



Andover North

PLANNED UNIT DEVELOPMENT

ORIGINAL ORDINANCE

Ordinance No.: 06-12

Adoption Date: May 8, 2006

Instrument No.: 200600027374



163.00
77
2.00
nonc

200600027374
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
05-16-2006 At 11:52 am.
ORDINANCE 163.00

ORDINANCE NO. 06-12

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 0506-PUD-02) 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 negative 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 February 27, 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 amended as follows:

The zoning classification of the real estate described in Exhibit A (hereinafter the "Real Estate"), attached hereto and incorporated herein by reference be changed to Andover North PUD. All descriptions included in the document described as "Andover North, A Planned Unit Development District, Town of Westfield, Indiana" are part of the zoning map changes.

5/4/2006

**BEST POSSIBLE IMAGE
ALL PAGES**

Ordinance 06-12
Rezone SF-2 to Andover North PUD

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

May, 2006.

WESTFIELD TOWN COUNCIL

Voting For

Voting Against

Abstain


Teresa Otis Skelton

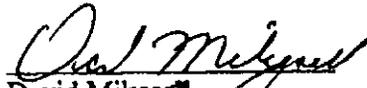
Teresa Otis Skelton

Teresa Otis Skelton

Jack Hart

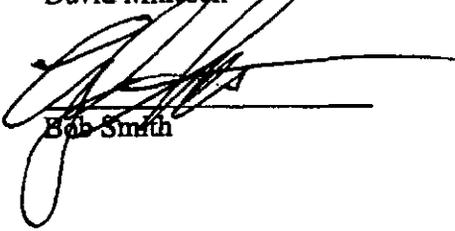
Jack Hart

Jack Hart


David Mikesell

David Mikesell

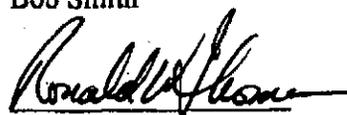
David Mikesell


Bob Smith

Bob Smith

Bob Smith

Ron Thomas


Ron Thomas

Ron Thomas

ATTEST: CORP. CLERK

Cindy Gossard
Clerk

This ordinance prepared by
Jerry Berger, Town Manager

5/4/2006

Ordinance 06-12
Rezone SF-2 to Andover North PUD

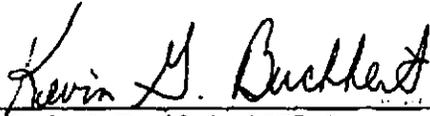
**WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Township Advisory Plan Commission met on Monday, February 27, 2006, to consider proposed rezoning of 115.28 acres from the SF-2 District to PUD, 0506-PUD-02. Notice of public hearing advertised and noticed was presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed text amendment is as follows:

0506-PUD-02 4400 East 186th Street.
Rezoning of 115.28 acres from the SF-2 District
To PUD is requested
by Graystone Development

A motion was made and passed to send a negative recommendation to Town Council to not approve the rezone request for 0506-PUD-02 (8-0-0).

I, Kevin G. Buchheit, AICP, being the Secretary of the Westfield-Washington Township Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Township Advisory Plan Commission held on February 27, 2006.



Kevin G. Buchheit, AICP, Secretary

February 27, 2006

Date

EXHIBIT A- LEGAL DESCRIPTION

Beginning at the northwest corner of the west half of the southeast quarter of Section 29 Township 19 Range 4 East; thence South 89 degrees 34 minutes 00 seconds East (assumed bearing) 1328.25 feet to the northeast corner of said west half of the southeast quarter; thence South 00 degrees 07 minutes 52 seconds West 2663.24 feet to the southeast corner of said west half of the southeast quarter; thence North 89 degrees 28 minutes 38 seconds West 1322.17 feet to the southwest corner of said west half of the southeast quarter; thence North 00 degrees 00 minutes 00 seconds 2661.22 feet to the point of beginning containing 80.99 acres more or less and subject to all easements and right of ways of record.

EXCEPT

Beginning at the Northwest corner of the West Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East; thence South 89 degrees 34 minutes 00 seconds East (Deed), South 89 degrees 33 minutes 34 seconds East (Meas.) (assumed bearing), 552.63 feet, along the North line of the West Half of the Southeast Quarter; thence South 00 degrees 00 minutes 00 seconds West, 261.78 feet, parallel with the West line of the West Half of the Southeast Quarter; thence North 89 degrees 34 minutes 00 seconds West, 552.63 feet, parallel with the North line of the West half of the Southeast Quarter; thence North 00 degrees 00 minutes 00 seconds East, 261.78 feet, along the West line of the West Half of the Southeast Quarter, to the POINT OF BEGINNING, containing 3.321 Acres, more or less.

PLUS

Legal Description: The East One Half (1/2) of the Southeast Quarter of Section 29, Township 19 North, Range 4 East, in Washington Township, Hamilton County, Indiana.

Except: A part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows: Beginning at the Northwest Corner of the Northeast Quarter of the Southeast Quarter of Section 29, Township 19 North, Range 4 East; thence East on and along the North line of said Northeast Quarter 169.1 feet; thence South parallel with the West line of said Northeast Quarter 644 feet; thence West parallel with the said North line of the Northeast Quarter 159.1 feet to the West line thereof; thence North on and along aforesaid West line to the Place of Beginning.

Except: Part of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows: Beginning 1178.8 feet South of the Northeast Corner of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East, and on the East line thereof; thence South on and along aforesaid East line 250 feet; thence deflecting 90 degrees 24 minutes in a Westerly direction 330 feet; thence deflecting 89 degrees 36 minutes to the right in a Northerly direction 250 feet; thence deflecting 90 degrees 24 minutes to the right in an Easterly direction 330 feet to the Place of Beginning.

Except that part conveyed by a Warranty Deed recorded June 9, 1992 as Instrument No. 92-1085, more particularly described as follows: A part of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, described as follows: Beginning at a PK Nail on the East line of said Half-Quarter Section being South 0 degrees 15 minutes 12 seconds West (assumed bearing) 350.17 feet from the Northeast Corner of said Half-Quarter Section; thence North 89 degrees 33 minutes 48 seconds West 373.19 feet to a 5/8 inch iron pin; thence North 0 degrees 15 minutes 12 seconds East 350.17 feet to a 5/8 inch iron pin; thence South 89 degrees 33 minutes 48 seconds East 373.19 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded April 28, 1992 as Instrument No. 92-15725, more particularly described as follows: Part of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East, in Hamilton County, Indiana, described as follows: Beginning at a PK Nail on the East line of said Half-Quarter Section being South 0 degrees 15 minutes 12 seconds West (assumed bearing) 350.17 feet from the Northeast Corner of said Half-Quarter Section; thence South 0 degrees 15 minutes 12 seconds West along said East line 350.17 feet to a PK Nail; thence North 89 degrees 33 minutes 38 seconds West 373.19 feet to an iron pin (5/8 inch rebar with a red plastic cap); thence North 0 degrees 15 minutes 12 seconds East 350.17 feet to an iron pin; thence South 89 degrees 33 minutes 48 seconds East 373.19 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded April 15, 1993 as Instrument No. 93-15127, more particularly described as follows: Part of the Southeast Quarter of Section 29, Township 19 North, Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, described as follows: Beginning at a PK Nail on the North line of said Quarter Section being North 89 degrees 33 minutes 48 seconds West (assumed bearing) 623.19 feet from the Northeast Corner of said Quarter Section; thence South 0 degrees 15 minutes 12 seconds West 700.34 feet to a 5/8 inch rebar with a yellow cap; thence North 89 degrees 33 minutes 48 seconds West 250.00 feet to a 5/8 inch rebar with yellow cap; thence North 0 degrees 15 minutes 12 seconds East 700.34 feet to a PK Nail on said North line; thence South 89 degrees 33 minutes 48 seconds East 250.00 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded August 17, 1993 as Instrument No. 93-39409, more particularly described as follows: Part of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East, in Hamilton County, Indiana, described as follows: Beginning at a railroad spike marking the Northeast Corner of said Half-Quarter Section; thence South 0 degrees 15 minutes 12 seconds West (assumed bearing) along the East line of said Half-Quarter Section 350.17 feet to a PK Nail; thence North 89 degrees 33 minutes 48 seconds West 373.19 feet to a 5/8 inch rebar with red plastic cap; thence North 0 degrees 15 minutes 12 seconds East 350.17 feet to a PK Nail on the North line of said Half-Quarter Section; thence South 89 degrees 33 minutes 48 seconds East 373.19 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded January 6, 1994 as Instrument No. 94-967, more particularly described as follows: Part of the Southeast Quarter of Section 29, Township 19 North, Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, described as follows: Beginning at a PK nail on the North line of said Quarter Section being North 89 degrees 33 minutes 48 seconds West (assumed bearing) 373.19 feet from the Northeast Corner of said Quarter Section; thence South 00 degrees 15 minutes 12 seconds West 700.34 feet to a 5/8 inch rebar with red cap; thence North 89 degrees 33 minutes 48 seconds West 250.00 feet to a 5/8 inch rebar with yellow cap; thence North 00 degrees 15 minutes 12 seconds East 700.34 feet to a PK Nail on said North line; thence South 89 degrees 33 minutes 48 seconds East 250.00 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded April 7, 1995 as Instrument No. 95-11147, more particularly described as follows: Part of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East, in Hamilton County, Indiana, described as follows: Beginning at a point on the East line of said Half-Quarter Section being South 0 degrees 15 minutes 12 seconds West 700.34 feet from the Northeast Corner of said Half-Quarter Section; thence South 0 degrees 15 minutes 12 seconds West along said East line 250.00 feet; thence North 89 degrees 20 minutes 48 seconds West 397.86 feet; thence South 0 degrees 15 minutes 12 seconds West 328.46 feet; thence North 89 degrees 33 minutes 48 seconds West 475.34 feet; thence North 0 degrees 15 minutes 12 seconds East 576.96 feet to a 5/8 inch rebar with yellow cap; thence South 89 degrees 33 minutes 48 seconds East 873.19 feet to the Point of Beginning.

