

SYMPHONY

a planned unit development

PUD Submittal Ordinance

City of Westfield, Hamilton County, Indiana
May 26, 2010

Estridge

LIST OF CONSULTANTS

Prepared for:



Estridge Companies

14300 Clay Terrace Boulevard, Suite #200
Carmel, IN 46032
Contact: Paul Estridge, Jr.
Office: (317) 582-2464
Email: paulestridge@estridge.net

Prepared by:



Canin Associates Urban Planners

500 Delaney Avenue, Suite 404
Orlando, FL 32801
Contact: Greg Witherspoon, AICP
Office: (407) 422-4040
Email: gwitherspoon@canin.com

With input from:

A & F Engineering Traffic Engineer

8365 Keystone Crossing, Suite 201
Indianapolis, IN 46240
Contact: Steven J. Fehribach, P.E.
Office: (317) 202-0864
Email: sfehribach@af-eng.com

American Executive Developers Development Consultant

1250 Ragley Hall Road NE
Atlanta, GA 30319
Contact: John Gaskin
Office: (678) 701-8029
Email: john.gaskin@americanexecutivedevelopers.com

Bose McKinney & Evans LLP Land Use Attorney

111 Monument Circle, #2700
Indianapolis, IN 46204
Contact: Joe Calderon, Atty
Office: (317) 684-5331
Email: jcalderon@boselaw.com

Schneider Corporation Civil Engineer

8901 Otis Avenue
Indianapolis, IN 46216
Contact: Duane Sharrer
Office: (317) 826-7302
Email: dsharrer@schneidercorp.com

ORDINANCE NUMBER -
An Ordinance Establishing the
Symphony Planned Unit Development District

WHEREAS, a Petition To Change Zoning (the "Application") has been filed to establish an Ordinance (the "Symphony PUD Ordinance") to amend the Comprehensive Zoning Ordinance of Westfield-Washington Township, 1977 as amended, (the "Zoning Ordinance") and to amend the official Zoning Maps to establish on certain property located in Washington Township, Hamilton County, Indiana, the legal description of which is attached hereto and marked Exhibit A (the "Property"), a mixed use planned development district to be known as the Symphony Planned Unit Development District ("Symphony"); and,

WHEREAS, the Advisory Plan Commission of Westfield, Indiana (the "APC") has conducted the public hearing as required by law in connection with the Application for a change in the zoning map for Westfield, Indiana; and,

WHEREAS, when it adopts a zoning ordinance, the City Council shall act for the purposes of (1) securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways; (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and (4) otherwise accomplishing the purposes of Indiana Code Section 36-7-4; and,

WHEREAS, in preparing and considering proposals under the 600 SERIES ZONING ORDINANCE, the plan commission and the City Council shall pay reasonable regard to (1) the comprehensive plan; (2) current conditions and the character of current structures and uses in each district; (3) the most desirable use for which the land in each district is adapted; (4) the conservation of property values throughout the jurisdiction; and, (5) responsible development and growth; and,

WHEREAS, a PUD district ordinance may employ (1) written text; (2) a plan or other drawing; or (3) any combination of the items listed in (1) and (2) in specifying the permitted uses and development requirements that apply to a planned unit development district; and,

WHEREAS, the adoption and amendment of a PUD district ordinance is a legislative act; and,

WHEREAS, the APC has sent a recommendation relating to such Application to the Westfield City Council (the "City Council") dated the _____ day of _____, 2010;

NOW, THEREFORE, BE IT ORDAINED by the City Council, meeting in regular session, that the Zoning Ordinance and the official Zoning Maps of the Zoning Ordinance are hereby amended in accordance with the provisions of this Symphony PUD Ordinance.

ALL OF WHICH IS ORDAINED by the Common Council of the City of Westfield, Indiana, this _____ day of _____, 2010.

COMMON COUNCIL OF THE CITY OF WESTFIELD

Aye

Nay

_____	John Dippel	_____
_____	Steve Hoover	_____
_____	Robert L. Horkay	_____
_____	Ken Kingshill	_____
_____	Bob Smith	_____
_____	Tom Smith	_____
_____	Rob Stokes	_____

APPROVED and signed by the Mayor of the City of Westfield, Hamilton County, Indiana, this _____ day of _____, 2010.

J. Andrew Cook, Mayor
City of Westfield, Indiana

ATTEST:

Cindy Gossard, Clerk Treasurer
City of Westfield, Indiana

EXHIBIT A
SYMPHONY PUD BOUNDARY
Land Description - Tract 1

Part of the East half of Section 8, part of the East half of Section 9, part of the Northeast quarter of Section 9, part of the Southwest quarter of Section 15, part of Section 16, the East half of Section 17 and the East half of the Southwest quarter of Section 17, all in Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the northeast corner of the Northeast quarter of said Section 16; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) along the east line of said quarter 2630.58 feet to the southeast corner thereof; thence South 00 degrees 12 minutes 08 seconds East along the east line of the Southeast quarter of said Section 16 a distance of 1979.09 feet to a point which bears North 00 degrees 12 minutes 08 seconds West 657.00 feet from the southeast corner of said quarter section; thence North 88 degrees 49 minutes 40 seconds East parallel with the south line of the Southwest quarter of the aforesaid Section 15 a distance of 1591.00 feet; thence South 00 degrees 12 minutes 08 seconds East parallel with the west line of said quarter section 657.00 feet to the south line of said Southwest quarter; thence South 88 degrees 49 minutes 40 seconds West along said south line 1591.00 feet to the southwest corner of the Southwest quarter of said Section 15; thence South 89 degrees 25 minutes 04 seconds West along the south line of the Southeast quarter of said Section 16 a distance of 1352.43 feet to the southwest corner of the East half of said Southeast quarter; thence North 00 degrees 18 minutes 09 seconds West along the west line of said half quarter section 2633.15 feet to the northwest corner thereof ; thence South 89 degrees 17 minutes 41 seconds West along the north line of the Southeast quarter of said Section 16 a distance of 1357.06 feet to the northeast corner of the Southwest quarter of said Section; thence South 00 degrees 24 minutes 10 seconds East along the east line of said Southwest quarter a distance of 1315.11 feet to the southeast corner of the North half of the Southwest quarter of said Section 16; thence South 89 degrees 01 minutes 13 seconds West along the south line of said half quarter section a distance of 2710.39 feet to the southwest corner thereof and being also the northeast corner of the South half of the Southeast quarter of the aforesaid Section 17; thence South 00 degrees 34 minutes 22 seconds East along the east line of the Southeast quarter of said Section 17 a distance of 1315.59 feet to the southeast corner thereof; thence South 88 degrees 59 minutes 19 seconds West along the south line of the Southeast quarter of Section 17 a distance of 2646.51 feet to the southwest corner thereof; thence South 89 degrees 04 minutes 16 seconds West along the south line of the East half of the Southwest quarter of said Section 17 a distance of 1325.05 feet to the southwest corner thereof; thence North 00 degrees 29 minutes 18 seconds West along the west line of said half quarter section a distance of 2626.81 feet to the northwest corner thereof; thence North 89 degrees 00 minutes 34 seconds East along the north line of the Southwest quarter of Section 17 a distance of 1323.18 feet to the northeast corner thereof; thence North 00 degrees 06 minutes 02 seconds West along the west line of the Northeast quarter of Section 17 a distance of 2620.55 feet to the northwest corner thereof; thence North 88 degrees 32 minutes 45 seconds East along the north line of said quarter 2636.51 feet to the northeast corner of Section 17, being also the northwest corner of the aforesaid Section 16; thence South 00 degrees 16 minutes 57 seconds East along the west line of the Northwest quarter of Section 16 a distance of 515.05 feet;

thence North 89 degrees 12 minutes 17 seconds East parallel with the north line of said quarter 315.00 feet; thence North 00 degrees 16 minutes 57 seconds West parallel with the west line of said quarter 515.05 feet to the north line thereof; thence South 89 degrees 12 minutes 17 seconds West along said north line 315.00 feet to the northwest corner of said Section 16 and being also the southwest corner of the aforesaid Section 9; thence North 00 degrees 14 minutes 15 seconds West along the west line of the Southwest quarter of said Section 9 a distance of 1378.76 feet to the centerline of West 159th Street, the next two courses being along the centerline of West 159th Street; (1) thence North 84 degrees 40 minutes 24 seconds West a distance of 1409.36 feet; (2) thence South 89 degrees 42 minutes 13 seconds West a distance of 1237.75 feet to the west line of the East half of the aforesaid Section 8; thence North 00 degrees 27 minutes 03 seconds West along said west line 2398.28 feet to the northwest corner of the Southwest quarter of the Northeast quarter of said Section 8; thence North 88 degrees 58 minutes 53 seconds East along the north line of said quarter-quarter section 1323.83 feet to the northeast corner thereof, the next three courses being along the westerly and southerly lines of land described in Instrument 9800039293 in said Recorder's Office; (1) thence South 00 degrees 06 minutes 42 seconds West 292.77 feet; (2) thence South 00 degrees 27 minutes 41 seconds East 349.85 feet; (3) thence North 87 degrees 36 minutes 32 seconds East 1325.98 feet to the west line of the Northwest quarter of the aforesaid Section 9; thence North 00 degrees 19 minutes 26 seconds West along said west line 844.33 feet to the southwest corner of land described as Parcel 2 in Instrument 9609647425 in said Recorder's Office, the next two courses being along the south and east lines of said Parcel; (1) thence North 89 degrees 27 minutes 33 seconds East 700.59 feet; (2) thence North 00 degrees 03 minutes 35 seconds West 584.08 feet to the southwest corner of land described in a deed to Kevin T. Conners and Lisa M. Thompson in Instrument 9609645867 in said Recorder's Office; thence North 89 degrees 20 minutes 54 seconds East along the south line of Conners and Thompson a distance of 654.47 feet to west line of the East half of said Northwest quarter; thence South 00 degrees 17 minutes 21 seconds East along said west line 65.49 feet to the northwest corner of the 26.5 acre parcel of land described in a deed to Thomas P. Murphy in Instrument 9909901082 in said Recorder's Office; thence North 89 degrees 25 minutes 44 seconds East along the north line of said parcel 1021.89 feet to the southwest corner of land described in a deed to Thomas P. Murphy in Instrument 200500014199 in said Recorder's Office, the next four courses being along the west, north and east lines of said land; (1) thence North 00 degrees 33 minutes 21 seconds East along the west line of said land 566.87 feet to the north line of the Northwest quarter of said Section 9; (2) thence North 89 degrees 20 minutes 47 seconds East along said north line 326.47 feet to the northeast corner of said Northwest quarter; (3) thence North 89 degrees 27 minutes 05 seconds East along the north line of the Northeast quarter of said Section 9 a distance of 61.00 feet to the northeast corner of Murphy; (4) thence South 00 degrees 23 minutes 15 seconds East a distance of 567.21 feet to the southeast corner of said land; thence North 89 degrees 25 minutes 44 seconds East along the north line of said land described in Instrument 9909901082 a distance of 119.72 feet to the northeast corner thereof; thence South 00 degrees 21 minutes 32 seconds East along the east line of said land 750.34 feet to the northeast corner of the 46.8 acre parcel of land described in said Instrument 9909901082; thence South 00 degrees 18 minutes 46 seconds East along the east line of said 46.8 acre parcel a distance of 1312.35 feet to the south line of the Northeast quarter of Section 9; thence South 89 degrees 19 minutes 23 seconds West along said south line 178.64 feet to northeast corner of the Southwest quarter of said Section 9; thence South 00 degrees 16 minutes 37 seconds East along the east line of said Southwest quarter 2627.44 feet to the southeast corner thereof; thence South 89 degrees 12 minutes 17 seconds West along

the south line of the said Southwest quarter a distance of 1359.77 feet to the northwest corner of the East half of the Northwest quarter of the aforesaid Section 16; thence South 00 degrees 13 minutes 25 seconds East along the west line of said half quarter section 493.24 feet to the southwest corner of land described in a deed to Kent T. Essex and Billie Ann Essex in Instrument 200200051765 in said Recorder's Office; thence North 89 degrees 12 minutes 17 seconds East along the south line of said land 529.90 feet to the southwest corner of land described in a deed to Kurt C. Essex and Janis K. Essex in Instrument 200500051762 in said Recorder's Office, the next three courses being along the south lines of said land in Instrument 200500051762; (1) thence North 89 degrees 12 minutes 17 seconds East 522.24 feet; (2) thence North 00 degrees 13 minutes 25 seconds West 3.82 feet; (3) thence North 89 degrees 12 minutes 17 seconds East a distance of 285.30 feet to the southeast corner of said land; thence South 00 degrees 09 minutes 53 seconds East a distance of 108.70 feet to the southwest corner of land described in a deed to Kay E. Essex and Marlene A. Essex in Instrument 200300008253 in said Recorder's Office; thence North 89 degrees 12 minutes 17 seconds East along the south line of land in Instrument 200300008253 a distance of 279.15 feet to southeast corner thereof and being on the west line of the Northeast quarter of said Section 16; thence North 89 degrees 16 minutes 38 seconds East along the south line of land described in a deed to Kurt C. Essex and Janis Kay Essex in Instrument 200300035343 in said Recorder's Office a distance of 450.00 feet to the west line of land described in a deed to George A. Budd, IV and Kelley G. Budd in Instrument 200400036650 in said Recorder's Office; thence South 00 degrees 09 minutes 53 seconds East along said west line 57.15 feet to the southwest corner of said land; thence North 89 degrees 16 minutes 38 seconds East along the south line of said land and continuing along the south line of land described in Instrument 200300056306 a distance of 518.47 feet to the southeast corner thereof; thence North 00 degrees 00 minutes 00 seconds East along the east line of said land in Instrument 200300056306 a distance of 655.30 feet to the north line of said Northeast quarter; thence North 89 degrees 16 minutes 38 seconds East along said north line 1751.34 feet to the point of beginning. Containing 1,310.31 acres, more or less.

EXCEPT all that land described in a Warranty Deed to Richard J. Burkman and Kristen E. Burkman as Instrument 2008015221 in said Recorder's Office and containing 3.00 acres, more or less.

ALSO EXCEPT all that land described as Parcel 1 in a Personal Representative's Deed to Sarah Jane Brigham as Instrument 9609647425 in said Recorder's Office and containing 7.78 acres, more or less.

The within described land contains 1,299.53 acres, more or less, after said exceptions.

Land Description - Tract 2

The South half of the Southwest quarter and the Northeast quarter of the Southwest quarter of Section 10, in Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township, Hamilton County, Indiana, containing 118.20 acres, more or less.

The land area of the foregoing Tracts 1 and 2 contain a total of 1,417.73 acres, more or less.

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1.1. Legislative Intent.

The intent of this Symphony PUD Ordinance is to ensure that the increased flexibility applicable to the Property and the development authorized *herein* are implemented under appropriate administrative standards and procedures. This Symphony PUD Ordinance: (1) designates the Property as a Planned Unit Development District (“PUD”); (2) specifies uses or a range of uses permitted in the PUD; (3) specifies development requirements in the PUD; (4) specifies the plan documentation and supporting information that may be required; (5) specifies any limitation applicable to the PUD; and, (6) meets the requirements of the 1500 SERIES – PLANNED UNIT DEVELOPMENT under IC 36-7-4.

1.2. Development Program.

A. In order to accomplish the goal of becoming a sustainable, mixed use, traditional community, Symphony is split into three Land Use Districts that will accommodate a variety of uses, *lot sizes, building types and open spaces*, as detailed in Article III – District Development Standards.

B. At the project’s culmination, Symphony shall meet the following standards:

- i.** The maximum *gross residential density* shall be 4,112 primary *dwelling units*.
- ii.** The maximum total non-residential *gross floor area*; including lodging, *office, retail, civic, civic support, education and agriculture use gross floor area* shall be as follows:
 - a. Retail - 410,000 s.f.
 - b. Other uses than retail - 750,000 s.f.
- iii.** The minimum total green belt space shall be 153 acres.

C. The portion of the Symphony PUD located to the north of 159th Street and to the west of Towne Road (labeled as V5 on Exhibit 4: Village Plan) shall have a maximum total *open space* of 64 acres.

1.3. Development Scheduling\Phasing.

The Symphony master plan is designed to respond to changes in the marketplace and the phasing of development areas needs to be flexible. All development phases will be fully supported by the necessary infrastructure and supporting amenities. As a result, several phases may

proceed concurrently at any time. Anticipated phasing for Symphony is shown on Exhibit 9: Phasing Plan.

1.4. Applicability of the Symphony PUD Ordinance.

A. Official Zoning Map.

- i.** The official *Zoning Map*, a part of the *Zoning Ordinance*, is hereby amended to designate the Property as “Symphony PUD District.”

B. Controlling Ordinance.

- i.** Development of the Property shall be governed by the provisions of the *Zoning Ordinance* unless specifically modified by the terms of this Symphony PUD Ordinance. When the standards of this Symphony PUD Ordinance are found to be in conflict with other standards in the *Zoning Ordinance*, the Symphony PUD Ordinance shall prevail.
- ii.** The applicable zoning districts within Symphony shall be as set forth in the following table:

District	Applicable Zoning District Within Zoning Ordinance
Residential	SF4
Mixed Use	GB
Nature and Recreation	SF2

C. Platting.

- i.** *Attached and detached single-family dwellings* that are not developed as condominiums, as defined by Indiana law, shall be platted pursuant to the provisions of the *Subdivision Regulations*, except as otherwise provided *herein*.
- ii.** *Attached and detached single-family dwellings* that are developed as condominiums, as defined by Indiana law, shall be developed pursuant to the provisions of Ind. Code § 32-25.
- iii.** All other uses within Symphony shall be platted into *lots* or blocks as deemed appropriate by the Director.
- iv.** Secondary plat review authority, as set forth in the *Subdivision Regulations*, is hereby delegated to the Director.

- v. Applicants may appeal secondary plat denials by the Director to the APC, following all provisions set forth in the *Subdivision Regulations*.

1.5. Districts.

- A. The Residential District, Mixed Use District and Nature and Recreation District (the "Districts") shall be located as designated on the Symphony concept plan, attached hereto as Exhibit 3: Concept Plan. The Residential District contains approximately 795 acres, the Mixed Use District contains approximately 205 acres and the Nature and Recreation District contains approximately 418 acres for a total approximate acreage of 1,418 acres.
- B. The size of any District may be increased or decreased by up to 15% from what is shown in Exhibit 3: Concept Plan.

1.6. Temporary Uses.

The following Temporary Uses shall be permitted in the Districts:

- A. Temporary *buildings* for construction purposes shall be permitted within the Districts for a period of time not to exceed the time of construction.
- B. Temporary *structures*, including fences, walls, *buildings*, barricades and similar temporary *structures* incidental and necessary to the development of land or the erection of *structures* shall be permitted within the Districts for a period of time not to exceed the time of construction.
- C. Model homes or model apartment units may be authorized by the Director.

1.7. Development Plan and Site Plan Review.

- A. The approval process for Development Plans shall be governed by the provisions of WC 16.04.165 of the *Zoning Ordinance*, except as provided for *herein*.
- B. Development plan review and approval authority, as set forth in WC 16.04.165 of the *Zoning Ordinance* is hereby delegated to the Director. No public hearings shall be required for development plans.

- C. Applicants may appeal Development Plan denials by the Director to the APC by following the Development Plan Approval process set forth in WC 16.04.165 of the *Zoning Ordinance*.
- D. Section WC 16.04.050, A, 10 of the *Zoning Ordinance* shall not apply to any district.

