Andover

PLANNED UNIT DEVELOPMENT

AMENDMENT ORDINANCE

Ordinance No.: 06-24

Adoption Date: June 12, 2006

Instrument No.: 200600034230

AMENDMENT APPLIES TO: Tracts G1, G2 and G3 and depicted in the ordinance and incorporated into the Andover North PUD District.

DESCRIPTION OF AMENDMENT: This amendment incorporated additional real estate into the Andover PUD District.

RELATED ORDINANCES[1]: 03-40

[1] Includes only adopted ordinances prior to the above mentioned ordinance. Please confirm with the Economic and Community Development Department for any succeeding ordinances.

BEST POSSIBLE IMAGE
ALL PAGES

200600034230
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
06-16-2006 At 11:08 am.
ORDINANCE 99.00

99.00
45

ORDINANCE NO. 06-24

AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

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

WHEREAS, the Westfield-Washington Township Advisory Plan Commission ("Commission") considered a petition (docket #0602-PUD-03) filed with the Commission to rezone the real estate containing approximately 15.15 acres, depicted on Exhibit "A" hereto and legally described on Exhibit "B" hereto and located in Washington Township, Indiana (the "Real Estate"); and

WHEREAS, the Westfield-Washington Township Plan Commission did take action to forward the request to the Westfield Town Council with a positive recommendation under the provisions of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Town Council on May 22, 2006; and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-608(g) concerning any action on this request.

NOW, THEREFORE, be it ordained by the Westfield Town Council that Title 16 of the Westfield Code of Ordinance be amended as follows:

Section 1. WC-16-04. Zoning maps shall be amended as follows:

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the Real Estate from SF2 to Mixed Use PUD.

Section 2. The Real Estate shall be subject to the commitments and standards as detailed in the "Andover Planned Unit Development District," Ordinance

Number 03-40 of the Town of Westfield, adopted December 8, 2003 by the Westfield Town Council, and attached hereto as "Exhibit C" and made a part hereof.

Section 3. The Development Standards and Architectural Standards applying to each tract of the Real Estate are as follows:

Tract	Development/ Architectural Standards
G1	G
G2	G
G3	G
E1	E

Upon enactment of this Ordinance #06-24, parcels G1, G2, and G3 shall be incorporated into, and shall become a part of, Parcel G in The Andover PUD Ordinance #03-40; and parcel E1 shall be incorporated into, and shall become a part of, Parcel E in the Andover PUD Ordinance #03-40.

Section 4. The number of dwelling units permitted in Parcel G of the Andover PUD shall be increased from 180 to 242. The number of dwelling units permitted in Parcel E of the Andover PUD shall be increased from 80 to 90. The total number of dwelling units permitted in the Andover PUD shall be increased from 640 to 712, and the total number of single-family attached dwelling units permitted shall be increased from 180 to 242.

Section 5. The Open Space required in the Andover PUD Ordinance #03-40 shall be increased by a total of four (4) acres. A minimum of two (2) acres of the additional Open Space shall be located in Parcel G, and the remainder may be located either in Parcel E or Parcel G.

Section 6. No residences located on the Real Estate shall have garage doors facing Shady Nook Road or 186th Street. All residences facing Shady Nook Road and 186th Street shall have 100% of that facade (exclusive of windows, doors, and gable ends) covered by brick or another masonry product.

Section 7. A walking trail shall be constructed on the Real Estate along Shady Nook Road.

Section 8. Any portion of the Real Estate adjacent to property that is zoned AG-SF1 shall contain a 20' Buffer Yard.

Section 9. Right-of-way shall be dedicated along Shady Nook road sufficient to support the Town's current Thoroughfare Plan.

Section 10. Not more than eighty (80) of the residences in Parcel E shall have front-load garages.

Section 11. This Ordinance #06-24 shall be in full force and effect from and after its passage; provided however, that any Development Plan approved for the Real Estate shall be conditioned upon Graystone Development, LLC taking title to that portion of the Real Estate for which a Development Plan is sought.

ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 12th DAY OF JUNE, 2006.

WESTFIELD TOWN COUNCIL

Voting For	Voting Against	Abstain
Jack Hart	Jack Hart	Jack Hart
Teresa Otis-Skelton	Teresa Otis-Skelton	Teresa Otis-Skelton
David Mikesell	David Mikesell	David Mikesell
Ron Thomas	Ron Thomas	Ron Thomas
Robert Smith	Robert Smith	Robert Smith

ATTEST:

Cindy Gossard

Cindy Gossard, Clerk-Treasurer
Town of Westfield, Indiana

This Ordinance prepared by: Sheldon S. Phelps
GRAYSTONE DEVELOPMENT, LLC
4773 Austin Trace
Zionsville, IN 46077

Reviewed by: James Shinaver, Attorney at Law
NELSON & FRANKENBERGER
3021 East 98th Street, Suite 220
Indianapolis, IN 46280

