Council with a _____ recommendation.

WHEREAS, words and terms used throughout this ~~South~~ Union Street Flats PUD shall have the meanings ascribed to them in Article 1, which follows. Other words shown capitalized and not contained in Article 1 shall have the meaning as set forth in the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City 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 uses in the Real Estate, (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values through out the City of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the City 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.

H. Promote the vision outlined in the Grand Junction Plan for Downtown Westfield.

SECTION 2. EFFECT. As specified in the Table of Contents which follows ~~on the next page~~, attached hereto and incorporated herein by reference are (i) Articles 1 thru 12 and (ii) Exhibits A thru G. The Legal Description and location, which is attached hereto and labeled as Exhibit A-1 and Exhibit A-2 respectively, identifies the Real Estate included in the PUD. It is the intention of this ~~South~~ Union Street Flats PUD that the Zoning Ordinance, as modified by revisions, additions, and deletions, specified in the Articles 1 - 12 and Exhibits A - G which follow, shall govern the use and development of the District.

SECTION 3. SIZE OF DISTRICT – The size and location is identified in Exhibit A-1 and Exhibit A-2.

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SECTION 4. This ~~ordinance~~Union Street Flats PUD Ordinance shall be in full force and effect in accordance with Indiana law upon its passage by the ~~Common~~City Council, its publication in accordance with law, and upon the occurrence of any other legally required acts, including passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed.

ALL OF WHICH IS ~~ORDANINED~~ORDAINED THIS _____ DAY OF _____ 2009.

WESTFIELD CITY COUNCIL

Voting For	Voting Against	Abstain
_____	_____	_____
John Dippel	John Dippel	John Dippel
_____	_____	_____
Steve Hoover	Steve Hoover	Steve Hoover
_____		
Bob Horkay	Bob Horkay	Bob Horkay
_____	_____	_____
Ken Kingshill	Ken Kingshill	Ken Kingshill
_____	_____	_____
Bob Smith	Bob Smith	Bob Smith
_____	_____	_____
Thomas Smith	Thomas Smith	Thomas Smith
_____	_____	_____
Rob Stokes	Rob Stokes	Rob Stokes
_____		
~~Steve Hoover~~	~~Steve Hoover~~	~~Steve Hoover~~

ATTEST:

_____

Cindy Gossard, Clerk-Treasurer

I hereby certify that ORDINANCE 09-~~__~~02 was delivered to the Mayor of Westfield on the _____ day of _____, 2009, at _____ __m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 09-~~__~~02
this _____ day of _____, 2009.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 09-~~__~~02
this _____ day of _____, 2009.

_____
J. Andrew Cook, Mayor

This Ordinance prepared by: Jon C. Dobosiewicz, Land Use Professional, Nelson & Frankenberger, 3105 East 98th Street, Suite 170, Indianapolis, IN 46280

~~SOUTH~~ UNION STREET FLATS PUD
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~~SOUTH~~ UNION STREET FLATS PUD
TABLE OF EXHIBITS

Exhibit A-1	Legal Description
Exhibit A-2	Site Location and Hamilton County Tax Parcel Information
Exhibit B	Illustrative Site Development Plan / Concept Plan
Exhibit C	Trails, Path and Sidewalk Plan
Exhibit D	Typical Buffer Yard Planting Areas
Exhibit E	Typical Building Base Landscaping Plan
Exhibit F	Concept Building Elevations
Exhibit G	Underlying Zoning Compendium – Filed with Department of Community Development under separate cover

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

3. "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.

4. "Alternative Transportation Plan" shall mean and refer to the portion of the Westfield Thoroughfare Plan which illustrates bicycle paths, walking paths, and sidewalks throughout and around a geographic area.

5. "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.

6. "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.

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

8. "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.

9. "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.

10. "Building Commissioner" shall mean and refer to the official designated by the Westfield City Council, authorized to enforce the Westfield -Washington Township Comprehensive Zoning Ordinance and the Westfield -Washington Township Building Code.

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

~~12. "Building, Front Line of" shall mean and refer to the line of the face of the building nearest the front lot line.~~

~~13.~~ "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. Chimneys, cupolas, and other similar structures shall not be included in calculating heights.

~~14~~12. "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.

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

14. "Caliper" shall mean and refer to a standard trunk diameter measurement for trees.

15. "~~Building, Principal~~City Council" 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.~~ Westfield City Council.

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

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

18. ~~"City Council" shall mean and refer to the Westfield City Council~~"Department", "Westfield Community Development Department", "Community Development Department" or "Staff" shall mean and refer to Westfield Community Development Department or its successors.

19. "~~Corner Break~~Developer" shall mean and refer to ~~the exterior corner along the facade of a building. The "exterior" corners of a covered porch, the outermost corners of the building, and a projection with a height of no less than six feet shall count as a corner break~~J.C. Hart Company, Inc., and its successors, assigns, and designees.

20. ~~"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~~"Development Amenities" shall mean and refer to 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, walking/jogging/biking trails, picnic/barbecue group areas, and playgrounds.

21. ~~"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~~"Development Plan" shall mean and refer to the review process established under Article 5 of this Union Street Flats PUD.

22. "~~Department~~Director" shall mean and refer to the Director of the Westfield Community Development Department~~ or its successors~~.

23. ~~"Developer" shall mean and refer to J.C. Hart Company, Inc., and its successors, assigns, and designees~~"District" shall mean and refer to the area of Real Estate as identified in Exhibit A-1.

24. ~~"Development Amenities" shall mean and refer to 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, walking/jogging/biking trails, picnic/barbecue group areas, playgrounds~~"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.

25. ~~"Director" shall mean and refer to the Director of the Westfield Community Development Department.~~

~~26. "District" shall mean and refer to the area of the development as identified in Exhibit A-1.~~

~~27. "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.~~

~~28.~~ "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 thirty (30) days.

~~29~~26. "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.

~~30. "Dwelling, Single-family" shall mean and refer to a building designed for or occupied by one family unit.~~

~~31~~
27. "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.

~~32~~28. "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.

~~33~~29. "Elevation" shall mean and refer to the ~~front~~ architectural façade of a dwelling.