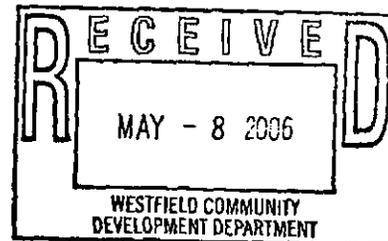
Except that part conveyed by a Warranty Deed recorded June 29, 1995 as Instrument No. 95-41057, more particularly described as follows: Part of the East half of the Southeast Quarter of Section 29, Township 19 North Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, described as follows: Beginning at a PK Nail on the North line of said Quarter Section being North 89 degrees 33 minutes 48 seconds West (assumed bearing) 873.19 feet from the Northeast Corner of said Quarter Section; thence South 0 degrees 15 minutes 12 seconds West 1277.30 feet; thence North 89 degrees 33 minutes 48 seconds West 452.01 feet to the West line of said Half-Quarter Section; thence North 0 degrees 07 minutes 36 seconds East along said West line 633.34 feet to a point being 644.00 feet South of the Northwest Corner of said Half-Quarter Section; thence South 89 degrees 33 minutes 48 seconds East parallel with said North line 169.10 feet; thence North 0 degrees 07 minutes 36 seconds East parallel with said West line 644.00 feet to said North line; thence South 89 degrees 33 minutes 48 seconds East 285.74 feet to the Point of Beginning.

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

WESTFIELD, INDIANA

PUD ORDINANCE NO. 06-12

**ANDOVER NORTH
PLANNED UNIT DEVELOPMENT
DISTRICT**



**TABLE OF CONTENTS
AND SCHEDULE OF EXHIBITS**

<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
Section 1. Legislative Intent.....	4
Section 2. Effect.....	5
Section 3. Definitions	5
Section 4. Reclassification of Zoning.....	6
Section 5. Uses.....	6
Section 6. Number of Dwelling Units.....	7
Section 7. Development and Architectural Standards.....	8
Section 8. Landscaping.....	9
Section 9. Signage.....	10
Section 10. Amenities.....	10
Section 11. Development Phasing.....	11

SCHEDULE OF EXHIBITS

1. Concept Plan
2. Definitions
3. Legal Description
4. Underlying SF-2 Residential Standards (WC § 16.04.030)
5. Development Standards Matrix
6. Street Scape Standards
7. Architectural Standards
8. Development Standards for Roads, Drives, and Alleys
9. Development Phasing
10. PUD Enabling Ordinance (WC § 16.04.190)
11. Development Plan Review Standards (WC § 16.04.190)
12. Landscaping Standards (WC § 16.06)
13. Lighting Standards (WC § 16.07)
14. Sign Standards (WC § 16.08)

ORDINANCE NO. 06-12

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

This PUD Ordinance (the "Andover North 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 117 acres, legally described on Exhibit "3" 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 recommendation adopted on the 24th day of April, 2006; 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 North 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) as they existed and were in force on the date of filing of this Andover North PUD (the "PUD Enabling Ordinance"), attached hereto as Exhibit "10".

SECTION 3. DEFINITIONS. Unless otherwise specified in (i) this Andover North 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 North PUD.

SECTION 4. RECLASSIFICATION OF ZONING. The Real Estate is reclassified on the Zone Map from 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 as it existed and was in force on the date of filing of this Andover North PUD. A copy of the SF-2 development standards as they existed and were in force on the date of filing of this Andover North PUD and which apply to the Real Estate, except as modified in this Andover North PUD, is attached hereto and made a part hereof as Exhibit "4".

SECTION 5. USES. The Real Estate shall be developed for residential and religious institution uses as more particularly shown on the concept plan attached hereto as Exhibit "1" (the "Concept Plan"). Permitted uses are as follows:

- A. All uses permitted in the SF-2 District per the Zoning Ordinance as it existed and was in force on the date of filing of this Andover North PUD, including attached and detached single family dwellings and buildings and uses accessory thereto, together with model homes and temporary trailers from which sales and construction activities may be conducted;
- B. Residential common areas and amenity areas (to be owned and maintained by the 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 the Director or Director's Designee and shall not require an additional DPR;

- C. 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.
- D. Parcel N shall be reserved for a religious institution and uses accessory thereto. Not less than eight (8) acres of Parcel N shall be maintained as Open Space for this PUD and shall be available for use by all members of the Association.
- E. Lots abutting Buffer Yards 1, 2, 3, 4, and 5 shall have a minimum area of fifteen thousand (15,000) square feet.

SECTION 6. NUMBER OF DWELLING UNITS. The maximum number of dwelling units contained in the Andover North PUD shall be two hundred forty (240) attached and detached single family residences, as more particularly described in the following table:

Product Type	Use	Maximum Dwelling Units	Minimum Dwelling Units
K-1	Single Family Detached	N/A	25
K-2	Single Family Detached	N/A	40
L	Single Family Detached	105	N/A
M	Single Family Attached	100	N/A
Total		240 ¹	N/A

¹Notwithstanding the sum of the "Maximum Dwelling Units" column equaling 205, the total number of dwelling units shall not exceed 240.

The size, dimensions, and acreage contained in each of the parcels depicted on the Concept Plan may be increased or decreased by up to fifteen percent (15%), so long as the maximum number of dwelling units does not exceed the number specified in the above table. Notwithstanding the foregoing, the number of dwelling units of Product Type K-1 and K-2 shall not be reduced, but may be increased in acreage and number of units with no limit.

SECTION 7. DEVELOPMENT AND ARCHITECTURAL STANDARDS. The development standards which follow shall apply; provided, however, that through the DPR Process, the Director or Director's Designee may approve (i) a ten percent (10%) reduction in any minimum development standard specified in Exhibit "5" or (ii) a ten percent (10%) increase in any maximum development standard specified in Exhibit "5":

- 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 "5" 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 Condominium Law, I.C. 32-25-1-1 *et seq.*
- B. The Street Scape Standards, Architectural Guidelines, and Development Standards for Roads, Drives, and Alleys for detached and attached single family dwellings and any buildings associated with Amenities are set forth in what are attached hereto and incorporated herein by reference as Exhibit "6", Exhibit "7", and Exhibit "8", 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.

SECTION 8. LANDSCAPING. The landscaping standards set forth in Section 16.06 of the Zoning Ordinance (the "Landscaping Standards"), as they existed and were in force on the date of filing of this Andover North PUD (attached hereto as Exhibit "12"), shall apply to the development of the Real Estate, with the following exceptions:

- A. Buffer Yards and Buffer Yard plantings shall not be required along the southern border of the Real Estate.
- B. Buffer Yards shall be included only on the locations depicted on the Concept Plan as Buffer Yards 1 through 5. All Buffer Yards shall be as required by the Zoning Ordinance.
- C. Within Buffer Yards, material substitutions may be made with approval of the Director or Director's designee, provided that the Buffer Yard planting plan is prepared by a registered Landscape Architect.
- D. The Developer will preserve the tree row and tree stand located adjacent to Buffer Yard 3 unless required to disturb it by the Town of Westfield, the Hamilton County Surveyor's Office or any other governmental agency.
- E. No structures other than those required for utilities shall be permitted in Buffer Yards.
- F. A minimum of thirty percent (30%) of the gross area of the Real Estate shall be Open Space, which shall supersede the Green Belt Space, Secondary Green Space, and all other Open Space requirements set forth in the Zoning Ordinance.