ANDOVER PUD AMENDMENT

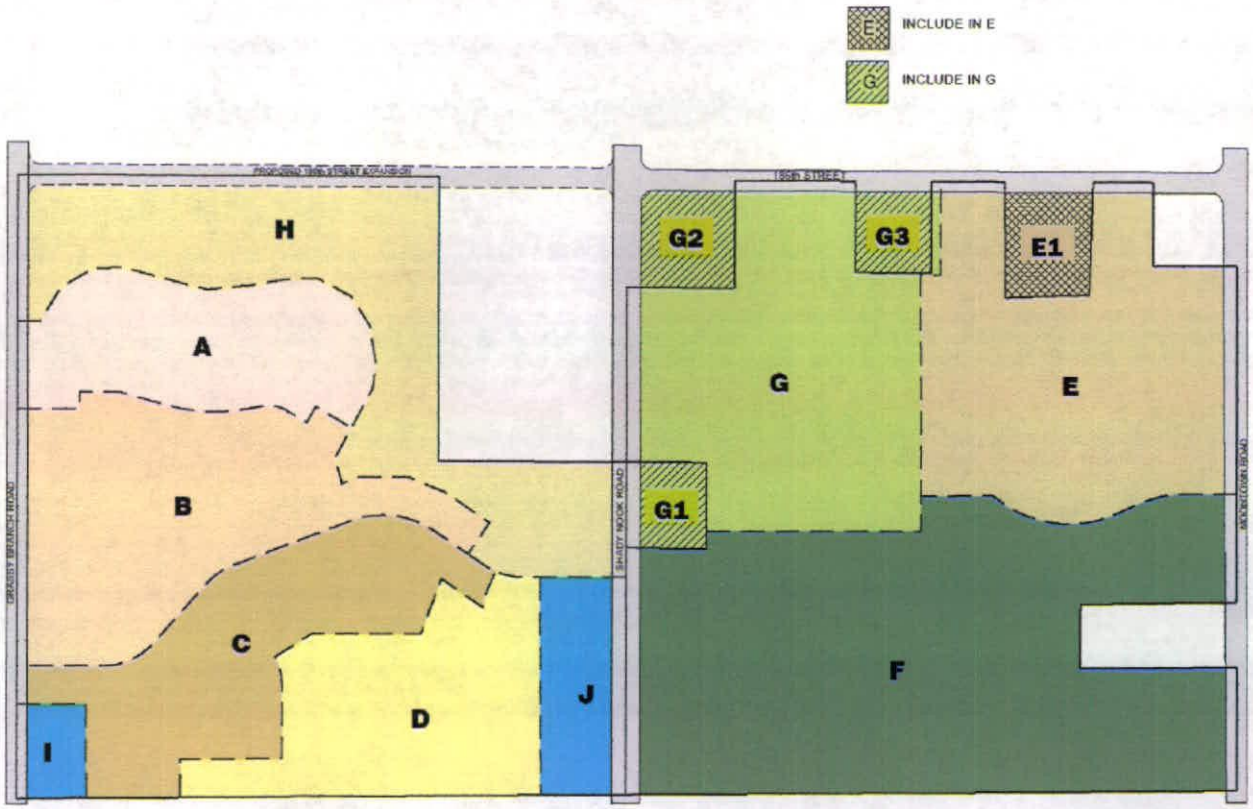

EXHIBIT A

PARCEL	MAX. UNITS	LAND USE	LOT WIDTH (AT BUILDING LINE)
A	40	SINGLE FAMILY DETACHED	100'
B	60	SINGLE FAMILY DETACHED	90'
C	50	SINGLE FAMILY DETACHED	80'
D	60	SINGLE FAMILY DETACHED	65'
E	90	SINGLE FAMILY DETACHED	80'
F	150	SINGLE FAMILY DETACHED	60'
G	242	SINGLE FAMILY ATTACHED / VILLAS	N/A
H	N/A	OPEN SPACE	N/A
I	N/A	DAY CARE	N/A
J	N/A	ASSISTED LIVING	N/A
TOTAL	294.66 Ac.±		
RESIDENTIAL ONLY	283.86 Ac.±	712	

— — APPROXIMATE DISTRICT LINES

Steppelworth & Associates, Inc.
CONSULTING ENGINEERS LAND SURVEYORS

Exhibit B
Legal Descriptions

Tract G1

A part of the West half of the Northeast Quarter of Section 32, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Beginning at a point in the West line of said Northeast Quarter Seventy-four and 1/3 (74 1/3) rods South of the Northwest corner of said Quarter Section; thence South on said line Twenty-two and 2/3 rods (22 2/3) to a point; thence East parallel to the North line of said Quarter Section twenty (20) rods to a point; thence North parallel to the West line of said Quarter Section Twenty-two and 2/3 (22 2/3) rods to a point; thence West parallel to said North line of said Quarter Section Twenty (20) rods to the place of beginning, containing Two and Eighty-three Hundredths (2.8) acres, more or less.

Tract G2

A part of the Northeast Quarter of Section 32, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Beginning at the iron rod at the Northwest corner of the Northeast Quarter of Section 32, Township 19 North, Range 4 East; thence South 00 degrees 00 minutes 00 seconds (assumed bearing) 466.70 feet on and along the West line of said Northeast Quarter to a mag nail; thence South 89 degrees 43 minutes 03 seconds East 466.69 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence North 00 degrees 00 minutes 00 seconds 466.70 feet parallel with the West Line of said Northeast Quarter to a mag nail on the North line of said Northeast Quarter; thence North 89 degrees 43 minutes 03 seconds West 466.69 feet to the point of beginning, containing 5.0 acres, more or less.

Tract G3

A part of the Northeast Quarter of Section 32, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the iron rod located at the Northeast corner of the Northeast Quarter of Section 32, Township 19 North, Range 4 East; thence North 89 degrees 43 minutes 03 seconds West (assumed bearing) 1321.91 feet on and along the North line of said Northeast Quarter to a mag nail at the point of beginning of this description; thence South 00 degrees 18 minutes 08 seconds West 396.01 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence South 89 degrees 22 minutes 42 seconds West 330.00 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence North 00 degrees 18 minutes 08 seconds East 396.01 feet to a mag nail on the North line of said Northeast Quarter; thence South 89 degrees 22 minutes 42 seconds East 330.00 feet on

and along the North line of said Northeast Quarter to the point of beginning, containing 3.1 acres, more or less.

Tract E1

A part of the Northeast Quarter of Section 32, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the iron rod located at the Northeast corner of the Northeast Quarter of Section 32, Township 19 North, Range 4 East; thence North 89 degrees 43 minutes 03 seconds West (assumed bearing) 623.48 feet on and along the North line of said Northeast Quarter to a mag nail at the point of beginning of this description; thence South 01 degrees 43 minutes 44 seconds West 489.82 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence South 88 degrees 05 minutes 05 seconds West 363.89 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence North 00 degrees 27 minutes 49 seconds West 503.67 feet to a mag nail on the North line of said Northeast Quarter; thence South 89 degrees 43 minutes 03 seconds East 382.55 feet on and along the North line of said Northeast Quarter to the point of beginning, containing 4.25 acres, more or less.

All together, the Real Estate comprises 15.15 acres, more or less.

This description was prepared for zoning purposes only, and is subject to change upon the completion of an accurate boundary survey.

Exhibit C
Ordinance 03-40
Andover Planned United Development District

The full text of Ordinance 03-40, as enacted by the Westfield Town Council on December 8, 2003, follows.

200300125264
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
12-17-2003 At 09:00 am.
ORDINANCE 13.00

ORDINANCE NO. 03-40

AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

WHEREAS, The Town 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 Township Plan Commission ("Commission") considered a petition (docket 0306-PUD-03) filed with the Commission to rezone certain lands; and

WHEREAS, the Westfield Washington Township Plan Commission did take action to forward the request to the Westfield town Council with a positive recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the commission to the town Council on November 25, 2003; and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-608(g) concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCE BE AMENDED AS FOLLOWS:

SECTION 1. WC-16-04.Zoning maps amended as follows:

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the real estate described in the attachment "Andover Planned Unit Development District" in exhibits 3 and 5. hereto (Real Estate) from SF2 and AG-SF1 to Mixed Use PUD.

This real estate being subject to commitments and standards as detailed in the attachment "Andover Planned Unit Development District" sections 1-12.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF WESTFIELD, HAMITON COUNTY, INDIANA THIS 8 DAY OF Dec, 2003

WESTFIELD TOWN COUNCIL

Voting For	Voting Against	Abstain
Jack Hart	Jack Hart	Jack Hart
Teresa Otis-Skelton	Teresa Otis-Skelton	Teresa Otis-Skelton
David Mikesell	David Mikesell	David Mikesell
Michael McDonald	Michael McDonald	Michael McDonald
Mic Mead	Mic Mead	Mic Mead

ATTEST:

Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Jerry Rosenberger, Town Manager

WESTFIELD, INDIANA

PUD ORDINANCE NO. 03-40

ANDOVER
PLANNED UNIT DEVELOPMENT
DISTRICT

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ORDINANCE NO. 03-40

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF WESTFIELD
AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

This PUD Ordinance (the "Andover PUD") amends the Zoning Ordinance of the Town of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the Town of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended;

WITNESSETH:

WHEREAS, the Plan Commission of the Town of Westfield and Washington Township (the "Commission") has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by Graystone Development, LLC for the real estate containing approximately 279.4 acres, legally described on Exhibit "3" and Exhibit "5" hereto, and located in Washington Township, Westfield, Indiana (the "Real Estate");

WHEREAS, the Commission has sent to the Town Council of the Town of Westfield, Indiana (the "Town Council") its unanimous favorable recommendation adopted on the 24th day of November, 2003; and

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

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and uses in the Real Estate, (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values throughout the Town of Westfield and Washington Township,

and (v) responsible development and growth, it is the intent of the Plan Commission in recommending, and the Council in adopting, to:

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

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

C. Encourage a harmonious and appropriate mixture of uses;

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

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

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

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

SECTION 2. EFFECT. The development standards created by this Andover PUD supersede the development standards of the Zoning Ordinance. Unless otherwise specified herein, the owner(s) of the Real Estate shall otherwise comply with the terms, conditions, and procedures of PUD Ordinance 02-01 (WC 16.04.190) (the "PUD Ordinance").