~~34~~30. "Evergreen" shall mean and refer to coniferous or broad-leaved plants whose leaves remain throughout the year.

31. "Exhibit A-1" shall mean and refer to the legal description of the Real Estate attached hereto as Exhibit A-1 and made part of this Union Street Flats PUD.

32. "Exhibit A-2" shall mean and refer to the site and Hamilton County tax parcel information for the Real Estate attached hereto as Exhibit A-2 and made part of this Union Street Flats PUD.

33. "Exhibit B" shall mean and refer to the Illustrative Site Development Plan / Concept Plan of the Real Estate attached hereto as Exhibit B and made part of this Union Street Flats PUD.

34. "Exhibit C" shall mean and refer to the Trails, Path and Sidewalk Plan for the Real Estate attached hereto as Exhibit C and made part of this Union Street Flats PUD.

35. ~~"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.~~ "Exhibit D" shall mean and refer to the Typical Buffer Yard Planting Areas of the Real Estate attached hereto as Exhibit D and made part of this Union Street Flats PUD.

36. ~~"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~~"Exhibit E" shall mean and refer to the Typical Building base Landscaping Plan attached hereto as Exhibit E and made part of this Union Street Flats PUD.

37. ~~"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.~~ "Exhibit F" shall mean and refer to the Concept Building Elevations attached hereto as Exhibit F and made part of this Union Street Flats PUD.

38. ~~"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.~~ "Exhibit G" shall mean and refer to the Underlying Zoning Compendium filed with the Department of Community Development under a separate cover and made part of this Union Street Flats PUD.

39. ~~"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.~~ "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, nursing home, fraternity or sorority house.

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

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

42. ~~"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~~"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.

43. ~~"Illustrative Site Development Plan" shall mean and refer to the Concept Plan attached hereto and incorporated herein by reference as Exhibit B~~"Grade" shall mean and refer to the average level of the finished surface of ground adjacent to the exterior walls of the building.

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

45. "Home Occupations" or "Permitted Home Occupations" 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.

46. "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.

~~45~~47. "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 8 – Landscaping Standards)

~~46~~48. "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 9 –Lighting Standards)

~~47. "Lot" shall mean and refer to a land area with a properly recorded legal description, accessible by means of a street.~~

~~48~~49. "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.

~~49~~50. "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.

~~50~~51. "Lot Line, Side" shall mean and refer to any lot boundary line not a front lot line or a rear lot line.

~~51. "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.~~

52. "Masonry" ~~Brick~~shall mean and refer to brick, limestone, natural stone, ~~cultural~~cultured stone, or ~~other similar building material or~~ a combination of the same, bonded together with mortar to form a wall, buttress or similar mass.

53. "Natural Materials" ~~Brick~~shall mean and refer to brick, wood, limestone, fiber cement siding, or natural stone.

54. "Open/Green Space" shall mean and refer to any part of the District not covered by public or private streets, driveways and buildings. Open space includes but shall not be limited to areas and/or uses such as: parks, playgrounds, wetlands, trails, water retention/detention areas, floodplains, screening buffers, yards, and other landscaped areas. Open space shall not include the area of a dumpster/compactor enclosure or immediately surrounding lawn area.

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

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

57. “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.

58. “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.

59. “Parking Space, Tandem” shall mean and refer to an area designed or used for parking a motor vehicle ~~which complies with Article 4, Off-Street Loading and Parking~~where two spaces are laid out front to back where a vehicle parked in one space can not access a drive isle without the second space being unoccupied.

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

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

62. “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.

63. “Real Estate” shall mean and refer to the real estate described in what is attached hereto and incorporated herein by references as Exhibit A-1.

64. “Ridge line” ~~The~~ shall mean and refer to 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.~~

65. “Right-Of-Way” shall mean and refer to a legally established property designated for public transportation uses.

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

67. “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.

68. "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.

69. "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.

70. "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.

71. "Street" shall mean and refer to a right-of-way designated for use by motor vehicles.

72. "Thoroughfare Plan" shall mean and refer to the Thoroughfare Plan adopted by the City of Westfield.

73. "Trails , Path and Sidewalk Plan" shall mean and refer to the Trails, Path and Sidewalk Plan attached hereto and incorporated herein by ~~references~~reference as Exhibit C.

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

75. "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.

76. "Tree, Street" shall mean and refer to a tree planted along the street right-of-way.

77. "Underlying Zoning Compendium" shall mean and refer to the Underline Zoning Compendium which is Exhibit G filed with the Westfield Community Development Department as a separate document.

78. ~~"Westfield Community Development Department" shall mean and refer to the Westfield Community Development Department or its successors.~~

~~79.~~ "WPWD" shall mean and refer to the Westfield Public Works Department or its successors.

~~80~~79. "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.

~~81~~80. "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.

~~82~~81. “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.

~~83~~82. “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 ninety degrees 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 ninety degrees with the side lot line.

~~84~~83. “Zone Map” shall mean and refer to the official zone map corresponding to the Zoning Ordinance.

~~85~~84. “Zoning Ordinance” shall mean and refer to the Zoning Ordinance of Westfield-Washington Township.

ARTICLE 2. LAND USE CONTROLS AND OVERLAYS

Section 2.1 **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.

Section 2.2 **US ~~HIGHWAY 31 OVERLAY ZONE.~~Highway 31 Overlay Zone**. Section 16.04.070 of the Zoning Ordinance, entitled "US Highway 31 Overlay Zone", shall be inapplicable to the use and development of the Real Estate, as appropriate standards are specified in Article 3 – Provisions for Residential Uses and 8 – Landscaping Standards, and the corresponding ~~Exhibits~~exhibits, of this ~~South~~ Union Street Flats PUD.

Section 2.3 **Multi-family Development Plans, fencing, accessory structures**. Section 16.04.100 of the Zoning Ordinance, entitled "Multi-family Development Plans, fencing, accessory structures", shall be inapplicable to the use and development of the Real Estate, as appropriate standards are specified in Article 3 – Provisions for Residential Uses and 8 – Landscaping Standards, and the corresponding exhibits, of this Union Street Flats PUD.