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2.1. Construction of Language.

The language of this Symphony PUD Ordinance shall be interpreted in accordance with the following regulations:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Symphony PUD Ordinance and any illustration or diagram, the text shall control.
- C. The word “shall” is always mandatory and not discretionary.
- D. The word “may” is permissive and at the discretion or option of the *Master Developer*.
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- F. A “*building*” or “*structure*” includes any part thereof, unless otherwise specifically stated.
- G. The phrase “used for,” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows:
 - i. “And” indicates that all the connected items, conditions, provisions or events shall apply.
 - ii. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - iii. “Either...or” indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

2.2. Definitions

All words defined with this Symphony PUD Ordinance are shown in italics when used in the definition of a word or in the text of this Symphony PUD Ordinance. Unless otherwise stated, the following words shall, for the purpose of this Symphony PUD Ordinance, have the meaning *herein* indicated. Any word used in this Symphony PUD Ordinance which is not defined *herein* and which is defined in Section WC 16.04.210 of the *Zoning Ordinance* shall, for purposes of this Symphony PUD Ordinance, have the

meaning ascribed to such word in the *Zoning Ordinance*, unless the context requires otherwise.

AASHTO: American Association of State Highway and Transportation Officials.

Accessory Building: An additional *building* that may be located on a *lot* to provide an *accessory use*, including an *accessory dwelling unit*, or other subordinate use, which may or may not be serviced off the same utility meter as the *primary building*. *Structures* such as storage units or gazebos are not to be considered *accessory buildings*, but *accessory structures*.

Accessory Dwelling Unit: A *dwelling unit*, located within an *accessory building* or *structure* that is either attached to or detached from the *primary building*, and served by the same utility services.

Accessory Structure: A subordinate *structure*, the use of which is incidental to and customary in connection with the *primary building* or use and which is located on the same *lot* with such *primary building* or use and is under the same ownership. *Accessory structures* must be subordinate in height, width, length and bulk to the *primary building*. *Structures* which are portable and do not have permanent foundations are also classified as *accessory structures* but are not subject to improvement location permits.

Accessory Use: A permitted use that is subordinate to the permitted use in the *primary building*, and which can be located within an *accessory building* or within a portion of the *primary building*.

Additional Real Estate: That real estate, or any part thereof, which is contiguous to the Property, or within 500 feet of a perimeter boundary of the *Property*, which is not located within the Property.

Alley: A permanent narrow service access right-of-way to the rear or side of *primary buildings* providing service areas, parking access and utility easements as necessary, which is not intended for traffic other than circulation to and from said property.

Attached Single-Family Dwelling: One *building* that contains multiple *primary dwelling units* that share common walls and have separated entrances that usually lead directly to the *sidewalk*. *Attached single-family dwellings* can have the appearance of a single *building*, or can have a *façade* that is designed as multiple *buildings*.

Basement: That portion of a *building* with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half (½) or more of its interior vertical height clearance below grade level.

Bed and Breakfast: An owner, or owner's representative, occupied residential *building*, or portion thereof, containing up to five (5) *lodging units* for persons who are not members of the keeper's *family* and where lodging or meals or both are provided by pre-arrangement and for definite periods and for compensation.

Buffer Yard: A landscape easement intended to physically separate and visually screen external, incompatible uses from the PUD.

Builder: The person or entity performing construction activity on a *lot*.

Building: Any *structure* designed or intended for the support, enclosure, shelter, or protection of persons, having a permanent roof supported by columns or walls.

Building Separation: The distance, measured perpendicularly in feet, from the external wall of one *building* to the external wall of another *building*. The space within the *building separation* can include rights-of-way, landscaping, pedestrian pathways, parking or other *lot* features.

Childcare Center: A facility designed for the daytime care or supervision of children below *primary school* age.

College: An institution of higher learning that may provide a general or liberal arts education or professional training.

Commercial Parking Lot: An open area designated for the parking of vehicles.

Community Building: A *building* whose primary function is for community events and gatherings, which may be used or rented out by residents for private functions. *Community buildings* may also include *Developers* or Home Owners Association *offices*.

Community Recreational Facilities: *Structures, buildings* and *open spaces* designed to provide recreational opportunities, such as a *community building*, assembly hall, *outdoor auditorium*, fitness center, pool, pavilion, *playground*, *sports field*, *sports stadium*, *golf course*, driving range, and other community amenities.

Conference Center: A facility where group meetings and conferences can be conducted; primarily made up of different sized rooms for meeting space. *Conference centers* may or may not include facilities for food and beverage production and sales, including catering.

Continuing Care Lodging: A facility, contained within one or multiple *buildings*, designed for the lodging and care of persons who need assistance performing the activities of daily life. *Continuing care lodging* may be designed as *multi-family housing*, or may consist of individual guest rooms with common living areas.

Convention Center: A large civic *building* or group of *buildings* designed for conventions, trade shows, and the like, having large unobstructed exhibit areas and often including conference rooms, *hotel* accommodations, *restaurants*, and other facilities.

Decorative Period Lighting: Seasonal decorations with individual lights or strands of lights in place no longer than 60 days.

Designated Parking Requirement: The number of parking spaces required for each use, without the use of the *Shared Parking Factor*.

Detached Single-Family Dwelling: A *primary building* that contains a single *primary dwelling unit* that does not share common walls with another *primary dwelling unit*.

Developer: The owner, or its designee, of an area to be developed, including those *lots* that a *Developer* may sell to a *builder*. The *Developer* may also be a *builder*.

Display Gallery: A room, series of rooms, or *building* devoted to the exhibition and/or the sale of works of art.

Duplex: An *attached single-family dwelling* that contains two (2) *primary dwelling units*, designed for or occupied by two *family* units living independently of each other in separate *dwelling units*, that share common walls or floors, which have separate entrances that lead to the *sidewalk* or a common pathway, and which are contained within one *primary building*.

Dwelling-Over-Commercial: A *dwelling unit* designed as part of a *mixed use building*, which is situated above an *office, retail* or civic establishment.

Dwelling Unit: A group of rooms within a *building* that form a single habitable unit for occupancy by one (1) *family*,

and which include living, sleeping, bathing, cooking and eating accommodations.

Effective Parking Requirement: The number of parking spaces required when the *Shared Parking Factor* is used or when a specific use is considered.

Entertainment Establishment: A facility wholly enclosed in a *building* that offers entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as bowling *alleys*, *movie theaters*, amusement arcades, or gymnasiums.

Exhibition Center: A facility designed to accommodate a large fair, show or display.

Family: One (1) or more human beings related by blood, marriage, adoption, foster care or guardianship together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a *dwelling unit* and living as a single housekeeping unit.

Fire Station: A *building* in which firefighting apparatus and/or fire department personnel are housed, which may include *offices* and living areas.

Flexible Space: A place of business whose space can range from a minority, but not less than ten (10) percent, of *office* space with a majority of light industrial space to a majority of *office* space with a minority of light industrial space. The light industrial space portion shall be limited to business and personal services uses such as contractors, distributors, wholesalers and other uses which are similar and comparable in character. These permitted uses must be located entirely within a *primary building* and any merchandise or products contained within the *building* must be for display purposes only. Showroom/*Flexible Space* may also be used for one hundred (100) percent *office* space, any type.

Frontage Line: A property line that is adjacent to a public or private street right-of-way (not including *alleys*), or a public *open space* or common area.

Frontage Zone: The area within the *Public Frontage* between the *Sidewalk* and the *building* façade, designed to accommodate private street furniture, such as outdoor dining tables, signage and merchandise displays and landscaping. The *Frontage Zone* may be within the right-of-way or the *lot*.

Front Setback: The minimum distance, measured in feet that all *structures* must be from a *frontage line*.

Funeral Home: An establishment where the dead are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held.

Golf Course: Course consisting of a large landscaped area for playing golf.

Gross Developable Acreage: The total amount of land, measured in acres, including private and public *lots*, *open space* and rights-of-way.

Gross Floor Area: The area included within the surrounding exterior walls of a *building* expressed in square feet and fractions thereof. *Gross floor area* shall not include open porches, terraces, balconies or other open portions of a *building's* architecture, nor shall it include parking areas or *structures*.

Gross Leasable Area: The total floor area which is designed for the tenant's occupancy and exclusive use.

Gross Residential Density: The number of *primary dwelling units* per *gross developable acre*.

Herein: Shall mean and refer to the entirety of, and anywhere within, this Symphony PUD Ordinance and shall not be restricted to a particular paragraph or section in which the word *herein* appears.

Home Occupation: An occupation carried on by an occupant at his or her place of residence in accordance with the requirements of this ordinance.

Hostel: A commercial overnight lodging facility, with dormitory style accommodation and shared facilities.

Important Neighborhood Intersection: Intersection of local neighborhood streets that are in related to community intersections of 146th Street on the West of Symphony and near the intersection of 156th Street and Ditch.

Inn: A commercial overnight lodging facility with accommodation and other services for paying guests, offering up to twelve (12) *lodging units*. An *inn* may include a small *restaurant* or a boutique *retail* shop in support of the clientele.

Kiosk: A small enclosed *structure*, often freestanding, open on one side or with a window, used as a booth to sell items or consumables.

Laboratory Facility: A room, *building* or institution equipped for scientific research, experimentation or analysis, where any objectionable by-products, such as smoke, odors, dust, refuse, vibration, intense light, glare, and heat, are not a nuisance beyond the *building* in which the activity is located. *Laboratory facilities* shall not have any open storage of products or materials.

Library: An institution which holds books and/or other forms of stored information for use by the public or qualified people.

Liquor Selling Establishment: A *retail* store which sells alcoholic beverages to be consumed off the premises. A business which sells alcoholic beverages for consumption on the premises shall be considered a *restaurant*.

Live Theater: A *building*, consisting of a stage and seating, in which an audience gathers to watch plays, musical performances, public ceremonies and the like.

Live-Work Unit: An *attached single-family dwelling* that contains a *flexible space* that may be used for commercial purposes.

Local Street: A slow movement thoroughfare not intended for through traffic.

Lodging Unit: A room provided in a *building* offering lodging to the public for compensation and which is open to transient guests. *Lodging units* may be located in a *bed and breakfast, hostel, hotel, inn, school dormitory* or *continuing care lodging*.

Lot: A discrete platted or un-platted piece, parcel, plot or tract of land designated by its owner to be used, developed or built upon as a unit under single ownership or control and occupied or intended for occupancy by a use permitted in Symphony, including one (1) or more *primary buildings, accessory uses* thereto and the required yards as provided for in the Symphony PUD Ordinance and may consist of:

- a. A single *lot of record*; or
- b. A portion of a *lot of record*; or
- c. A combination of complete *lots of record*, or complete *lots of record* and portions of *lots of record*, or of portions of *lots of record*.

A *lot* may or may not coincide with a *lot of record*. For the purposes of this definition, the ownership of a *lot* is further defined to include:

- a. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the Auditor of Hamilton County, Indiana;
- b. A contract vendee;
- c. A long-term lessee (but only if the lease is recorded among the records of the Recorder of Hamilton County, Indiana, and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit).

Lot of Record: A *lot* which is platted as a part of a subdivision or a *lot* or a parcel which is un-platted and described by metes and bounds, the description of which has been so recorded in the *Office* of the Recorder of Hamilton County, Indiana.

Lot Width: The dimension of the *lot*, measured in feet, between the *side property lines*, or the *side property line* and a *frontage line*, at the median distance between the *frontage line* and the *rear property line*.

Lot Size (Area): The area of a horizontal plane bounded on all sides by the front, rear, and *side property lines* that is available for use or development and does not include any area lying within the right-of-way of any public or private street or easement for surface access ingress or egress into the subject *lot* or adjoining *lots*.

Master Developer: The Estridge Development Company, Inc. ("Estridge"), its successors and assigns, until such time as Estridge transfers its rights as *Master Developer*. Such rights may be transferred in whole or in part. To transfer all or any portion of its rights as *Master Developer*, Estridge may (i) name each individual owner of real estate within the Property as *Master Developer* solely with respect to the real estate owned by each such individual owner; (ii) establish a committee of individual owners of the real estate owned by all such owners, or (iii) use either method described in (i) and (ii) above with respect to different Districts within the Property.

Medical Clinic: A medical facility especially designed and staffed for the treatment and diagnosis of outpatients.

Mini-Storage: A commercial facility in which customers can rent space to store possessions.

Minor Alteration: Any change to an approved plan of any type that involves the revision of less than twenty percent (20%) of the plan's total area or approved materials.

Mixed Use Building, Office: A *building* with an *office* use as the primary, first floor function, which may have *office*, residential, or civic uses on the upper floors.

Mixed Use Building, Retail: A *building* with a *retail* use as the primary, first floor function, which may have *office*, *retail*, residential, or civic uses on the upper floors.

Movie Theater: A *building* where movies are shown to an audience.

Museum: A *building* or institution dedicated to the acquisition, conservation, study, exhibition, and/or educational interpretation of objects having scientific, historical, cultural and/or artistic value.

Multi-Family Housing: A *primary building* that contains more than four (4) *primary dwelling units*, designed for or occupied by more than four (4) *family* units living independently of each other in separate *dwelling units*, that share common walls or floors. *Multi-family housing* can be arranged as flat-over-flat with unit entrances that are accessed from common hallways, in a courtyard composition with entrances that are accessed from a shared *open space*, or situated over commercial uses.

Non-Residential Intensity: The total *gross floor area* divided by the *gross developable acreage*, expressed as a ratio.

Non-Residential Primary Building: The main *building* on a *lot*. For commercial and institutional uses, this *building* contains the main space of the primary function.

Office: A place of business where business, personal, financial, governmental, social or professional services are provided or clerical duties are performed.

Office Building: A *building* containing one or more places of business where business, personal, financial, governmental, social or professional services are provided or clerical duties are performed.

Open Market Building: A *building* in which permanent or temporary stalls are housed, in which small vendors sell merchandise, goods or services.

Open Space: That portion of land that is set aside for parks, pathways and trails, natural areas, wetlands, open areas or landscaped areas. Wet stormwater retention areas or dry stormwater detention areas shall be included as *open space*, as well as *community recreational facilities*. *Open space* may also include hardscaped areas that are intended for public use, such as plazas and courtyards. Open areas surrounding *multi-family dwelling housing* that occur within the *lot* shall also be included as *open space*.

Outdoor Auditorium: A large, outdoor space or *structure* set up for public meetings or performances, which may or may not include a stage, an amphitheater, permanent seating, restroom facilities, and other associated uses.

Parent Tract: A tract of land described by metes and bounds, the description of which has been recorded in the *Office* of the Recorder of Hamilton County, Indiana, and describes a District, or a portion of a District.

Parking Reserve: An off-site parking area containing reserved parking spaces for specific individuals or tenants.

Parking Structure: A *structure* in which vehicles are parked when not in use, which may be several *stories* in height and which can be above or below grade.

Planting and Furnishings Zone: The area within the *Public Frontage* that is measured from the back of curb to the edge of the *Sidewalk*, which is designed to contain street trees, landscaping, street furniture, signage and other pedestrian amenities.

Playground: A small open area specifically designed and equipped for the play of small children. A *playground* may be fenced and may include an open shelter, seating and/or picnic areas and restroom facilities.

Police Station: A *building* or facility serving the local police force, which may or may not have facilities for car parking, *offices*, criminal holding, and other necessary functions.

Primary School: An educational facility that serves children who are of the age to potentially attend pre-kindergarten through eighth grade. *Primary schools* may contain *sports fields* and community rooms that are available for use by the entire community.

Primary Building: The main *building* on a *lot*. For residential uses, this *building* contains the *primary*

dwelling unit(s). For commercial, civic and institutional uses, this *building* contains the main space of the permitted use or uses.

Primary Dwelling Unit: A *dwelling unit* located within the *primary building* on a *lot*.

Public Frontage: The area between the curb of the vehicular lanes and the *frontage line*. This area may include the *Sidewalk*, planting area, public furnishings, outdoor seating and café tables, and other public amenities, such as lighting, signage, waste receptacles and bike racks.

Quadplex: An *attached single-family dwelling* that contains four (4) *primary dwelling units*, designed for or occupied by four *family units* living independently of each other in separate *dwelling units*, that share common walls or floors, which have separate entrances that lead to the *sidewalk* or a common pathway, and which are contained within one *primary building*.

Rear Property Line: That property line which is opposite the *frontage line*. In the case of a corner *lot*, the rear *property line* will be the shorter of the two remaining *property lines*.

Rear Setback: The minimum distance, measured in feet, which all *structures* must be from the rear property line.

Recreational Facilities, Community: See *Community Recreational Facilities*.

Religious Assembly: A *building* or facility belonging to or used by a religious group or institution for purposes of worship, gathering, community, education or the like.

Restaurant: A *building* in which food and drink are served to customers.

Retail: The sale of goods or services to consumers.

Retail Building: A *building* in which occurs the sale of goods or services to consumers.

School Dormitory: A *building* or part of a *building* in which students sleep and share communal facilities.

Secondary School: An educational facility that serves children who are of the age to potentially attend ninth grade through twelfth grade. *Secondary schools* may contain *sports fields* and community rooms that are available for use by the entire community.

Senior Housing: Housing that is designed and restricted in accordance with applicable laws to accommodate persons over the age of 55, which may include *attached* or *detached single-family dwellings*, *duplexes*, *triplexes*, *quadplexes*, *multi-family housing* or *continuing care lodging*.

Service Station: A place equipped for the servicing of automobiles, including the sale of gasoline and oil, and making minor repairs. *Service stations* may include facilities for the sale of convenience goods, but shall not include bathing facilities, as would typically be found in a rest stop.

Shared Parking Factor: The number by which the *actual parking requirement* for multiple uses within a Development Plan may be adjusted to produce the *effective parking requirement*.

Shopping Mall: A single *building* or a complex consisting of *retail* and/or service establishments in which each storefront opens into a shared hall with a communal entrance.

Side Property Line(s): Those property lines that intersect with the *frontage lines* and are not the *rear property line*. In the case of a corner *lot*, the *side property line* will be the longer of the two remaining property lines.

Side Setbacks: The minimum distance, measured in feet, that all *structures* must be from the *side property line(s)*.

Sidewalk: The clear, unobstructed, hard surfaced or raised pathway within the *Public Frontage* that is intended for pedestrian traffic. *Sidewalks* are also used as connectors and for access for pedestrians within *lots* and *open spaces*.

Sports Field: A large open area designed for playing a particular game, which may include seating areas, *kiosks*, lighting and restroom facilities.

Sports Stadium: An outdoor or indoor venue where sporting events are held.

Stable: A *building*, wing or dependency set apart and adapted for lodging and feeding (and training) animals with hoofs, especially horses.

Story: That part of a *building*, with an open height of no less than seventy-eight (78) inches, except a mezzanine, included between the upper surface of one (1) floor and the lower surface of the next floor, or if there is no floor above,

then the ceiling next above. A *basement* shall constitute a *story* only if it provides finished floor area.

Streetscreen: A freestanding wall, built along the *frontage line*, or coplanar with the façade.

Structure: A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Subdivision Regulations: The provisions of WC 16.04.200, WC 16.04.220, WC 16.04.230, WC 16.04.240, WC 16.04.250, and WC 16.04.260 of the *Zoning Ordinance*.

Substantial Alteration: Any change to an approved plan of any type that involves the revision of twenty percent (20%) or more of the plan's total area or approved materials.

Sustainable Energy Facility: A *structure* designed for the purpose of creating, harnessing, or transmitting a renewable energy source, such as a wind turbine or a solar panel.

