Amended Oak Ridge Pointe PUD

PC Docket # 1104-PUD-04

Ordinance # 11-____

(Ordinance Amending and Restating the Oak Ridge Point PUD – Ordinance #08-48)

May 2, 2011

(Revised 4-29-2011)

ORDINANCE 11-

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE OAK RIDGE POINT PLANNED UNIT DEVELOPMENT ORDINANCE 08-48 AND TITLE 16 – LAND USE CONTROLS

WHEREAS, the City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and,

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1104-PUD-04), filed with the commission, requesting amendment to the Oak Ridge Point Planned Unit Development, established by Ordinance 08-48, enacted by the City Council on December 8, 2008; and,

WHEREAS, the Commission did take action to forward the said Docket 1104-PUD-04 to the Westfield City Council with a _____ recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505; and,

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on _____, 2011; and,

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT ORDINANCE 08-48 AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The document as referenced by ordinance 08-48 described as "Oak Ridge Point PUD Ordinance" is hereby amended and restated as follows:

(i) Development of the Real Estate shall be governed by the provisions of the Zoning Ordinance unless specifically modified by the terms of this Oak Ridge Pointe PUD Ordinance. When the standards of this Oak Ridge Pointe PUD Ordinance are found to be in conflict with other standards in the Zoning Ordinance, the Oak Ridge Point PUD Ordinance shall prevail.

(ii) The uses and standards established in what is attached hereto and incorporated herein by reference as (i) Articles 1 thru 7 and (ii) Exhibits A thru H are applicable to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit "A".

SECTION 2. This ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby inapplicable to the Real Estate. To the extent that this ordinance conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of the ordinance shall prevail.

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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2011.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
John Dippel	John Dippel	John Dippel
_____	_____	_____
Steve Hoover	Steve Hoover	Steve Hoover
_____	_____	_____
Robert Horkay	Robert Horkay	Robert Horkay
_____	_____	_____
Kenneth Kingshill	Kenneth Kingshill	Kenneth Kingshill
_____	_____	_____
Bob Smith	Bob Smith	Bob Smith
_____	_____	_____
Tom Smith	Tom Smith	Tom Smith
_____	_____	_____
Rob Stokes	Rob Stokes	Rob Stokes

ATTEST:

_____
Cindy Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jon C. Dobosiewicz

Prepared by: Charlie D. Frankenberger and Jon C. Dobosiewicz, Nelson and Frankenberger, PC
3150 East 98th Street, Suite 170, Indianapolis, IN 46280, (317) 844-0106.

_____
Signed

I hereby certify that ORDINANCE 11-____ was delivered to the Mayor of Westfield on the _____ day of _____, 2011, at _____ m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-____

This _____ day of _____, 2011.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 11-____

this _____ day of _____, 2011.

_____
J. Andrew Cook, Mayor

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ARTICLE 1. DEFINITIONS. Section WC 16.04.210 Definitions, of the Zoning Ordinance shall be amended by the addition of the following terms and words.

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

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

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

4. "ORP - Office District" shall mean and refer to what is identified on the Zoning District Map as the ORP - Office District.

5. "ORP – Commercial 1 District" shall mean and refer to what is identified on the Zoning District Map as the ORP – Commercial 1 District.

6. "ORP – Commercial 2 District" shall mean and refer to what is identified on the Zoning District Map as the ORP – Commercial 2 District.

7. "ORP – Commercial 3 District" shall mean and refer to what is identified on the Zoning District Map as the ORP – Commercial 3 District.

8. "Office, General" shall mean and refer to a place of business used exclusively for office purposes where no product or commodity for retail sales is located or sold, including but not limited to sales offices, real estate offices, financial offices and Professional Offices.

9. "Office Professional" shall mean and refer to the office of a recognized professional maintained for the conduct of the profession. A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or a combination thereof, requiring advances study in a specialized field; any occupation requiring licensing by the State and maintenance of professional standards applicable to the field.

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

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

12. "Retail Sales, General" shall mean and refer to enclosed establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

13. "Zoning District Map" shall mean and refer to the Zoning District Map attached hereto and incorporated herein by reference as Exhibit B.

14. “Zoning Ordinance” shall mean the Comprehensive Zoning Ordinance of Westfield-Washington Township, 1977, as amended.

ARTICLE 2. BUSINESS DISTRICTS. The terms, conditions, and provisions of this Article 3 shall apply to the use and development of all the Districts within the Oak Ridge Pointe PUD.

Section 2.1. General Requirements. The following general requirements apply to all districts within the Oak Ridge Pointe PUD. The size and configuration of the ORP - Commercial 2 District and the ORP - Commercial 3 District may increase or decrease by up to 50%, all other Districts may be increased or decreased by up to 15%.

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

C. Loading and unloading berths shall not be required for business uses, which demonstrate that they do not receive or transmit goods or wares in quantity by truck delivery.

D. In no case shall a building exceed forty-five (45) feet in height or three stories, whichever is greater.

E. There shall be no storage or display of merchandise outside of a building except in a permanent outside sales display area established for the purpose. Permanent outside sales display areas shall be permitted only in the ORP – Commercial 2 District.

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

G. The pedestrian path constructed within the Oak Ridge Road right-of-way shall be twelve (12) feet in width.

H. All canopy structures shall have lights with diffusers which are recessed, and which do not extend below the surface of the canopy as measured on a plane parallel to the earth's surface;

I. Lighting under awnings and canopies shall only illuminate a building front, a sign under an awning or canopy, or the sidewalk, but shall not illuminate the awning or canopy itself;

J. Thirty (30) percent of all parking area lighting shall be turned off within 30 minutes of closing of the last business or no later than 11:00 p.m.; and

K. Development Plan approval shall be delegated to and shall be by the Director.

Section 2.2. ORP - Office District - This district is established to accommodate the general office and service needs of the surrounding area.

The ORP – Office District is classified on the Zone Map as Oak Ridge Pointe PUD classification, the underlying zoning of which shall be the GO - General Office District in the Zoning Ordinance. Said underlying zoning classification, as modified below by the addition, or modification of the provisions and text thereof, shall govern the use and development of the ORP – Office District.