SECTION 3. DEFINITIONS. Unless otherwise specified in (i) this Andover PUD or (ii) what is attached hereto and incorporated herein by reference as Exhibit "2", the definitions of the Zoning Ordinance shall apply to words and terms set forth in this Andover PUD.

SECTION 4. RESIDENTIAL AREA. Area X of the Real Estate, described in what is attached hereto and made a part hereof as Exhibit "3" ("Area X"), is reclassified on the Zone Map from

the AG-SF1 Residence District Classification and the SF-2 Residence District Classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-2 District of the Zoning Ordinance in force at the time of the enactment of this Andover PUD. A copy of the SF-2 development standards which were in force at the time of the enactment of this Andover PUD and which apply to Area X, except as modified in this Andover PUD, is attached hereto and made a part hereof as Exhibit "4".

SECTION 5. LOCAL BUSINESS AREA. Area Y of the Real Estate, also identified on the Concept Plan as Parcels I and J, is described in what is attached hereto and made a part hereof as Exhibit "5" ("Area Y"), and is reclassified on the Zone Map from the AG-SF1 Residence District Classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the LB Local and Neighborhood Business District of the Zoning Ordinance in force at the time of the enactment of this Andover PUD. A copy of the LB Local and Neighborhood Business District development standards which were in force at the time of the enactment of this Andover PUD and which apply to Area Y, except as modified by this Andover PUD, is attached hereto and made a part hereof as Exhibit "6".

SECTION 6. USES. The Real Estate shall be developed for residential and non-residential uses, as more particularly shown on the concept plan attached hereto as Exhibit "1" (the "Concept Plan"). The size, dimensions, and acreage of the parcels within Area X may be increased or decreased by up to fifteen percent (15%), so long as the maximum number of single family residential units does not exceed the gross residential density described in Section 7 below. Permitted uses are as follows:

A. Permitted Uses for Area X shall include the following:

(1) All uses permitted in the SF-2 District per the Zoning Ordinance in force at the time of enactment of this Andover PUD, including attached and detached single family dwellings and single structures and buildings and uses accessory thereto, together with model homes and temporary trailers from which sales activities may be conducted;

(2) Residential common areas and amenity areas (to be owned and maintained by the Andover Homeowners' Association) along with accessory uses, structures and improvements located thereon including, without limitation, recreational developments, including clubhouses, parks, pools, ballfields, ball courts, practice facilities, playgrounds and other recreational spaces, and recreational buildings. The construction of said amenity improvements shall be approved by Department staff and shall not require an additional DPR;

(3) Home occupations shall be permitted per the terms and conditions of the Zoning Ordinance; provided, however, that (i) home garage sales shall not exceed two (2) days per year, (ii) home-based schools shall be limited to eight (8) or fewer full-time or part-time students, including residents of the home, (iii) personal motor vehicle sales are prohibited, and (iv) dance teaching is limited to eight (8) students.

B. Permitted Uses for Area Y shall be:

(1) Parcel I: Day care center;

(2) Parcel J: Assisted living facilities;

(3) All uses permitted in Area X including, without limitation, any detached or attached single family residences complying with the standards and guidelines contained in Exhibit "8" and Exhibit "9".

SECTION 7. GROSS RESIDENTIAL DENSITY. The gross residential density for the entire Real Estate shall not exceed a total of six hundred forty (640) attached and detached single family residences; provided, however, that for all of the Real Estate, the total number of single family attached units shall not exceed one hundred eighty (180).

SECTION 8. DEVELOPMENT AND ARCHITECTURAL STANDARDS. The development standards which follow shall apply; provided, however, that through the DPR Process, the Commission may approve (i) a ten percent (10%) reduction in any minimum development standard specified in Exhibit "7" or (ii) a ten percent (10%) increase in any maximum development standard specified in Exhibit "7":

A. The development standards for detached and attached single family dwellings shall be as set forth in what is attached hereto and incorporated herein by reference as Exhibit "7" and, to the extent they conflict with those set forth in Exhibit "4" and other provisions of the Zoning Ordinance, they shall replace and supersede those set forth in Exhibit "4" and other provisions of the Zoning Ordinance. Attached single family residential dwellings may be developed under the Indiana Horizontal Property Regime Law, I.C. 32-25-1-1 *et seq*.

B. The Street Scape Standards and Architectural Guidelines for detached and attached single family dwellings are set forth in what is attached hereto and incorporated herein by reference as Exhibit "8" and Exhibit "9", and, to the extent

they conflict with those set forth in Exhibit "4" and other provisions of the Zoning Ordinance, they shall replace and supersede those set forth in Exhibit "4" and other provisions of the Zoning Ordinance.

C. The following development standards shall apply to Area Y and, to the extent they conflict with those set forth in Exhibit "6" or other provisions of the Zoning Ordinance, they shall replace and supersede those set forth in Exhibit "6" and other provisions of the Zoning Ordinance:

(1) The square footage of the day care facility in Parcel I shall not exceed 8,000 square feet;

(2) The square footage of the assisted living facility in Parcel J shall not exceed 30,000 square feet;

(3) Maximum building height: forty-five (45) feet.

SECTION 9. LANDSCAPING. The landscaping standards set forth in Section 16.06 of the Zoning Ordinance (the "Landscaping Standards"), as they exist and are in force on the date of the enactment of this Andover PUD, shall apply to the development of the Real Estate, with the following exceptions:

A. The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted are to be set forth in the following table (this table shall replace the provisions of Table 16.06.050-01 of the Zoning Ordinance):

Land Use Type	Plant Materials		
	Shade Trees	Ornamental or Evergreen Trees	Shrubs
Single Family Detached Residential	2 per dwelling unit	2 per dwelling unit	4 per dwelling unit
Single Family Attached Residential	1 per dwelling unit	1 per dwelling unit	4 per dwelling unit
Local Business	5 per acre 5 pe	r acre	10 per acre

B. Buffer Yard plantings shall not be required along the northern border of the Real Estate between Grassy Branch Road and Shady Nook Road nor along the southern border of the Real Estate.

C. Within Buffer Yards, material substitutions may be made with approval of Department staff.

SECTION 10. SIGNAGE. The signage provisions set forth in Section 16.08 of the Zoning Ordinance, as they exist and are in force on the date of the enactment of this Andover PUD, shall apply to the development of the Real Estate.

SECTION 11. AMENITIES. At least three (3) of the following shall be included on each side of Shady Nook Road:

A. Clubhouse;
B. Swimming pool;
C. Playground;
D. Dedicated Open Space of Park (minimum 5,000 square feet);
E. Trail;
F. Basketball court;