ARTICLE 3. PROVISIONS FOR RESIDENTIAL USES. The terms, conditions, and provisions of this Article III shall apply to the use and development of the District.

Section 3.1. General Requirements:

A. Accessory Buildings and Uses.

1. Accessory ~~buildings~~Buildings and uses are permitted in the ~~district~~District, 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, parking spaces, curbs, retaining walls, mail boxes, name plates, and lamp posts, are permitted in any ~~front, side~~Front, Side or ~~rear yard~~Rear Yard.

3. Accessories, such as large ground microwave antenna dishes, are not permitted in ~~front~~Front or ~~side yards~~Side Yards or within 150 of the trail running along the legal drain; however, a satellite receiver antenna which is two (2) feet in diameter or less may be installed in accordance with the provisions of IC 36-7-4-201.1.

B. Building Lines and Setbacks.

1. Patios may encroach into required setback yards by a maximum of five (5) feet.

C. 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 (2) 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 (2) 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~~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~~Home Occupations.

3. Signs: See Article 10.6.B.

F. Fences.

1. Fences located within any required ~~front yard~~ Front Yard shall not exceed forty-two (42) inches in height, as measured from the topmost point thereof to the ground adjacent to the fence.

~~1~~2. Fences located within any required ~~side~~Side or ~~rear yard~~ Rear Yard shall not exceed eight (8) feet in height, as measured from the topmost point thereof to the ground adjacent to the fence.

~~2~~3. Any fence placed upon an erected earth berm or masonry wall must govern its total height to the limitations ~~herein~~as set forth in Section 3.1.F.2 above.

~~3~~4. Open wire mesh fences surrounding tennis courts may be erected to a height of sixteen (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.~~5. Vision obstruction shall be regulated by the Westfield Specifications and Standards manual: Section 02501 – Standards of Roadway Geometric Design, Part 1, 1.1 C.7.a.

6. Fences constructed of wood for the purpose of obscuring view shall be installed so that the finished side of the fence is facing outward.

7. A wood privacy fence shall only be permitted within the buffer yard areas and in no case shall be permitted between the western most primary buildings and the Anna Kendall legal drain.

8. A six (6) foot tall wood privacy fence shall be placed in the buffer yard areas adjacent to the Gripp, Hoard, Union Friends Church, and South Ridge Subdivisions properties as noted in the Exhibit B and Exhibit D attached to this Union Street Flats PUD.

G. Swimming Pools.

1. General Standards:

a. A swimming pool shall only be permitted within an open space area.

b. A swimming pool shall be required to meet the same setback requirements as the principal structure to which it is accessory.

d. A swimming pools shall ~~be enclosed~~comply with ~~a fence~~the State of ~~not less than five feet in height.~~Indiana regulations for safety.

Section 3.2. Specific Development Requirements: The terms, conditions, and provisions of this Section 3 shall apply to the use and development of the District. The district is reclassified on the Zone Map from ~~MF2~~MF1 – Multi-Family and EI – Enclosed Industrial District Classifications to Planned Unit Development District Classification, the underlying zoning classification of which shall be the MF2 – Multi-Family ~~district~~District in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said MF2 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 District.

A. Permitted Uses:

1. Multi-Family Dwellings.

2. General Office (only as accessory to leasing and management of the Multi-Family Use).

3. Park

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

~~4~~5. Temporary trailers from which leasing activities may be conducted with outside sales persons until a Certificate of Occupancy is issued for a permanent space within a primary structure.

~~5~~6. Signs as permitted by this ~~South~~ Union Street Flats PUD Ordinance.

~~6~~7. All utilities, both regulated and unregulated (excludes offices and/or storage facilities).

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

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

~~9.~~ Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, trails, swimming pool, fitness center, common meeting facility, clubhouse, park, ball field, ball courts, playground, gardens and related storage and support facilities, leasing offices, refuse containers, all of which shall be made available to the residents within the Real Estate as specified in any Declaration.

~~10~~9. 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~~association.

B. Minimum lot area: N/A

C. Minimum lot frontage on road: N/A

D. Maximum number of Dwellings:

1. Two-hundred and fifty (250) dwellings

2. The maximum number of 3-bedroom Dwellings shall not exceed twenty (20) percent of the total number of Dwellings on the Real Estate.

E. Minimum Development Plan area: The filing of a Development Plan may include all or part of the Real Estate. In any case the area of the floodplain including the trial shall be included in the first Development Plan submitted on the real estate.

F. Minimum Open/Green Space Area:

1. Twenty-five ~~(25)~~ percent (25%) of the ~~district~~District.
2. Open/Green Space areas shall be owned and maintained under common ownership unless all or a portion of the Open/Green Space is dedicated to the City of Westfield for park, trail or storm water management use.

G. Minimum setback lines/distance between buildings:

1. Minimum distance between buildings shall comply with the Indiana State Building Code.

H. Project Perimeter Building Setbacks (minimum):

1. Twenty (20) feet along ~~South~~ Union Street.

2. Ten (10) feet along all other public streets.

3. Ten (10) feet along the ~~south~~north perimeter of the Real Estate.

4. Ten (10) feet along the east perimeter of the Real Estate other than along ~~South~~ the Union Street frontage.

5. Ten (10) feet along the ~~north~~south perimeter of the Real Estate.

6. The floodway limits of the Anna Kendall legal Drain.

I. Maximum building height:

1. Forty ~~five (45~~ (40) feet.

2. The two buildings noted as numbers 1 and 21 (along Union Street) on Exhibit B shall be a maximum of two stories as illustrated in the character rendering contained in Exhibit F.