Any of the area of the Real Estate that is dedicated to or reserved for the use of a neighborhood association or the public as well as any area in which title or an easement is granted to a municipality shall be included in the Open Space calculation.

SECTION 9. SIGNAGE. The signage provisions set forth in Section 16.08 of the Zoning Ordinance, as they existed and were in force on the date of filing of this Andover North PUD (attached hereto as Exhibit "14"), shall apply to the development of the Real Estate.

SECTION 10. AMENITIES. The following amenities shall be provided:

- A. Dedicated Open Space of Park (minimum 5,000 square feet);
- B. Trail;
- C. Trail Staging Area, including benches and trail map; and
- D. Clubhouse.

In addition, the following amenities, or substitutions as approved by the Director or Director's designee, shall be included:

- E. Playground (minimum 4,000 square feet);
- F. Basketball court;
- G. Picnic area;
- H. Secondary Playground, or "Tot Lot" (minimum 1,500 square feet);
- I. Soccer field;
- J. Softball diamond;
- K. Vistas; and
- L. A total of six (6) pocket parks (minimum 2,000 sf).

All amenities shall be dedicated to the Association.

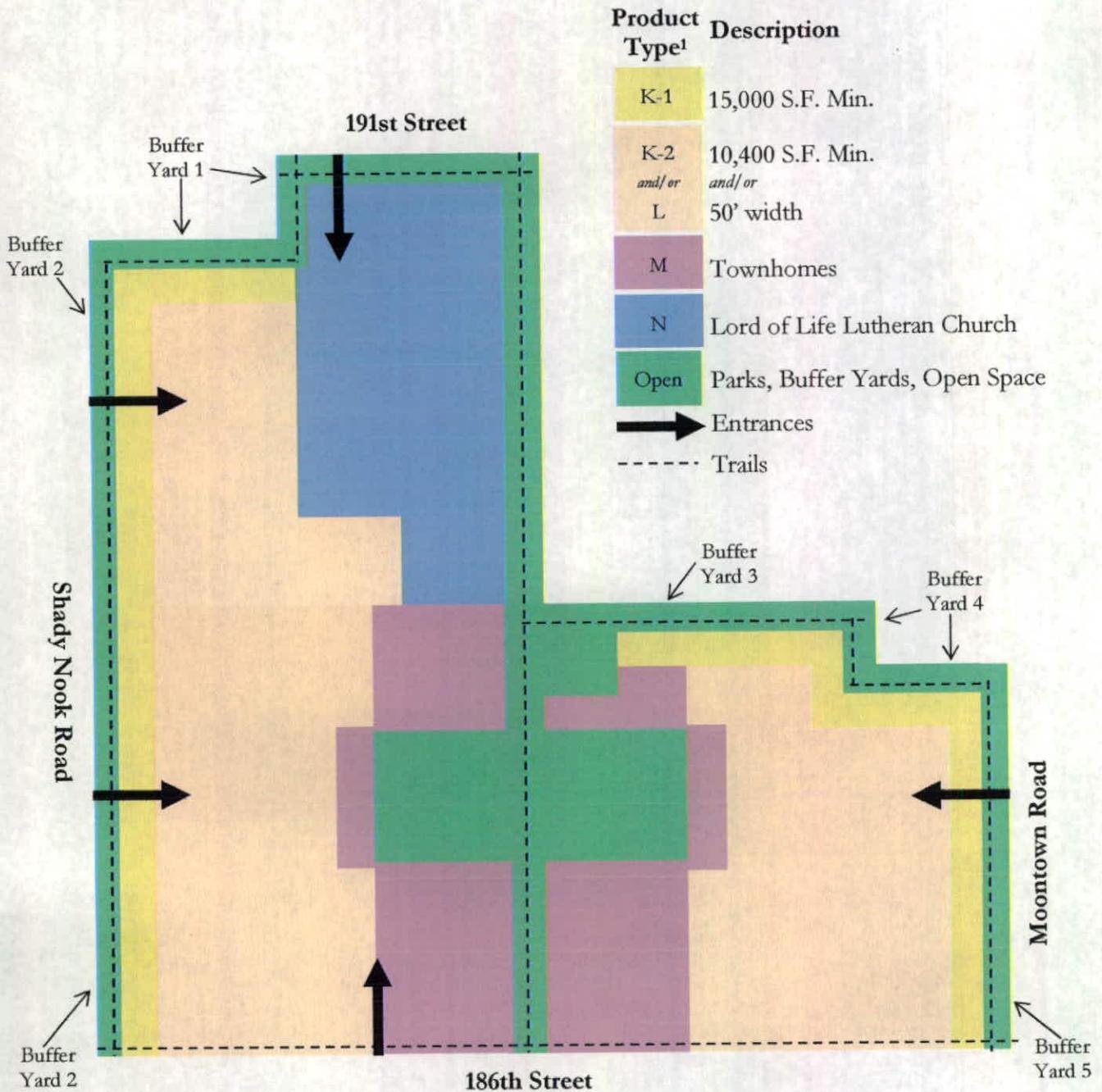
SECTION 11. DEVELOPMENT PHASING. The sequence and phasing of development shall be as set forth in Exhibit "8" (the "Phasing Sequence"). The Phasing Sequence shall control, replace, and supersede provisions in the PUD Ordinance pertaining to the submission, approval, and timing of phases, development, and development plans.

Upon motion duly made and seconded, this Andover North PUD was fully passed by the members of the Town Council this 8th day of May, 2006.

EXHIBIT 1

ANDOVER NORTH

CONCEPT PLAN



All lots abutting Buffer Yards 1, 2, 3, 4, and 5 must have a minimum area of 15,000 square feet.

¹ Product Types of lesser density may be substituted for Product Types of greater density.

EXHIBIT 2

DEFINITIONS

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

1. **Active Recreation.** Areas or facilities that provide opportunities for physical exertion as a means of exercise or enjoyable relaxation. Active Recreation areas include, but are not limited to, field sports (softball, soccer, lacrosse), court games (basketball, volleyball, tennis, bocce ball), designated trail systems, trail staging areas or trailheads, playgrounds, community gardens, etc.
2. **Aggregate Lot Area.** The sum of all land acreage within a given planned development, (i.e., Andover North, Parcels K through N).
3. **Alley.** A permanent right-of-way or common area which provides a secondary means of access to abutting lands and primary means of access to residences with Rear Entry Garages.
4. **Alley Line.** The rear lot line for rear-fed homes in Parcel L and townhomes in Parcel M of Andover North.
5. **Amenities.** Features providing comfort, convenience, pleasure, and increased quality of life for the residents of Andover North.
6. **Architectural Break.** An offset from an exterior wall of a minimum of two (2) feet that continues a minimum of four (4) feet.
7. **Architectural Review Board.** The board established by the Declaration for the purpose of reviewing the design of all structures to be constructed in Andover North.
8. **Association.** The Andover North Homeowners' Association or its successors or assigns.
9. **Balcony.** A projecting platform on a building enclosed with a railing or balustrade.
10. **Bay Window.** Projection from a house front, circular, rectangular, segmental, or canted on plan, largely filled with windows.
11. **Block.** A unit or property bounded by streets, alleys, waterways, or other barriers.
12. **Buffer Yard.** A unit of yard, together with the plantings thereon, which serve to physically separate and visually screen existing neighboring properties and development within Andover North without precluding connectivity between uses. Buffer Yards may be mandatory, as between different zoning districts, or voluntary.
13. **Buffering.** The use of landscaping, berms, walls, or decorative fences to at least partially screen views of structures from streets or neighboring properties.