Temporary Seasonal Sales: A temporary use established for a fixed period of time, for the *retail* sale of seasonal products, including, but not limited to, such items as food, Christmas trees, and live plants. This use may or may not involve the construction or alteration of any permanent *building* or *structure*.

Temporary Signage: Signage whose purpose is of an impermanent nature, intended to advertise events, show support, give notice of a sale, or for other such purposes. *Temporary signage* shall not include signage related to *building* sales, leases or rentals, or signage related to temporary *community buildings*, such as sales centers.

Trade School: A school that provides vocational or professional education.

Triplex: An *attached single-family dwelling* that contains three (3) *primary dwelling units*, designed for or occupied by three *family* units living independently of each other in separate *dwelling units*, that share common walls or floors, which have separate entrances that lead to the *sidewalk* or a common pathway, and which are contained within one *primary building*.

University: An institution of higher education where subjects are studied and researched in depth and various levels of degrees are offered.

Vehicular Area: That portion of the thoroughfare consisting of the vehicular travel lanes, on-street parking, curbing and, if applicable, the bike lanes.

Veterinarian: An *office* in which trained professionals treat, care for, board and/or groom small animals. All of the functions of a *veterinarian* are to be contained indoors.

Zoning Map: The official *Zoning Map* corresponding to the *Zoning Ordinance*.

Zoning Ordinance: The Comprehensive *Zoning Ordinance* of Westfield-Washington Township, 1977 as amended the date of the approval of this ordinance, not including any subsequent amendment or revision.

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ARTICLE III – DISTRICT DEVELOPMENT STANDARDS

3.1. Residential District.

A. Intent.

- i. It is the intent of the Residential District to create a variety of home types and *lot sizes* that accommodate numerous *family* needs and interests.
- ii. A mix of dwelling types, including *attached* and *detached single-family* and *multi-family units*, may be scattered throughout the Residential District and within individual blocks to provide an authentic neighborhood feel.

B. Character.

- i. The Residential District of Symphony is comprised of a mix of dwelling types, ranging from *detached single-family dwellings* to *multi-family housing*. The *lot* requirements that have been set for the Residential District are intended to create attractive, authentic neighborhoods with a range of unit types, sizes and prices.
- ii. In order to create functional, walkable neighborhoods, the Residential District has been organized around villages with neighborhood centers. The neighborhood centers are typically planned *open spaces*, which provide a place for *family* recreation and interaction with neighbors.

C. Permitted Uses.

- i. Within the Residential District, the uses identified in Section 3.4 – Permitted Use Table, shall be allowed by right.
- ii. Within the Residential District, more than one permitted use is allowed within a single *primary building*, except when the *primary building* contains an *attached* or *detached single-family dwelling*. *Attached* and *detached single-family dwellings* are permitted *accessory dwelling units* and *home occupations*, as detailed in Section 3.1E - *Home Occupations*.
- iii. On *lots* containing *attached* and *detached single-family dwellings* or *live-work units*, only one *primary building*, and one *accessory building* shall be permitted on each *lot*.
- iv. All *detached single-family primary dwelling units*, whether located within *attached single-family* or *multi-family housing primary buildings*, shall be

a minimum of 600 square feet in *gross floor area*, exclusive of open porches, terraces and garages.

- v. All *accessory dwelling units* shall be a minimum of 350 square feet in *gross floor area*, exclusive of open porches, terraces and garages.
- vi. There shall be no maximum number of *dwelling units* permitted within an individual *multi-family housing building*.

D. Accessory Buildings and Structures.

The following standards shall apply to permitted *accessory buildings* and *structures*, subject to the development standards of this Article:

- i. *Accessory buildings* and *structures* shall not be constructed prior to the erection of the *primary building*; however, construction may begin simultaneously.
- ii. *Accessory buildings* shall not be erected between the *primary building* and the *frontage line*. *Accessory structures* shall not be erected between the *primary building* and the *frontage line*.
- iii. *Accessory buildings* shall have an architectural character that is similar to that of the *primary building*.

E. Home Occupations.

- i. The following additional *home occupations* shall be permitted within *attached* and *detached single-family dwellings* in the Residential District:
 - a. Barber Shop (with one chair)
 - b. Home day care for 5 or less full-time or part-time children, not including residents of the home
 - c. Any other occupation that does not require customer or client access and does not have a visual, audible, olfactory, or physical impact on the site by conducting business on the premises.
- ii. A Permitted *home occupation* may employ one nonresident assistant in addition to the persons living in the dwelling. If more than one *home occupation* is conducted in the same dwelling, a nonresident assistant shall be permitted for only one of the *home occupations*.
- iii. One sign will be permitted to be displayed in the window with a maximum size of one square foot.

Table 3-1: Residential Lot Standards

Lot Type	Min. Lot Width ¹	Max. Lot Width ¹	Min. Lot Size	Min. Front Setback	Min. Rear Setback w/ Alley	Min. Rear Setback w/o Alley	Min. Side Setback	Min. Bldg. Separation	Max. Primary Bldg. Height ²	Max. Overall Number ³
Detached Single-Family Dwellings										
Cottage Lot	20'	34'	800 sq.ft.	5'	15'	5'	0'	6'	25' or 2 stories	25% (1,028)
Narrow Lot	35'	49'	1,400 sq.ft.	5'	15'	5'	0'	6'	25' or 2 stories	50% (2,056)
Small Lot	50'	69'	3,000 sq.ft.	10'	15'	5'	5'	10'	30' or 2 stories	70% (2,878)
House Lot	70'	89'	6,900 sq.ft.	20'	15'	10'	5'	10'	35' or 3 stories	50% (2,056)
Estate Lot	90'	150'	9,000 sq.ft.	20'	15'	10'	10'	20'	40' or 3 stories	35% (1,439)
Attached Single-Family Dwellings										
	18'	50'	720 sq.ft.	0'	15'	n/a	0'	6'	45' or 4 stories	30% (1,234)
Duplex										
	36'	100'	3,240 sq.ft.	10'	15'	5'	5'	10'	35' or 3 stories	30% (1,234)
Triplex										
	54'	150'	4,860 sq.ft.	10'	15'	5'	5'	10'	35' or 3 stories	30% (1,234)
Quadplex										
	n/a	n/a	n/a	10'	15'	5'	5'	10'	35' or 3 stories	30% (1,234)
Multi-Family Housing										
	n/a	n/a	n/a	10'	3'	10'	5'	20'	45' or 4 stories	40% (1,645)

1) The Minimum and Maximum Lot Width figures for Duplex, Triplex, and Quadplex residential buildings is the total width of the lot or lots on which the building sits, regardless of whether the land is split into separate fee simple lots or remains a single parcel.

2) Whichever is lower.

3) The number given below signifies the maximum percentage and number permitted for that particular lot type. The total number of dwelling units within Symphony shall not exceed 4,112.

- iv. Permitted *home occupations* on a *lot* shall not exceed 1,000 square feet or 30% of the total living area within the *lot* (whichever is lesser).
- v. All exterior aspects of permitted *home occupations* shall be consistent with the residential character of the Residential District.

F. Residential Development Standards.

- i. Lot Standards - The development standards for residential *lots* shall be determined based on the type of *lot*, according to Table 3-1: Residential Lot Standards.
- ii. Lot Size - Residential *lots* within the Residential District shall be sized according to Table 3-1: Residential Lot Standards.
- iii. Lot Frontage - Residential *Lots* within the Residential District may front on either a public right-of-way or, when located on an *alley*, on a public or private *open space*. There shall be no minimum residential *lot* frontage requirement.
- iv. Front Setback and Encroachments
 - a. Primary buildings must be set back from frontage lines according to the standards detailed in Table 3-1: Residential Lot Standards.
 - b. Open porches and stoops may encroach into the required minimum front setback a maximum of 50% of its depth.
 - c. Balconies, bay windows and awnings may encroach into the required minimum front setback a maximum of 25% of its depth.
- v. Side Setback and Building Separation
 - a. Side setbacks shall conform to the standards detailed in Table 3-1: Residential Lot Standards.
 - b. At the ends of attached primary buildings, or for detached primary buildings and their *accessory buildings* and structures, the side setback shall accommodate a minimum separation of at least six (6) feet between buildings and structures on adjacent lots.
- vi. Rear Setback - *Rear setbacks* for residential *lots* within the Residential District shall conform to the standards detailed in Table 3-1: Residential Lot Standards.
- vii. Building and Structure Height - The height of *primary buildings* shall conform to the standards detailed in Table 3-1: Residential Lot Standards.

viii. Open Space - Within the Residential District, all primary *dwelling units* shall be within 1,500 feet of a public or private *open space*.

G. Non-Residential Development Standards.

Primary buildings, accessory buildings and accessory structures for non-residential uses located within the Residential District shall be subject to the development standards detailed in Section 3.2.G

iv. All primary *dwelling units*, whether located within *attached* or *detached single-family* or *multi-family housing buildings*, shall be a minimum of 600 square feet in *gross floor area*, exclusive of open porches, terraces and garages.

v. All *accessory dwelling units* shall be a minimum of 350 square feet in *gross floor area*, exclusive of open porches, terraces and garages.

vi. There shall be no maximum number of *dwelling units* permitted within an individual *multi-family housing building*.

vii. All *attached* and *detached single-family dwellings*, except *multi-family housing*, shall be allowed *accessory dwelling units*; however, there shall not be more than one (1) *accessory dwelling unit* for each primary *dwelling unit*.

3.2. Mixed Use District

A. Intent.

i. The intent of the Mixed Use District is to provide a compact mix of uses as a highlight to the Villages in which residents can live, work and play, all within close proximity of their homes.

ii. The Mixed Use District is intended to be the main activity center of Symphony, supporting the entire community with a wide range of uses.

B. Character.

The Mixed Use District will be designed as a traditional town center where *buildings* are pulled close to the street, ample *sidewalks* are provided to allow for a high volume of pedestrian activity, and most parking is located both on-street and to the rear of *buildings*. *Lot* requirements have been set for the Mixed Use District that allow *buildings* and spaces to take on an urban character.

C. Permitted Uses.

i. Within the Mixed Use District, the uses identified in Section 3.2 - Permitted Uses, shall be allowed by right.

ii. Within the Mixed Use District, more than one permitted use is allowed within a single *primary building*, except when the *primary building* contains an *attached* or *detached single-family dwelling*. *Attached* and *detached single-family dwellings* are permitted *accessory dwelling units* and *home occupations*, as detailed in Section 3.3E-*Home Occupations*.

iii. On *lots* containing *attached* and *detached single-family dwellings* or *live-work units*, only one *primary building* and one *accessory building* shall be permitted on each *lot*.

D. Accessory Buildings and Structures.

The following standards shall apply to permitted *accessory buildings* and *structures*, subject to the development standards of this Article:

i. *Accessory buildings* and *structures* shall not be constructed prior to the erection of the *primary building*; however, construction may begin simultaneously.

ii. *Accessory buildings* shall not be erected between the *primary building* and the *frontage line*. *Accessory structures* shall not be erected between the *primary building* and the *frontage line*.

iii. *Accessory buildings* shall have an architectural character that is similar to that of the *primary building*.

E. Home Occupations.

i. Any commercial use that occurs within a *live-work unit* shall not be considered a *home occupation*, but shall be allowed by right if it is permitted in the Mixed Use District according to Table 3-2 – Permitted Uses.

ii. The following additional *home occupations* shall be permitted within *attached* and *detached single-family dwellings* in the Mixed Use District:

- a. Barber Shop (with one chair)
- b. Any other occupation that has limited customer or client access needs and does not have a visual,

audible, olfactory, or physical impact on the site by conducting business on the premises.

- iii. Permitted *home occupations* may employ up to two non-resident assistants in addition to the persons living in the dwelling. If more than one *home occupation* is conducted in the same dwelling, the maximum number of nonresident assistants that may be employed in a dwelling shall be two.
- iv. One sign will be permitted to be displayed in the window with a maximum size of one square foot.
- v. Permitted *home occupations* on a *lot* shall not exceed 1,000 square feet or 30% of the total living area within the *lot* (whichever is lesser).
- vi. All exterior aspects of permitted *home occupations* shall be consistent with the character of the Mixed Use District.

F. Residential Development Standards.

- i. The development standards for residential *lots* within the Mixed Use District shall be governed by the development standards found in Section 3.1.F-Residential Development Standards.

G. Non-Residential Development Standards.

- i. Lot Size - There shall be no minimum *lot size* for non-residential *lots* within the Mixed Use District.
- ii. Lot Width - There shall be no minimum *lot width* for non-residential *lots* within the Mixed Use District.
- iii. Lot Frontage - There shall be no minimum *lot frontage* requirement for non-residential *lots* in the Mixed Use District.
- iv. Front Setback and Encroachments
 - a. Non-residential primary buildings are permitted a zero (0) foot front setback on local streets. Front setbacks on arterial or collector streets shall be a minimum of ten (10) feet from the frontage line(s).
 - b. On non-residential primary buildings, awnings, arcades, galleries, bay windows and balconies may encroach into the public right-of-way to within two (2) feet of the curb, but must clear the sidewalk vertically by at least ten (10) feet, subject to the issuance of an encroachment permit by the City of Westfield.

v. Side Setback and Building Separation

- a. Attached non-residential primary buildings and their *accessory buildings* and structures shall be permitted a zero (0) foot side setback.
- b. At the ends of attached non-residential primary buildings, or for detached non-residential primary buildings and their *accessory buildings* and structures, the side setback shall accommodate a minimum separation of at least six (6) feet between buildings and structures on adjacent lots.

vi. Rear Setback

- a. When an alley is present, the minimum rear setback for non-residential buildings shall be three (3) feet from the alley right-of-way or easement line.
- b. When an alley is not present, the minimum rear setback for non-residential buildings shall be five (5) feet from the lot line.

vii. Building and Structure Height - Non-residential primary buildings shall be a maximum of fifty-six (56) feet or four (4) *stories* in height, whichever is lower.

3.3. Nature and Recreation District.

A. Intent.

- i. The Nature and Recreation District serves as home to an existing public *golf course* which, as a part of Symphony, may be expanded.
- ii. The intent of the Nature and Recreation District is to allow for a limited number of different uses, which are intended to capitalize on the amenity that the public *golf course* provides, including food and beverage establishments, conference facilities, various dwelling types, and other recreational uses.

B. Character.

The Nature and Recreation District contains Symphony's major existing amenity, the public *golf course*. Therefore, the character of the Nature and Recreation District should support the functions of the *golf course* by the selective reservation of additional *open space*, the selective addition of various dwelling types and the selective provision of commercial uses which are supportive to the *golf course* use.

C. Permitted Uses.

- i. Within the Nature and Recreation District, the

uses identified in Section 3.4 – Permitted Use Table, shall be allowed by right.; except, however, that all permitted lodging, *office* and *retail* uses shall be restricted to an area bordered by Towne Road on the west, the east boundary of the *golf course* and parallel lines 400 feet north and south of the centerline of 161st Street.

- ii. Within the Nature and Recreation District, more than one permitted use is allowed within a single *primary building*, except when the *primary building* contains an *attached* or *detached single-family dwelling*. *Attached* and *detached single-family dwellings* are permitted *accessory dwelling units* and *home occupations*, as detailed in Section 3.3E - *Home Occupations*.
- iii. On *lots* containing *attached* and *detached single-family dwellings* or *live-work units*, only one *primary building* and one *accessory building* shall be permitted on each *lot*.
- iv. All *primary dwelling units*, whether located within *attached* or *detached single-family* or *multi-family housing buildings*, shall be a minimum of 600 square feet in *gross floor area*, exclusive of open porches, terraces and garages.
- v. All *accessory dwelling units* shall be a minimum of 350 square feet in *gross floor area*, exclusive of open porches, terraces and garages.
- vi. There shall be no maximum number of *dwelling units* permitted within an individual *multi-family housing building*.
- vii. All *attached* and *detached single-family dwellings*, except *multi-family housing*, shall be allowed *accessory dwelling units*; however, there shall not be more than one (1) *accessory dwelling unit* for each *primary dwelling unit*.

D. Accessory Buildings and Structures.

The following standards shall apply to permitted *accessory buildings* and *structures*, subject to the development standards of this Article:

- i. *Accessory buildings* and *structures* shall not be constructed prior to the erection of the *primary building*; however, construction may begin simultaneously.

- ii. *Accessory buildings* shall not be erected between the *primary building* and the *frontage line*. *Accessory structures* shall not be erected between the *primary building* and the *frontage line*.
- iii. *Accessory buildings* shall have an architectural character that is similar to that of the *primary building*.

E. Home Occupations.

- i. Any commercial use that occurs within a *live-work unit* shall not be considered a *home occupation*, but shall be allowed by right if it is permitted in the Nature and Recreation District according to Table 3-2 - Permitted Uses.
- ii. The following additional *home occupations* shall be permitted within *attached* and *detached single-family dwellings* in the Nature and Recreation District:
 - a. Barber Shop (with one chair)
 - b. Home day care for 5 or less full-time or part-time children, not including residents of the home
 - c. Any other occupation that does not require customer or client access and does not have a visual audible, olfactory, or physical impact on the site by conducting business on the premises.
- iii. A permitted *home occupation* may employ one nonresident assistant in addition to the persons living in the dwelling. If more than one *home occupation* is conducted in the same dwelling, a nonresident assistant shall be permitted for only one of the *home occupations*.
- iv. One sign will be permitted to be displayed in the window with a maximum size of one square foot.
- v. Permitted *home occupations* on a *lot* shall not exceed 1,000 square feet or 30% of the total living area within the *lot* (whichever is lesser).
- vi. All exterior aspects of permitted *home occupations* shall be consistent with the character of the Nature and Recreation District.

F. Residential Development Standards.

The development standards for residential *lots* within the Nature and Recreation District shall be governed by the development standards found in Section 3.1.F. - Residential Development Standards.

G. Non-Residential Development Standards.

Primary buildings, accessory buildings and accessory structures for non-residential uses located within the Nature and Recreation District shall be subject to the development standards in Section 3.2.G.

3.4. Permitted Uses.

- A. The uses permitted in the three (3) Districts established by this Symphony PUD Ordinance are shown in Table 3-2: Permitted Uses.

- B. Where the District column is marked with a “■” the use is a permitted use in that District. Where the District column is marked with a “□” the use is a Conditional use and is permitted subject to the standards of Section 3.5 – Permitted Conditional Use Standards. Where the District column is blank, the use is not a permitted use in the indicated District. Accessory uses, that are customarily incidental to a permitted non-residential use as shown in Table 3-2: Permitted Uses, should be permitted in any of the three (3) districts.

- C. For uses that do not fit the definition of one of the “Permitted Uses”, the Director shall determine if the use is consistent with the intent of the District in which the use is to be located. If the use is determined to be consistent with the intent of the applicable district, the use shall be permitted. If the use is determined to be inconsistent with the intent of the applicable district, a PUD amendment will be required in order to permit the use.