A. Special Requirements.

1. Architectural Standards (see Section 2.6 and State Highway 32 Overlay Zone).

2. No Drive-thru facilities are permitted in the ORP – Office District.

B. Permitted Uses.

1. See Article 5 (Table of Permitted Uses) for list of permitted uses.

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

3. No Retail Uses are permitted within the ORP – Office District.

C. Minimum Development Plan Requirement. A minimum of three (3) acres is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

D. Minimum Lot Area. None

E. Minimum Development Plan Frontage on Road. 330 Feet

F. Minimum Building Setback Lines (applied to perimeter of the ORP - Office District):

1. Front Yard: Thirty (30) feet along SR 32. Twenty (20) feet for all other streets.

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

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

G. Maximum Building Height:

1. Forty-five (45) feet.

2. All buildings within 100' of the south property line of the Real Estate shall be the lesser of a maximum 35' or two stories in height.

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

I. Minimum Building Gross Floor Area. Four-thousand (4,000) square feet.

J. Maximum Building Size. No individual building shall exceed a building footprint of 16,000 square feet or a maximum floor area of 32,000 square feet.

K. Loading and Parking. See Article 4.

1. Parking between buildings and behind the front building line along Oak Ridge Road and the Midland Trial shall be encouraged. No more that 10% of the parking spaces required for a particular use shall be located closer to the Midland Trail than the associated building. An additional allowance shall be made where the property line does not run parallel to the Midland Trail (see Exhibit "C").

L. Signs. See Article 7.

M. Landscaping. See Article 6.

N. Lighting.

1. All pole mounted lighting fixtures within 100' of the south property line of the Real Estate shall be a maximum of 15' in height.

O. Miscellaneous Requirements:

1. A gated access drive will be constructed between the existing access drive south and east of the City of Westfield Public Safety Building and the western most parking area within the ORP – O District. Said access drive shall be gated and accessible only to public safety personnel.

2. A minimum of two connection points (in addition to the trails intersection with Oak Ridge Road along the Midland Trace Trail into the ORP - Office District). The proposed connections shall be subject to the approval of the City of Westfield. Signage at these access points shall be as approved by the Westfield Parks Department.

Section 2.3. ORP – Commercial 1 District. The ORP – Commercial 1 District is classified on the Zoning Map as the Oak Ridge Pointe PUD classification, the underlying zoning of which shall be the LB (Local Business District) in the Zoning Ordinance. Said underlying zoning

classification, as modified below by the addition, or modification of the provisions and text thereof, shall govern the use and development of the ORP - Commercial 1 District.

A. Special Requirements.

1. Architectural Standards (see Section 2.6 and State Highway 32 Overlay Zone).

2. No outside storage or sales display is permitted.

B. Permitted Uses.

1. See Article 5 (Table of Permitted Uses) for list of permitted businesses.

2. Any other business not listed which can be classified as general retail sales, general personal services or general office will be eligible with the approval by the Director.

3. Retail Uses shall not exceed 21,800 square feet of total floor area within the district.

C. Minimum Tract Requirement. A minimum of two (2) acres is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

D. Minimum Lot Area. None

E. Minimum Development Plan Frontage on Road. Three hundred and thirty (330) feet. Amendments do not need to meet the minimum tract requirements of this section.

F. Minimum Setback Lines (applied to perimeter of the ORP - Commercial 1 District).

1. Front Yard: Thirty (30) feet along SR 32. Twenty (20) feet for all other streets.

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

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

G. Maximum Building Height. Per State Highway 32 Overlay Zone.

H. Minimum Building Height (All Uses). Eighteen (18) feet. Buildings with a flat roof shall not be required to meet this height as long as such buildings include a parapet wall on all sides which extends to a minimum height of eighteen (18) feet.

I. Building Size.

1. No building shall exceed a floor area of 18,000 square feet.
2. The minimum building size shall be 2,500 square feet.

J. Loading and Parking. See Article 4.

K. Signs: See Article 7.

L. Landscaping: See Article 6.

Section 2.4. ORP – Commercial 2 District. The ORP – Commercial 2 District is classified on the Zone Map as the Oak Ridge Pointe PUD classification, the underlying zoning of which shall be the LB (Local Business District) in the Zoning Ordinance. Said underlying zoning classification, as modified below by the addition, or modification of the provisions and text thereof, shall govern the use and development of the ORP - Commercial 2 District.

A. Special Requirements.

1. Architectural Standards (see Section 2.6 and State Highway 32 Overlay Zone).

2. Outside storage or sales display shall not be located between the building and State Road 32, shall be located within 30 feet of the building entrance, and shall occupy an area of no more than 800 square feet. The designated area shall be identified on the Development Plan.

B. Permitted Uses.

1. See Article 5 (Table of Permitted Uses) for list of permitted businesses.

2. Any other business not listed which can be classified as general retail sales, general personal services or general office will be eligible with the approval by the Director.

3. Retail Uses shall not exceed 5,000 square feet of floor area within the district.

C. Minimum Tract Requirement. The acreage of the entire District is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

D. Minimum Lot Area. None

E. Minimum Development Plan Frontage on Road. Not applicable due to minimum tract requirement.

F. Minimum Setback Lines (applied to perimeter of the ORP - Commercial 2 District).

1. Front Yard: Thirty (30) feet along SR 32. Twenty (20) feet for all other streets.

2. Side Yard: Twenty (20) feet (zero (0) feet for interior lot lines and ten (10) feet adjacent to the ORP – Commercial 3 District)

3. Rear Yard: Twenty (20) feet (zero (0) feet for interior lot lines and ten (10) feet adjacent to the ORP – Commercial 3 District)

4. If all of a portion of the ORP Commercial 2 District and ORP Commercial 3 District are developed under the same Development Plan no side or rear yard setbacks shall apply between the districts.

G. Maximum Building Height. Per State Highway 32 Overlay Zone.

H. Minimum Building Height. Eighteen (18) feet. Buildings with a flat roof shall not be required to meet this height as long as such buildings include a parapet wall on all sides which extends to a minimum height of eighteen (18) feet.