J. Minimum Square footage per dwelling unit:

1. A One bedroom dwelling shall have a minimum of 650 square feet.

2. A two bedroom dwelling shall have a minimum of 800 square feet.

3. A three bedroom dwelling shall have a minimum of 1,000 square feet.

K. Architectural Standards and Building materials for all primary buildings:

1. Building Elevations:

a. Building Elevations must generally conform with the exhibits contained within the ~~South~~ Union Street Flats PUD. Typical concept building elevations and architectural character illustrations are included in Exhibit "F" of this ~~South~~ Union Street Flats PUD.

b. Masonry shall be used on the front elevation of each building, excluding openings such as doors and windows, roofs, any area within a dormer projecting from a roof as appropriate to the building architectural style.

c. The surface area of all remaining elevations shall have masonry or natural materials as the exterior building materials.

d. All structures shall utilize a minimum of two (2) exterior building materials (excluding window, door, and roofing materials).

e. Building elevations of similar floor plans shall have a variety in style, massing and use of materials and detailing of elements such as porches and entryways.

f. The same elevation may occur as buildings are grouped together.

g. Each building plan shall have a minimum of two (2) different elevation styles.

h. The two (2) buildings fronting ~~union street~~Union Street shall be two-story buildings to match the scale of the existing structures along the street and will be grouped together and create a gateway for the site.

i. All structures shall utilize a minimum of two (2) exterior building material styles per elevation. (Examples: Masonry~~,~~ and horizontal fiber cement siding, and/or shake style fiber cement siding~~.~~).

j. The side elevations of buildings numbered 8 and 12 will generally conform to the character illustration in Exhibit F-1 of this Union Street Flats PUD.

k. The side elevations of buildings numbered 13 and 14 will generally conform to the character illustration in Exhibit F-2 of this Union Street Flats PUD.

2. Windows: 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 at a minimum. For windows in a non-brick façade, the windows shall be trimmed to match the building style. The width of the architectural treatment shall be a minimum of 3½" reveal dimension of the base siding material.

3. Roof Pitch: The minimum roof pitch on the front and sides of the main roof of all buildings shall be 6/12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch. Lower roof pitches may occur on rear elevations if concealed by side roof elements.

4. Roof Overhangs: Roof overhangs shall be sized to match the architectural style of the building.

5. Roof Vents: Roof vents shall be located to the rear half of the buildings 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.

6. Director's Authority: The Director has the authority to determine if buildings meet these architectural building requirements and may allow up to two (2) deviations from the above standards. No deviation of the building elevation architectural standards (Section 3.2.K.1) is permitted by the Director.

~~N~~L. Building Base Landscaping Requirements for all primary structures:

1. A minimum of one-half (0.5) trees, and two (2) shrubs shall be planted around each building per the number of dwellings in each building. The clubhouse shall require one (1) tree and five (5) shrubs for every thirty (30) feet not obstructed by walkways, patios, and/or pool deck area.

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, patios and/or driveways.

3. Perennial plants and ground cover may be planted in addition to the above noted required plantings.

~~O~~M. Landscaping: See Article 8 for additional District landscaping requirements.

~~P~~N. Lighting: See Article 9.

~~Q~~O. Parking: See Article 4.

Section 3.3. Amenities:

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

1. Clubhouse including a half-court basketball gymnasium.

2. Pool

3. Integrated trail and sidewalk system (see Exhibit "C")

B. ~~The Clubhouse and Pool~~All amenities will be constructed as part of first phase of construction. The timing for the completion of the trail along the Anna Kendall legal drain will be address as part of an agreement between the Developer and the City of Westfield.

ARTICLE 4. OFF-STREET LOADING AND PARKING

Section 4.1. **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. Required Spaces.

1. One (~~2~~1) parking space per bedroom of each dwelling.

2. A minimum number of ~~70% of the~~ garage parking spaces shall be ~~within garages attached~~equal to 60% of the total number of Dwelling Units on the ~~primary structures~~Real Estate.

~~2~~3. Two (2) parking spaces for every one-thousand (1,000) square feet of non-residential uses.

B. Location.

1. Parking spaces shall be provided on the Real Estate.

~~2. Street parking on the Real Estate shall be used primarily for guest parking.~~

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 ~~shall~~along Union Street frontage shall not be included in the parking count for required spaces. Access drives interior to the Real Estate do not qualify as a street.

D. Size. A required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives, aisles, ramps, columns. Such space shall have vertical clearance of at least seven (7) feet. Parallel parking spaces shall be a minimum of twenty-two (22) feet in length.

~~F~~E. 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 access to the street. Tandem ~~parking spaces~~ Parking Spaces adjacent to individual garages shall meet this requirement provided that both the garage and tandem space are dedicated to the same tenant.

F. Curbs. All parking lots including access drives and parking spaces shall

require concrete curbing unless curb conflicts with the provision of a bio swale of other filtration system as part of a Low Impact Development (LID) design. Curb or parking bumper shall be used adjacent to parking stalls.

G. 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 City's repair of underground facilities.

H. Lighting. A system of pole lights shall be installed to provide an adequate standard of illumination over the parking lot and shall comply with the requirements set forth in Article9 – Lighting.

4.2 Bicycle Parking. Bicycle parking shall be provided in accordance with regulations set forth hereinafter:

A. Location.

1. A bicycle parking facility shall be provided at the intersection of the trail and development area walk and at the Clubhouse.

2. A two-bike parking accessory will be provided at a minimum of six (6) locations distributed across the Real Estate.

B. Required Number. Each bicycle parking facility shall be designed to accommodate a minimum of ten (10) bicycles.

ARTICLE 5. DEVELOPMENT PLAN REVIEW. Purpose: A Development Plan Review process is hereby established for and applicable to all Real Estate within the ~~South~~ Union Street Flats PUD. 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 5.1. Authority of 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; or, (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 amended Development Plans ~~for individual blocks~~ within a Development Plan previously approved by the ~~Advisory~~ Plan ~~commission~~Commission shall be delegated to the Director.

C. Development Requirements (General). Each Development Plan shall demonstrate compliance with all applicable provisions of this ~~South~~ Union Street Flats 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. They shall meet the specifications of the City Standards and Specifications and meet the current Thoroughfare Plan.

Section 5.2. Development Plan Review. .

A. Development Requirements for the District:

1. Site Access and Site Circulation:

a) All proposed site access locations shall comply with the ~~requirements of~~ "Construction Standards" adopted by the ~~Indiana Department of Transportation, Driveway Permit Manual (1996 Version)~~Westfield City Council and ~~any amendments thereto, which~~

~~is hereby incorporated into and made a part of this Ordinance by this reference~~administered by the WPWD;

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 8.

3. Lighting: See Article 9.

4. Signs: See Article 10.

~~5. 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 5.3. 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~~ Development Plan satisfies the development requirements specified in this ~~South~~ Union Street Flats PUD.