G. Tennis court;

H. Volleyball court;

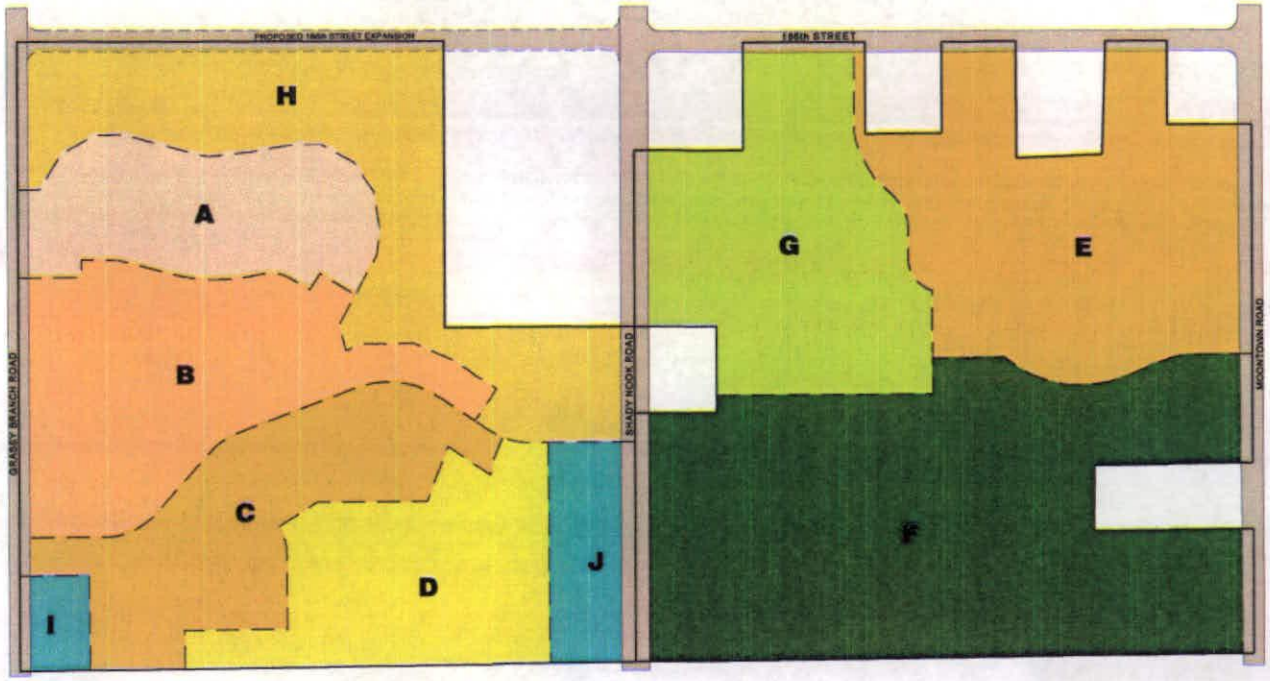
I. Formal garden (minimum 2,500 square feet);

J. Picnic area.

SECTION 12. PHASING SEQUENCE. The sequence and phasing of development shall be as set forth in Exhibit "10" (the "Phasing Sequence"). The Phasing Sequence shall control, replace, and supersede provisions in the PUD Ordinance pertaining to the submission, approval, and timing of phases, development, and development plans.

Upon motion duly made and seconded, this Andover PUD was fully passed by the members of the Town Council this 8th day of December 2003.

EXHIBIT 1
CONCEPT PLAN
ANDOVER



AREA X = PARCELS A-H
AREA Y = PARCELS I-J

PARCEL	MAX. UNITS	LAND USE	LOT WITH (AT BUILDING LINE)
A	40	SINGLE FAMILY DETACHED	100'
B	50	SINGLE FAMILY DETACHED	90'
C	50	SINGLE FAMILY DETACHED	80'
D	60	SINGLE FAMILY DETACHED	65'
E	80	SINGLE FAMILY DETACHED	80'
F	180	SINGLE FAMILY DETACHED	60'
G	180	SINGLE FAMILY ATTACHED (FOR SALE)	N/A
H	N/A	OPEN SPACE	N/A
I	N/A	DAY CARE	N/A
J	N/A	ASSISTED LIVING	N/A
TOTAL 279.4 Ac.±			
RESIDENTIAL ONLY 268.6 Ac.±	640	OVERALL DENSITY 2.38 U/A	

— — APPROXIMATE DISTRICT LINES

Stoeppelworth & Associates, Inc.
CONSULTING ENGINEERS LAND SURVEYORS

EXHIBIT 2

DEFINITIONS

The following words and terms, not defined elsewhere in the Andover PUD or its Exhibits, shall have the following meanings:

1. **Apartment.** A building or portion thereof designed for or occupied by one or more families.

2. **Architectural Break**. An offset from an exterior wall of a minimum of two (2) feet that continues a minimum of four (4) feet.

3. **Architectural Review Board**. The board established by a Declaration of the Developer for the purpose of reviewing the design of all structures to be constructed in a particular Parcel.

4. **Area**. Area X and/or Area Y as identified in the Andover PUD.

5. **Balcony**. A projecting platform on a building enclosed with a railing or balustrade.

6. **Bay Window**. Projection from a house front, circular, rectangular, segmental, or canted on plan, largely filled with windows.

7. **Building Height**. Building height shall be measured (i) from the average ground level at the foundation of the residence and/or structure facing the street (ii) to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Chimneys, elevators, tanks, and other similar structures shall not be included in calculating height.

8. **Concrete Fiber**. Concrete reinforced by plastic or wood fiber to increase durability (e.g., Hardie Plank).

9. **Crawl Space.** An area in a residence having a clearance less than human height, but accessible by crawling, especially such a space below the first floor that is enclosed by foundation walls.

10. **Cultured Stone**. A man-made stone product.

11. **Cul-de-sac Street**. A cul-de-sac street is a public or private street ending in a cul-de-sac. The length of a cul-de-sac is the distance from the back of the curb to the end of the cul-de-sac to the nearest intersecting street.

12. **Declaration**. A Declaration of Covenants, Conditions, and Restrictions for one (1) or more parcels of the development which shall be recorded in the office of the Recorder of Hamilton County, Indiana, and which may be from time to time amended.

13. **Deck**. An open, unroofed porch or platform extending from a residence.

14. **Department**. The Department of Community Development of the Town of Westfield, Indiana.

15. **Design Vocabulary**. A code of architectural style and massing recommendations, building detail guidelines, listing of acceptable materials and colors, and landscape and street scape details adopted by a Developer and applied by an Architectural Review Board in considering plans for structures to be constructed in the Real Estate.

16. **Developer**. The Developer shall be Graystone Development, LLC or its successors or assigns.

17. **Dormer**. Projecting framed structure set vertically on the rafters of a pitched roof, with its own roof (pitched or flat), sides (dormer cheeks), and a window set vertically in the front.

18. **DPR Process**. The process of Development Plan Review as specified in Section 16.04.165 of the Zoning Ordinance.

19. **EIFS (Exterior Insulation and Finish Systems)**. Multi-layered exterior wall systems, typically consisting of insulation board, a durable, water-resistant base coat, and an attractive and durable finish coat.

20. **Elevation**. An exterior facade of a structure, or its head-on view, or representation drawn with no vanishing point, and used primarily for construction.

21. **Exterior Chase Fireplace**. Fireplace on exterior wall of home, with fireplace cavity (chase) protruding from exterior wall.

22. **External Streets**. Grassy Branch Road, Shady Nook Road, Moontown Road, and 186th Street.

23. **Façade**. The front of a building or any of its sides facing a public way or space, especially one distinguished by its architectural treatment.

24. **Front Load Garage.** Garages which (i) are not at an angle from the primary residence to which they are attached, but, instead, (ii) are parallel with the front elevation of the primary residence to which they are attached.

25. **Frontage Line**. The property line adjacent to the street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the frontage line unless otherwise indicated on a plat.

26. **Fypon**. A specific manufacturer of decorative, molded millwork.

27. **Gable**. That part of the end wall of a building between the eaves and a pitched or gambrel roof.

28. **Hip roof**. Roof with all sides sloping and meeting at hips.

29. **Horizontal Property Regime (HPR).** The form of real estate division and sale prescribed by the Horizontal Property Law of the State of Indiana, identified in Indiana Code 32-25-1-1, *et seq.*

30. **Internal Streets**. Any Public Street, Private Street, and/or Shared Drive contained within the Andover PUD other than the External Streets.

31. **Masonry**. Wall building material, such as brick or stone which is laid up in small units or blocks.

32. **Maximum Parcel Coverage**. The maximum amount of any Area or Parcel which may be covered by a building or, stated differently, the maximum building "footprint" for any Area or Parcel.