14. **Building Area.** The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, porches without roofs not exceeding one story in height, or architectural appurtenances projecting not more than two feet. Also known as Building Footprint.
15. **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 or sidewalk; (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 and other similar structures shall not be included in calculating height.
16. **Church.** A building used for public worship. Parcel N in Andover North.
17. **Clothesline.** A cord, rope, or wire on which clothes may be hung to dry or air.
18. **Clubhouse.** An Amenity, available for use by all members of the Association and their guests, designed for members to congregate indoors for recreation.
19. **Condominium.** The form of real estate division and sale prescribed by the Condominium Law of the State of Indiana, identified in Indiana Code 32-25-1-1, *et seq.*
20. **Corner Lot.** A lot at the junction of and abutting two or more intersecting streets.
21. **Courtyard-Entry Garage.** A garage whose doors do not face the front of the residence; rather, the doors are located on the side facing inward, so that cars enter past the front entry to access the garage.
22. **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.
23. **Cultured Stone.** A man-made stone product.
24. **Cul-de-sac Street.** A street having one end open and the other permanently terminated by a vehicle turn-around. 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.
25. **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.
26. **Deck.** An open, unroofed porch or platform extending from a residence.
27. **Department.** The Department of Community Development of the Town of Westfield, Indiana.
28. **Design Vocabulary.** A code of architectural style and massing recommendations, building detail guidelines, listing of acceptable materials and colors, and landscape and streetscape details adopted by a Developer and applied

by an Architectural Review Board in considering plans for structures to be constructed in the Real Estate.

29. **Developer.** The Developer shall be Graystone Development, LLC or its successors or assigns.
30. **Director.** The Director of the Town of Westfield's Department of Community Development.
31. **Dormer.** Projecting framed structure set vertically on the rafters of a pitched roof, with its own roof (pitched or flat), sides (dormer checks), and a window set vertically in the front.
32. **DPR Process.** The process of Development Plan Review as specified in Section 16.04.165 of the Zoning Ordinance in force as of the date of filing of this Andover North PUD (attached hereto as Exhibit "11").
33. **Driveway.** A private road which provides access to a lot, or to a use contained on such lot, from a public way (street), private drive, or alley.
34. **Dwelling, Detached Single-Family.** A single-family dwelling which does not share a common wall with any other dwelling and is surrounded on all sides by privately-owned land located on the same lot.
35. **Dwelling, Attached Single-Family.** A single-family dwelling with a private entrance, which is part of a larger structure whose dwelling units are attached to one another.
36. **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.
37. **Elevation.** An exterior facade of a structure, or its head-on view, or representation drawn with no vanishing point, and used primarily for construction.
38. **Exterior Chase Fireplace.** Fireplace on exterior wall of home, with fireplace cavity (chase) protruding from exterior wall.
39. **External Streets.** Shady Nook Road, Moontown Road, 191st Street, and 186th Street.
40. **Façade.** The front of a building or any of its sides facing a public way or space, especially one distinguished by its architectural treatment.
41. **Fiber Cement Siding.** Siding made from portland cement mixed with ground sand, cellulose fiber, and other additives. Siding can resemble stucco, wood clapboards, or cedar shingles, depending on how panels are textured. *See HardiPlank.*
42. **Fire-resistive Rating.** The time that the material or construction will withstand fire exposure as determined by a fire test made in conformity with the standard methods of fire tests of building, construction and materials.
43. **Fire Separation Distance.** The distance from the outermost boundary of the structure to the property line.

44. **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.
45. **Front Setback, Minimum.** The minimum distance from the front facade of a residence to the Frontage Line.
46. **Frontage Line (Front Lot Line).** The property line adjacent to the street or parallel to the sidewalk for homes with Front Load or Courtyard-Entry Garages, or opposite the Alley Line for homes with Rear Entry Garages. 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.
47. **Fypon.** A specific manufacturer of decorative molded millwork.
48. **Gable.** That part of the end wall of a building between the eaves and a pitched or gambrel roof.
49. **HardiPlank, HardiPanel.** Brand names for fiber cement siding manufactured by James Hardie Building Products. *See Fiber Cement Siding.*
50. **Hip roof.** Roof with all sides sloping and meeting at hips.
51. **Internal Streets.** Any Public Street, Private Street, Alley, and/or Shared Drive contained within the Andover North PUD, other than the External Streets.
52. **Interior Lot.** A lot other than a corner lot.
53. **Landscaping Ordinance.** The Landscaping Ordinance of the Town of Westfield, WC 16.06, in force on the date of filing of this Andover North PUD (attached hereto as Exhibit "12").
54. **Lighting Ordinance.** The Lighting Ordinance of the Town of Westfield, WC 16.07, in force on the date of filing of this Andover North PUD (attached hereto as Exhibit "13").
55. **Local Road, Local Street.** Those roads or streets taking traffic from collector streets and distributing the traffic through subdivisions, neighborhoods, and business areas to individual homes, apartments, and business sites.
56. **Lot.** A land area with a properly recorded legal description, accessible by means of a street or alley.
57. **Masonry.** Wall building material, such as brick or stone which is laid up in small units or blocks.
58. **Maximum Lot Coverage.** The maximum amount of any Lot which may be covered by a building or, stated differently, the maximum building "footprint" for any Lot.
59. **Minibarn.** An accessory structure with a floor area of less than 120 square feet which does not rest on a permanent foundation. Minibarns are not permitted in Andover North.
60. **Open Space.** Areas specified for common and/or recreational use, including but not limited to Amenities, parks, plazas, picnic areas, passive recreation areas,

active recreation areas and facilities, sports fields or courts, community gardens, courtyards, parking lot planting areas, rights of way not paved, Public Safety Easements, buffer yards, and landscaping areas.

61. **Ordinance.** This Andover North Planned Unit Development Ordinance, Town of Westfield Ordinance Number 06-12.
62. **Overhang.** The projection of an upper story or roof beyond a story immediately below.
63. **Park.** A commonly-used space supporting facilities designed and used for a variety of active and passive recreational activities, a greater portion of which take place outside of any structure.
64. **Parking Area, Public.** An open area, other than a right-of-way, designed or used for parking three or more motor vehicles
65. **Passive Recreation.** Areas or facilities that provide opportunities for relaxation or enjoyment which do not require physical exertion (i.e., wildlife viewing, photography, nature observation). Passive Recreation areas include, but are not limited to, picnic or barbeque areas, pavilions, vistas or similar areas equipped with benches fronting scenic views, and parks.
66. **Path.** *See Trail.*
67. **Playground.** An area equipped and landscaped for purpose of providing space for overhead (play) elements, sliding (play) elements, play panels, detached play equipment, sandboxes, and the like.
68. **Plinth.** A square or rectangular base for column, pilaster, or door framing.
69. **Pocket Park.** A small open space/recreational venue of a more passive or intimate nature, internal to a product or residence type, and typically used by residents within immediate walking distance of the park.
70. **Porch.** An exterior appendage to a residence.
71. **Private Street, Private Alley.** A right-of-way not dedicated to or accepted by the Town of Westfield for maintenance and repair responsibilities.
72. **Product Type.** A collection of residences adhering to the same development and architectural standards, labeled Parcels K-1 through N on the Concept Plan. Residences of a single Product Type are not necessarily located together.
73. **Projection.** Any solid convex shape that juts out from a residence, including an eave or overhang.
74. **Public Safety Easement.** That portion of the Real Estate that is accessible for use by public safety organizations (including the fire department), including but not limited to, emergency access routes for emergency vehicles and additional building separation to accommodate fire protection personnel and vehicles.
75. **Public Street.** Paved right-of-way designated for use by motor vehicles dedicated to or accepted by the Town of Westfield for maintenance and repair responsibilities.

76. **PUD Enabling Ordinance.** Town of Westfield Ordinance WC 16.04.190 in force on the date of filing of this Andover North PUD (attached hereto as Exhibit "10").
77. **PUD Ordinance.** This Andover North Planned Unit Development Ordinance, Town of Westfield Ordinance Number
78. **Rear Entry Garage.** A garage having doors not visible from the front of the residence. This type of garage is well-suited to corner lots or lots with Alley access.
79. **Recreational Facility.** Active recreational structures such as swimming pools, tennis courts, basketball courts, etc.
80. **Relief.** The elevation or projection of part of a surface.
81. **Right-of-Way.** Legally established property designated for current and future transportation uses.
82. **Roof Pitch.** The slope of a roof, commonly expressed in inches of vertical rise per foot of horizontal run (e.g., 6/12).
83. **Screen.** *See Buffering.*
84. **Shed Roof.** A roof shape having only one sloping plane.
85. **Sign Ordinance.** The Sign Ordinance of the Town of Westfield, WC 16.08, in force on the date of filing of this Andover North PUD (attached hereto as Exhibit "14").
86. **Soffit.** Visible underside of an arch, balcony, beam, corona, cornice, vault, or any exposed architectural element.
87. **Street.** Paved right-of-way designated for use by motor vehicles.
88. **Stucco.** A coarse plaster applied in a plastic state to form a hard covering for exterior walls.
89. **Sun Room.** A room or an enclosed porch with glass or transparent plastic walls or numerous windows, oriented and designed to admit much sunlight.
90. **Town.** The Town of Westfield, Indiana.
91. **Township.** Washington Township, Hamilton County, Indiana.
92. **Trail.** A route on land with protected status and public access for recreation or transportation purposes such as walking, jogging, hiking, bicycling, mountain biking, rollerblading, skateboarding, and backpacking.
93. **Trail Spine.** The main north-south segment of the trail network.
94. **Trail Staging Area.** An area where trail users can congregate, park, and begin or end a trip. Designed and managed for day use, whereas a trailhead usually caters to those embarking on an overnight or long-distance trip.
95. **Transom Window.** A window divided by a horizontal bar of wood or stone.
96. **Veranda.** A covered porch or balcony, extending along the outside of a building.