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Table 3-2: Permitted Uses

Permitted Uses	Residential District	Mixed Use District	Nature & Recreation District
Residential			
Accessory Dwelling Unit	■	■	■
Attached Single-Family Dwelling	■	■	■
Detached Single-Family Dwelling	■	■	■
Duplex	■	■	■
Dwelling-Over-Commercial	□	■	
Home Occupation	■	■	■
Live-Work Unit	□	■	
Multi-Family Housing	■	■	■
Quadplex	■	■	■
Triplex	■	■	■
Senior Housing	■	■	■
Lodging			
Bed & Breakfast (up to 5 rooms)	■	■	
Hostel		■	
Hotel (no room limit)		■	
Inn (up to 12 rooms)	■	■	
School Dormitory		■	
Office			
Flexible Space		■	
Laboratory Facility		■	
Multi-Use Building, Office	□	■	
Office	□	■	
Retail			
Display Gallery		■	
Entertainment Establishment		■	
Liquor Selling Establishment		■	
Mini-Storage		■	
Mixed Use Building, Retail	□	■	
Open-Market Building		■	
Restaurant	□	■	
Retail	□	■	
Service Station		■	
Temporary Seasonal Sales		■	
Shopping Center		■	

Table 3-2: Permitted Uses (continued)

Permitted Uses	Residential District	Mixed Use District	Nature & Recreation District
Civic			
Commercial Parking Lot		■	■
Community Recreational Facilities	■	■	■
Conference Center	■	■	
Convention Center		■	
Exhibition Center		■	
Library	■	■	■
Live Theater		■	
Movie Theater		■	
Museum		■	
Parking Structure		■	
Religious Assembly	■	■	
Civic Support			
Fire Station	■	■	■
Funeral Home		■	
Hospital		■	
Medical Clinic		■	
Police Station	■	■	■
Sustainable Energy Facility	■	■	■
Veterinarian		■	
Education			
Childcare Center	■	■	■
College		■	
Primary School	■	■	■
Secondary School	■	■	■
Trade School		■	
University		■	
Agriculture			
Stable	■	■	■

3.5. Permitted Conditional Use.

A. Conditional Uses.

Permitted Conditional Uses within the Residential District shall be governed by the conditions set forth below. If all of the standards listed in this section are satisfied, the uses shall be permitted by right.

B. Location and Density.

Conditional Use *buildings* within the Residential District shall be clustered around *important neighborhood intersections*, as are designated on Attachment 1: Illustrative Plan or as may be designated on the Development Plan Approval for each Village, as shown on Exhibit 4: Village Plan. Within a quarter mile (1,320 foot) radius of the intersection there shall be no more than three (3) Conditional Use *buildings*, not to exceed a total of 15,000 square feet of *gross leasable area*, at which these *buildings* are clustered. *Dwelling-Over-Commercial* units and *Live-Work Units* shall not be counted towards this maximum square footage requirement. Conditional Use *buildings* within the Nature and Recreation District shall be clustered along 161st Street between Towne Road and the *golf course* per Section 3.3.C.i.

C. Parking.

Parking shall be provided for Conditional Uses within the Residential District at a rate of 3 spaces per 1,000 square feet of *gross leasable area*, in addition to the requirement for second *story* residential units, if applicable.

D. Dwelling-Over-Commercial.

Within the Residential District, *Dwelling-Over-Commercial* units shall be permitted within *Office* and *Retail Mixed Use Buildings*, subject to the conditions for these *buildings* listed in this Section.

E. Live-Work Units.

Live-Work Units shall be permitted within the Residential District when located within a Conditional use *building* cluster around an *important neighborhood intersection*. *Live-Work Units* shall be permitted within the Nature and Recreation District when located within a Conditional Use *building* in the 161st Street cluster.

F. Office Uses.

i. Within the Residential District, *primary buildings* that contain only *office* uses shall be restricted to 30 feet or two (2) *stories* in height, whichever is

lower, and shall not exceed 5,000 square feet of *gross leasable area*.

ii. When located in an *office* mixed-use *building*, residential units may be located within a second *story*, however the *building* area available for *office* use shall not exceed 5,000 square feet, and the *gross leasable area* of the *building* shall not exceed 10,000 square feet.

G. Restaurant.

i. *Restaurant Buildings* within the Residential District shall be a maximum of 25 feet or one (1) *story* in height, whichever is lower.

ii. *Restaurant Buildings* shall not exceed 6,000 square feet of *gross leasable area*.

H. Retail Uses.

i. Within the Residential District, *primary buildings* that contain only *retail* uses shall be a maximum of 25 feet or one (1) *story* in height, whichever is lower, and shall not exceed 6,000 square feet of *gross leasable area*.

ii. When located in a *retail mixed use building*, residential units or *office* uses may be located in a second *story*, however the *building* area available for *retail* use shall not exceed 6,000 square feet, and the *gross leasable area* of the *building* shall not exceed 12,000 square feet.

3.6. Parking, Loading and Circulation.

A. Designated Parking Requirement.

i. The *Designated Parking Requirement* for all Districts shall be calculated according to Table 3-3: *Designated Parking Requirement*.

ii. When determining the number of designated parking spaces required, any fraction of one-half or less may be disregarded and any fraction in excess of one-half shall be counted as one parking space.

B. Shared Parking Factor.

i. When two or more uses are submitted in the same Development Plan, a *Shared Parking Factor* can be used to calculate the effective *Designated Parking Requirement*, according to Table 3-4:

Shared Parking Factor. The appropriate *Shared Parking Factor* from Table 3-4: Shared Parking Factor is to be used by dividing the number of designated parking spaces determined by using Table 3-3: *Designated Parking Requirement* by the appropriate ratio from Table 3-4: Shared Parking Factor.

- ii. If more than two uses are present within a Development Plan, the *Shared Parking Factor* that results in the lowest *Designated Parking Requirement* is to be used in making the *Shared Parking Factor* calculation.

C. Location.

- i. For primary *dwelling units*, the *Designated Parking Requirement* may be provided on the *lot* or by on-street parking spaces located within 400 feet of the *dwelling unit*.
- ii. For *accessory dwelling unit*, lodging, *retail* and *office* uses, the *Designated Parking Requirement* may be provided on the *lot*, by on-street parking spaces or by parking *lots* located within 400 feet of the *dwelling unit* or the *building's* entrance.

D. Parking Structures.

- i. In a *parking structure* or garage, each level above grade counts as a single *story*.
- ii. The façade of a *parking structure* facing a public street located within 200 feet of the façade shall be architecturally treated.

E. Space and Aisle Requirements.

- i. All designated parking spaces shall be a minimum of 9 feet in width and 18 feet in length, exclusive of access drives, aisles, ramps and *office* or work areas. In *parking structures*, one-half (1/2) of the area occupied by supporting columns may be included in determining the width of each adjacent parking space.
- ii. All designated parking spaces shall have a vertical clearance of at least seven (7) feet.

F. Vehicular and Pedestrian Access.

- i. Driveways onto arterial, secondary arterial and collector streets shall be minimized. The use of side street access, *alleys*, and shared driveways shall be encouraged.

Table 3-3: Designated Parking Requirement

	Residential District
Required Parking per Single-Family Detached or Attached Primary Dwelling Unit	2.0
Required Parking per Primary Dwelling Unit within a Multi Family Housing Building	2.0
Required Parking per Accessory Dwelling Unit	1.0
Required Parking per Lodging Unit	1.25
Required Parking per 1000 sq ft Office Space	4.0
Required Parking per 1000 sq ft Retail Space	3.0
Required Parking per 1000 sq ft Indoor Civic or Civic Support Space	4.0
Required Parking per acre of Outdoor Civic and Agricultural Space (not including golf course)	10.0
Required Parking per Educational Classroom	2.0

Table 3-4: Shared Parking Factor

	Residential	Lodging	Office	Retail	Civic
Residential	1.0	1.1	1.4	1.2	1.4
Lodging	1.1	1.0	1.7	1.3	1.2
Office	1.4	1.7	1.0	1.2	1.4
Retail	1.2	1.3	1.2	1.0	1.3
Civic	1.4	1.2	1.4	1.3	1.0

- ii. In parking *lots*, garages and *structures* with more than twenty (20) parking spaces, pedestrian pathways shall be incorporated into the design in order to provide access from the parking *lot*, garage or *structure* to the *building* or the public street right-of-way.
- iii. The intersections of pedestrian circulation pathways with amenities and vehicular traffic shall be designed in such a manner as to minimize conflict, with the primary focus on pedestrian safety and access.

G. Parking Lot Surfacing.

If approved by the Westfield Department of Public Works as to their structural stability, bricks, pavers, grass or other innovative materials may be used as surface cover for parking *lots*.

H. Parking Lot Lighting.

- i. In addition to the standards listed below, the standards of Article VI – Outdoor Lighting Standards must be followed when designing a parking *lot* lighting plan.
- ii. Within 30 minutes of closing of the last business or no later than 11:00 p.m., the lighting shall provide a minimum level of security illumination for the entire parking *lot*.
- iii. Except for *decorative period lighting*, all parking *lot* lighting fixtures shall be shielded.

I. Parking Lot Landscaping.

- i. The standards for parking *lot* landscaping can be found in Article V – Landscaping Standards, Section 5.2 – Parking Area Landscaping.

J. Loading Berths.

- i. Off-street loading berths shall be subject to the requirements of WC 16.04.120 except as modified below.
- ii. Business and professional *offices*, medical facilities, schools, hotels, clubs and similar businesses - one (1) loading berth for each 100,000 square feet of *gross floor area* or additional fraction thereof, over 10,000 square feet.

- iii. Other businesses, as modified below.
 - a. Buildings with 10,001 to 25,000 square feet - one (1) loading berth.
 - b. Buildings larger than 25,000 square feet - one (1) loading berth plus one additional loading berth for each additional 25,000 square feet, or fraction thereof, over the first 25,000 square feet.
 - c. Businesses located within the same building shall be allowed to calculate the number of required loading berths cumulatively for the total square footage of the building.

3.7. Architectural Standards

All *buildings* within Symphony shall adhere to the following architectural design standards:

- A. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- B. A *building's* architecture should achieve a simple elegance derived from well proportioned massing and fenestration, an appropriate color palette, appropriate materials, and well arranged details.
- C. All *buildings* shall strive to maintain a strong connection with the public realm and shall maintain a scale that is pleasant to pedestrians.
- D. *Buildings* and façades shall have human scale, composed of simple and proportionate volumes and scaled to fit the existing context.
- E. Materials shall have good architectural character. Each architectural detail, material, feature and element shall have a verifiable place within the overall design.
- F. *Building* façades shall have a harmonious composition and vertically aligned arrangement of architectural features, such as pediments, balconies, arcades and fenestrations.
- G. There shall be no long sections of street space faced by blank walls or by long sections of windows without doors.
- H. Materials shall be selected for suitability to the type of *building* and the design in which they are used. *Buildings* shall utilize architecturally harmonious materials for all *building* walls and other exterior *building* components wholly or partially visible from public ways.

- I. Materials shall be of durable quality.
- J. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- K. Windows and openings shall be designed as part of a balanced and harmonious *building* composition aimed to complement each other and reinforce the overall *building* style.
- L. Colors shall be harmonious and shall use only compatible accents. Fluorescent colors shall be prohibited.
- M. Mechanical equipment or other utility hardware on roof, ground, or *buildings* shall be screened from public view with materials harmonious with the *building*, or they shall be located as not to be visible from any public right-of-way or *open space*.
- N. Exterior lighting shall be part of the overall architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with *building* design.
- O. Refuse and waste removal areas, service yards, storage yards, recycling areas and exterior work areas shall be screened from view from public rights-of-way and *open spaces*.
- P. Monotony of design in single or multiple *building* projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.

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ARTICLE IV – PRINCIPLES AND STANDARDS OF STREET DESIGN

4.1. General.

- A. Symphony shall be governed by the provision of the *Zoning Ordinance*, WC 16.04.230 Principals and Standards of Design, and by street construction standards administered by the Westfield Public Works Department and the Westfield Fire Department, unless specifically modified by the terms of this Article IV. When the standards of this Article IV are found to be in conflict with other standards in the *Zoning Ordinance*, or street standards administered by the Westfield Public Works and Fire Departments, the standards of this Article IV shall prevail.
- B. The APC may approve special standards for additional streets types not addressed *herein*.

4.2. Street Network.

A. Design Intent.

- i. A well connected system of streets, *sidewalks*, pathways and trails shall be implemented throughout Symphony.
- ii. Streets shall equally serve the pedestrian and the vehicle, with the pedestrian given priority at conflict points.
- iii. Each thoroughfare shall be designed to ensure a high-quality pedestrian experience that encourages residents to walk or bike to reach the community's various destinations.

B. Overall Design.

- i. The street and *alley* layout shall provide access to all *lots* and parcels of land within Symphony.
- ii. *Alleys* may be included in the Districts where needed for loading, unloading, refuse or service access purposes.
- iii. The maximum length of a cul-de-sac shall be 600 feet unless otherwise approved in a Development Plan.
- iv. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet are permitted only where two (2) or more *local streets* are involved.

C. Intersections and Access.

- i. Intersections of more than two streets at one point are permitted in special cases if approved in a Development Plan.
- ii. If a *local street* intersects a collector or arterial street, the streets should intersect as close to 90 degrees as possible given the overall layout of the block *structure* and street network. Intersections of *local streets* shall have a minimum angle of 20 degrees.
- iii. Angled intersections are permitted at roundabouts.
- iv. At intersections of *local streets*, the property line corners may be square so long as an adequate *sidewalk* and pedestrian area is provided.
- v. If the smaller angle of intersection of two arterial or collector streets is less than 90 degrees, the radius of the arc at the intersection of property lines shall be sufficient to allow an adequate *sidewalk* and pedestrian area.
- vi. At the intersection of any proposed *local street* with a primary arterial, secondary arterial or collector street; acceleration lanes, deceleration lanes, passing blisters or left turn lanes may be required.
- vii. Driveways onto primary arterials and secondary arterials shall be minimized. The use of side street access, *alleys* and shared driveways shall be encouraged.
- viii. On an arterial street, no driveway shall be located within 75 feet of the intersection of two *frontage lines*. The intersection of a frontage lane with a collector or arterial street shall not be considered a driveway access point.
- ix. On *local streets*, driveways may be located as necessary for access to *lots*. A restriction on placement shall be that driveways cannot be located within the curb return radii.

D. Thoroughfare Design.

- i. A pedestrian-friendly atmosphere shall be created on every right-of-way.

- ii. On-street, pedestrian scale lighting and large, encompassing street trees shall be provided on every street. Additional amenities, such as benches, waste baskets and bike rests, shall be provided at appropriate locations.
- iii. There are two components to each thoroughfare, the *Vehicular Area* and the *Public Frontage*.

E. Vehicular Area.

- i. The *Vehicular Area* consists of the travel lanes, curbing and the appropriate on-street parking. In certain cases, the *Vehicular Area* may also contain a bike lane.
- ii. The minimum width of the *Vehicular Area* shall be dictated according to Table 4-2: *Local Street and Alley Widths*, as exemplified in Exhibit 7 – Street Sections.
- iii. On-street parallel parking is permitted on *local streets*. On-street parking may be on one or both sides of the street and, where allocated, shall be a minimum of eight (8) feet in width.
- iv. Bike lanes shall be permitted within the *Vehicular Area* of all *local streets*. Bike lanes may be located on one or both sides of the street and, where allocated, shall be a minimum width of four (4) feet.
- v. Enhanced paving such as stamped concrete, bricks, or pavers are an acceptable roadway material for local or collector streets.
- vi. On *local streets*, an 18" curb and gutter section or vertical curb may be used.
- vii. Curvature measured along the center line of *local streets* shall have a minimum radius of 150 feet except where smaller radii may be used for the purpose of promoting traffic calming and slower vehicular speeds.

F. Public Frontage.

- i. The *Public Frontage* is the area between the back of the curb and the *building façade*. The *Public Frontage* includes the *Clear Zone*, the *Planting and Furnishings Zone*, the *Sidewalk* and the *Frontage Zone*, as shown in Figure 4-1: *Public Frontage*.

- ii. The minimum width of the *Public Frontage* shall be dictated according to Table 4-2: *Local Street and Alley Widths*, as exemplified in Exhibit 7 – Street Sections.

G. The Planting and Furnishings Zone.

- i. The *Planting and Furnishings Zone* acts as a buffer between the pedestrian and vehicular traffic.
- ii. The *Planting and Furnishings Zone* is measured from the back of curb to the edge of the *Sidewalk*, as shown in Figure 4-1: *Public Frontage*.
- iii. The *Planting and Furnishings Zone* shall contain the street trees, either in tree lawns, beds, or grates, and may contain additional landscaping as needed.
- iv. The *Planting and Furnishings Zone* may also contain street furniture, signage and other pedestrian amenities.
- v. The *Clear Zone* is designed to provide clearance between on-street parking and landscaping or furnishings. The *Clear Zone*, contained within the *Planting and Furnishings Zone*, is the area between the back of curb and the closest non-movable object.

Figure 4-1: Public Frontage

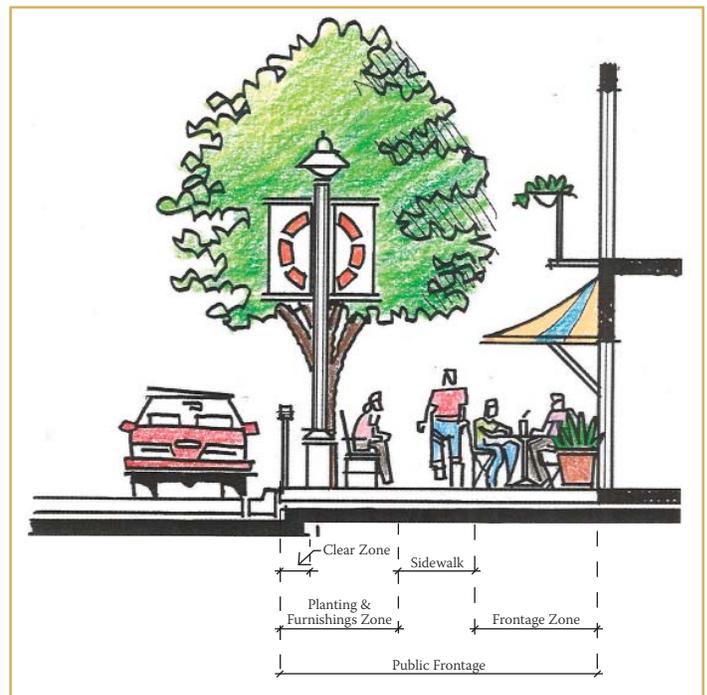


Table 4-2: Local Street and Alley Widths

Local Streets & Alleys	ROW Width ¹	Vehicular Area Width	Public Frontage Width	Sidewalk Width	Planting & Furnishing Zone Width	Design Speed
Two-Way Street, No Parking	45'	24'	10'-6"	5'	5'-6'	20 mph
Two-Way Street, Parking One Side	50'	28'	11'	5'	6'	20 mph
Two-Way Street, Parking Both Sides	60'	38'	11'	5'	6'	20 mph
Two-Way Town Center Roadway, Parking Both Sides	70'	40'	15'	5'	10'	25 mph
One-Way Street, Parking One Side	45'	23'	11'	5'	6'	20 mph
One-Way Street, Parking Both Sides	50'	28'	11'	5'	6'	20 mph
Low to Medium Density Residential Alley	20'	12'	4'	n/a	n/a	10 mph
High Density Residential/ Commercial Alley	24'	16'	4'	n/a	n/a	10 mph

1) An alley width may be on easement, not a right-of-way.

vi. Where there is no on-street parking, no Clear Zone shall be required. Where necessitated, the Clear Zone shall be a minimum width of two (2) feet.

vii. The minimum width of the *Planting and Furnishings Zone* shall be dictated according to Table 4-2: *Local Street and Alley Widths*, as exemplified in Exhibit 7 – Street Sections.