33. **Open Space**. Any part of the Real Estate not covered by Public Streets, Private Streets, buildings, or parking lots. Open space may include, but shall not be limited to, parks, plazas, courtyards, gardens, landscaped parking areas, yards, rights-of-way not paved, landscaping areas, and sidewalks.

34. **Overhang**. The projection of an upper story or roof beyond a story immediately below.

35. **Parcel**. Any of Parcels A through J shown on the Concept Plan.

36. **Parcels**. A combination of two (2) or more parcels shown on the Concept Plan.

37. **Plinth**. A square or rectangular base for column, pilaster, or door framing.

38. **Porch**. An exterior appendage to a residence.

39. **Relief**. The elevation or projection of part of a surface.

40. **Roof Pitch**. The slope of a roof, commonly expressed in inches of vertical rise per foot of horizontal run (e.g., 6/12).

41. **Shed Roof**. A roof shape having only one sloping plane.

42. **Sign Ordinance**. The Sign Ordinance of Westfield/Washington Township in force on the date of the commitment of this Andover PUD.

43. **Soffit**. Visible underside of an arch, balcony, beam, corona, cornice, vault, or any exposed architectural element.

44. **Stucco**. A coarse plaster applied in a plastic state to form a hard covering for exterior walls.

45. **Sun Room**. A room or an enclosed porch with glass or transparent plastic walls or numerous windows, oriented and designed to admit much sunlight.

46. **Transom Window**. A window divided by a horizontal bar of wood or stone.

47. **Veranda**. A covered porch or balcony, extending along the outside of a building.

48. **Water Table**. Inclined surface on a projection, such as a plinth, or a buttress offset.

49. **Zoning Classification**. A provision of the Zoning Ordinance regulating a particular type of development (e.g., SF-2, LB).

50. **Zoning Ordinance**. The Zoning Ordinance for the Town of Westfield and Washington Township in force at the time of the enactment of this Andover PUD.

EXHIBIT 3

LEGAL DESCRIPTION - AREA X

A part of the Southeast Quarter of Section 29 and part of the North Half of Section 32, all in Township 19 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southeast corner of said West Half of Section 32; thence West along the South line thereof 2,707.32 feet; thence North 875.23 feet to the point of tangency of a curve concave southwesterly; thence westerly along said curve 54.98 feet; thence West 95.02 feet to the point of tangency of a curve concave northerly; thence westerly along said curve 19.93 feet; thence Northwesterly 80.55 feet the point of tangency of a curve concave southerly; westerly along said curve 19.93 feet; thence West 91.18 feet to the point of tangency of a curve concave northerly; thence westerly along said curve 42.56 feet; thence South 924.92 feet to the aforesaid South line; thence West along said South line 1,908.92 feet; thence North 407.98 feet; thence West 298.22 feet to a point on the West line of said North Half of Section 32; thence North along the West line of said North Half of Section 32 a distance of 2,300.35 feet to the Northwest corner thereof; thence East along the North line of said North Half of said Section 32 a distance of 1,832.42 feet; thence South 1,234.53 feet; thence East 814.87 feet to a point on the East line of the Northwest Quarter of said Section 32; thence North along said East line 759.80 feet; thence East 466.71 feet; thence North 466.71 to a point on the aforesaid North line of said Section 32; thence East along said North line 525.32 feet; thence South 396.01 feet; thence East 330.00 feet; thence North 396.01 feet to a point on the aforesaid North line; thence East along the aforesaid North line of Section 32 a distance of 315.98 feet; thence South 503.67 feet; thence East 363.89 feet; thence North 489.82 feet; to a point on the aforesaid North line of said Section 32; thence East along said North line 261.98 feet; thence South 361.50 feet; thence East 361.50 feet to a point on the East line of said Section 32; thence South along said East line 1,459.96 feet; thence West 676.36 feet; thence South 278.26 feet; thence East 679.67 feet to a point on the aforesaid East line of said Section 32; thence South along said East line 537.01 feet to the place of beginning, containing 274.562 acres, more or less.

EXCEPT:

A part of the Northeast Quarter of Section 32, Township 19 North, Range 4 East in Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of said Quarter Section; thence South along the West line thereof 1,226.51 feet to the POINT OF BEGINNING of this description; thence continuing South along said West line 374.00 feet; thence East 349.42 feet; thence North 374.00 feet; thence West 349.42 feet to the place of beginning, containing 3.000 acres, more or less.

ALSO EXCEPT:

A part of the Northeast Quarter of Section 32, Township 19 North Range 4 East in Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of said Quarter Section; thence East along the North line thereof 992.03 feet to the POINT OF BEGINNING of this description; thence continuing East along said West line 330.00 feet; thence South 396.01 feet; thence West 330.00 feet; thence North 396.01 feet to the place of beginning, containing 3.000 acres, more or less.

All together containing 268.562 acres, more or less. Subject to all legal highways, rights-of-way, easements and restrictions of record.

This description was prepared for zoning purposed only and is subject to change upon the completion of an accurate boundary survey.

S/45815/Legal/Zoning Description area X 12-2-03
December 2, 2003

WC 16.04.030 Residential Districts

A. General Requirements - Provisions for Residential Uses are as Follows:

1. Partial use of alley for yard: One-half of an alley abutting the rear or the side of a lot may be included in the required rear yard or side yard, respectively, if the alley has not been developed for the carrying of traffic.

2. Accessory buildings and uses:

   a) Accessory buildings are permitted in all districts, but not prior to the erection of the principal building, except for strictly storage or utility purposes; and not for human occupancy.

   b) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a lake nature are permitted in any required front, side or rear year, and without the issuance of any permit.

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

   d) Windmills for the generating of electric power are not permitted in any residential district except AG-SF 1 without receiving approval as a special exception.

3. Building Lines:

   a) Where 25 percent or more of the lots in a block frontage are occupied by buildings the average setback of such buildings determine the location of the building line for the block frontage in lieu of the setback lines contained in this chapter.

   b) Building lines established in a recorded subdivision shall establish the setback of buildings in such subdivisions, except when such building lines may be less restrictive than provided in this chapter.

   c) On through lots a building line is required on each street.

4. Building height: In the single family districts limiting building height to 25 feet, a dwelling may be increased in height not to exceed 36 feet, provided that each side yard is increased an additional foot for each foot such building exceeds 25 feet in height.

- Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling.
- Homebound schools for 12 or less full-time or part-time children including residents of the home.
- Personal motor vehicle sales not to exceed 2 vehicles per year.

Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupation.

4. Minimum Lot Area - Not less than 20,000 square feet

5. Minimum Lot Frontage on Road - Not less than 100 feet

6. Minimum Setback Lines -

   - Front yard - 50 feet
   - Side yard - 12 feet; 50 feet if corner lot
   - Rear yard - 30 feet
   - Minimum lot width at building line - 85 feet

7. Maximum Building Height - Not to exceed two and one-half stories or 35 feet whichever is lower

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

   - Single story - 1350 square feet
   - Two-story - 800 square feet
   - Tri-level - 800 square feet (basement and first level)
   - Story and one-half - 800 square feet

9. Parking - Off-street parking shall be a minimum of two (2) spaces for each dwelling

D. SF 2 - This district is established for low density, single family residential homes with available sanitary sewers.

1. Permitted Uses -

   - Single Family Dwellings
   - Churches
   - Schools - public or private - without dormitory accommodations

- Public parks
- Accessory buildings as related to single family residential use
- Accessory buildings as related to agriculture - non-subdivision
- Golf Courses
- Fire stations
- Temporary buildings for construction purposes for a period not to exceed such construction
- Signs as permitted by sign ordinance
- Stables (on lots of 3 acres or more with a minimum of 200 foot setback from any adjoining property line)
- Cemeteries
- Utilities - All utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body
- Child care home - in accordance with IC 36-7-4-1108
- Residential facility for mentally ill - in accordance with IC 12-28-4-7

2. Special Exceptions -

- Golf courses, country clubs
- Convents, monasteries, theological schools, rectories and parish houses
- Cemeteries - pet

3. Permitted Home Occupations -

- Art studio
- Dressmaking
- Professional office of a clergyman, lawyer, architect, accountant, or counselor
- Typing or other office services
- Teaching musical instruments or dancing
- A business conducted entirely by mail
- Beauty shop - one chair operated by the resident
- Home garage sale not to exceed 7 days per year
- Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling.
- Homebound schools for 12 or less full-time or part-time children including residents of the home.
- Personal motor vehicle sales not to exceed 2 vehicles per year.

Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign regulations for residence districts as outlined in the sign

ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Minimum lot area -

   - Subdivisions - not less than 15,000 square feet
   - Individual lots not located in approved subdivisions - not less than 3 acres

5. Minimum lot frontage on road -

   - Subdivisions - not less than 50 feet
   - Three acre lots - a minimum of 250 feet

6. Minimum setback lines - all construction -

   - Front yard - Three acre lots - not less than 100 feet on expressways, primary arterials, and secondary arterials
     - not less than 80 feet on all other streets.
     Subdivisions - not less than 30 feet
   - Side yard - Subdivision - 12 feet except corner lots when 30 feet will apply also to side yards on a corner lot.
     Three acre lots - 30 feet
   - Rear yard - Subdivision - 30 feet
     Three acre lots - 30 feet
   - Minimum lot width at building line - Subdivisions - 100 feet
     Three acre lots - N/A

7. Maximum building height - Not to exceed two and one-half stories or 35 feet whichever is lower

8. Minimum ground level square footage, exclusive of porches, terraces and garages - Single family -

   - Single story - 1200 square feet
   - Two story - 800 square feet
   - Tri-level - 800 square feet (basement & 1st level)
   - Story and one-half - 800 square feet

9. Parking - Off-street parking shall be provided in accordance with provisions set forth in this ordinance

EXHIBIT 5

LEGAL DESCRIPTION - AREA Y

A part of the North Half of Section 32, all in Township 19 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of said West Half of Section 32; thence West along the South line thereof 2,707.32 feet to the POINT OF BEGINNING of this description; thence North 875.23 feet to the point of tangency of a curve concave southwesterly; thence westerly along said curve 54.98 feet; thence West 95.02 feet to the point of tangency of a curve concave northerly; thence westerly along said curve 19.93 feet; thence Northwesterly 80.55 feet the point of tangency of a curve concave southerly; westerly along said curve 19.93 feet; thence West 91.18 feet to the point of tangency of a curve concave northerly; thence westerly along said curve 42.56 feet; thence South 924.92 feet to the aforesaid South line; thence East along said South line 377.42 feet to the place of beginning, containing 8.000 acres, more or less.

ALSO:

A part of the North Half of Section 32, all in Township 19 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of the Northwest Quarter of said Section 32; thence East along the South line thereof 300.98 feet; thence North 407.98 feet; thence West 298.22 feet to a point the West line of said Section 32; thence South along said West line 410.00 feet to the place of beginning, containing 2.820 acres, more or less.

All together containing 10.820 acres, more or less. Subject to all legal highways, rights-of-way, easements and restrictions of record.

This description was prepared for zoning purposes only and is subject to change upon the completion of an accurate boundary survey.

S/45815/Legal/Zoning Description area Y 12-2-03
December 2, 2003

WC § 16.04.050 Business Districts

A. General Requirements (other than historical district) -

1. Groups of users requiring parking space may join in establishing group parking area with capacity aggregating that required for each participating use, with the approval of the Plan Commission.

2. Public parking area and loading and unloading berths shall be paved with a dust proof or hard surface.

3. One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.

4. 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.

5. Parking may be permitted in the required front yard for business uses.

6. On a through lot, front yards shall be provided on each street in the local business, general business and historical districts.

7. The maximum building height requirements may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirement.

8. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, distribution poles and lines, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

9. A suitable planting screen shall be provided on any business yard that abuts a residential area in accordance with the landscaping provisions in this section. Such plantings shall provide an effective screen at the time of construction of the development.

10. The Plan Commission shall review and approve plans to assure adherence to developmental standards and overall conformity to the Master Plan and Zoning Ordinance.

11. There shall be no storage or display of merchandise outside of a building except in a sales lot established for that purpose and except for merchandise associated with sidewalk-type sales events of less than one (1) week in duration and with a frequency of no more than once every six (6) calendar months.

D. LB - Local and Neighborhood Business District - This district is established to provide a local or neighborhood residential community with retail services, convenience shopping, and professional services to meet the daily needs of the community. As such, this district typically will be ten (10) to twenty (20) acres in total area. Permitted uses in this District include general office, neighborhood shopping centers, financial institutions and other small to moderate size businesses. Development within this district requires attachment to public or semi-public water and sewers.

1. Special Requirements

Development Plan – Any proposed development in the LB District shall be subject to the requirements for the filing of a Development Plan as set forth in WC 16.04.065 and Section 15, below.

When the standards of this Section are found to be in conflict with other standards of the Westfield - Washington Township Zoning Ordinance, the stricter standards shall prevail.

2. Permitted Uses - See Figure 2 for list of permitted businesses.

Notwithstanding the provisions of Figure 2, the following uses shall also be considered Permitted Uses in the Local and Neighborhood Business District:

- Liquor stores and taverns
- Carry out food and beverage business (excluding drive-in or drive-through service)

3. Special Exception Uses – None.

4. Minimum Lot Area – Five (5) acres.

5. Minimum Lot Frontage - 50 Feet.

6. Minimum Setback Requirements:

a. Front Yard Adjacent to All Districts – Required front yards adjacent to all districts shall be 60 feet. Exception: The required front yard may be reduced to the average setback of the legally established buildings or structures where an existing front yard setback is established by two or more existing, legally established buildings or structures within the same block and within three-hundred (300) feet in either direction.

b. Side Yards Adjacent to Residential Districts – Required side yards adjacent to residential districts shall be 60 feet. Exception: If the required side yard abuts an alley, the required side yard setback shall be 40 feet from the right-of-way line of the alley.

c. Side Yards Adjacent to Non-Residential Districts – Required side yards adjacent to non-residential districts shall be 15 feet.

d. Rear Yards Adjacent to Residential Districts - Required rear yards adjacent to residential districts shall be 60 feet. Exception: If the required rear yard abuts an alley, the required rear yard setback shall be 40 feet from the right-of-way line of the alley.

e. Rear Yard Adjacent to Non-Residential Districts – Required rear yards adjacent to non-residential districts shall be 20 feet.

7. Use of Required Yards

All required yards shall be maintained as green space and landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials in compliance with the requirements of Chapter 6. Landscape Standards of this Ordinance, and shall remain free from buildings or structures except where expressly permitted below:

a. Front Yard Adjacent to Non-Residential Districts – Required front yards adjacent to non-residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than ten (10) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from buildings or structures.

b. Front Yard Adjacent to Residential Districts – Required front yards adjacent to residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than thirty (30) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from buildings or structures.

c. Side and Rear Yards Adjacent to Non-Residential Districts – Required side and rear yards may include interior access driveways, provided that the remainder of said required side or rear yard shall be maintained as green space free from buildings or structures.

d. Side and Rear Yards Adjacent to Residential Districts – Required side and rear yards shall be maintained as green space free from buildings or structures.

8. Maximum Building Height

No building or structure shall be erected above a projected 1:3 proximity slope line (See WC 16.04.040, B., 11).