97. **Water Table.** Inclined surface on a projection, such as a plinth, or a buttress offset.
98. **Yard.** A space on the same lot with a principal building, unoccupied other than by steps, walks, terraces, landscaping, driveways, lamp posts, and similar structures.
99. **Zoning Classification.** A provision of the Zoning Ordinance regulating a particular type of development (e.g., SF-2, LB).
100. **Zoning Ordinance.** The Zoning Ordinance for the Town of Westfield and Washington Township in force at the time of the filing of this Andover North PUD.

EXHIBIT 3

LEGAL DESCRIPTION

Beginning at the northwest corner of the west half of the southeast quarter of Section 29 Township 19 Range 4 East; thence South 89 degrees 34 minutes 00 seconds East (assumed bearing) 1328.25 feet to the northeast corner of said west half of the southeast quarter; thence South 00 degrees 07 minutes 52 seconds West 2663.24 feet to the southeast corner of said west half of the southeast quarter; thence North 89 degrees 28 minutes 38 seconds West 1322.17 feet to the southwest corner of said west half of the southeast quarter; thence North 00 degrees 00 minutes 00 seconds 2661.22 feet to the point of beginning containing 80.99 acres more or less and subject to all easements and right of ways of record.

EXCEPT

Beginning at the Northwest corner of the West Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East; thence South 89 degrees 34 minutes 00 seconds East (Deed), South 89 degrees 33 minutes 34 seconds East (Meas.) (assumed bearing), 552.63 feet, along the North line of the West Half of the Southeast Quarter; thence South 00 degrees 00 minutes 00 seconds West, 261.78 feet, parallel with the West line of the West Half of the Southeast Quarter; thence North 89 degrees 34 minutes 00 seconds West, 552.63 feet, parallel with the North line of the West half of the Southeast Quarter; thence North 00 degrees 00 minutes 00 seconds East, 261.78 feet, along the West line of the West Half of the Southeast Quarter, to the POINT OF BEGINNING, containing 3.321 Acres, more or less.

PLUS

Legal Description: The East One Half (1/2) of the Southeast Quarter of Section 29, Township 19 North, Range 4 East, in Washington Township, Hamilton County, Indiana.

Except: A part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows: Beginning at the Northwest Corner of the Northeast Quarter of the Southeast Quarter of Section 29, Township 19 North, Range 4 East; thence East on and along the North line of said Northeast Quarter 169.1 feet; thence South parallel with the West line of said Northeast Quarter 644 feet; thence West parallel with the said North line of the Northeast Quarter 169.1 feet to the West line thereof; thence North on and along aforesaid West line to the Place of Beginning.

Except: Part of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows: Beginning 1278.8 feet South of the Northeast Corner of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East, and on the East line thereof; thence South on and along aforesaid East line 230 feet; thence deflecting 90 degrees 24 minutes in a Westerly direction 330 feet; thence deflecting 89 degrees 36 minutes to the right in a Northerly direction 230 feet; thence deflecting 90 degrees 24 minutes to the right in an Easterly direction 330 feet to the Place of Beginning.

Except that part conveyed by a Warranty Deed recorded June 9, 1992 as Instrument No. 92-1085, more particularly described as follows: A part of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, described as follows: Beginning at a PK Nail on the East line of said Half-Quarter Section being South 0 degrees 15 minutes 12 seconds West (assumed bearing) 950.34 feet from the Northeast Corner of said Half-Quarter Section; thence South 0 degrees 15 minutes 12 seconds West along said East line 328.46 feet to a PK Nail; thence North 89 degrees 20 minutes 48 seconds West 397.86 feet to a 5/8 inch iron pin; thence North 0 degrees 15 minutes 12 seconds East 328.46 feet to a 5/8 inch iron pin; thence South 89 degrees 20 minutes 48 seconds East 397.86 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded April 28, 1992 as Instrument No. 92-15725, more particularly described as follows: Part of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East, in Hamilton County, Indiana, described as follows: Beginning at a PK Nail on the East line of said Half-Quarter Section being South 0 degrees 15 minutes 12 seconds West (assumed bearing) 350.17 feet from the Northeast Corner of said Half-Quarter Section; thence South 0 degrees 15 minutes 12 seconds West along said East line 350.17 feet to a PK Nail; thence North 89 degrees 33 minutes 38 seconds West 373.19 feet to an iron pin (5/8 inch rebar with a red plastic cap); thence North 0 degrees 15 minutes 12 seconds East 350.17 feet to an iron pin; thence South 89 degrees 33 minutes 48 seconds East 373.19 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded April 15, 1993 as Instrument No. 93-15127, more particularly described as follows: Part of the Southeast Quarter of Section 29, Township 19 North, Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, described as follows: Beginning at a PK Nail on the North line of said Quarter Section being North 89 degrees 33 minutes 48 seconds West (assumed bearing) 623.19 feet from the Northeast Corner of said Quarter Section; thence South 0 degrees 15 minutes 12 seconds West 700.34 feet to a 5/8 inch rebar with a yellow cap; thence North 89 degrees 33 minutes 48 seconds West 250.00 feet to a 5/8 inch rebar with yellow cap; thence North 0 degrees 15 minutes 12 seconds East 700.34 feet to a PK Nail on said North line; thence South 89 degrees 33 minutes 48 seconds East 250.00 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded August 17, 1993 as Instrument No. 93-39409, more particularly described as follows: Part of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East, in Hamilton County, Indiana, described as follows: Beginning at a railroad spike marking the Northeast Corner of said Half-Quarter Section; thence South 0 degrees 15 minutes 12 seconds West (assumed bearing) along the East line of said Half-Quarter Section 350.17 feet to a PK Nail; thence North 89 degrees 33 minutes 48 seconds West 373.19 feet to a 5/8 inch rebar with red plastic cap; thence North 0 degrees 15 minutes 12 seconds East 350.17 feet to a PK Nail on the North line of said Half-Quarter Section; thence South 89 degrees 33 minutes 48 seconds East 373.19 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded January 6, 1994 as Instrument No. 94-967, more particularly described as follows: Part of the Southeast Quarter of Section 29, Township 19 North, Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, described as follows: Beginning at a PK nail on the North line of said Quarter Section being North 89 degrees 33 minutes 48 seconds West (assumed bearing) 373.19 feet from the Northeast Corner of said Quarter Section; thence South 00 degrees 15 minutes 12 seconds West 700.34 feet to a 5/8 inch rebar with red cap; thence North 89 degrees 33 minutes 48 seconds West 250.00 feet to a 5/8 inch rebar with yellow cap; thence North 00 degrees 15 minutes 12 seconds East 700.34 feet to a PK Nail on said North line; thence South 89 degrees 33 minutes 48 seconds East 250.00 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded April 7, 1995 as Instrument No. 95-11147, more particularly described as follows: Part of the East Half of the Southeast Quarter of Section 29, Township 19 North, Range 4 East, in Hamilton County, Indiana, described as follows: Beginning at a point on the East line of said Half-Quarter Section being South 0 degrees 15 minutes 12 seconds West 700.34 feet from the Northeast Corner of said Half-Quarter Section; thence South 0 degrees 15 minutes 12 seconds West along said East line 250.00 feet; thence North 89 degrees 20 minutes 48 seconds West 397.86 feet; thence South 0 degrees 15 minutes 12 seconds West 328.46 feet; thence North 89 degrees 33 minutes 48 seconds West 475.34 feet; thence North 0 degrees 15 minutes 12 seconds East 576.96 feet to a 5/8 inch rebar with yellow cap; thence South 89 degrees 33 minutes 48 seconds East 873.19 feet to the Point of Beginning.