Section 5.4. 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.

Section 5.5. 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 ~~South~~ Union Street Flats 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 in accordance with the meeting dates and filings deadlines as established by the City of Westfield Department of Community Development.

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~~site plan, overall plan, building elevations or ~~Site Access~~site access and ~~Site Circulation Plan~~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 the 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~~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~~Article 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 as prepared by the Department of Community Development or,

2. Development Plans filed for Director's approval – ~~included in~~See the ~~building permit fee.~~ Adopted Fee Schedule as prepared by the Department of Community Development.

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

4. All WPWD plan review fees shall be paid 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 Article.

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~~ 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.~~Article 5.5.B, 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 5.6. Plan Documentation. This section applies to all Development Plan ~~Applications~~applications requiring Plan Commission ~~Review~~review.

A. Development Plans requiring review by the Plan Commission. This section applies to all Development ~~plan Applications~~Plan applications requiring Plan Commission ~~Review.~~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~~WPWD and ~~Town~~City 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. Development Plans requiring review by the Director. This section applies to all Development ~~plan Applications~~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~~elements as required by ~~the Westfield Public Works Department~~WPWD and ~~Town~~City 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 permitting of individual Single Family Attached Dwelling structures once a Development Plan is approved by the Plan Commission or Director) 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)~~. An Overall Plan is required if the subject project is part of a larger development. It shall be filed in connection with the submission of a Development Plan and 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~~Plan, 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~~and 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 permitting of individual Single Family Attached Dwelling structures once a Development Plan is approved by the Plan Commission or Director).~~ . Landscape Plans filed in connection with the submission of a Development Plan shall: indicate compliance with the requirements of Article 8 - 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~~twelve (12) 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. It is recommended that landscape plans be prepared by licensed landscape architects, nurserymen, or other professionals experienced in landscape design, installation, and maintenance.

14. 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.

F. Lighting Plan ~~(Not required for permitting of individual Single Family Attached Dwelling structures once a Development Plan is approved by the Plan Commission or Director).~~ . Lighting Plans filed in connection with the submission of a Development Plan shall~~:~~ indicate compliance with the requirements of Article 9. Lighting Standards, shall 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~~ A site plan indicating the location of all ~~exterior of~~ lighting structures, supports and fixtures, including~~, wattage~~ those fixtures which presently exist on site and ~~type of light~~those which are proposed for the site;

8. ~~Intensity of lighting at base of light structure and at the lot line measured in foot-candles;~~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 depicted at ten (10) foot intervals or less. The diagram shall plot foot-candle increments of one-half (0.5) footcandle or less;

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.~~8. 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. 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;

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

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 permitting of individual Single Family Attached Dwelling structures once a Development Plan is approved by the Plan Commission or Director)~~. Sign Plans filed in connection with the submission of a Development Plan shall; indicate compliance with the requirements of Article 10 - Sign Standards; shall 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 permitting of individual Single Family Attached Dwelling structures once a Development Plan is approved by the Plan Commission or Director)~~. 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~~site access and ~~Site Circulation Plan~~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~~site access and ~~Site Circulation Plan~~ 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 permitting of individual Single Family Detached Dwellings or Single Family Attached Dwelling structures once a Development Plan is approved by the Plan Commission or Director). A Traffic Impact Study~~Grand Junction Plan. A plan shall be required illustrating the Overall Plan for the Development superimposed over the Grand Junction Plan at a size no smaller that 11" by 17".

J. Traffic impact study. A traffic impact analysis has been provided with the submittal of this ~~South~~ Union Street Flats PUD. Additional traffic studies shall ~~not~~ be required for submittal of Development Plan applications.

~~J~~K. Statement of Development Build-Out. ~~Petitioner~~The 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 6. PRINCIPAL STANDARDS OF DESIGN.

Section 6.1. General. ~~Subdivision~~ Construction 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 City Council and administered by the ~~Westfield Public Works Department~~WPWD.

Section 6.2. Streets.

A. All streets shall be designed and constructed per the standards contained in the Westfield Specifications and Standards Manual as may be amended from time to time.

B. Exhibit B illustrates no new streets proposed to be constructed by the Developer. All of these access drives internal to the Real Estate shall be private unless, at the sole discretion of the Developer, a request is made for a public street.

C. Right-of-way necessary for the future construction of an extension to 171st Street shall be provided along the south perimeter of the Real Estate as indicated on Exhibit B. Building setbacks including open space and landscaping requirements shall still be measured from widths prescribed for a ~~side yard setback.~~Side Yard Setback in Article 3.2. In no case shall a ~~buffer yard~~Buffer Yard be less than five (5) feet in width.

Section 6.3. Blocks. All blocks shall be designed and constructed per the standards contained in the Westfield Specifications and Standards Manual as may be amended from time to time.

Section 6.4. Easements.

A. Easements for utilities shall be provided. Such easements shall have a minimum width of twenty (20) feet~~, and where located along lot lines, one-half of the width shall be taken from each lot.~~ .

B. 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 6.~~7.~~5. Open Space.

A. See Article 11~~ for open space provisions~~. Development Statistics.

B. A public way, crosswalk, or easement not less than fifteen (15) feet in width shall be provided for access to the open space.

C. Open ~~space~~Space, where applicable, shall be placed adjacent to or connected to existing or proposed open space located on adjoining property.

D. Two (2) benches and one (1) trash receptacle (of a design as established for Union Street by the City of Westfield) shall be installed by the Developer in the Open Space along the Real Estate's Union Street frontage.

ARTICLE 7. STANDARDS OF IMPROVEMENT. The final plats and construction plans for the ~~real estate~~Real Estate shall conform to the "Construction Standards" adopted by the Westfield City Council and administered by the ~~Westfield Public Works Department~~WPWD**.**

Section 7.1. Sewers.

A The sanitary sewer system permit, design and construction shall be approved by the City of Westfield. All construction is to be in accordance with the City of Westfield's Construction Standards and Specifications. The City of Westfield issues sanitary permits for all construction within the City of Westfield and water permits within the City of Westfield and Noblesville.