The maximum height of any building or structure shall be forty-five (45) feet above grade.

9. Square Footage Requirements

   a. Minimum Business Size – 800 square feet.

   b. Maximum Business Size – 30,000 square feet.

   c. Aggregate Maximum of All Building(s) within the Development – 90,000 square feet.

10. Parking

   a. See WC 16.04.120, Off-Street Loading and Parking; and,

   b. All access drives, parking areas, loading areas, driveways, interior access drives and interior access driveways shall be constructed with a durable, dust free surface of concrete or asphalt.

11. Loading – See WC 16.04.120.

12. Signs – See WC 16.08, et seq., and Subsection 15, e., below.

13. Landscaping – See WC 16.06, et seq.

14. Lighting – See WC 16.07.010.

15. Development Plans

Development Plans filed for any new construction, building additions, new or expanded surface parking areas, new or expanded surface loading areas, exterior building renovations or signs in the LB District shall, in addition to any Development Requirements contained elsewhere in this Ordinance, also comply with the following additional Development Requirements:

   a. Pedestrian Access and Orientation – Developers of sites in the Local Business District shall provide sidewalks or pathways along all adjoining public or private streets. Such sidewalks or pathways shall be designed so as to connect to an existing or proposed sidewalk, pathway or trail network.

   b. Building Fascia – All buildings and structures within a Local Business District development shall share a common architectural style.

   c. Vehicle Access – Each vehicle access point shall be designed in compliance with the criteria set forth in this Ordinance and the "Town of Westfield Construction Standards", administered by the Westfield Utilities Department.

d. Development Pattern:

Developments may be either: (i) a freestanding individual development; or, (ii) an integrated development containing more than one (1) business in one (1) or more buildings.

In order to create an integrated development that may include Out Lots, a rezone to the LB-PD shall be required.

In the case of an integrated development, documentary assurances shall be filed with the Plan Commission indicating that all lots or uses within the integrated development shall be provided with, at a minimum, the following: (i) regular trash pick-up; (ii) snow removal; (iii) common vehicle access point(s), drive(s) and parking area(s), including maintenance thereof; and, (iv) one (1) shared or common ground or pylon sign.

e. Signs:

(1) Freestanding Signs:

(a) Number of Signs – One (1) freestanding sign shall be permitted.

(b) Maximum Sign Surface Area Per Freestanding Sign – Ten (10) square feet per gross acre, or part thereof, within the development, with a 200 square foot maximum.

(c) Illumination – No freestanding sign shall be illuminated, either internally or externally, if located within 200 feet of a residential district.

(d) Maximum height of sign – twenty (20) feet above grade.

(e) Setback – Minimum: twenty (20) feet from right-of-way.

(f) General – No freestanding sign shall obstruct sight lines set forth in WC 16.04.230, 2.,v).

(2) Wall Signs:

(a) Maximum Facades with Wall Signs – two (2) facades of a building.

(b) Maximum Number of Wall Signs – one (1) wall sign for each façade of a tenant space.

(c) Maximum Sign Surface Area - one (1) square foot of wall sign surface area for every two (2) linear feet of building façade of the applicable tenant space.

(d) Maximum Aggregate Sign Surface Area for all Wall Signs on a Building – one hundred (100) square feet.

f. Outside Storage or Display:

(1) No outside storage or display of materials or merchandise shall be permitted.

(2) No outside vending machines shall be permitted.

(3) All business uses shall be conducted within buildings so constructed that no noise, dust or dirt shall be audible or visible beyond the confines of the building or structure.

(4) Trash containers shall: (i) be screened on all sides with a solid walled or fenced enclosure not less than six (6) feet in height above grade and equipped with wood covered gates; (ii) not be located between the front line of the primary building and the front lot line; and, (iii) not be located in any required yard.

E. LB-H - Local Business - Historical District - The purpose for establishing this district is to provide for the needs of local business in the central business district of the Town of Westfield and also to provide for the preservation, restoration, adaptive use and/or reconstruction of properties and historic buildings in the district.

1. Permitted Uses - See Figure 2 for list of permitted local businesses. Other business not listed which can be classified as local business will also be eligible with the approval of the Plan Commission

2. Special Exceptions -

- Auto Rustproofing
- Auto sales, new or used, service and repair
- Gasoline service stations
- Liquor stores and taverns
- Fruit stands, temporary
- Any outdoor food and beverage business
- Self-service food and beverage business
- Carry-out food and beverage business
- Drive-in food and beverage stores
- Convents, monasteries, theological schools, rectories, parish houses
- Multi-family housing
- Single family dwelling
- Recycling collector system

EXHIBIT 7

DEVELOPMENT STANDARDS MATRIX

Parcel	Land Use Type	Underlying Zoning Classification	Acreage	Dwelling Units (Max.)	Max. Density	Square Feet Per Residential Unit (Min.) (sq. ft.)	Min. Lot Width[1] (ft.)	Min. Lot Depth (ft.)	Min. Lot Area (sq. ft.)	Max. Lot Coverage (%)	Min. Front Setback (ft.)	Min. Rear Setback (ft.)	Min. Side Setback (ft.)	Minimum Building Separation (ft.)	Max. Bldg. Height[2,3] (ft.)
A	Single-family detached	SF-2	18.6	40	2.15	2200 single story; 2400 multi-story (1000 ground floor)	100	140	14,000	30	25	25	8	16	35
B	Single-family detached	SF-2	30.8	50	1.62	2200 single story; 2400 multi-story (1000 ground floor)	90	140	12,600	30	25	25	8	16	35
C	Single-family detached	SF-2	23.6	50	2.12	1800 single story; 2000 multi-story (1000 ground floor)	80	130	10,400	35	25	25	7.5	15	35
D	Single-family detached	SF-2	22.2	60	2.70	1400 single story; 1800 multi-story (800 ground floor)	65	130	8,450	40	25	25	5	12	35
E	Single-family detached	SF-2	39.4	80	2.03	1400 single story; 1600 multi-story (800 ground floor)	80	130	10,400	35	25	25	7.5	15	35
F	Single-family detached	SF-2	67.7	180	2.66	1200 single story; 1400 multi-story (800 ground floor)	60	120	7,200[4]	40	25	25	5	12	35
G	Single-family attached (For Sale)	SF-2	31.6	180	5.70	1000 single story; 1200 multi-story	N/A	N/A	N/A	40	20	20	20	15	35
H	Open Space	N/A	34.7	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I	Daycare	LB	2.8	N/A	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A	N/A	N/A	45
J	Assisted Living	LB	8.0	N/A	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A	N/A	N/A	45
	Total		279.4												
	Residential Only		268.6	640	2.38										

1. Lot Width shall refer to minimum lot width at building line. All lots shall be a minimum of 35 feet wide at the street.
2. Building height shall be measured from the average ground level at the foundation of the residence facing the street to the mean height between the eaves and ridges for gable, hip, and gambrel roofs. Chimneys and other similar structures shall not be included in calculating building heights.
3 Maximum building height for Amenity Center(s) shall be forty-five (45) feet.
4 Lots along the southern border of Parcel F shall have a minimum lot area of 9,000 square feet.

EXHIBIT 8

STREET SCAPE STANDARDS
SINGLE FAMILY DETACHED AND ATTACHED
PARCELS A, B, C, D, E, F AND G

The following Street Scape Standards shall apply to all Single Family Detached and Single Family Attached areas in Parcels A, B, C, D, E, F and G of this Andover PUD:

1. Dusk to Dawn Lights. The builder on each lot shall supply and install a light on such lot. The height, type, style and manufacturer of the light shall be approved by the Architectural Review Board. Each such light shall either be pole mounted in the front yard of a lot or attached as a carriage light to the residence, and shall be equipped with a photo electrical cell or similar device to ensure automatic illumination from dusk to dawn. These lights shall be maintained in proper working order by the owner of each lot. Illumination intensity for fixtures without shielding shall be limited to 160 watts for incandescent bulbs or an equivalent illumination for other types of bulbs.