I. Building Size.

1. No individual building shall exceed a floor area of 10,000 square feet.

2. The minimum building size shall be 2,600 square feet.

J. Loading and Parking. See Article 4.

K. Signs: See Article 7.

L. Landscaping: See Article 6.

1. Perimeter parking lot landscaping shall not be required along the perimeter (shared boundary) of the ORP - Commercial 2 District and the ORP - Commercial 3 District.

Section 2.5. ORP – Commercial 3 District. The ORP – Commercial 3 District is classified on the Zone Map as the Oak Ridge Pointe PUD classification, the underlying zoning of which shall be the LB (Local Business District) in the Zoning Ordinance. Said underlying zoning classification, as modified below by the addition, or modification of the provisions and text thereof, shall govern the use and development of the ORP - Commercial 3 District.

A. Special Requirements.

1. Architectural Standards (see Section 2.6 and State Highway 32 Overlay Zone).

2. No outside storage or sales display is permitted.

B. Permitted Uses.

1. See Article 5 (Table of Permitted Uses) for list of permitted businesses.

2. Any other business not listed which can be classified as general retail sales, general personal services or general office will be eligible with the approval by the Director.

C. Minimum Tract Requirement. The acreage of the entire District is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

D. Minimum Lot Area. None

E. Minimum Development Plan Frontage on Road. Not applicable due to minimum tract requirement.

F. Minimum Setback Lines (applied to perimeter of the ORP - Commercial 3 District).

1. Front Yard: Thirty (30) feet along SR 32. Twenty (20) feet for all other streets.

2. Side Yard: Twenty (20) feet (zero (0) feet for interior lot lines and ten (10) feet adjacent to the ORP – Commercial 2 District)

3. Rear Yard: Twenty (20) feet (zero (0) feet for interior lot lines and ten (10) feet adjacent to the ORP – Commercial 2 District)

4. If all of a portion of the ORP Commercial 2 District and ORP Commercial 3 District are developed under the same Development Plan no side or rear yard setbacks shall apply between the districts.

G. Maximum Building Height. Per State Highway 32 Overlay Zone.

H. Minimum Building Height (All Uses). Eighteen (18) feet. Buildings with a flat roof shall not be required to meet this height as long as such buildings include a parapet wall on all sides which extends to a minimum height of eighteen (18) feet.

I. Building Size.

1. No individual building shall exceed a floor area of 14,000 square feet.
2. The minimum building size shall be 4,000 square feet.

J. Loading and Parking. See Article 4.

K. Signs: See Article 7.

L. Landscaping: See Article 6.

1. Perimeter parking lot landscaping shall not be required along the perimeter (shared boundary) of the ORP - Commercial 2 District and the ORP - Commercial 3 District.

Section 2.6. Architectural Standards.

A. General Requirements.

1. Development must conform generally with the exhibits contained within the Oak Ridge Pointe PUD. Architectural Character examples are included in Exhibits "F", "G", and "H" of this Oak Ridge Pointe PUD. Zoning Districts may be individual development areas, with requirements specific to each area. (example: ORP – Commercial 1 District on the south side of State Road 32 may have a unique and different design theme than development in the ORP – Commercial 2 and 3 Districts on the north side of State Road 32.)

2. Signage shall be in conformance with Article 7 of this Oak Ridge Pointe PUD. Signs may be lit externally and internally.

3. Light fixtures shall be pedestrian-scale in design. One style of pole shall be used for parking lot lighting across all Districts within the Oak Ridge Pointe PUD.

4. Crosswalks shall be emphasized with special paving emphasis to reinforce pedestrian safety.

5. Sidewalks adjacent to the front of buildings shall be a minimum of ten (10) feet wide and have a minimum clear width for walking of six (6) feet, unobstructed by any permanent or temporary streetscape elements, signs, displays or outdoor eating areas. Sidewalks may be used for outdoor eating, subject to approval by the Developer.

6. The minimum sidewalk width connecting buildings to the perimeter sidewalk or trails shall be five (5) feet in width. This standard shall apply to all sidewalks adjacent to office buildings.

7. Buildings shown fronting State Highway 32 and Oak Ridge Road shall be required to subscribe to an overall architectural theme by District and buildings shall be compatible with the character of the subject District as depicted in the photo example contained in Exhibits “F”, “G” and “H” of this Oak Ridge Pointe PUD. Common design vocabulary shall include decorative pole lighting, similar landscape palette, and use of a similar building materials palette. Development within each District should be compatible in general exterior design and materials. “Franchise” architecture shall be modified to conform to the above noted design vocabulary.

8. Monument Signage shall be incorporated to match the general character and identity of the primary structures within each District. Iconic elements may be used as entry treatments at Oak Ridge Road and State Highway 32. Monument Signage shall be as directed in Article 7 of this Oak Ridge Pointe PUD.

ARTICLE 3. STATE HIGHWAY 32 OVERLAY ZONES.

Section 3.1 Section 16.04.065 of the Zoning Ordinance, entitled "State Highway 32 Overlay Zone", shall be applicable to the use and development of the Real Estate, subject to the following exceptions:

A. Access to the Real Estate from State Highway 32 shall be limited to one right-in / right-out drive cut on each side of State Highway 32.

B. Section 5.C regarding access roads and Exhibit 16.04.065.D shall be inapplicable to the Real Estate.

C. Ground signs shall be permitted between the setback line established by the primary structure nearest State Highway 32 and the State Road 32 right-of-way.

D. The (i) maximum building setback and (ii) height requirements of the overlay shall be inapplicable to the ORP-Office District.

E. The minimum building size of the overlay shall be inapplicable to the Real Estate.

F. The trail required within the Trail Corridor shall be permitted to cross the Anna Kendal Legal Drain within the existing State Road 32 right-of-way.

ARTICLE 4. OFF-STREET LOADING AND PARKING

Section WC 16.04.120 Off-Street Loading and Parking of the Zoning Ordinance as modified below by the addition, or modification of the provisions and text thereof, shall govern the use and development of the real estate.