Except that part conveyed by a Warranty Deed recorded June 29, 1995 as Instrument No. 95-41057, more particularly described as follows: Part of the East half of the Southeast Quarter of Section 29, Township 19 North Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, described as follows: Beginning at a PK Nail on the North line of said Quarter Section being North 89 degrees 33 minutes 48 seconds West (assumed bearing) 873.19 feet from the Northeast Corner of said Quarter Section; thence South 0 degrees 15 minutes 12 seconds West 1277.30 feet; thence North 89 degrees 33 minutes 48 seconds West 452.01 feet to the West line of said Half-Quarter Section; thence North 0 degrees 07 minutes 36 seconds East along said West line 633.31 feet to a point being 644.00 feet South of the Northwest Corner of said Half-Quarter Section; thence South 89 degrees 33 minutes 48 seconds East parallel with said North line 169.10 feet; thence North 0 degrees 07 minutes 36 seconds East parallel with said West line 644.00 feet to said North line; thence South 89 degrees 33 minutes 48 seconds East 285.74 feet to the Point of Beginning.

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

EXHIBIT 4

**UNDERLYING SF-2 RESIDENTIAL STANDARDS
(WC § 16.04.030)**

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
 - 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 like nature are permitted in any required front, side or rear yard, 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 front building setback 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 35 feet, provided that both side yards are increased an additional foot for each foot such building exceeds 25 feet in height.

B. 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
DEVELOPMENT STANDARDS MATRIX

Product Type	Land Use	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 ^{2,7} (ft.)
K-1	Single-family detached	SF-2	N/A	N/A	N/A	1800 single story; 2000 multi-story (800 ground floor) ⁶	80	130	15,000 ⁶	35	25	25	7.5	15	35
K-2	Single-family detached	SF-2	N/A	N/A	N/A	1600 single story; 1800 multi-story (800 ground floor) ³	80	130	10,400	35	25	25	7.5	15	35
L	Single-family detached	SF-2	N/A	105	N/A	1400 single story; 1600 multi-story (800 ground floor) ⁴	50	130	6,500	N/A	N/A	N/A	N/A	12 ⁶	35
M	Single-family attached (For Sale)	SF-2	N/A	100	N/A	1200 single story; 1400 multi-story ⁵	N/A	N/A	N/A	N/A	20	20	7.5	30	40 ^{6,9}
N	Church	SF-2	25	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50
Total			117	240 ⁸	2.05										

1. Lot Width shall refer to minimum lot width at building line.
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. Up to 15% of the residences may be below these amounts; however, those residences must be at least 1400 square feet for a single-story residence or 1600 square feet for a 2-story residence; provided, however that any such residence must contain an additional Architectural Design Feature from either Table 1 or Table 2 in Exhibit 7.
4. Up to 15% of the residences may be below these amounts; however, those residences must be at least 1200 square feet for a single-story residence or 1400 square feet for a 2-story residence; provided, however that any such residence must contain an additional Architectural Design Feature from either Table 1 or Table 2 in Exhibit 7.
5. Up to 15% of the residences may be below these amounts; however, those residences must be at least 1000 square feet for a single-story residence or 1200 square feet for a 2-story residence; provided, however that any such residence must contain an additional Architectural Design Feature from either Table 1 or Table 2 in Exhibit 7.
6. This standard may not be reduced by the provisions of Section 7 of the Ordinance.
7. Maximum building height for the Clubhouse shall be thirty-five (35) feet.
8. Notwithstanding the sum of the "Dwelling Units (Max.);" column equaling 205, the total number of dwelling units in Andover North shall not exceed 240.
9. Buildings of Product Type M that are less than thirty-five (35) feet may have a building separation of twenty-five (25) feet.

EXHIBIT 6

STREET SCAPE STANDARDS

The following Street Scape Standards shall apply to all residences in this Andover North 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 Product Type 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 Homeowners' Association. All street lights shall comply with the Lighting Ordinance.
4. Street Number: The number of the street address of each single-family attached and detached dwelling shall be placed on both the single-family dwelling and the mailbox for that single-family dwelling. All such numbering shall be of uniform design, coloring, and numbering as designated by the Developer. The number attached to the single-family dwelling shall be etched in stone, concrete, or decorative plate.
5. 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 Homeowners' Association if the sign exists in a common area.
6. 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.
7. Gas Lights. Gas lights may be used without shielding.

8. Mini-Barns. Mini-barns are prohibited.
9. Clothes Lines. Clothes lines are prohibited.
10. Satellite Dishes. Satellite dishes shall not exceed thirty (30) inches in diameter and shall meet FCC Standards.
11. Fences.
 - A. All chain link fences shall be vinyl-coated and limited to forty-two (42) inches in height and are prohibited in front yards.
 - B. Stockade fences are prohibited.
 - C. All fences shall be set back a minimum of fourteen (14) feet from the front of the residence. In the event of side-by-side residences with varying front setbacks, the fence shall be set back a minimum of fourteen (14) feet from the front of the residence having its front furthest from the street.
 - D. In Product Type L, all fences on side property lines must be at least five (5) feet from each residence.
 - E. All fences shall be subject to review and approval by the Architectural Review Board of the Homeowners' Association.
12. Overhangs. All residences shall have a minimum eight (8) inch overhang, except to the extent that such overhang would violate the "Fire-Resistive Rating" provisions of Exhibit 7.
13. Roof Pitch. All residences shall have a minimum roof pitch of 6/12.

**EXHIBIT 7
ARCHITECTURAL STANDARDS**

ARCHITECTURAL STANDARD	PARCELS K-1	PARCEL K-2	PARCEL L	PARCEL M
Description	Single-family detached	Single-family detached	Single-family detached	Single-family attached
Underlying Zoning Classification	SF-2	SF-2	SF-2	SF-2
Lot Width	80'	80'	50'	N/A
Building Material	<ul style="list-style-type: none"> Aluminum siding shall be prohibited. All residences shall have at least 75% of each facade (exclusive of windows, doors, garage doors, and gable ends) covered by one or more of the following surfaces: <ul style="list-style-type: none"> EIFS; Synthetic stucco; Cultured stone; Wood; Concrete fiber (HardiPlank or similar); Brick; Stone; and Other masonry product. All vinyl siding shall have a minimum .044 thickness. 	<ul style="list-style-type: none"> Aluminum siding shall be prohibited. All residences shall have at least 35% of each facade (exclusive of windows, doors, garage doors, and gable ends) covered by one or more of the following surfaces: <ul style="list-style-type: none"> EIFS; Synthetic stucco; Cultured stone; Wood; Concrete fiber (HardiPlank or similar); Brick; Stone; and Other masonry product. All vinyl siding shall have a minimum .044 thickness. 	<ul style="list-style-type: none"> Aluminum siding shall be prohibited. Vinyl siding shall be prohibited on sides of homes facing Public Streets. 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: <ul style="list-style-type: none"> EIFS; Synthetic stucco; Cultured stone; Wood; Concrete fiber (HardiPlank or similar); Brick; Stone; and Other masonry product. All vinyl siding shall have a minimum .044 thickness. 	<ul style="list-style-type: none"> Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. Permitted exterior surfaces shall include: <ul style="list-style-type: none"> EIFS; Synthetic stucco; Cultured stone; Wood; Concrete fiber (HardiPlank or similar); Brick; Stone; and Other masonry product.
Garage Entry	Front Load Garages shall be permitted.	Front Load Garages shall be permitted.	Rear Entry Garages shall be permitted.	Garage doors shall not face a Public Street.
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.	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.	
2-Story Homes	At least eighteen (18) of the residences shall be 2-story homes.	At least thirty (30) of the residences shall be 2-story homes.		
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.			

EXHIBIT 7
ARCHITECTURAL STANDARDS

ARCHITECTURAL STANDARD	PARCELS K-1	PARCEL K-2	PARCEL L	PARCEL M
Lots Adjacent to External Streets	All homes whose sides face an External Street shall (i) have at least one (1) item from Table 1 or Table 2, or (ii) utilize multiple textures or multiple architectural elements on the side of the home facing the External Street. Alternatively, the home may employ enhanced landscaping, mounding and/or fencing in order to create a visual barrier. In addition, all homes whose side face Moontown Road shall treat the side facing Moontown Road as if it were the front facade.			
Fire-resistive Rating	Exterior walls with a fire separation distance less than ten (10) feet shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend to a point closer than two (2) feet from the line used to determine the fire separation distance. Exception: Detached garages accessory to a dwelling located within two (2) feet of a lot line shall be permitted to have roof eave projections not exceeding four (4) inches. Projections extending into the fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.			
Architectural Design Features	All residences shall include at least two (2) of the items in Table 1 and an additional three (3) items from either Table 1 or Table 2.	All residences shall include at least two (2) of the items in Table 1 and an additional three (3) items from either Table 1 or Table 2.	All residences shall include at least one (1) of the items in Table 1 and an additional two (2) items from either Table 1 or Table 2.	All residences shall include at least one (1) of the items in Table 1 and an additional two (2) items from either Table 1 or Table 2.