H. The Sidewalk.

i. The *Sidewalk* is the area designated for pedestrian movement within the *Public Frontage*, as shown in Figure 4-1: Public Frontage.

ii. *Sidewalks* shall occur on both sides of each *local street* and shall be clear to eight (8) feet above the pavement.

iii. The *Sidewalk* shall not contain any landscaping, pedestrian furniture or other amenities.

iv. The *Sidewalk* shall be either paved or bricked and a minimum of five (5) feet wide.

I. The Frontage Zone.

i. The *Frontage Zone* is designated as the area between the *Sidewalk* and the *building* façade, designed to accommodate private street furniture, such as

outdoor dining tables, signage and merchandise displays, while also acting as a buffer between window shoppers and pedestrians.

ii. The *Frontage Zone* shall not be required, but may be used wherever applicable, and may be of a width appropriate to the adjacent use and intended purpose.

iii. The *Frontage Zone* may occur within the public right-of-way or within the *front setback* of the *lot*, as shown in Figure 4-1: Public Frontage. Where the *Frontage Zone* occurs within the *lot*, the overall design shall be coordinated with that of the entire *Public Frontage*.

J. Thoroughfare Width.

i. For the design of *local streets* and *alleys*, Table 4-2: *Local Street and Alley Widths* shall dictate the minimum right-of-way or easement widths. All figures are to be considered minimums. The *vehicular area* width dimension for streets include curb and gutters.

ii. Examples of the typical *local streets* listed above can be found in Exhibit 7 – Street Sections.

iii. *Alleys* shall be at least twenty (20) feet in width and may be dedicated as a right-of-way or allocated through a private easement.

K. Visibility.

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

- i. Forty (40) feet from intersections of collector streets, seventy-five (75) feet from intersections of primary arterials or secondary arterials.

- i. Ten (10) feet from the intersections of *local streets*. When a *local street* intersects a collector street or arterial street, *AASHTO* sight distance criteria shall apply.

- i. Ten (10) feet from intersections of driveways or *alleys*.

L. Utility Easements.

Most utilities will be located within the right-of-way. Before determining the location of utilities, the plan shall be discussed with the local public utility companies to assure the proper placing and the installation of such services and whether any easement will be required. If easements are required, they shall be located along *lot* lines and only one-half of the easement width shall be taken from each *lot*.

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ARTICLE V – LANDSCAPING STANDARDS

5.1. Buffer Yard Requirements.

A. Buffer Yard Usage.

- i. *Buffer yards* shall only be required at the perimeter boundary of Symphony where the perimeter boundaries of the Mixed Use District or the Nature and Recreation District abut an adjacent Residential District located outside of Symphony and shall only be required where the abutting property does not already contain a *buffer yard*. A *buffer yard* shall not be required where the use internal to Symphony that is immediately adjacent to the perimeter boundary is a wooded area, public park, *golf course*, lake, pond or other detention or retention stormwater facility.
- ii. *Buffer yards* shall be a minimum of ten (10) feet in width and a maximum of twenty (20) feet in width, depending on design necessity.

B. Buffer Yard Plantings.

- i. In order to create a more effective buffer, the Director may approve evergreen trees to be substituted in lieu of evergreen shrubbery on a 1:3 basis (tree: shrub).
- ii. All trees planted in *buffer yards* shall be credited toward total on-site landscaping requirements set forth in WC 16.06.050 of the *Zoning Ordinance*.

5.2. Parking Area Landscaping.

A. Interior Parking Lot Landscaping.

The total amount of interior parking *lot* area that must be landscaped shall be based on the total number of proposed parking spaces, as set forth in Table 5-1: Percentage of Parking *Lot* Landscaping.

Table 5-1: Percentage of Parking Lot Landscaping

No. of Parking Spaces	% of Vehicular Use Areas to be Landscaped
0 to 4	0%
5 to 24	3%
25 to 49	5%
50 or more	7.5%

B. Parking Lot Islands.

- i. Parking *lot* islands, when required, shall be dispersed throughout parking *lots* in a design and configuration that aesthetically corresponds to the

size and shape of the parking *lot*. Combining of parking *lot* islands together such that more than one tree may be planted on an island shall be permitted.

- ii. For surface parking *lots* within the Mixed Use and Nature and Recreation Districts, parking *lot* islands may be designed as a square, set at a forty-five (45) degree angle from the parallel edges of the parking space and placed so that the lines drawn from corner to corner lie along two of the parking space edges. Parking *lot* islands of this type are to be either twenty-five (25) or thirty-six (36) square feet. All other parking *lot* islands are to be a minimum of one-hundred and fifty-three (153) square feet
- iii. For surface parking *lots* within the Mixed Use and Nature and Recreation Districts, parking *lot* islands may be flush with the surface of the parking *lot*. When this occurs, width is to be measured from pavement edge to pavement edge.
- iv. Interior landscaped areas without curbs shall use wheel stops in a manner that restricts vehicles from driving over landscaped areas.
- v. Square parking *lot* islands described above shall include at least one (1) tree. All other parking *lot* islands shall include at least one (1) tree and four (4) shrubs.

C. Perimeter Parking Lot Landscaping.

- i. Perimeter landscaping is required for parking *lots* that abut a public street.
- ii. In lieu of required perimeter planting, a *streetscreen* may be used to mitigate the negative impact of the parking area.

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ARTICLE VI – OUTDOOR LIGHTING STANDARDS

6.1. General Lighting Standards.

Within Symphony, lighting standards shall not apply to year-round, low-lumen, lights, freestanding, *decorative period lighting* fixtures, and, lighting that illuminates *buildings*, signage, architectural features, trees and other permanent landscape features, the following standards shall apply. Light pole height, including the base, shall not exceed twenty-five (25) feet, except for athletic fields, golf driving ranges, and parking *lots* within the Mixed Use District. All parking area light fixtures shall be designed and located to confine emitted light to the parking area.

6.2. Mixed Use and Golf and Nature District Lighting Standards.

- A. Light-emitting surfaces may be visible from a residential *lot* or public right-of-way when viewed at ground level.
- B. All lights on poles, stands or mounted on a *building* shall have a shield, adjustable reflector and non-protruding diffuser, except for *decorative period lighting*.

6.3. Sign Lighting.

- A. Lighting fixtures used to illuminate an outdoor pylon identification sign shall comply with the shielding requirements of this Article.
- B. Lighting fixtures used to illuminate other types of signage, such as ground signs, wall signs and incidental and directional signs may be illuminated with a ground mounted, bottom mounted or top mounted lighting fixture, provided that the fixture is shielded to direct the light output onto the sign surface.
- C. No sign lighting shall pulse, rotate, blink or flash, except signage designed with an electronic display containing general information or digital signage that changes no more than once per ten seconds.
- D. Lamps utilized for the internal illumination of wall signs related to non-residential uses shall be turned off each day at the close of the individual business.

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ARTICLE VII – SIGNAGE STANDARDS

7.1. Applicability.

These regulations shall be applicable to all signs within Symphony which are newly constructed, erected or placed into operation after the effective date of this Symphony PUD Ordinance.

7.2. Prohibited and Permitted Signage.

- A. No pole signs shall be permitted within Symphony, exclusive of pylon signs.
- B. Display of *temporary signage*, such as banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, balloons or inflatable signs shall be permitted.
- C. *Building*, sandwich board, and business informational and directional signage, as well as any type of signage used for purposes of the Symphony community, shall be allowed to project into the public right-of-way within the *Planting and Furnishings Zone* or the *Frontage Zone*, subject to the approval of the proper governmental agency (see Article IV – Principles and Standards of Street Design).
- D. Where suitable structural support exists, banner signage that crosses the right-of-way shall be permitted, subject to the approval of the proper governmental agency.

7.3. General Sign Regulations.

- A. Title signage for *office* parks, apartment developments, residential areas or phases and shopping centers or areas located within Symphony shall not be required to incorporate the words “of Westfield” into the sign design.
- B. In the Residential District, illuminated signs shall be setback a minimum distance of twenty (20) feet from any residential *lot*. In the Mixed Use and Nature and Recreation Districts there shall be no minimum setback requirement from a residential *lot* for illuminated signage.
- C. Each sign shall be considered separately when determining minimum and maximum sign area. There shall be no maximum sign area per *building*.

- D. Minimum and maximum sign area shall be restricted based on type of sign, as detailed in the Sections 7.4 through 7.11, and shall not be based on use or linear feet of frontage along a public right of way.
- E. There shall be no minimum front yard or right-of-way setback requirement for signage other than that signage must not interfere with clear sight triangles.
- F. All types of signs may be used in all Districts and for all uses unless otherwise noted.

7.4. Wall Signs.

- A. Wall signs are located above the entrance, canopy or awning.
- B. One (1) wall mounted sign shall be permitted per storefront.
- C. Wall signs shall have a linear length no greater than sixty-five percent (65%) of the *building* width, or the width of the storefront over which it is located, and shall be no greater than two (2) feet in height.
- D. The bottom edge of wall mounted signs shall be located a maximum of twelve (12) feet and a minimum of ten (10) feet above the *sidewalk*.

7.5. Projecting Signs.

- A. One (1) projecting sign is permitted per *building*.
- B. Projecting signage shall be between nine (9) and twelve (12) feet above the *sidewalk*.
- C. Projecting signs may project past the *building* façade a maximum of five (5) feet.
- D. Corner projecting signs shall project either perpendicular from one side of the *building* or at a one-hundred and thirty-five (135) degree angle from the *building* face.
- E. Projecting signs may encroach into the public right-of-way, subject to the approval of the proper governmental agency.
- F. Brackets and other suspension devices shall match the architecture of the *building*.

7.6. Awning and Canopy Signs.

- A. Each awning or canopy is permitted one (1) sign.
- B. On awnings, signage shall be located either on the fringe of the awning or in the center of the body of the awning.
- C. On canopies, signage shall be located on the canopy face.

7.7. Under Awning or Under Canopy Blade Signs.

- A. One (1) under awning or under canopy pedestrian blade sign is permitted per storefront entrance.
- B. Under awning or under canopy blade signs are to hang perpendicular from the *building* façade.
- C. Under awning or under canopy blade signs located under awnings or canopies shall be a maximum of four (4) feet in width and three (3) feet in height.
- D. Under awning or under canopy blade signs shall have a minimum vertical clearance of seven (7) feet six (6) inches in the *Frontage Zone* or eight (8) feet minimum vertical clearance above the *Sidewalk*.

7.8. Ground Building Identification Signs.

Ground signs that give a *building* name and address shall be a maximum of four (4) feet in width and six (6) feet in height.

7.9. Window Signs.

- A. The only type of window signage that is permitted is that which is painted, etched or applied to the window surface.
- B. Window signs should not obscure more than twenty percent (20%) of the window area.

7.10. Free Standing, Multi-Tenant, Pedestrian-Oriented Signs.

- A. There are two types of free standing, multi-tenant ground signs that are permitted within Symphony

signs that are supported by two outer poles that have a solid signage area within and signs that are supported by one central pole with signage blades that hang from additional perpendicular beams.

- B. Signs supported by two outer poles shall be a maximum of five (5) feet in width and six (6) feet six (6) inches in height, with a signage area that is a maximum of three (3) feet in width and four (4) feet in height
- C. Signs that are supported by one central pole shall be a maximum of ten (10) feet, six (6) inches in height. Width shall be determined by the width of the blades, which shall have an individual surface area between one and a half (1.5) and two (2) square feet. Blades should have a minimum ground clearance of five (5) feet.
- D. Pedestrian-oriented multi-tenant signs may be located within the *Planting and Furnishings Zone* of the right-of-way, subject to the approval of the proper governmental agency.
- E. Two (2) free standing, multi-tenant, pedestrian-oriented signs may be located on each block face.

7.11. Free Standing, Multi-Tenant, Automobile-Oriented Signs.

- A. Free standing, multi-tenant, automobile-oriented signs are to be permitted only in the Mixed Use District along major thoroughfares.
- B. Only one (1) free standing, multi-tenant, automobile-oriented sign shall be allowed per quarter mile of frontage.
- C. Free standing, multi-tenant, automobile-oriented signs shall be a maximum of twenty (20) feet in height and eight (8) feet in width.

7.12. Temporary Signs.

- A. All types of temporary signs shall be permitted within Symphony, including sandwich board signs which are approved for placement within the right-of-way.
- B. One (1) temporary sign shall be permitted per *retail* storefront.

- C. One (1) temporary sign shall be permitted per *office building*.
- D. One (1) temporary sign shall be permitted per primary residential unit.

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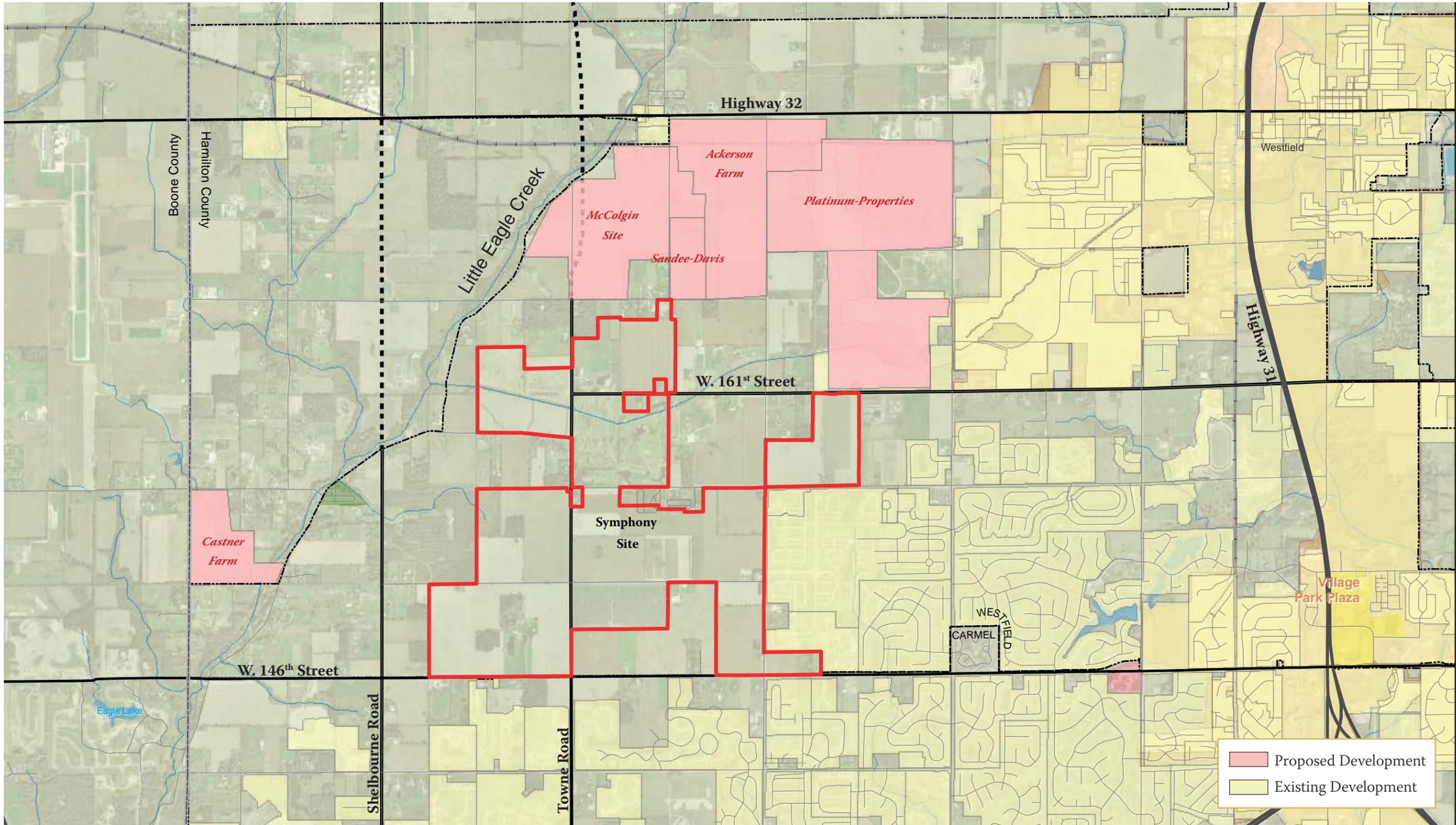
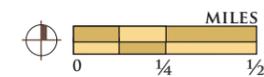
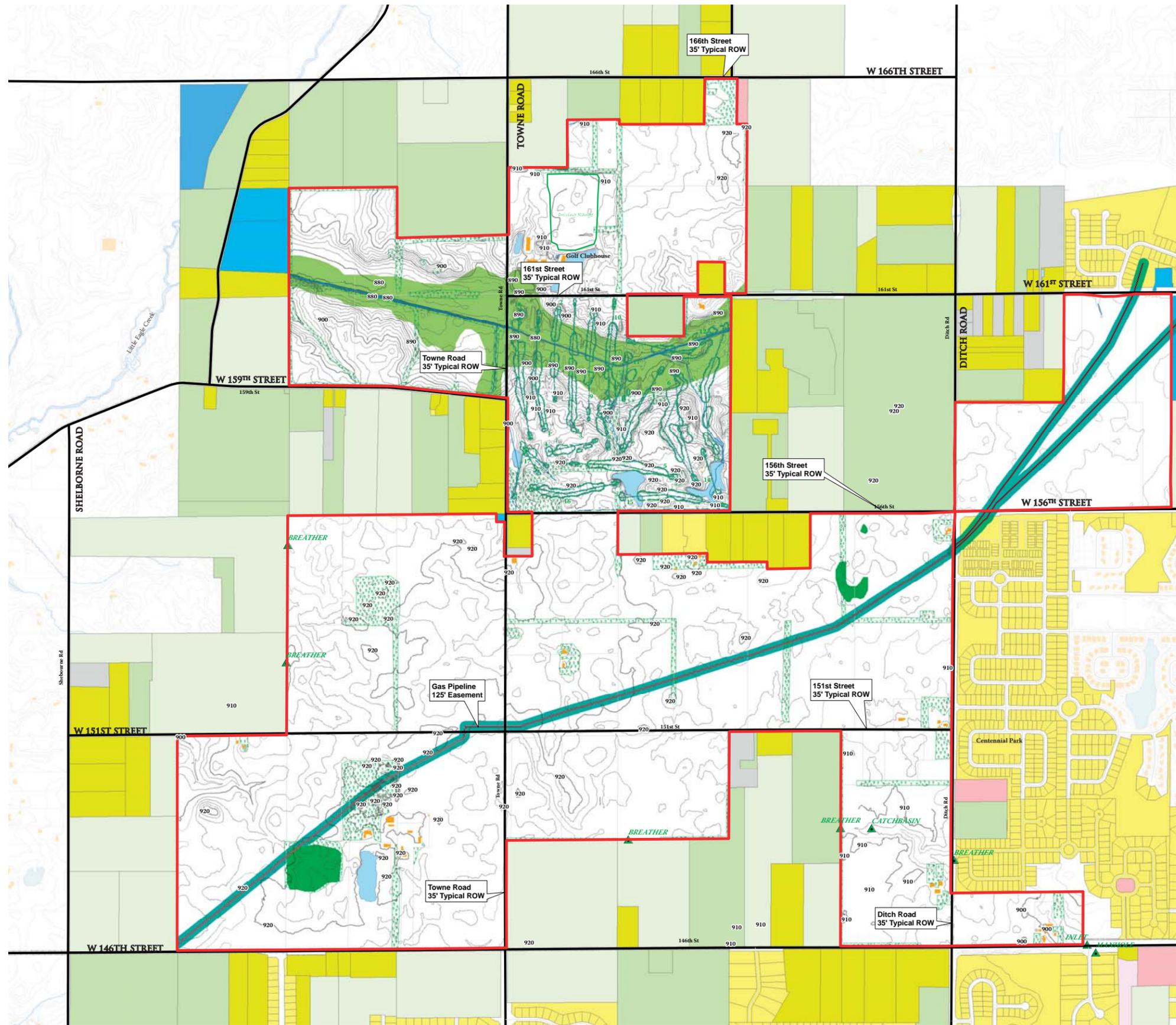