Section 4.1. **Loading Berths.**

A. Loading Berths shall be oriented in a manner that they are not visible from State Road 32 with the exception of an automobile fuel sales use.

B. Off-street loading berths shall be provided only to the rear and side of buildings. Loading berths are not permitted along the front façade of building or along the side of the building generally parallel with the Midland Trail within 100' of the south property line of the Real Estate.

Section 4.2. **Off-street Parking.**

A. All parking lots including access drives and parking spaces shall require concrete curbing unless curb conflicts with the provision of a bio swale of other filtration system as part of a Low Impact Development (LID) design.

B. General Offices shall provide one (1) parking space per each two hundred fifty (250) square feet of assignable office area.

Section 4.3 Bicycle Parking. To read as follows: In connection with any building or structure or structure which is to be erected or substantially altered, and which requires off-street vehicular parking spaces, there shall be provided such bicycle parking in accordance with regulations set forth hereinafter:

A. Location. Bicycle parking must be provided within one hundred (100) feet from the main entrance to the building served.

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

1. A minimum of five (5) bicycle parking spaces per one hundred (100) required vehicular parking spaces shall be provided for all uses.
2. Each bicycle parking facility shall be designed to accommodate a minimum of four (4) bicycles.

C. All non-residential uses larger than 12,000 square feet shall provide shower facilities for employees.

D. All non-residential uses shall provide enclosed bicycle parking either within the primary structure or within accessory structures designed for such purpose. Enclosed bicycle parking shall be provided at a rate of one (1) enclosed bicycle parking space per one hundred (100) required vehicular parking spaces.

ARTICLE 5. OAK RIDGE POINTE PUD - TABLE OF PERMITTED USES

PUD Districts	ORP - Office District	ORP - Commercial 1 District	ORP - Commercial 2 District	ORP - Commercial 3 District
Office Uses				
General Office	x	x	x	x
Accountants, Architects, Engineers, Consultants	x	x	x	x
Charitable Institution	x	x	x	x
Consumer Service Office	x	x	x	x
Credit Union Offices	x	x	x	x
Dentists	x	x	x	x
Employment Agencies				
Government Offices-Universities				
Insurance Companies	x	x	x	x
Lawyers	x	x	x	x
Loan Offices	x	x	x	x
Newspaper Publishing				
Optometrists	x	x	x	x
Philanthropic Institutions	x	x	x	x
Physicians and other Health Care Personnel	x	x	x	x
Real Estate Offices	x	x	x	x
Testing Laboratories				
Travel Bureaus	x	x	x	x
Hospitals				
Office Buildings-General Purpose	x	x	x	x
Data Processing	x	x	x	x
Scientific and other Research Laboratories and Facilities	x			
Service Uses				
General Personal Services	x	x	x	x
Hotels, Motels, Bed and Breakfasts				
Assembly Hall / Conference Center				
Auto Rental				
Auto Repair Garages				
Auto Rustproofing				
Auto Storage				
Banks, S&Ls and Financial Institutions with or without drive-through		x	x	x
Barber, beauty shops, spas, tanning salons, fitness centers		x	x	x
Blueprinting,photocopying Job Printing	x	x	x	x
Car Wash			x	
Charitable donation Pick-Up Staion		x	x	x

ARTICLE 5. OAK RIDGE POINTE PUD - TABLE OF PERMITTED USES

PUD Districts	ORP - Office District	ORP - Commercial 1 District	ORP - Commercial 2 District	ORP - Commercial 3 District
Commissary, Food Catering Services		x	x	x
Crating and Packaging Service		x	x	x
Custard, Ice Cream, Dessert, Candy Shops		x	x	x
Delicatessen		x	x	x
Drive Through Food and Beverage		x	x	x
Drive-In food and Beverage		x	x	x
Dry cleaning and Laundry Pick up with and without Drive-Through		x	x	x
Electronics, computer, cable, TV, Internet & related sales & service		x	x	x
Gasoline Service Stations			x	
Health, Fitness, and Exercise Center	x	x		
Home Remodeling Company	x			
Hospitals(Minor), Medical and Dental Clinics and Labs	x			
Interior Decorating	x			
Laundromats and Self-Service Dry Cleaning		x		x
Locksmith Shops		x		
Mortuaries				
Newspaper Distribution Station		x	x	x
Pet Grooming		x	x	x
Photography Studio	x	x	x	x
Picture Framing		x	x	x
Printing and Photocopying, small Jobs	x	x	x	x
Radio and TV Service				
Recycling Collection Centers, Drop Off (small)				
Restaurants and dining facilities having > 50% gross sales from food		x	x	x
Restaurants and dining facilities having < 50% gross sales from food		x	x	x
Restaurants with Live Entertainment		x	x	x
Roller and Ice Skating Rinks				
Root beer, coffee, non-alcoholic beverage store with or without drive thru		x	x	x
Semi-Automatic Car Wash			x	
Shoe Repair	x	x	x	x
Tailor or Seamstress		x	x	x
Tire and Auto Service Center				
Upholsters				
Veterinarians-Small Animals, No Outdoor Runs	x			x
Concession / Mobility Rental Stand	x			

ARTICLE 5. OAK RIDGE POINTE PUD - TABLE OF PERMITTED USES

PUD Districts	ORP - Office District	ORP - Commercial 1 District	ORP - Commercial 2 District	ORP - Commercial 3 District
Day Care Centers	x			x
Rehabilitation Centers				
Retail Uses				
General Retail Sales		x	x	x
Antiques		x	x	x
Auto Parts Sales		x	x	x
Artisan, pottery, craft production shop		x	x	x
Auto sales, New or used, service				
Bakeries		x	x	x
Bicycle and electric scooter sales, service and repair		x	x	x
Boat and Trailer Sales and Service				
Book stores		x	x	x
Book Stores, Adult				
Camera stores		x	x	x
China and Glassware Shops		x	x	x
Coin shops		x	x	x
Department Stores-Under 10,000 sq.,ft				
Department stores over 10,000 sq.ft				
Discount Stores-Under 10,000 sq.,ft		x	x	x
Discount stores over 10,000 sq.ft		x	x	x
Drug Stores		x	x	x
Electrical or non-polluting vehicle service, rental & sales				
Electrical Supply Store				
Fabric Shops		x	x	x
Floor Coverings				
Florists		x	x	x
Frozen Food Stores and Lockers				
Fruit Stands, Permanent				
Fruit Stands, Temporary(Farmers Mkt)				
Furniture Stores				
Furrier Shops				
Garden and Lawn Materials and Supply Stores				
Gift Shops		x	x	x
Greenhouses, Retail				
Grocery Stores				
Hardware Stores				
Hobby Shops		x	x	x
Home Remodeling Supplies and Materials				
Jewelry Stores		x	x	x
Liquor stores		x	x	x