B. All development must install sanitary sewers per the City'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 City'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 specified in the Westfield's Construction Standards and Specifications.

Section 7.2. Water.

A. All development shall install water main per the City's Water Master Plan and City 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 City'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 specified in the Westfield's Construction Standards and Specifications.

B. At the election of the Developer the real estate may have a master water meter as opposed to individual water meters by unit or building.

Section 7.3 Storm Drainage.

A. All development shall adhere to the City'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 City'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 specified in the Westfield's Construction Standards and Specifications.

B. All Development shall adhere to erosion control requirements (Ordinance 06-16).

C. All Development Plan applications shall be submitted to the Hamilton County Surveyor's Office for review and shall meet all applicable Hamilton County Drainage Ordinances.

Section 7.4. Curbs and Gutters.

A. The Developer shall provide curbs and gutters on each side of any street surface.

Section 7.5. Sidewalks~~,~~ and Pedestrian Paths~~, Jogging Paths, and Bicycle Paths~~.

~~A. The Plan Commission shall require sidewalks~~A. Sidewalks or paths as illustrated on Exhibit C of this ~~South~~ Union Street Flats PUD shall be required.

B. When sidewalks, pedestrian paths, jogging paths, and/or bicycle ways are to be installed, they shall be constructed in accordance with the Construction Standards for the City of Westfield~~.~~ and follow the current master plan.

C. The trail along the Anna Kendall shall be twelve (12) feet in width and have two (2) foot stone shoulders on each side.

Section 7.6. Street Signs.

A. The Developer shall provide the development with street signs which shall meet the standards of the City of Westfield or MUTCD standards.

Section 7.7. Street Lights.

A. The Developer shall provide the development with street lights, the type of which will be determined by the Developer, at locations as the Developer shall determine.~~ All street lights within the Real Estate shall be of the same desig~~

Section 7.8. Fire Hydrants.

A. The Developer shall provide the ~~real estate~~ Real Estate with fire hydrants.

B. The types of hydrants and location of hydrants shall be determined by the Westfield -Washington Township Fire Department and approved by WPWD.

Section 7.9 . Construction Standards.

A. Construction plans shall meet the most current ~~Westfield Public Works Department~~WPWD standards and be approved by the ~~Westfield Public Works Department~~WPWD.

B. Construction standards for the following items may be found in "City of Westfield Construction Standards", administered by the Westfield Public Works Department: Paving and Surfacing, Erosion Control, Principles and Standards of Roadway Design, Minimum Standards of Improvement, Landscaping for Utilities, Monuments and Markers, Curbs and Gutters, Street Signs, Water Mains, Storm Sewers, Gravity Sanitary Sewers, Force Mains, Submersible Lift Stations, and Sidewalks.

ARTICLE 8. LANDSCAPING STANDARDS

Section 8.1. 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.

This Article shall apply to all development within the ~~South Union PUD~~Real Estate.

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 8.2. 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 outside the development areas illustrated on Exhibit B.

B. Prior to site development plan approval or the issuance of a building permit,

~~developers shall~~the Developer may inventory ~~all~~ trees which possess a DBH 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 one-hundred and eighty (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~~fourteen (14) 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 8.3. Selection, Installation, and Maintenance of Plant Materials.

A. Selection.

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 -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~~.~~ by the Director.

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~~areas shall be completed prior to the issuance of ~~building permits~~a Certificate of Occupancy for ~~more than fifty percent (50%) of the~~ units within each ~~phase~~area of the development. Landscaping installation may be delayed up to ~~120~~one-hundred and eighty (180) days due to ~~the following:~~

~~a. Periods~~periods of adverse weather, or

~~b. Conflicts~~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~~Section shall be subject to inspection to verify continued compliance with this ~~Chapter~~Section.

Section 8.4. General Landscape Design Standards.

A. Consultation -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. Scale and Nature of Landscaping. 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. Clearance. 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. Materials. 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, walls, fences, or plantings to provide physical separation and to absorb noise.

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. 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 walls, fences, and other barriers to create a softening effect. However, ground cover plants may supplement the plant materials required by this paragraph.

J. 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.

K. 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.

L. Trash and Loading Facilities. Trash dumpster/compactor and maintenance areas shall be screened from residential uses and public roads. All trash receptacles shall be enclosed on three (3) sides by masonry (brick, stone, stucco veneer, or fiber cement) wall and include a solid metal gate. Enclosures shall also be located behind the front yard line. Trash dumpster/compactor enclosures shall be required to have a secondary means of access. The minimum height of the enclosure shall be six (6) feet but no shorter than the enclosed dumpster/compactor.

M. Heating and Cooling Facilities. Ground-mounted heating and cooling units shall be screened by means of shrubs.

Section 8.5. On-Site and Street Frontage Landscaping Requirements.

A. On-Site Standards

1. Yards, setback areas, and green space areas within the development shall be landscaped with live vegetation. Landscaping must generally conform with the exhibits contained within the ~~South~~ Union Street Flats PUD. Typical ~~buffer yard~~Buffer Yard and building base landscaping illustrations are included in Exhibits "D" and "E" of this ~~South~~ Union Street Flats PUD.

2. The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted are set forth in Table 8.5.1.

Table 8.5.1: Minimum On-Site Requirements

Land Use Type	Plant Materials		
	Shade Trees	**Ornamental or Evergreen Trees**	**Shrubs**
Multi-Family Residential Use	2 per dwelling unit	1 per dwelling unit	4 per dwelling unit

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. 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.

4. Required trees and plantings must be planted somewhere within the ~~district.~~District. All plantings are credited toward overall on-site landscaping requirements set forth in Table 8.5.1.

5. Existing trees or woodlands that are preserved may be counted toward minimum planting requirements.

B. Road Frontage/Street Tree Standards

1. At least one (1) shade tree per twenty (20) linear feet of road frontage ~~may~~shall be planted within the road rights-of-way. If trees are not permitted in the right-of-way they shall be planted just outside the right-of-way. Trees planted along road frontage shall be credited toward overall on-site landscaping requirements set forth in Table 8.5.1.

2. 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.

3. 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.

4. There shall be no Road Frontage/Street Tree Standard applied along a future

north/south road right-of-way located west of the Anna Kendall legal drain.