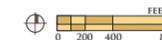
EXHIBIT 1: SITE LOCATION MAP

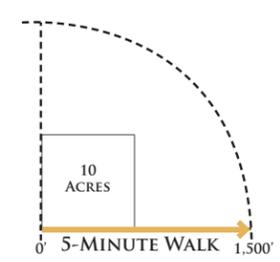
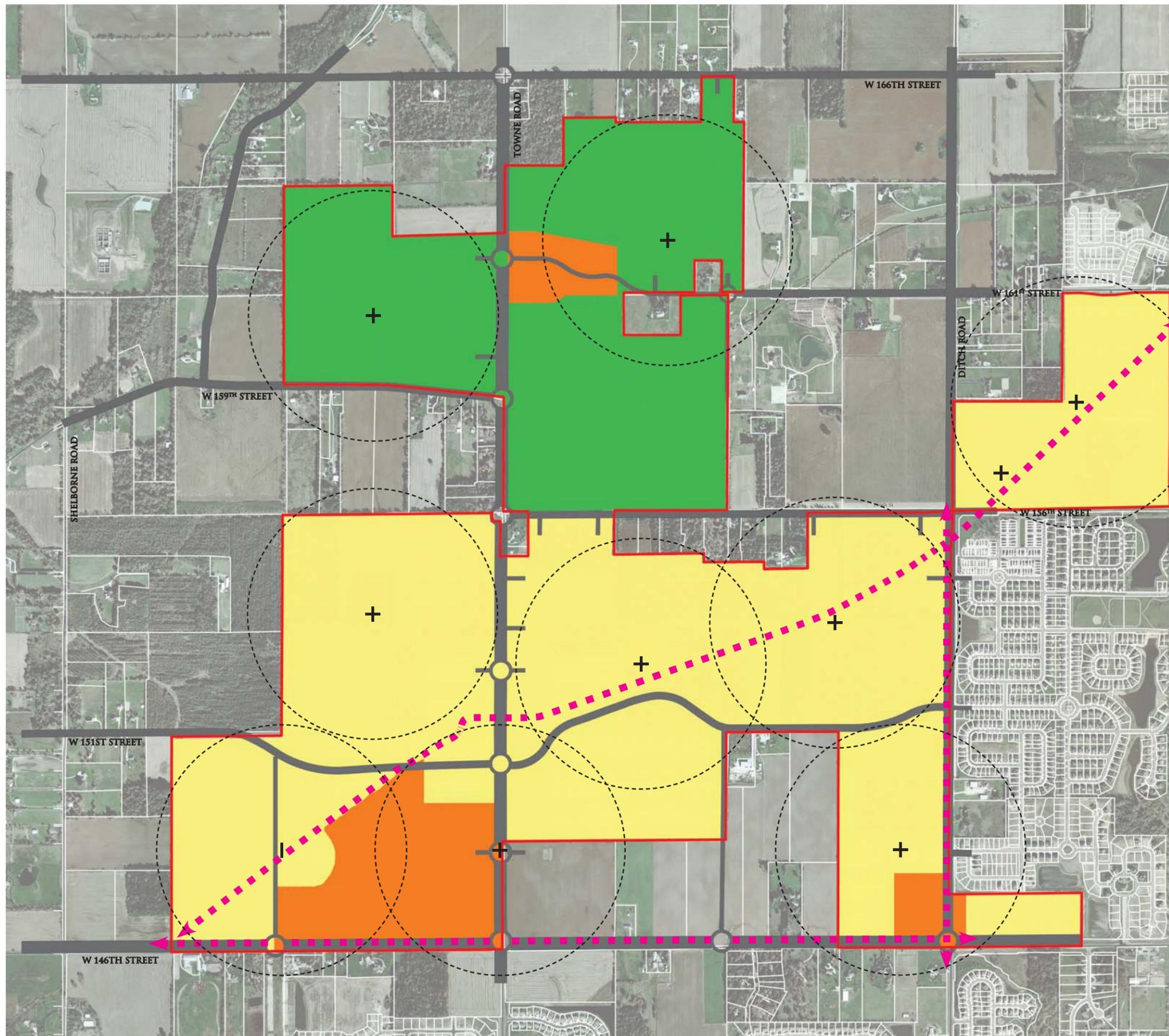




- Vacant
- Agriculture - Vacant
- Commercial - Vacant
- Agriculture
- Cemetery
- Church
- Public
- Commercial
- Condominium
- Residential
- Residential - Large Acreage
- Existing Storm Structure
- Natural Gas Pipeline
- City Limits
- Existing Buildings (2004)
- Existing Trees (2005 Aerial)
- Flood Plain
- Wetlands
- Water Bodies
- Pipeline Buffer

EXHIBIT 2: EXISTING CONDITIONS MAP

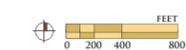




- Mixed Use District
- Residential District
- Nature and Recreation District
- 12' Multi-purpose Trail
- Property Line

EXHIBIT 3: CONCEPT PLAN


SYMPHONY
 WESTFIELD, INDIANA



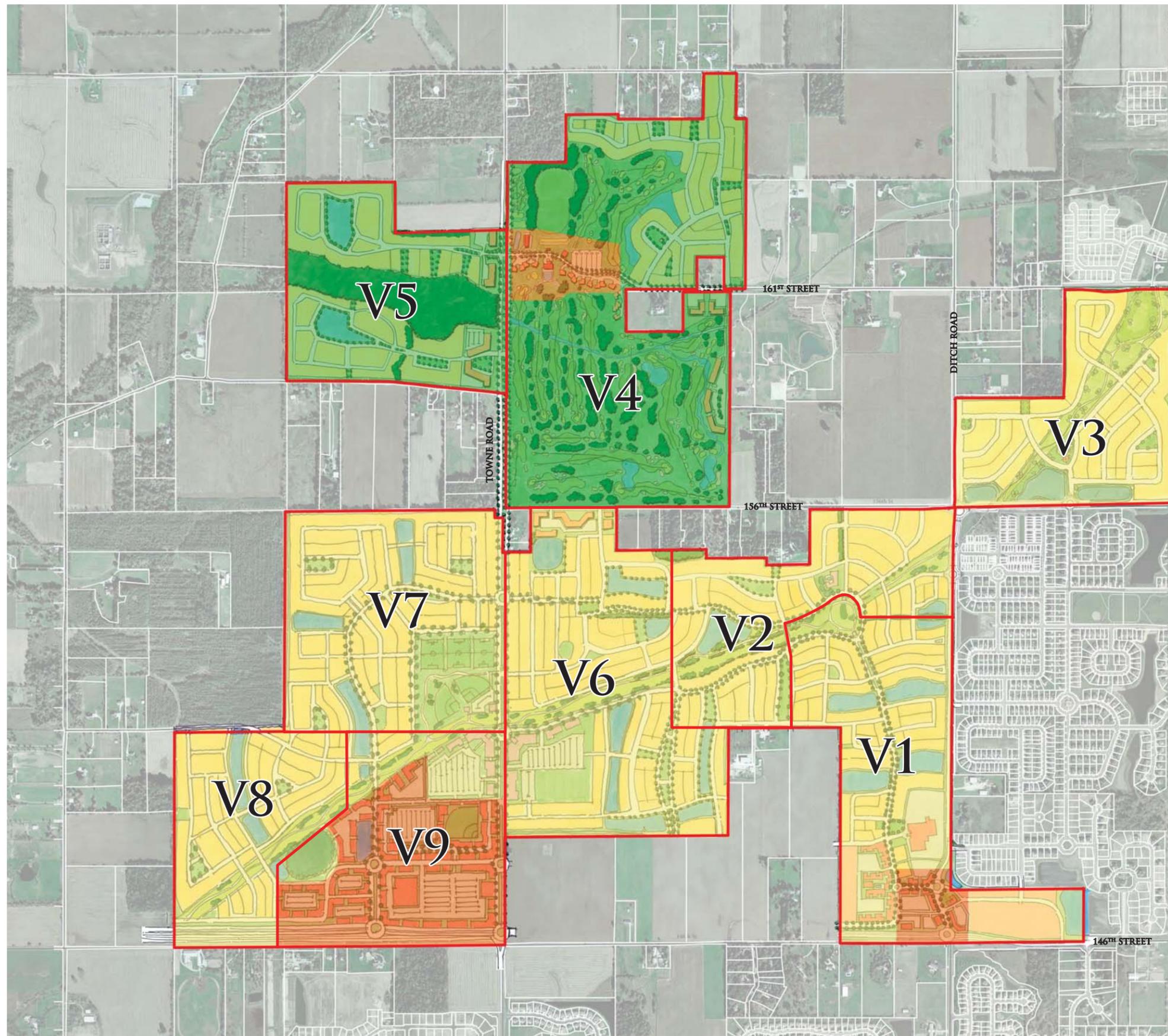
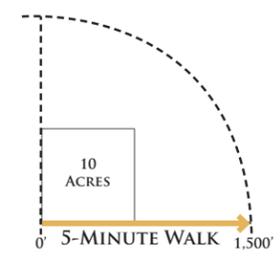
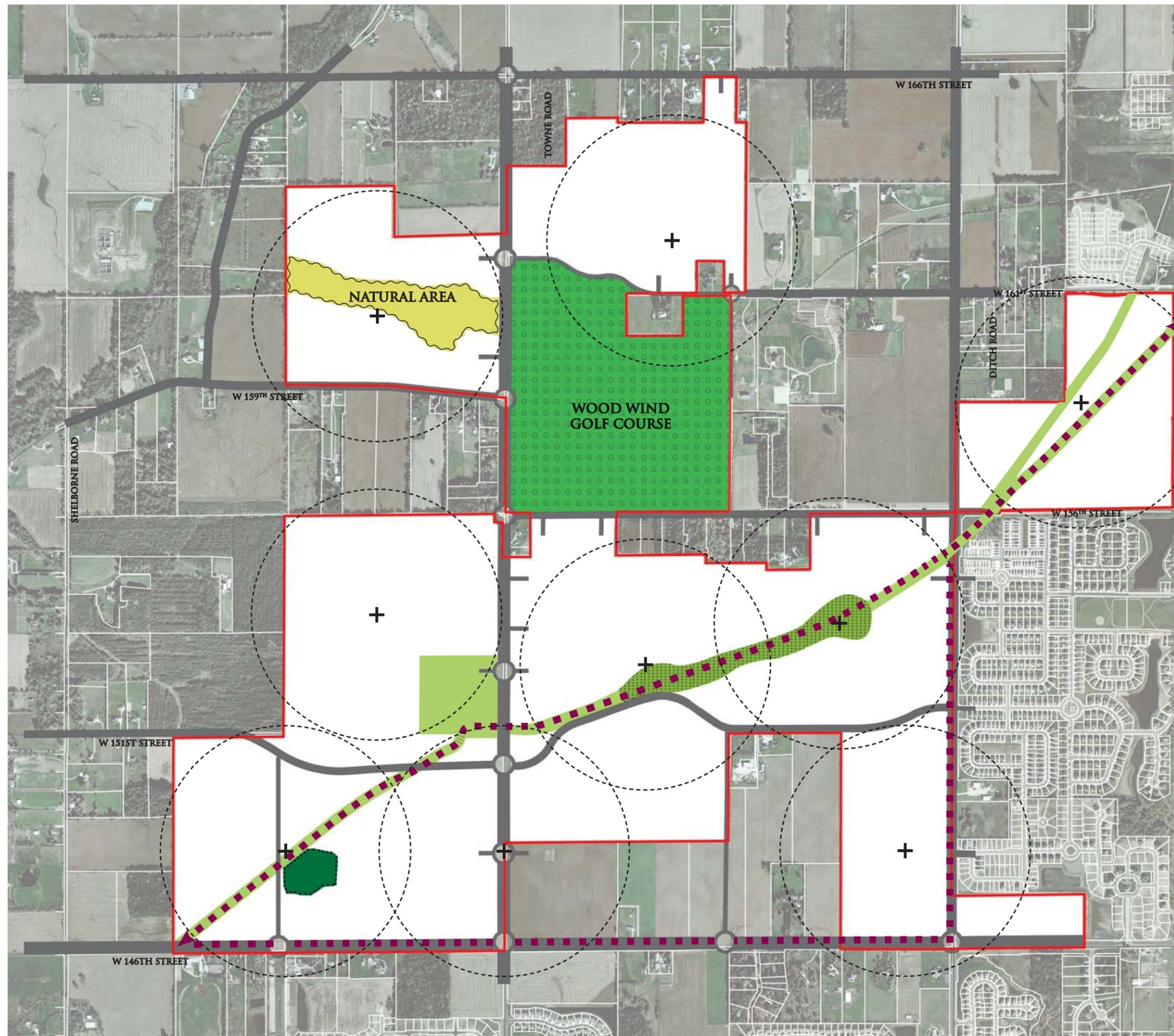


EXHIBIT 4: VILLAGE PLAN


SYMPHONY
 WESTFIELD, INDIANA





- Property Line
- ▨ Central Park
- - - Gas Pipeline Easement
- ~ 100-year Flood
- Golf Course
- Preserved Wetlands
- - - 12' Multi-Purpose Trail

EXHIBIT 5: CONCEPTUAL GREEN BELT SPACE PLAN

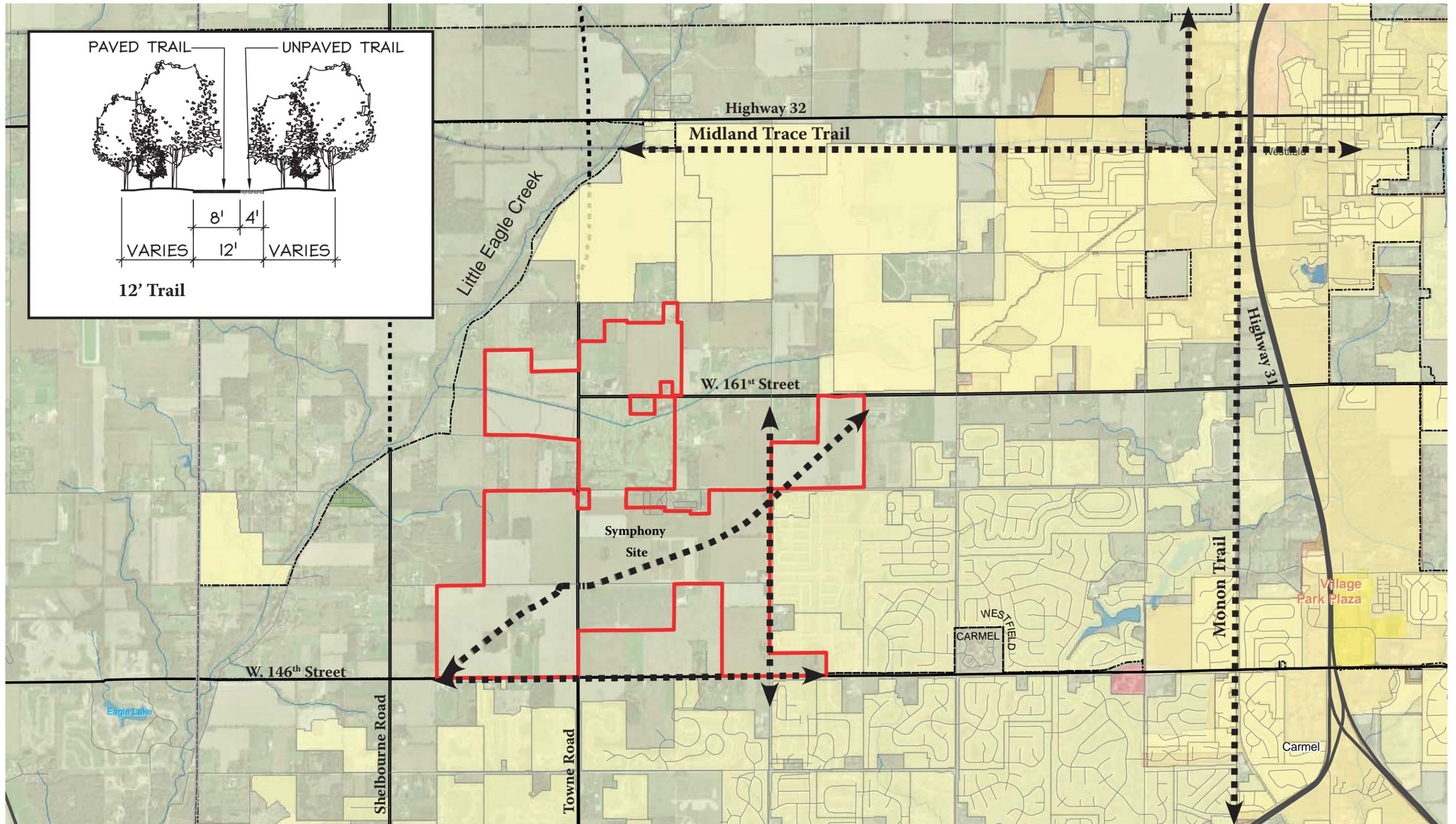
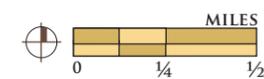
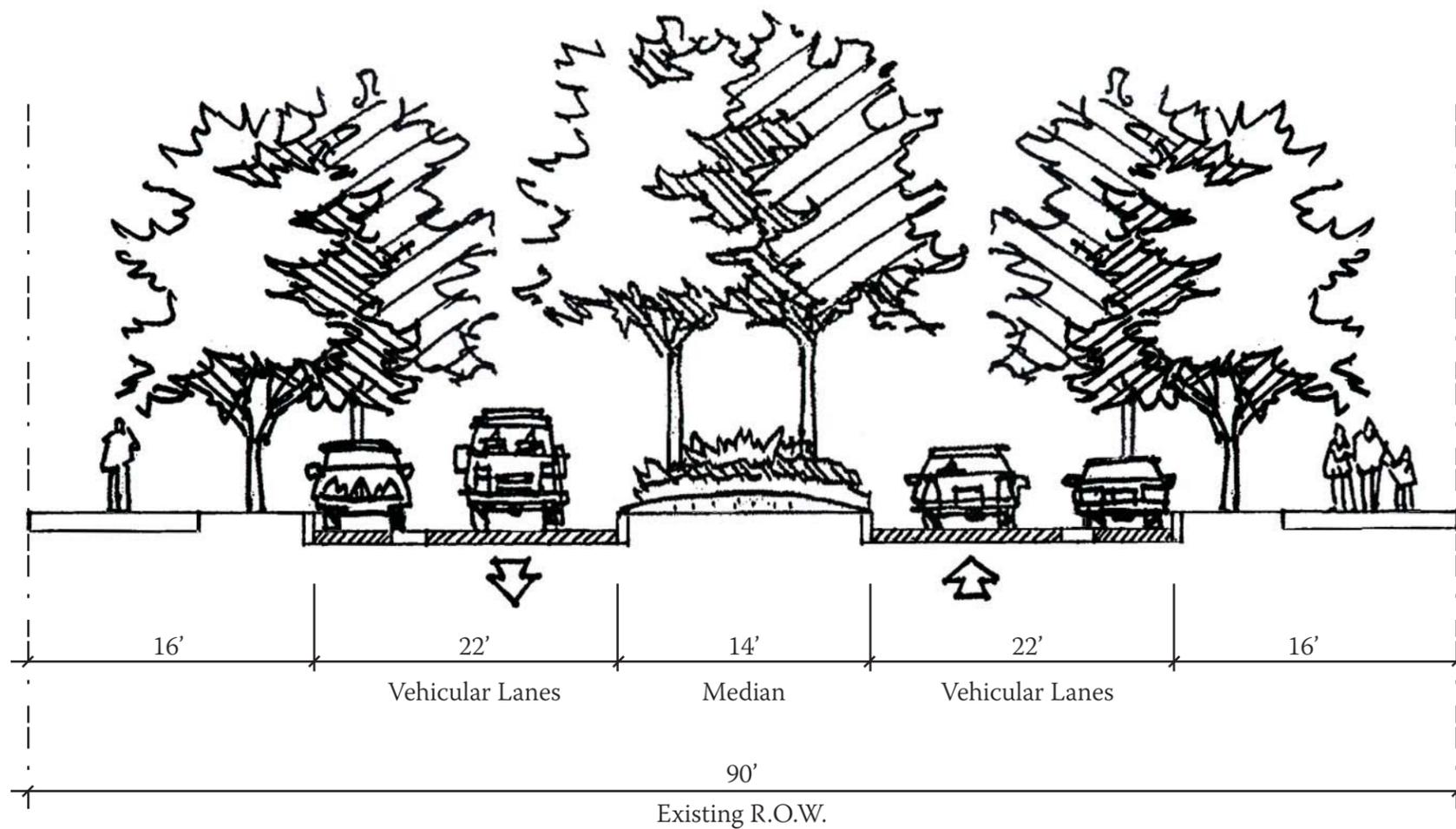