ARTICLE 5. OAK RIDGE POINTE PUD - TABLE OF PERMITTED USES

PUD Districts	ORP - Office District	ORP - Commercial 1 District	ORP - Commercial 2 District	ORP - Commercial 3 District
Luggage Stores		x	x	x
Mail Order Stores		x	x	x
Major Appliance Store				
Millinery		x	x	x
Motorcycle sales, rental and service (indoor display)				
Music, Records, Instruments		x	x	x
Nursery-Plants, Retail				
Paint and Wallpaper Stores		x	x	x
Pet Shops		x	x	x
Photography Supplies		x	x	x
Plumbing Showrooms and Shop				
Racquetball and Handball Clubs, Fitness Centers, and Spas				
Sewing Machine Sales and Service				
Shoe Stores				
Sporting Goods				
Stationery Stores				
Tobacco Shops				
Toy Stores				
Wearing Apparel and Accessory Shops				
Christmas Tree Sales		x	x	x
Video, DVD Stores		x	x	x
Wireless Communicaton Devises, Sales and Service		x	x	x
Educational Uses				
Art Schools	x			
Artisan School	x			
Barber and Beauty Schools	x			
Business and Clerical Schools	x			
Dancing Schools	x			
Educational Institutions Public and Private				
Embalming School				
Language Schools	x			
Music Schools	x			
Photography School	x			
Professional and & Technical Schools	x			
Schools and Kindergartens				
Transportation and Communication Uses				
Bus Stations				

ARTICLE 5. OAK RIDGE POINTE PUD - TABLE OF PERMITTED USES

PUD Districts	ORP - Office District	ORP - Commercial 1 District	ORP - Commercial 2 District	ORP - Commercial 3 District
Bus Stops	x	x	x	x
Commercial Parking Lots and Structures				
Distributors--Inside Storage				
Heliports				
Utilities-Regulated except transmission substations and power generation	x	x	x	x
Utilities-Unregulated except facilities that create air or noise pollution	x	x	x	x
Wireless Communications Towers or Transmission Facilities				
Institutional Uses				
Churches, Chapels, and Places of Worship				
Libraries				
Fire Stations				
Museums				
Police Stations				
Post Offices				
Convents, Manasteries, Theological Schools				
Fraternities, Lodges				
Miscelaneous Uses				
Auditoriums				
Billiard Parlor				
Bowling Alley				
Caskets and Casket Supplies				
Civic centers				
Civic Clubs				
Exhibition Halls				
Galleries				
Miniature golf, batting range, rock climbing & other small recreation				
Tennis Facilities				
Theaters-Indoor				
Tool and light Equipment Rental				
Wholesalers-Inside Storage				
Private Clubs and Lodges				
Tennis and Swim Clubs				

ARTICLE 6. LANDSCAPING STANDARDS

Section WC 16.06.010 thru WC 16.06.080 Landscaping Standards of the Zoning Ordinance as modified below by the addition, or modification of the provisions and text thereof, shall govern the use and development of the real estate.

Section 6.1. Low Impact Design (LID) Considerations. Perennial ornamental grasses with a mature height of no more than six (6) feet, may be substituted for shrubs where necessary to address LID applications. The minimum container size for planting shall be five gallons.

Section 6.2. Trash and Loading Facilities. See State Highway 32 Overlay Zone requirements.

Section 6.3. Heating and Cooling Facilities. Ground-mounted heating and cooling units shall be completely screened and are not permitted along the façade of buildings generally parallel with the Midland Trail within 100' of the southern most south property line of the Real Estate.

Section 6.4. Buffer Yard Requirements. Buffer yard shall not be required internal to any District, and shall be required only in areas adjacent to (i) streets on the perimeter of Districts, and (ii) along the south, west and north perimeter of the Real Estate. All buffer yards shall be a minimum of twenty (20) feet in width.

Section 6.5. Plant Materials. A minimum of three (3) different species of shrubs shall be required per development site. Burning Bushes shall be limited to a maximum of fifty (50) percent of the total required shrub plantings.

Section 6.6. State Highway 32 Landscaping (Corridor Plantings and mounding). The primary landscaping materials used in the corridor shall be shade trees, ornamental, trees, shrubs, ground cover and grass. See the Landscaping and Amenity requirements of the State highway 32 Overlay Zone.

Section 6.7. Corporate Park Signage and Landscaping Easement: An area 20' in depth from the road right of way and 50' in length as measured from the intersecting right of way shall be established as an easement in favor of the City of Westfield. Said easement shall be reserved for the establishment and maintenance of landscaping and signage associated with the business park designation of property north and east of the Real Estate.

ARTICLE 7. SIGN STANDARDS

Section WC 16.08.010 thru WC 16.08.130 Sign Standards of the Zoning Ordinance as modified below by the addition, or modification of the provisions and text thereof, shall govern the use and development of the real estate.

Section 7.1 Sign Illumination. The tenant panels on Nonresidential Center Monument Signs shall be illuminated internally and include an opaque background with letters and/or logos that allow light to pass through the sign panel.

Section 7.2. Nonresidential Center Signs.

A. Monument Sign(s):

1. Number and Size:

a. The ORP - Office District shall be permitted the following monument signs:

1. One (1), monument sign, which shall be no greater than six (6) feet in height and have no more than thirty (30) square feet of sign area per face along its Oak Ridge Road frontage.

b. The ORP – Commercial 1 District shall be permitted the following monument signs:

1. One (1), monument sign, which shall be no greater than twelve (12) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face; along the south side of the State Highway 32 frontage.