Section 8.6. Buffer Yard Requirements.

A. Buffer Yard Requirements

1. Buffer ~~yards~~Yards shall not be required internal to the District. They shall be required in areas adjacent to (i) Union Street, (ii) the south perimeter of the District, (iii) the north perimeter of the District, and (iv) the east perimeter of the District not including the Union Street frontage. No ~~buffer yard~~ Buffer Yard planting shall be required in the area of the Real Estate north of the building identified as ~~#~~number "6" on in Exhibit "~~C"~~B" or west of the legal drain.

2. Minimum width of ~~buffer yards~~Buffer Yards shall be as follows:
   a. The Union Street ~~buffer yard~~Buffer Yard shall be a minimum of twenty (20) feet in width.
   b. The south perimeter ~~buffer yard~~Buffer Yard along proposed future right-of-way shall be fifty (50) feet at the time of Development Plan filing and include the future right of way for South (171st) Street. The minimum buffer width shall be reduced to 5' upon dedication of the future right~~-~~-of~~-~~-way.
   c. The south perimeter ~~buffer yard~~Buffer Yard for all areas not noted in section b. above shall be a minimum of ten (10) feet in width.
   d. The north perimeter ~~buffer yard~~Buffer Yard shall be a minimum of ten (10) feet in width.
   e. The east perimeter ~~buffer yard~~Buffer Yard for the area not covered by Section 8.6.A.2.a. shall be a minimum of ten (10) feet in width.
   f. The ~~buffer yard~~Buffer Yard widths identified in Section 8.6.A.2.c, d, and e. may be reduced to a minimum of five (5) feet in width when a minimum six (6) foot tall wood privacy fence is placed across the length of the subject ~~buffer yard~~Buffer Yard area.

3. Within ~~buffer yards~~Buffer Yards, at least one (1) evergreen tree per thirty (30) linear feet and five (5) 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). 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). A privacy fence may be substituted for the evergreen shrubs noted in this section and shall count toward the planting requirements of Table 8.5.1.

4. If woodlands are located within ~~buffer yards~~Buffer Yards, preserved trees may be substituted for required plants in ~~buffer yards~~Buffer Yards.

5. Plantings required to be placed in ~~buffer yards~~Buffer Yards shall be credited toward total on-site landscaping requirements set forth in Table 8.5.1.

6. When a minimum six (6) foot tall wood privacy fence is installed within a ~~buffer yard~~Buffer Yard no shrub plantings as required under Section 8.6.A.3 shall be required.

7. ~~Buffer~~ A wood privacy fence placed along the north perimeter of the Real Estate shall terminate at property corners with a masonry column. In addition two columns shall be evenly spaced along the longest north buffer yard length.

8. Buffer Yard requirements and ~~Road Frontage~~road frontage/street tree Standards are not intended to be cumulative. Where overlapping the more restrictive planting standard shall apply.

Section 8.7. Parking Area Landscaping. 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. Interior Parking Lot Landscaping

1. Area Required – A portion of vehicular use areas shall be maintained as landscaped area. The minimum amount of interior parking lot area that must be landscaped shall be five (5) percent.

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 have 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 two hundred (200) feet in length.

e) Parking lot islands shall include at least one (1) tree and four (4) shrubs per 100 square feet of parking lot island area. 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.

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 8.5.1.

B. Perimeter Parking Lot Landscaping

1. Application - Perimeter landscaping is only required for parking areas within forty (40) feet of the perimeter of the Real Estate or ~~a~~within twenty (20) feet of the future South Street right-of-way line.

a. 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 in an aesthetically pleasing manner.

b. 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 8.5.1.

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~~Buffer Yard requirements and road frontage standards are not intended to be cumulative. The ~~buffer yard~~Buffer Yard planting standard shall supersede the perimeter parking area requirements which shall supersede the road frontage standards where overlapping.

Section 8.8. Plant Materials.

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.

C. The following plan materials will be incorporated into the landscape plans for the Real Estate. The planting schedule shall not be limited to these species.

1. Spring Flowering: Magnolia- stellata hybrids, Redbud- Canadensis, Crabapple- Adams, Louisa, Prairifire, Red Jewel, Pear- Aristocrat, Cleveland Select

2. Fall Color: Hawthorn- varities, Autumn Gold Ginkgo, Northern Red Oak, Elm- varities, Shingle Oak, Red Maple- varities

3. Winter Interest: Norway Maple- varities, Sugar Maple- varities, London Planetree- varities, River Birch- varities, Serviceberry- varities

ARTICLE 9. LIGHTING STANDARDS

Section 9.1

A. Purpose and Intent. It is the purpose of this ~~section~~ Article is 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~~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 ~~South~~ Union Street Flats 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 South Union PUD.~~

~~2.~~1. ~~All hazard warning~~ lighting required by Federal and State regulatory agencies shall be exempt from the requirements of this ~~chapter~~Article;

~~3.~~2. All temporary emergency lighting required by local law enforcement, emergency service and utility department(s), shall be exempt from the requirements of this ~~chapter~~Article;

~~4.~~3. All traffic control and directional lighting shall be exempt from the requirements of this ~~chapter~~Article;

~~5.~~4. 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; and

~~6.~~5. 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~~Article.

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.

E. General Lighting Standards.

1. All light fixtures shall ~~be fully shielded~~have a shield and adjustable reflector and direct light downward toward the earth's surface~~;~~.

2. Coach light and porch and patio lights mounted to a building wall are permitted and exempt from the General Lighting Standards.

~~2.~~3. All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way;

~~3.~~4. All lighting sources shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way;

~~4.~~5. Light pole height shall not exceed ~~twenty-five~~fifteen feet (~~25'~~15'). All parking area light fixtures shall be designed and located to ~~confine~~direct emitted light to the parking area;~~ and~~

6. All parking lot light poles shall be uniform in style and design.

7. No light poles shall be placed in buffer yard areas.

~~5.~~8. All lighting fixtures must meet building code requirements for their appropriate construction class;

F. 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

G. ~~G.~~ Trail 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.~~

1. The trail along the Anna Kendall shall be illuminated.

2. The style and design of the trail lighting fixtures shall be similar to the style selected by the Developer for other on site walks unless an alternate style is agreed to by the Developer and City of Westfield.