2. Mailboxes. All mailboxes within each Parcel shall be uniform in design, coloring, lettering, and numbering.

3. Street Lights. Street lights shall be installed at the intersections of Internal Streets. In the Developer's discretion, custom and/or architectural street lights may be substituted for standard street lights specified in the Zoning Ordinance. Such custom and/or architectural street lights shall be installed at the Developer's expense and maintained by the owner of the area in which they exist or by the Homeowners' Association. All street lights shall comply with the Lighting Ordinance.

4. Street Signage. In the Developer's discretion, the Developer shall be permitted to substitute custom signage for standard street signage specified in the Zoning Ordinance. Such custom signage shall be installed at the Developer's expense and maintained by the owner of the area in which the sign exists, or by the Homeowners' Association if the sign exists in a common area.

5. Corner Lots. All homes on corner lots shall include on the side elevation facing the street a minimum of (i) two (2) windows, or (ii) one (1) window and one (1) door, or (iii) one window and one (1) chimney chase.

6. Lots Adjacent to External Streets. All homes whose sides face an External Street shall have at least one (1) of the Architectural Design Features required by Exhibit 9 on the side of the home facing the External Street.

7. Duplicate Elevations. Detached residences with identical or similar elevations shall be separated by at least two (2) lots and shall not be directly across the street

from one another. No two (2) adjacent homes shall have the same exterior siding color. The preceding sentence shall not apply to brick or other masonry material.

8. Gas Lights. Gas lights may be used without shielding.

9. Mini-Barns. Mini-barns are prohibited.

10. Clothes Lines. Clothes lines are prohibited.

11. Satellite Dishes. Satellite dishes shall not exceed thirty (30) inches in diameter and shall meet FCC Standards.

12. Fences. All chain link fences shall be vinyl-coated and limited to forty-two (42) incise in height and are prohibited in front yards. Stockade fences are prohibited. All fences shall be subject to review and approval by the Architectural Review Board of the Homeowners' Association.

13. Overhangs. All residences shall have a minimum eight (8) inch overhang.

14. Roof Pitch. All residences shall have a minimum roof pitch of 6/12.

EXHIBIT 9
ARCHITECTURAL STANDARDS — SINGLE FAMILY ATTACHED AND DETACHED

ARCHITECTURAL STANDARD	PARCEL A	PARCEL B	PARCEL C	PARCEL D
Description	Single-family detached	Single-family detached	Single-family detached	Single-family detached
Underlying Zoning Classification	SF-2	SF-2	SF-2	SF-2
Lot Width	100'	90'	80'	65'
Building Material	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product.	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product.	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product.	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product
Garage Entry	Front Load Garages shall be prohibited.	Front Load Garages shall be permitted.	Front Load Garages shall be permitted.	Front Load Garages shall be permitted.
Roof Treatment	Roof shingles shall have an architectural or dimensional appearance.	Roof shingles shall have an architectural or dimensional appearance.		
Basement	All residences shall be constructed on poured concrete foundations and shall contain either a partial basement with adjoining crawl space or a full basement beneath all areas of the home other than the garage.	All residences shall be constructed on poured concrete foundations and shall contain either a partial basement with adjoining crawl space or a full basement beneath all areas of the home other than the garage		
Patio	A patio or deck, of minimum dimensions of 12 feet by 16 feet, shall be installed at the main exit door at the rear of each residence.	A patio or deck, of minimum dimensions of 12 feet by 16 feet, shall be installed at the main exit door at the rear of each residence	A patio or deck, of minimum dimensions of 10 feet by 12 feet, shall be installed at the main exit door at the rear of each residence.	A patio or deck, of minimum dimensions of 10 feet by 12 feet, shall be installed at the main exit door at the rear of each residence
Architectural Design Features	All residences shall **include at least two (2)** of the items in Table 9A and a total of at **least four (4) items** from either Table 9A or Table 9B.	All residences shall **include at least two (2)** of the items in Table 9A and a total of at **least four (4) items** from either Table 9A or Table 9B.	All residences shall **include at least two (2)** of the items in Table 9A and a total of at **least four (4) items** from either Table 9A or Table 9B.	All residences shall **include at least two (2)** of the items in Table 9A and a total of at **least four (4) items** from either Table 9A or Table 9B.

EXHIBIT 9

ARCHITECTURAL STANDARDS — SINGLE FAMILY ATTACHED AND DETACHED

ARCHITECTURAL STANDARD	PARCEL E	PARCEL F	PARCEL G
Description	Single-family detached	Single-family detached	Single-family attached
Underlying Zoning Classification	SF-2	SF-2	SF-2
Lot Width	80'	60'	N/A
Building Material	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product.	• Aluminum siding shall be prohibited. • All residences shall have at least 50% of the front facade (exclusive of windows, doors, garage doors, and gable ends) covered by one or more of the following surfaces: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product. • All vinyl siding shall have a minimum .044 thickness.	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product.
Garage Entry	Front Load Garages shall be permitted.	Front Load Garages shall be permitted.	Front Load Garages shall be permitted.
Windows	All residences shall have windows on at least three (3) sides. All windows on sides of residences shall have window grids visually separating the windows into panes.	All residences shall have windows on at least three (3) sides. All windows on sides of residences shall have window grids visually separating the windows into panes.	
Architectural Design Features	All residences shall **include at least two (2)** of the items in Table 9A and a total of at **least four (4) items** from either Table 9A or Table 9B.	All residences shall **include at least one (1)** of the items in Table 9A and a total of at **least three (3) items** from either Table 9A or Table 9B.	All residences shall **include at least one (1)** of the items in Table 9A and a total of at **least three (3) items** from either Table 9A or Table 9B.

EXHIBIT 9
ARCHITECTURAL STANDARDS — SINGLE FAMILY ATTACHED AND DETACHED

Table 9A – Architectural Design Features

1. Roof design featuring hip roof, a reverse gable, a shed roof accent or a covered front entry;
2. Covered front porch with railings (of at least eight (8) feet in width and four (4) feet in depth or a minimum of thirty-two (32) square feet);
3. Covered front stoop/steps with pathway leading from sidewalk or driveway;
4. Bay window;
5. Architecturally-treated entranceways (for homes without a front porch);
6. Veranda/balcony;
7. Two (2) or more roof planes;
8. A minimum of two (2) dormers;
9. At least two (2) feet of relief at two (2) or more points along the front facade elevation, excluding relief for doors and windows and garage;
10. Exterior chase fireplace;
11. Sun room.

Table 9B – Architectural Design Features

1. Thirty-two (32) inch brick or stone plinth with water table on all sides;
2. Architectural treatment on gable ends;
3. Separate overhead door per car for each garage;
4. Transom windows;
5. Garage doors containing windows of high standard and quality;
6. Architecturally-enhanced articulated trim mouldings, (i.e., fypons above windows);
7. Decorative shutters or other enhanced architectural window treatment.

EXHIBIT 10

DEVELOPMENT PHASING

Parcel	Development Schedule
A	2004 - 2007
B	2004 - 2007
C	2004 - 2007
D	2004 - 2007
E	2005 - 2007
F	2004 - 2007
G	2004 - 2007
I	2005 -2006
J	2005 -2006
Amenity Center	Upon completion of 75 single family detached units.

Construction on Parcel G will begin no earlier than construction on Parcel F.