2. One (1), monument sign, which shall be no greater than six (6) feet in height and have no more than thirty (30) square feet of sign area per face along its Oak Ridge Road frontage.

c. The ORP – Commercial 2 District shall be permitted the following monument signs:

1. One (1), monument sign, which shall be no greater than twelve (12) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face; along the north side of the State Highway 32 frontage.

2. One (1), monument sign, which shall be no greater than six (6) feet in height and have no more than thirty (30) square feet of sign area per face along its Oak Ridge Road frontage.

d. The ORP – Commercial 3 District shall be permitted the following monument signs:

1. One (1), monument sign, which shall be no greater than nine (9) feet in height and have no more than ninety (90) square feet of sign area per face; along the north side of the State Highway 32 frontage.

2. One (1), monument sign, which shall be no greater than six (6) feet in height and have no more than thirty (30) square feet of sign area per face along its Oak Ridge Road frontage.

3. There shall be a minimum of 400' separation between the monument sign installed along State Highway 32 and the monument sign along State Highway 32 in the ORP – Commercial 2 district.

e. Uses within the ORP – Office District may display signage on the monument sign that is along the SR 32 frontage within the Oak Ridge Pointe – Commercial 1 District; and,

h. Uses within the ORP – Commercial 3 District may display signage on the monument sign that is along the Oak Ridge Road frontage within the ORP – Commercial 2 District.

2. Panels may be used only if a minimum of three (3) tenants are identified on Center Monument Signs. If two or fewer tenants are displayed individual channel cut letters will be used.

B. <u>Outlot Signage</u>:

1. All outlots of nonresidential centers shall be permitted two (2) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way;

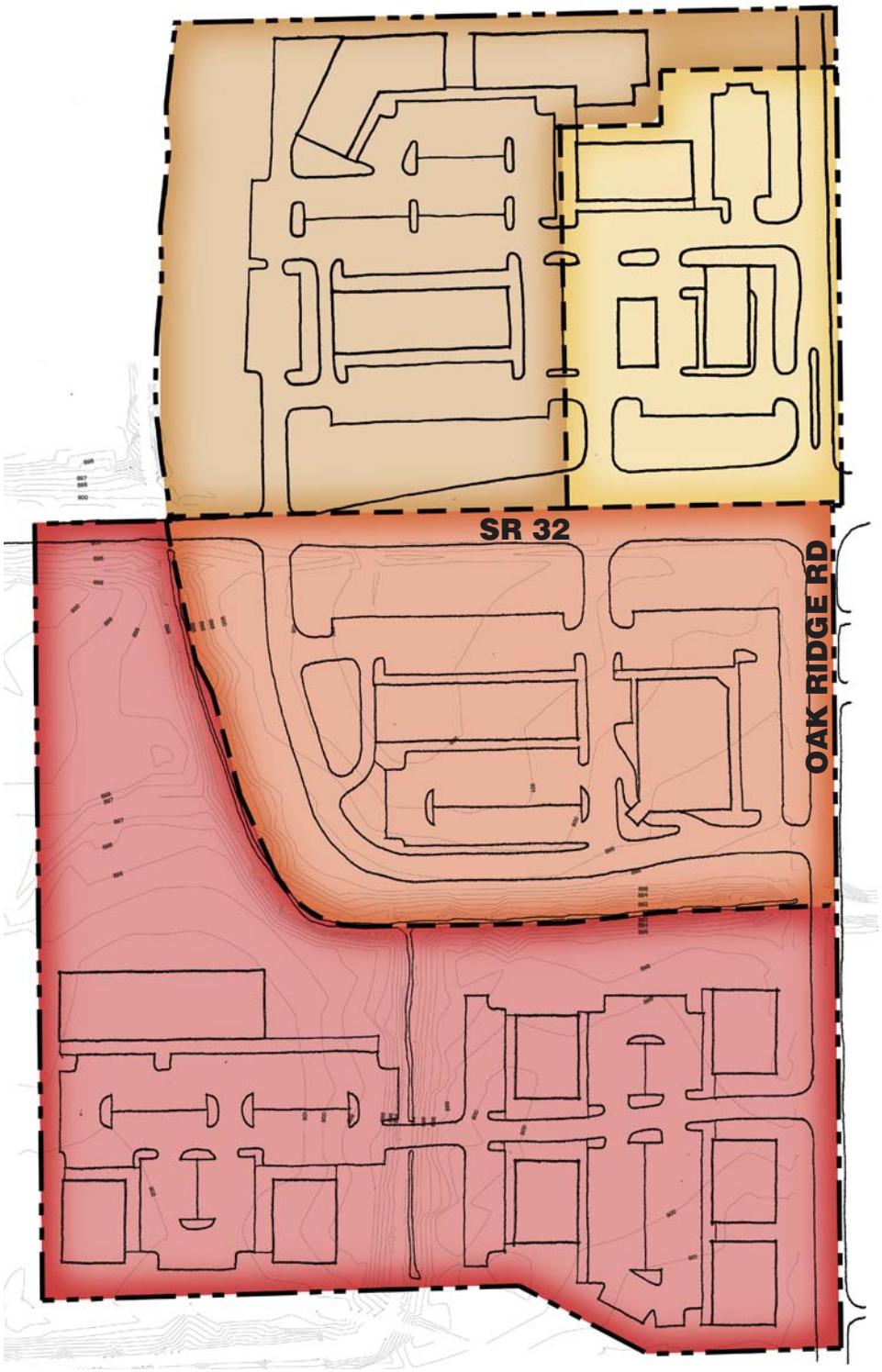
Exhibit A

(Legal Description)