3. Trail lighting shall be separately metered and all future maintenance and operation cost shall be the responsibility of the City of Westfield.

ARTICLE 10. SIGN STANDARDS

Section 10.1. Purpose and Intent. To 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 10.2. 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 ~~South~~ Union Street Flats PUD. These regulations shall be applicable to all signs within the ~~South~~ Union Street Flats 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 10 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 10.3. 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. Postal signs, historic site makers or plaques, flags of government or noncommercial institutions, and address numbers;

D. 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;

E. Private informational signs such as “no trespass,” “private,” “sale,” etc. which do not exceed four (4) square feet in surface area;

F. 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;

G. 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. The sign area may be increased by a maximum of sixty-four (64) square feet per face provided that the Developer include identification of the City of Westfield and ~~Downtown Planning~~downtown planning efforts on a portion of the sign area;

H. Political signs which do not impair lines of sight for vehicles or pedestrians;

I. Seasonal decorations within the appropriate holiday season or civic festival season; and

Section 10.4. 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 City 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;

E. No off-premise sign shall be permitted within this PUD;

F. No sign shall be mounted on a roof or extend above an eave or parapet of a building wall;

G. ~~Any~~No 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~~;

H. No sign shall be affixed to trees, fence posts, utility poles or other support structures; and

I. ~~I.~~ 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.

J. No display of temporary signs such as banners, posters, pennants, ribbons, streamers, spinners, strings of lights, balloons or inflatable signs shall be permitted

Section 10.5. 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 9: Lighting of this ~~South~~ Union Street Flats PUD;

G. 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;

H. ~~H.~~ No changeable copy is permitted on signs.

I. Identification with the City of Westfield. Title signs shall include, as an integral part of the sign design, the words "of Westfield" following any designation of the development. 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. At the request of the Developer the Plan Commission may approve an alternative to the words "of Westfield" as noted in this paragraph.

Section 10.6. District Signs. No permanent sign shall be erected in the district except for the following:

A. All signage shall be externally illuminated and designed to compliment the building materials and be substantially similar (as determined by the Director) in quality, design, style, & character as the building elevations shown on Exhibit F – *Concept Building Elevations*.

B. Either of the following entrance signage options shall be permitted:

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. Wayfinding Signs:

1. ~~1.~~ On-site directional signs are permitted, so long as such signs do not exceed four (4) square feet each. The location of such signs will be approved during the Development Plan approval process.

2. Wayfinding signs shall be provided identifying the trial.

C. Club House and Amenity Area signage:

1. One (1) identification ground sign shall be permitted for each amenity area; provided, however, that such signs shall not have a sign area in excess of ten (10) square feet or four (4) feet in height.

Section 10.7. Nonconforming Signs. All existing signs which do not conform to this ~~section~~ 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 10.8. Permits. After the effective date of the ~~ordinance~~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 10.3, Exceptions, 10.6.B and 10.6.C. 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 11. DEVELOPMENT STATISTICS

Section 11.1 Aggregate District Data:

Total acreage: 18.6 Acres (approximate)
Multi Family Dwellings: Two-hundred and thirty-eight (238) unite as illustrated

Two-hundred and fifty (250) unit maximum)

Section 11.2 Open Space Statistics:

Total Required Open Space: Twenty-five (25%) percent (Minimum)

ARTICLE 12. PROCEDURAL PROVISIONS

Section 12.1. 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 ~~South~~ Union Street Flats PUD.

Section 12.2. Plan Commission. The Plan Commission, upon petition of the Developer at a public hearing conducted per the rules of the ~~plan commission~~Plan Commission, may approve a development standard or guideline that is not included in, or is different from, those set forth in this ~~South~~ Union Street Flats 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 12.3. Appeal. The denial by the ~~Department of~~ Community Development Department of any requests for approvals may be appealed to the Plan Commission, which may affirm or reverse the decision of the ~~Department of~~ Community Development Department, and any denial by the Plan Commission of any requests for any approvals may be appealed to the City Council, which may affirm or reverse the decision of the Plan Commission. In circumstances permitted under the Zoning and ~~South~~ Union Street Flats PUD Ordinances, appeal may also be made to the City's Board of Zoning Appeals.

Section 12.4. **Secondary Plats**. Secondary Plat Approval is hereby delegated to and shall be by the Director.

Section 12.5. Existing Uses and Structures. Notwithstanding anything to the contrary in this ~~South~~ Union Street Flats 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 ~~South~~ Union Street Flats PUD, along with any structures existing on the date of the enactment of this ~~South~~ Union Street Flats PUD, may continue and shall be permitted until the commencement of development of that parcel per the terms of this ~~South~~ Union Street Flats PUD.

Section 12.6. **Phasing Schedule Procedures**.

A. The Development of the Real Estate will begin within twelve (12) months of the approval of this ~~South~~ Union Street Flats PUD and continue over the following eighteen (18) to twenty-four (24) months until completion. The Real Estate may be developed in multiple phases, and separate Construction Plans may be submitted for approval. This estimate of the interval during which Development Plans will be submitted and during which development will commence, are hereby deemed to be reasonable. Nothing in this ~~South~~ Union Street Flats PUD or in WC 16.04.190(D)(5) and WC 16.04.190(J) shall prohibit the filing of Development Plans after the dates estimated in this Phasing Schedule. In the absence of intentional misrepresentation ~~of~~ or 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 12.7. Other Local, State and Federal Requirements. The ~~South~~ Union Street Flats PUD shall not exempt development of the ~~real estate~~Real Estate from compliance with all applicable local, state, and federal requirements and standards. This section does not apply to local zoning ordinance requirements which are superseded and replaced by the terms stated in this ~~South~~ Union Street Flats PUD.

Section 12.8. Public Notice. Any text amendments or other variations to the terms and conditions of this ~~South~~ Union Street Flats PUD including additions of additional real estate shall require a neighborhood meeting notification area consistent with the area of required notification for the ~~Public Hearing~~public hearing as set forth in the Plan Commission's Rules of Procedure.