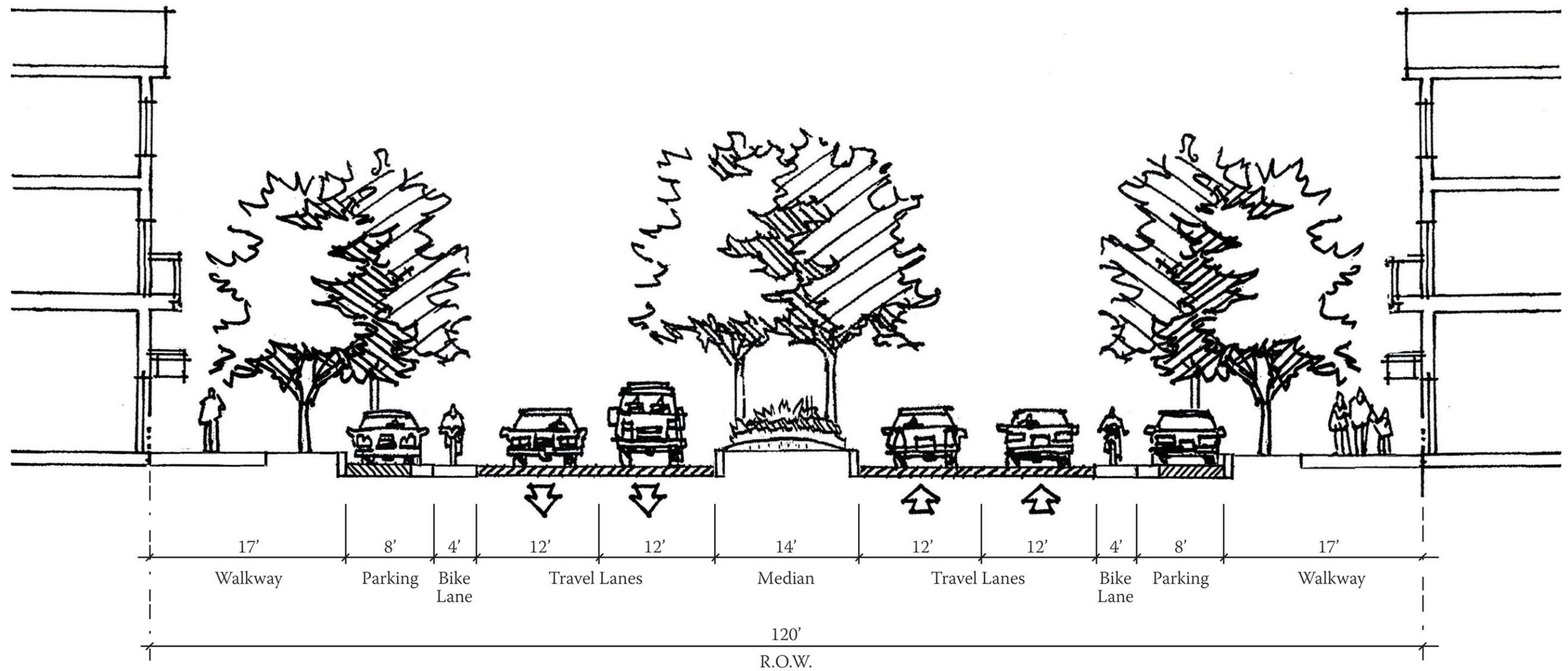
EXHIBIT 6: TRAIL PLAN AND SECTION





A

90' R.O.W.
Ditch Road at 146th Street
Neighborhood Center

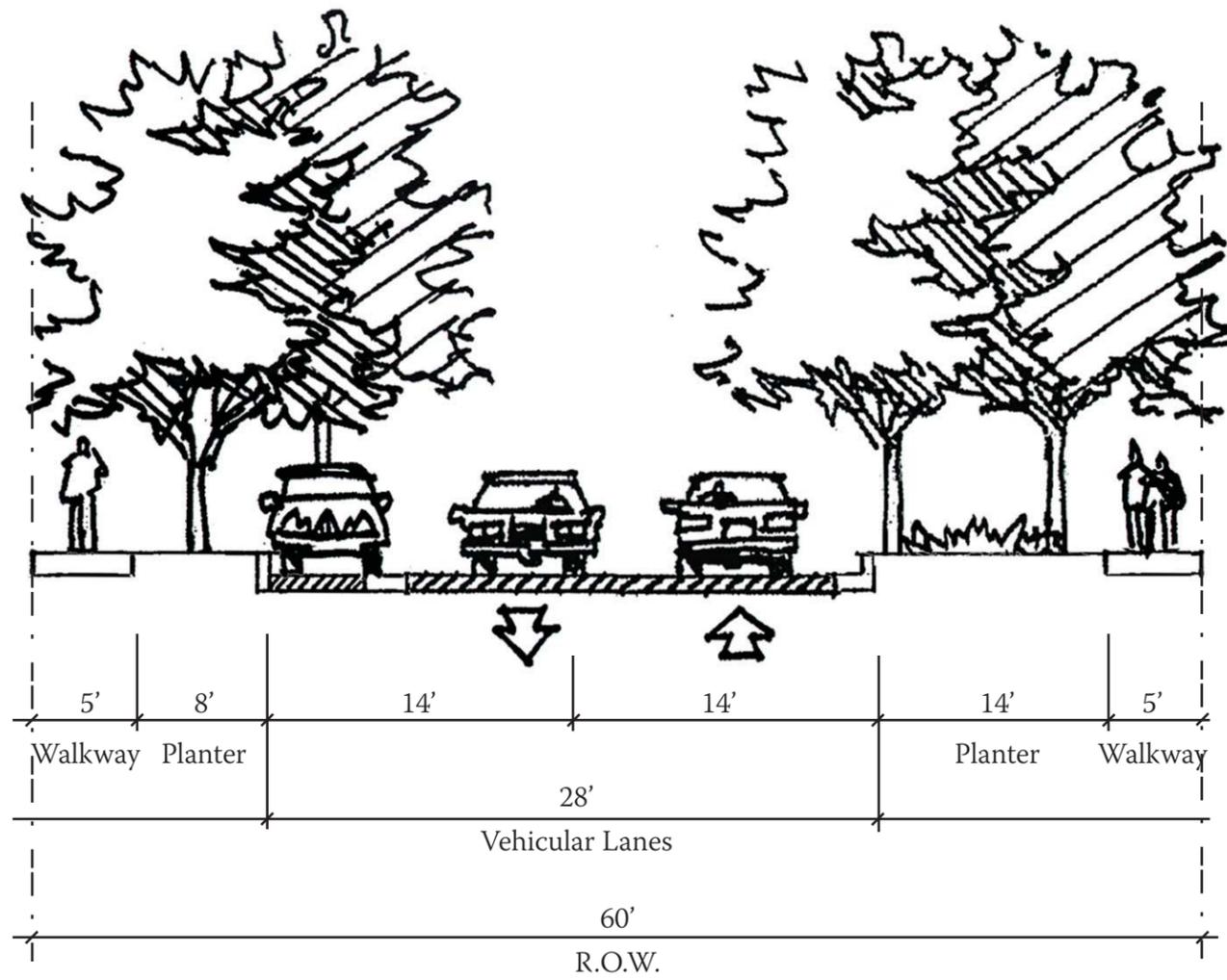


B

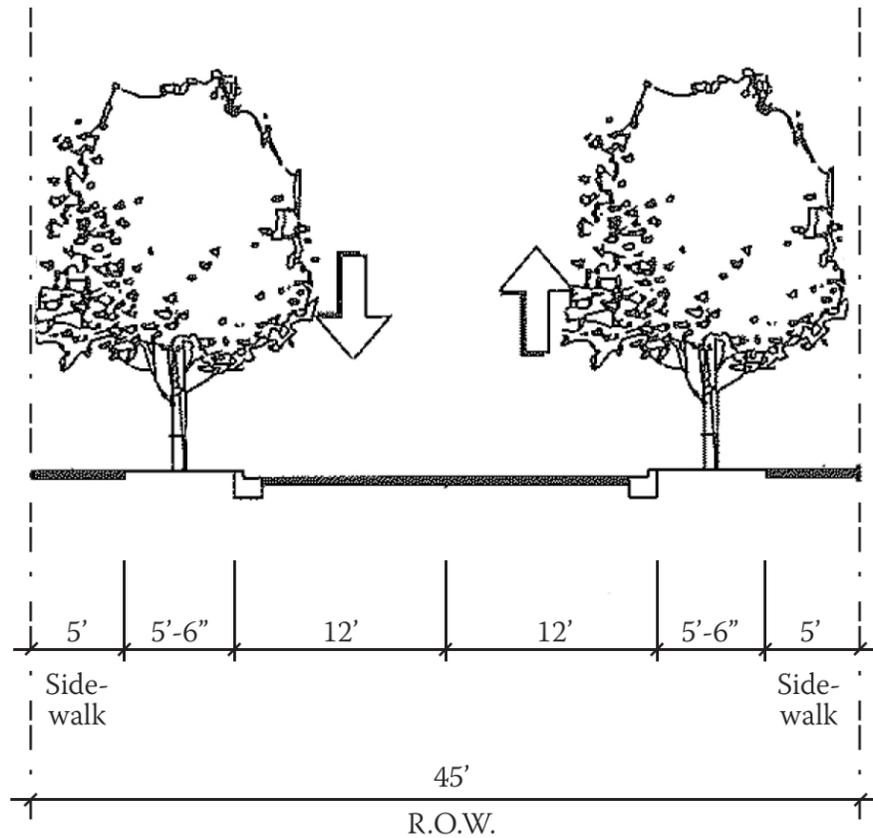
120' R.O.W.
Towne Road

EXHIBIT 7: STREET SECTIONS



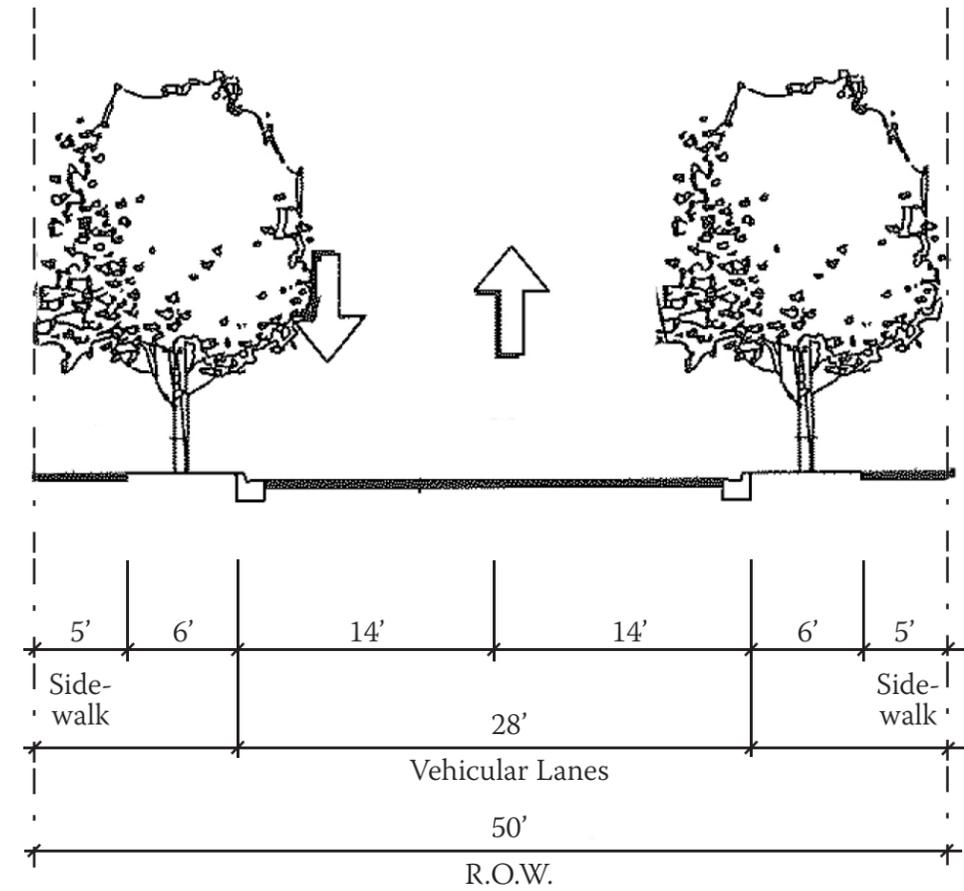


C 60' R.O.W.
161st Street at Towne Road



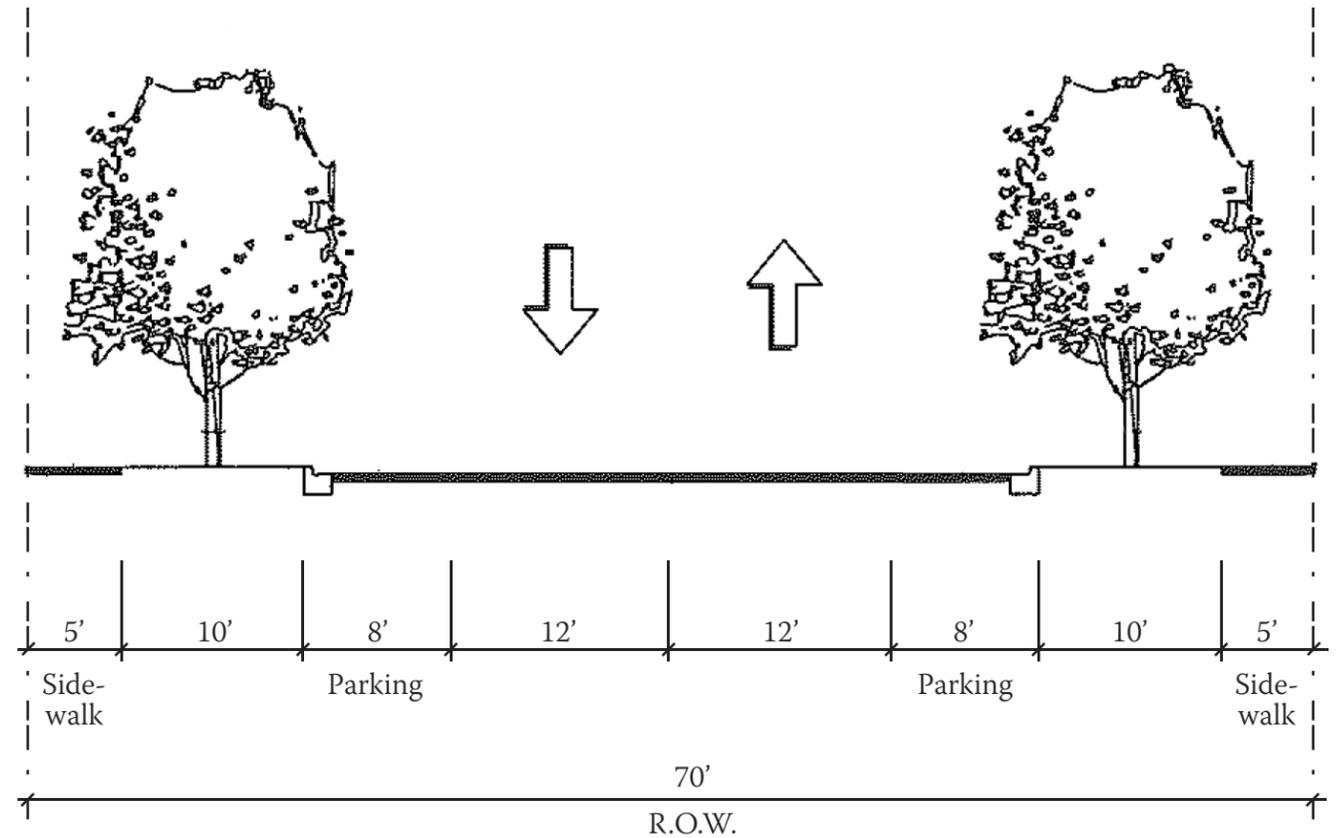
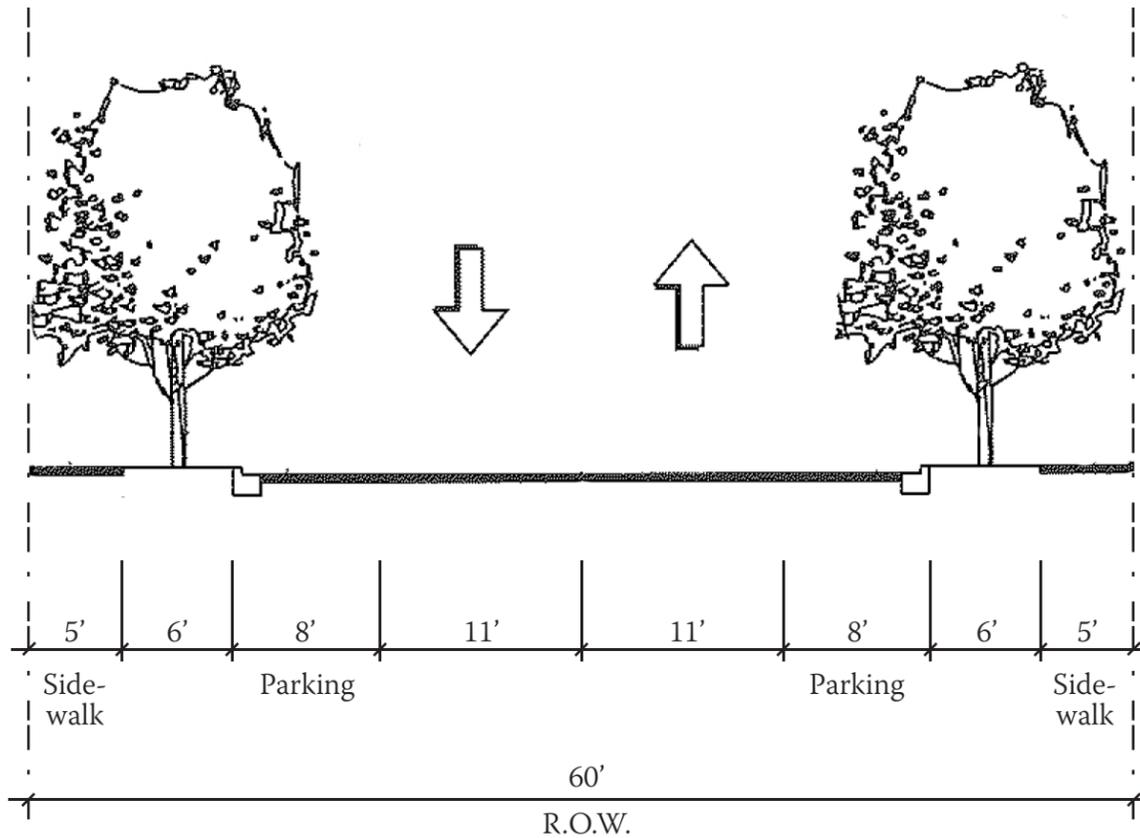
D