A part of the Northeast Quarter of Section 2, Township 18 North, Range 3 East, a part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, and a part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, all in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the northeast corner of the Northeast Quarter of Section 2, Township 18 North, Range 3 East, Hamilton County, Indiana; thence South 00 degrees 34 minutes 25 seconds East (assumed bearing) on the east line of said Northeast Quarter 874.95 feet to a northeast corner of the real estate described in Instrument No. 2000-21652 in the Office of the Recorder of Hamilton County, Indiana; thence the following four calls on the perimeter of said real estate: 1.) South 88 degrees 13 minutes 58 seconds West 200.00 feet; 2.) North 62 degrees 08 minutes 02 seconds West 151.65 feet; 3.) South 88 degrees 13 minutes 58 seconds West 494.50 feet; 4.) North 00 degrees 34 minutes 25 seconds West 806.36 feet to a point on the north line of said Northeast Quarter; thence North 88 degrees 40 minutes 35 seconds East 138 feet, more or less, to the centerline of the Evan Kendall Ditch; thence North 00 degrees 17 minutes 45 seconds East along said centerline 512 feet, more or less, (bearing and distance provided for closure purposes); thence North 88 degrees 27 minutes 07 seconds East a distance of 507.86 feet, more or less, to the east line of the Southeast Quarter of Section 35, Township 19 North, Range 3 East; thence North 88 degrees 39 minutes 07 seconds East a distance of 181.50 feet; thence South 00 degrees 50 minutes 25 seconds East 514.95 feet to a point on the south line of said Southwest Quarter; 4.) South 88 degrees 40 minutes 35 seconds West on said south line 9.90 feet to the Point of Beginning, containing 23.9 acres, more or less.

NOTE: This land description is not based upon a Retracement Survey and is to be used only for zoning purposes.



LEGEND

- OR- OFFICE 1
- OR- COMMERCIAL 1
- OR- COMMERCIAL 2
- OR- COMMERCIAL 3

NOT TO SCALE

09.30.2008

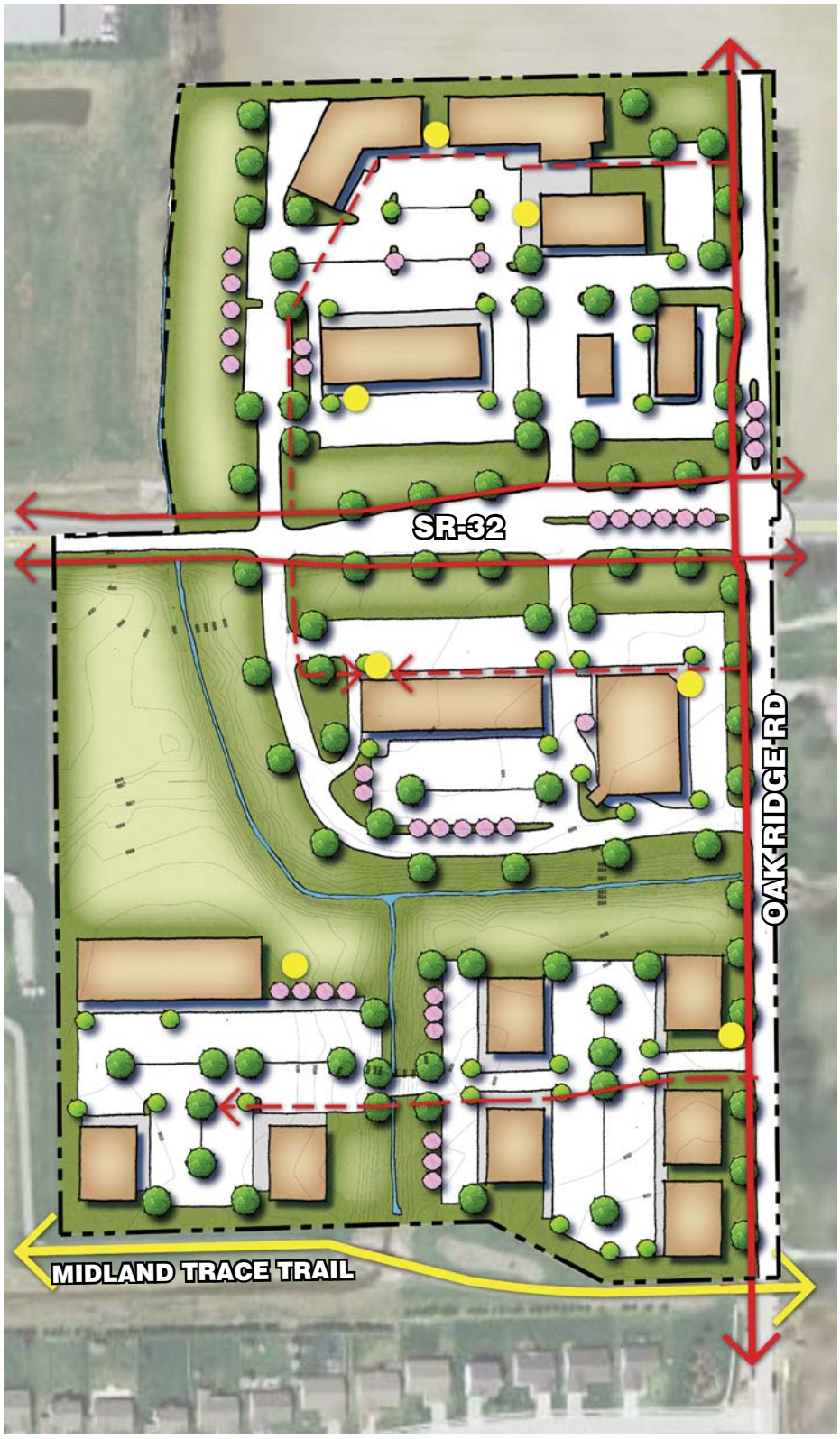
Oak Ridge Pointe PUD Exhibit B

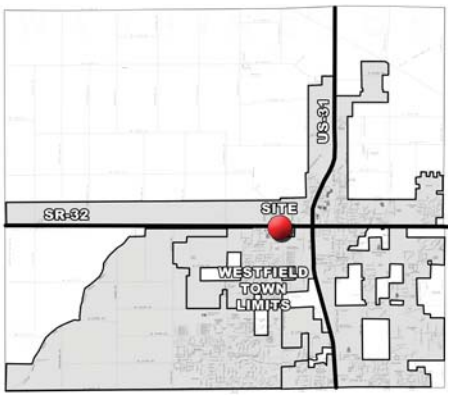
WILFONG · KREUTZ LAND DEVELOPMENT, LLC

MKEC ENGINEERING CONSULTANTS, INC.