EXHIBIT 7
ARCHITECTURAL STANDARDS

Table 1 – 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;
12. 100% of the front facade covered by brick.
13. Courtyard-entry, side entry or rear-entry garage.

Table 2 – 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., Fypon above windows);
7. Decorative shutters or other enhanced architectural window treatment on all windows.

EXHIBIT 8

DEVELOPMENT STANDARDS FOR ROADS, DRIVES AND ALLEYS

The following Development Standards - Roads shall apply to this Andover North PUD and shall supersede the Subdivision Control Ordinance:

1. Street Standards. Streets may be either public or private. Alleys shall be private.
2. Alley Lots. Lots in Product Type L may contain rear alleys. All alleys shall be located on property to be owned and maintained by the Association. For lots containing rear alleys, the Minimum Lot Depth standard in Exhibit 5 shall be reduced by ½ of the width of the alley. The width of alleys shall be agreed to by the Developer and the Director of Westfield Public Works.
3. Cul-De-Sacs. In Developer's discretion, shared drives may stub and need not conclude in a cul-de-sac. Private Streets or Public Streets shall conclude in a cul-de-sac. There shall be no limitation on the length of a cul-de-sac Street; provided, however, that if the length of a cul-de-sac street exceeds seven hundred fifty feet (750'), there shall be installed along such street a turn-around of dimensions, configuration and location acceptable to the Director and the Director of Westfield Public Works.
4. Curbing. Curbing shall not be required for Private Streets, Shared Drives, or parking lots.
5. Entrances, Curb Cuts, and Road Cuts. Two (2) road cuts shall be permitted off of 186th Street, one (1) road cut shall be permitted off of Moontown Road, two (2) road cuts shall be permitted off of Shady Nook Road, and one (1) road cut shall be permitted off of 191st Street. Road cuts from Public Streets internal to the development shall be determined during the DPR process. Road cuts from Private Streets shall be determined by the Developer in the Developer's sole discretion.
6. Frontage. Homes adjacent to Private Streets need not have frontage on a public right-of-way.
7. Private Streets. Private streets shall be a minimum of 24' in width and need not be curbed. Private Streets shall (i) be maintained by the Association in accordance with provisions for such maintenance set forth in the Declaration, and (ii) be permitted in number and location as determined by the Developer in the Developer's sole discretion. Private Streets shall be constructed to depth and material standards set forth by the Town of Westfield. The Association shall maintain a reasonable reserve for maintenance, repair and replacement of Private Streets. Private Streets shall not be dedicated for public use and shall not be accepted for maintenance by the Town of Westfield, unless complying with Town Standards.

8. Public Streets. All Public Streets are to be dedicated for public use and accepted for maintenance by the Town of Westfield and shall be constructed to the standards of the Town of Westfield for depth and materials, except as otherwise provided in the Andover North PUD. The width of Public Streets, from back of curb to back of curb, shall be a minimum of twenty-four feet (24'), with the exception of the main roadway connecting Shady Nook Road and Moontown Road, which shall be 31' in width.
9. Shared Drive Width. A Shared Drive is a drive, extending from a Private Street, intended for pedestrian and motor vehicle use only by the Owners of residential lots having frontage on the Shared Drive. Shared Drives shall be private, need not be curbed and shall be twenty-four feet (24') in width. Shared Drives shall be permitted in a number and location as determined by the Developer in the Developer's sole discretion.
10. Sidewalks. Sidewalks shall not be required on Private Streets or Shared Drives. Sidewalks shall be developed to Town standards and shall be installed within all segments of Public Streets, abutting residences, on the side of the street on which residences are located. Within those segments of Public Streets in which there are houses on neither side, the Developer shall install a sidewalk on either side but need not install a sidewalk on both sides. Developer may substitute trails for sidewalks.
11. Horizontal Curve Radius. A minimum horizontal curve radius of three hundred feet (300') shall be required for the main roadway connecting Shady Nook Road and Moontown Road. All other roadways shall have a minimum horizontal curve radius of fifty feet (50').
12. Passing Blisters & Acceleration/Deceleration Lanes. Passing blisters shall be required for all entrances onto Moontown Road and 191st Street, but shall not be required for entrances onto Shady Nook Road or 186th Street. All entrances shall have appropriate acceleration/deceleration lanes.
13. Driveway Separation. No driveway shall be located within fifty feet (50') of the intersection of two (2) streets.
14. Parking. Public Parking Areas shall be provided in Product Type L and Product Type M in order to (1) discourage public parking along streets and alleys and (2) provide parking for guests of residents.

EXHIBIT 9

DEVELOPMENT PHASING

Product Type	Development Schedule
K-1	2006-2010
K-2	2006-2010
L	2006-2010
M	2006-2010

Product Type K-1 and Product Type K-2 shall be started before 25% of Product Type L is completed.

AMENITY PHASING

Amenity	Schedule
Playground	Begin upon completion of 50 units
Tot Lot	Begin upon completion of 50 units
Park	Begin upon completion of 25 units
Trail Spine	Begin simultaneous with first phase of construction
Individual Trail Segments	Simultaneous with construction of lots in same phase as trail segment
Trail Staging Area	Begin upon completion of 75% of trail segments
Basketball Court	Begin upon completion of 75 units
Picnic Area	Begin upon completion of 50 units
Clubhouse	Begin upon completion of 90 units
Soccer Field	Within one (1) growing season of completion of the first phase of church construction
Softball Diamond	Within one (1) growing season of completion of the first phase of church construction
Vista	Begin upon completion of 75 units
Pocket Park (6 each)	Simultaneous with construction of lots in same phase as pocket park

All amenities shall be completed within six (6) months of start.

EXHIBIT 10

WC 16.04.190 Planned Unit Development District

A. Purpose

The purpose of the planned unit development district is to provide the opportunity to design and construct a single project comprised of a mixture of land uses, zoning classifications, residential densities and nonresidential intensities under a single overlay zone and plan and under a single ownership or control. To these purposes, the planned unit development seeks:

- a) to encourage flexibility in the development of land in order to promote its most appropriate use;
- b) to improve the design, character and quality of new developments;
- c) to encourage a harmonious and appropriate mixture of uses;
- d) to facilitate the adequate and economic provision of streets, utilities and municipal services;
- e) to preserve the natural environmental and scenic features of the site;
- f) to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and
- g) to mitigate the problems which may be presented by specific site conditions.

The Town shall discourage the use of the planned unit development district as a means of circumventing the rezoning/subdivision process or to avoid the standards and requirements of this ordinance or the Subdivision Control Ordinance. The planned unit development district shall further be discouraged as a means to guarantee density/intensity increases over those permitted in the non-planned unit development district (i.e., SF 2/PUD versus SF 2).

B. Definition

A Planned Unit Development (PUD) is a zoning opportunity for an area under single ownership or control which is developed in conformance with an approved plan, consisting of:

- a) a map showing the development area and all improvements to the development area as outlined in this ordinance;
- b) text which sets forth the uses and the development standards to be met; and
- c) exhibits setting forth any aspects of the development plan not fully described in the map and text.

The land uses and development standards expressed in the approved plan shall constitute the land use and development regulations for the PUD site in lieu of the regulations for the non-planned unit development district, except as otherwise provided herein.

C. General Development Requirements for All Planned Unit Developments

1. It is anticipated that Planned Unit Developments will generally offer the following advantages:
 - a) Address the policies included in the Comprehensive Plan specific to the neighborhood in which the PUD is to be located so as to encourage consistency with the community development vision as presented in the Comprehensive Plan;
 - b) Use design to provide compatibility between areas of different land uses and development intensities within the PUD;
 - c) Buffer different types of land uses and development intensities outside of the PUD from those within the PUD so as to minimize any adverse impact which new development may have on existing or zoned development;
 - d) Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
 - e) Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area;
 - f) Promote architecture that complements the surroundings; and
 - g) Counteract urban monotony and congestion on streets.
2. The area designated in the PUD map must be a tract of land under single ownership or control. Single control of property under multiple ownerships may be accomplished through the use of enforceable commitments.