45' R.O.W.
 Typical Local Street
 Two-way w/no parking



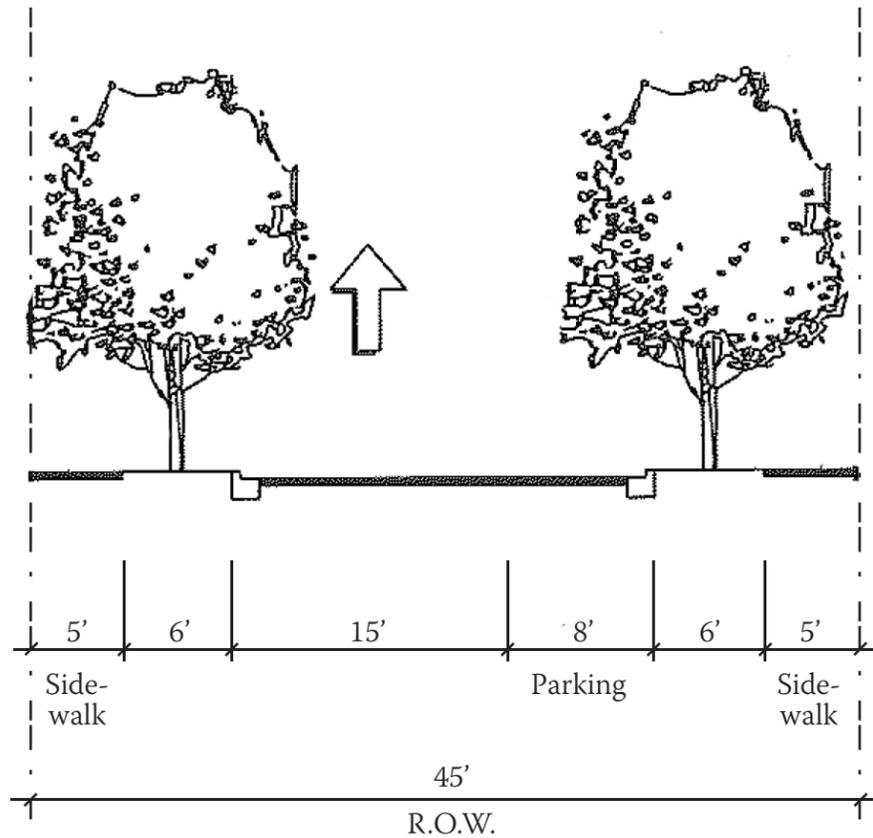
E

50' R.O.W.
 Typical Local Street
 Two-way w/parking on one side

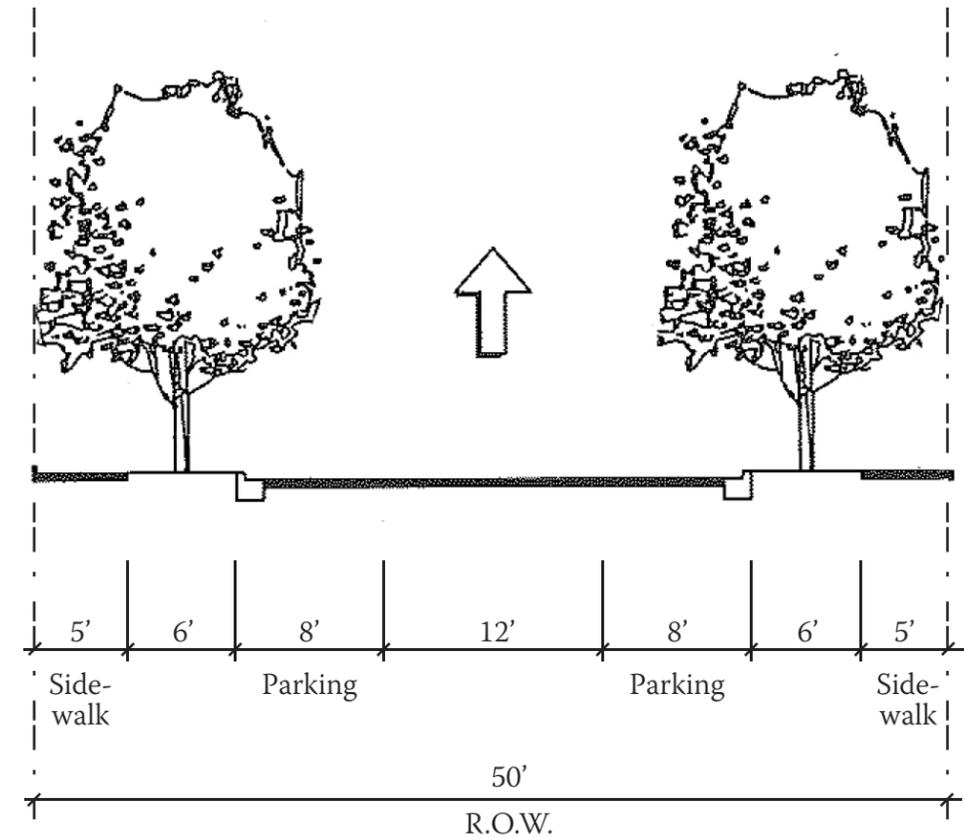


F 60' R.O.W.
 Typical Local Street
 Two-way w/parking on both sides

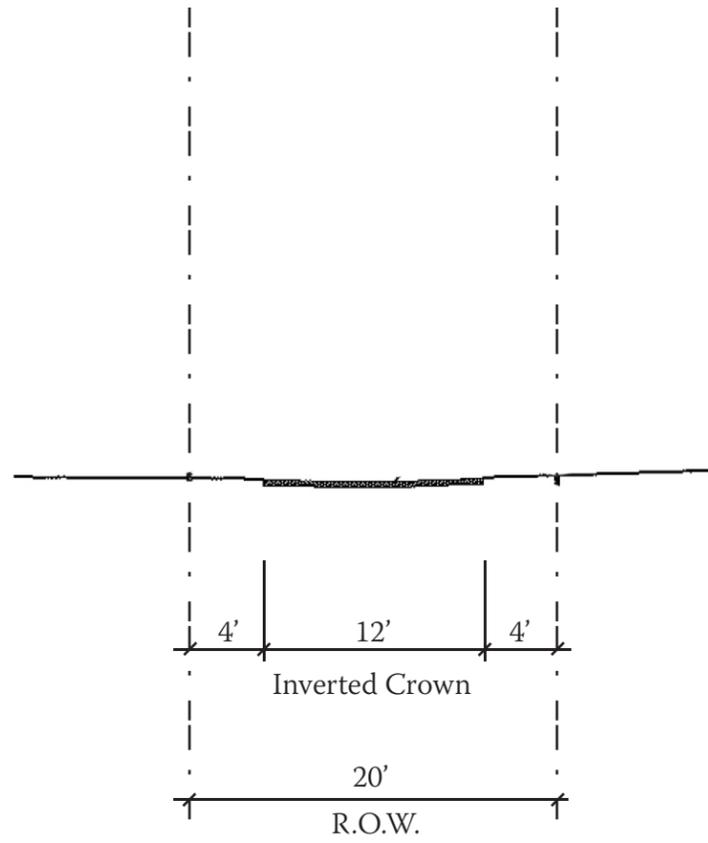
G 70' R.O.W.
 Typical Local Street
 Two-way w/parking on both sides



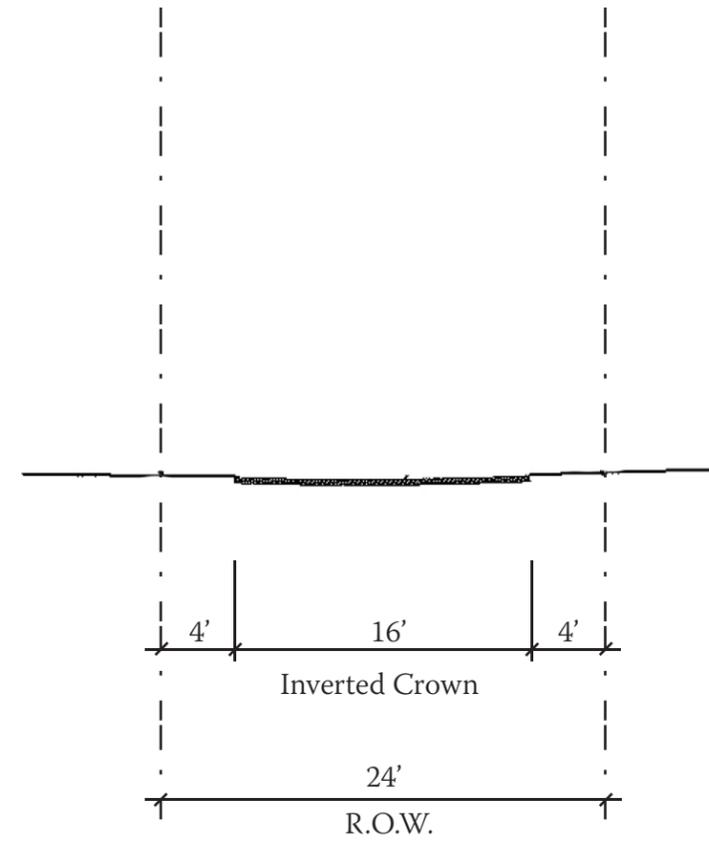
H 45' R.O.W.
 Typical Local Street
 One-way w/parking on one side



I 50' R.O.W.
 Typical Local Street
 One-way w/parking on both sides



J 20' R.O.W.
 Typical Local Street
 Residential Alley



K 24' R.O.W.
 Typical Local Street
 Commercial Alley

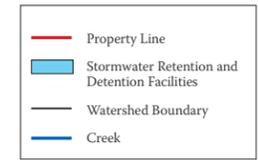
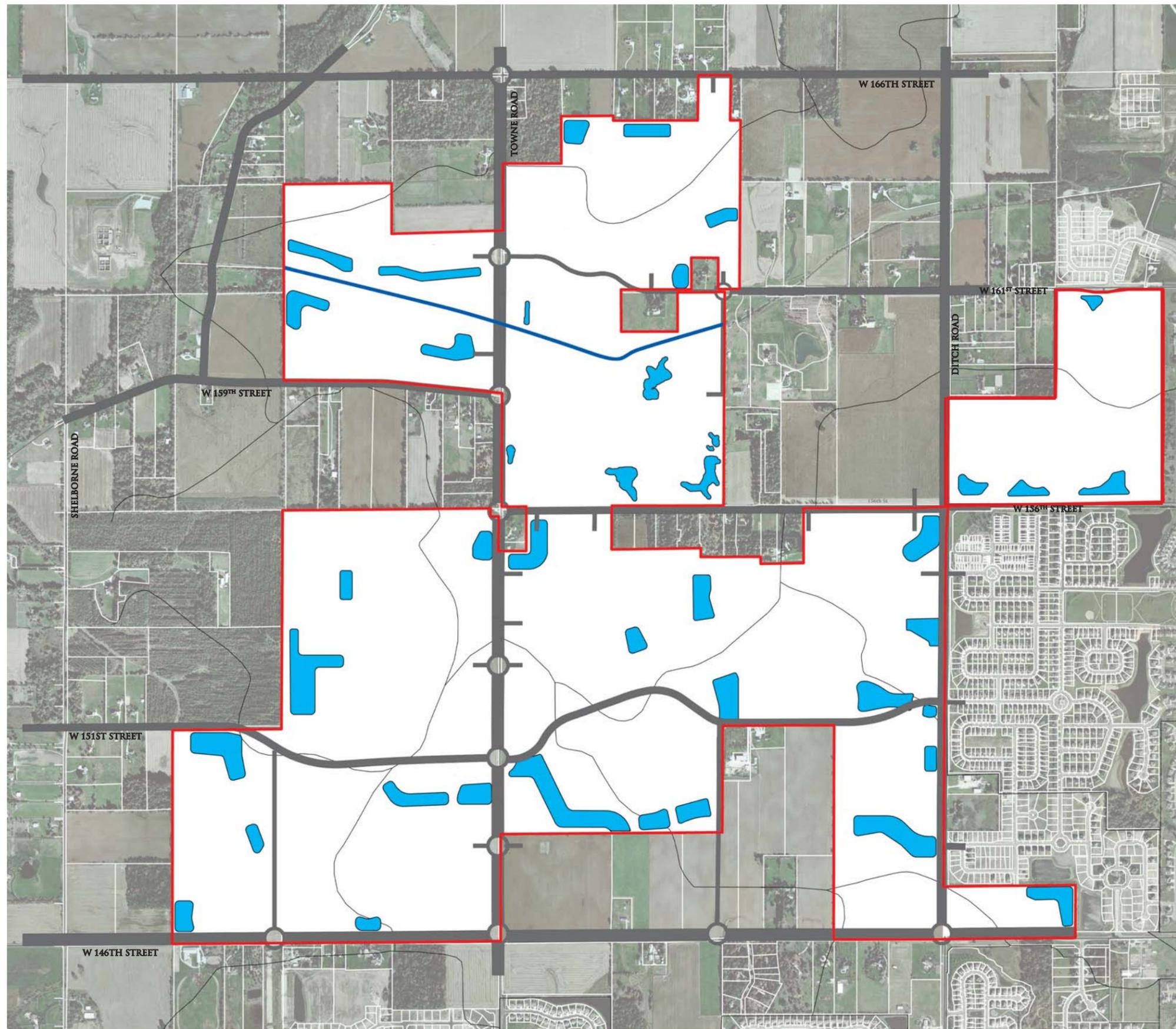
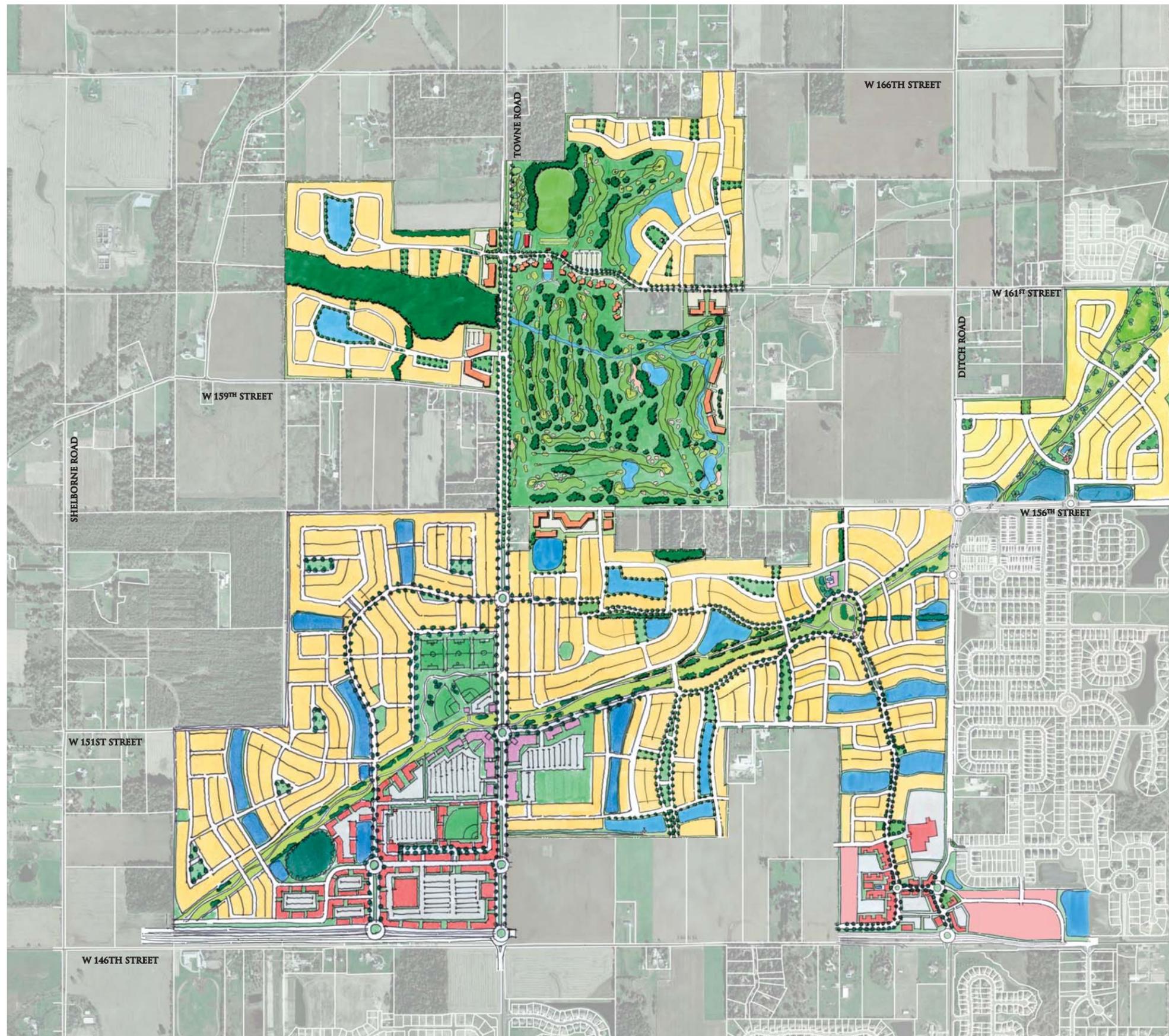


EXHIBIT 8: STORMWATER MANAGEMENT PLAN

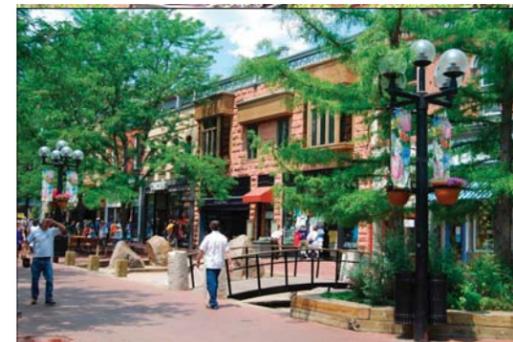






ATTACHMENT 2: ARCHITECTURAL CHARACTER
EXAMPLES - RESIDENTIAL





ATTACHMENT 3: ARCHITECTURAL CHARACTER
EXAMPLES - NON-RESIDENTIAL