NOT TO SCALE

Oak Ridge Pointe PUD **Exhibit C** **Wilfong Land Co**





LOCATION MAP

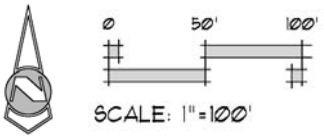
BICYCLE PARKING

PROPOSED SIDEWALK OR PATH

PROPOSED BUILDING CONNECTION

EXISTING MIDLAND TRACE TRAIL

LEGEND

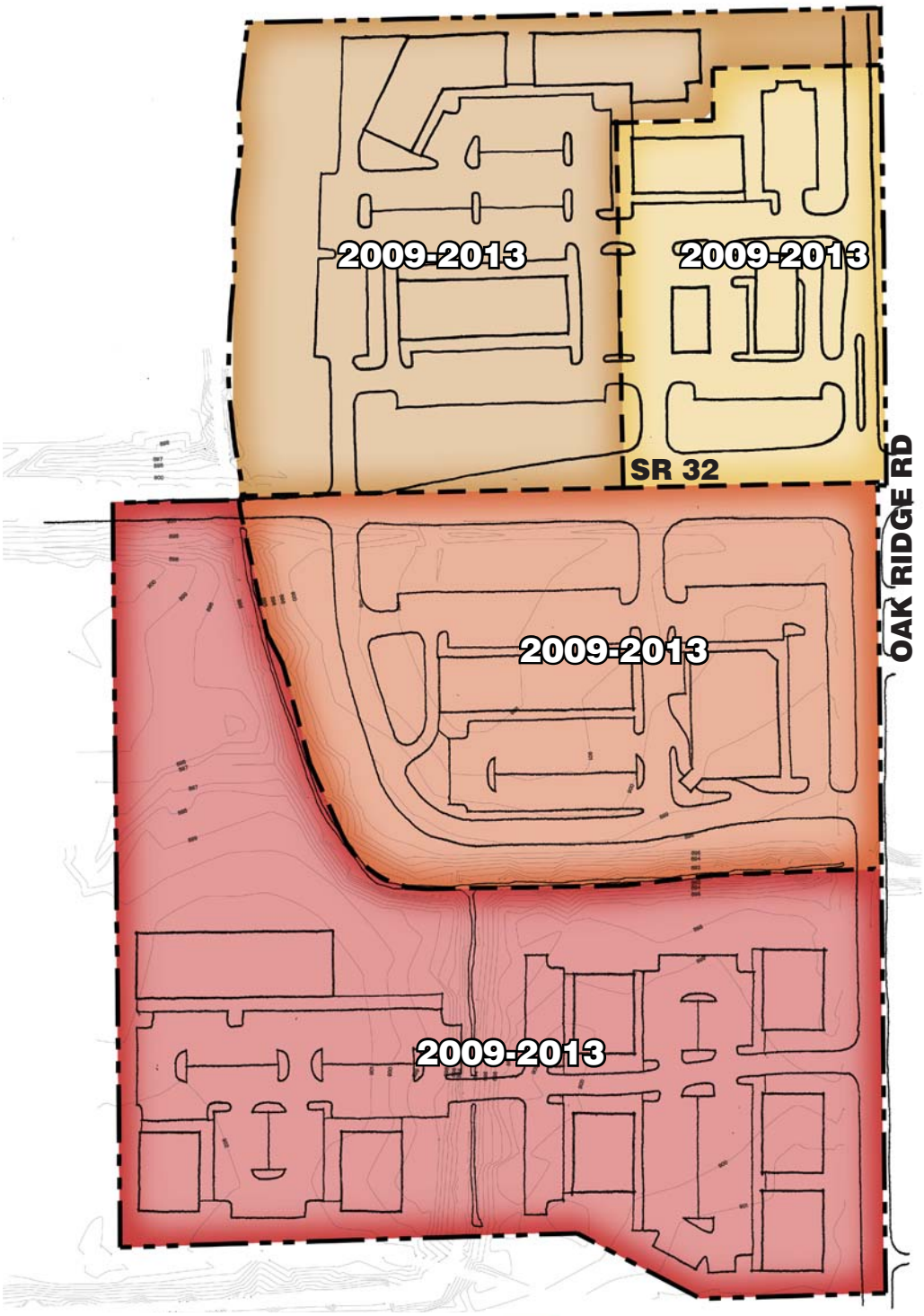


09.30.2008

Oak Ridge Pointe PUD *Exhibit D*

WILFONG · KREUTZ LAND DEVELOPMENT, LLC

MKEC ENGINEERING CONSULTANTS, INC.



NOT TO SCALE

OR- OFFICE 1

OR- COMMERCIAL 1

OR- COMMERCIAL 2

OR- COMMERCIAL 3

LEGEND

09.30.2008

Oak Ridge Pointe PUD Exhibit E

WILFONG · KREUTZ LAND DEVELOPMENT, LLC

MKEC ENGINEERING CONSULTANTS, INC.

EXHIBIT F

(Oak Ridge Pointe PUD)

Example 1 – Office District

Example 2 – Office District

Example 3 – Office District

Example 4 – Office District

Example 5 – Office District

Example 6 – Office District

EXHIBIT G

(Oak Ridge Pointe PUD)

Example 1 - In line commercial, front elevation

Example 2 – In line commercial, side elevation

Example 3 – In line commercial, front elevation

Example 4 – In line commercial, front elevation

Example 5 – In line commercial

Example 6 – In line commercial, end cap

EXHIBIT H

(Oak Ridge Pointe PUD)

Example 1 – Fuel Station Landscaping

Example 2 – Fuel Station Streetscape

Example 3 – Fuel Station Architecture

Example 4 – Fuel Station

Example 5 – Fuel Station Canopy

Example 6 – Fuel Station