3. The concept plan shall indicate the land uses, development standards, and other applicable specifications which shall govern the development of the PUD site in lieu of the regulations for the non-planned unit development district. If the concept plan is silent on a particular land use, development standard, or other applicable specification, then the standards of the non-planned unit development district or the applicable regulations shall apply.
4. The PUD concept plan map shall show the general location of all improvements.
5. The PUD must comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Zoning Ordinance, other pertinent regulations, and adopted standards and policies, except where modification is specifically authorized through the provisions of this Section of the Ordinance.
6. The PUD must include a statement of recreational amenities and how they benefit the PUD residents. The PUD must also designate and convey active and/or passive recreational areas in accordance with the following:
 - a. In the case of mixed uses, recreational amenities shall be allocated to the property in proportion to the uses assigned to the PUD and shall be located within reasonable walking distance to those uses. Provided, however, the recreational amenities need not be located in proximity to the use in the case of preservation of existing features.
 - b. If the Concept Plan provides for the PUD to be constructed in stages, recreational amenities must be provided for each stage of the PUD in proportion to that stage, unless otherwise indicated and approved through concept plan approval.
 - c. Conveyance. Recreational amenities shall be conveyed in one of the following forms:
 - i. To a municipal or public corporation; or
 - ii. To a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the PUD. All conveyances hereunder shall be structured to insure that the grantee has the obligation and the right to effect maintenance and improvement of the recreational amenities and that such duty of maintenance and improvement is enforced by the owners and tenants of the PUD; or
 - iii. To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the recreational amenities and its maintenance and improvement, running with the land for the benefit of residents of the PUD or adjoining property owners or the general community, or any combination of these.

D. Procedure for Approval of Planned Unit Development

1. Introduction. Applications shall be accompanied by all plans and documents required by Section E. A two (2) step application process shall be used, as follows:
 - a. Pre-Filing Conference; and
 - b. Concept Plan Approval.
2. Pre-Filing Conference. Prior to filing a formal application for approval of a PUD, the applicant shall schedule a pre-filing conference with the Community Development Department staff. The purpose of the pre-filing conference shall be to:
 - a. Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted Town policies; and
 - b. Allow the Community Development Department staff to inform the applicant of applicable policies, standards and procedures for the PUD. The pre-filing conference is intended only for the above purposes. Neither the developer nor the jurisdiction is bound by any suggestion or recommendation or statement made during a pre-filing conference.
3. Procedure for PUD District Ordinance and Concept Plan Approval:
 - a. A PUD District Ordinance application shall include a Concept Plan and shall be submitted to the Community Development Department Staff. The Concept Plan shall specify all land uses and applicable development regulations of the PUD in

- general terms. After determining the application to be complete, Staff shall undertake a review of the submitted information.
- b. The initial staff review and the application shall be submitted for Land Use Committee consideration in advance of the Plan Commission consideration of the application.
 - c. The application and such other documents as may be pertinent to the PUD along with a staff report (including comments from the Land Use Committee) shall then be forwarded to the Plan Commission for its consideration.
 - d. The Plan Commission shall hold a public hearing in accordance with ICS-3-1.
 - e. Upon completion of its review, the Plan Commission shall certify the application to the Westfield Town Council with a recommendation for approval, or a recommendation for approval with conditions or commitments, or a recommendation for disapproval, or no recommendation. The Council may then exercise all the authority provided by IC 36-7-4-1512.
 - f. The Westfield Town Council shall vote on the proposal within 90 days after the Plan Commission certifies the proposal. The Council may adopt or reject the proposal: If the Plan Commission has given the proposal a favorable recommendation and the Council fails to act on the proposal within 90 days, the Ordinance takes effect as if it had been adopted as certified 90 days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Council fail to act on the proposal within 90 days, the proposal is defeated.
4. Effect of Approvals of PUD District Ordinance and Concept Plan:
- a. When a PUD District Ordinance and Concept Plan for a PUD have been approved by the Westfield Town Council, the Concept Plan shall become effective, shall be recorded in the Hamilton County Recorder's Office and the Zoning Map shall be amended to designate the site as a PUD.
 - b. Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD District Ordinance and Concept Plan, subject to a secondary review conducted in accordance with the requirements of the Development Plan approval process and any other regulatory processes which may be required.
 - c. No permit of any kind shall be issued until the secondary review by Development Plan has been approved and any other regulatory processes which may be required have been completed.
5. Secondary Review by Development Plan:
- a. Development Plan Review, as provided for in WC 16.04.165, shall be required as the secondary review for all PUDs. In addition to those requirements, the Development Plan shall include a designation of the specific internal use or range of uses to which each building shall be put.
 - b. Where a Development Plan covers an entire PUD site, the Development Plan shall be submitted for approval not more than 18 months following Westfield Town Council's approval of the Concept Plan. The Plan Commission may extend the time for application for approval of Development Plan for good cause, consistent with the purposes of this Ordinance.
 - c. Development Plans may be submitted and approved in phases, with each phase representing a portion of the Concept Plan, if phasing and the time limit for submitting each phase for approval was approved as a part of the Concept Plan approval. The timing for submitting phases shall be as set forth in the Concept Plan rather than the established time period for single-phase Development Plans mentioned in the above paragraph. The Plan Commission may extend the time for application for approval of Development Plan for good cause, consistent with the purposes of this Ordinance.
 - d. Periodically, the Community Development Department staff shall report to the Plan Commission on PUDs whose time limit have expired. The applicants shall also be notified. The Plan Commission shall determine whether to consider extending the time or to initiate action to amend the Zoning Map so as to

rescind the PUD designation and Concept Plan approval and return the property to the previous zoning district or another zoning district that is consistent with Comprehensive Plan policies.

- e. The Development Plan shall conform to the approved Concept Plan which has been presented in accordance with the requirements listed below and approved by the Westfield Town Council.
- f. No permit of any kind shall be issued for any purpose within a PUD except in accordance with the approved Development Plan, and after acceptance by the Town of Westfield of all required guarantees for improvements pursuant to Section E., 3.

E. Specific Development Requirements for all Planned Unit Developments

PUD plans and supporting data shall include all documentation listed in this section of the Zoning Ordinance unless certain documentation is deemed superfluous by the Community Development Department staff due to the specific circumstances of the particular request.

- 1. Concept Plan Pre-Filing Conference Requirements
 - a. A written letter of intent describing the development intentions for the site.
 - b. A scaled drawing of the site and its environs, in simple concept form, showing the proposed location and extent of land uses, major streets, and the approximate location of existing easements, natural features, and topographic or geologic constraints.
- 2. Concept Plan Requirements
 - a. A drawing of the PUD shall be prepared at a scale not less 1" = 100', or as considered appropriated by Community Development Department staff, and shall show, in general terms, the concept proposed for: major circulation; generalized location and dimensions of buildings, structures, and parking areas; open space areas; recreation facilities; and other details to indicate the character of the proposed development. The submitted drawing(s) shall include:
 - 1. A site location map showing the project location and other development projects in the vicinity.
 - 2. The name of the development, with the words "Concept Plan".
 - 3. Boundary lines and acreage of each land use component.
 - 4. Existing easements, including location, width and purpose.
 - 5. Existing land use on abutting properties.
 - 6. Other conditions on the site and adjoining land: topography (at 10-foot contours) including any embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision.
 - 7. Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, pathways and bridges and other drainage structures.
 - 8. Proposed public improvements: collector and arterial streets and other major improvements planned by the public for future construction on or adjacent to the tract.
 - 9. Existing utilities on the tract.
 - 10. Any land on the tract within the floodplain as depicted on the Flood Insurance Rate Maps dated March 11, 1983, and as subsequently amended.
 - 11. Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, existing structures and other significant features such as significant isolated trees.
 - 12. Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.
 - 13. Map data such as north-point, graphic scale and date of preparation.
- a) The Community Development Department staff shall inform the applicant of any additional documents or data requirements after the pre-filing conference.

- b) A Written Statement of Character of the PUD shall provide an explanation of the character of the PUD and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement shall include:
1. A specific explanation of how the proposed PUD meets the objectives of all adopted land use policies which affect the land in question.
 2. A statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
 3. Development scheduling indicating:
 - a. Phases in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each phase. Each phase shall be described and mapped.
 - b. Projected dates for beginning and completion of each phase.
 4. General details of the proposed uses:
 - a. Residential Uses: gross area, architectural concepts (narrative, sketch, or representative photo), number of units for each residential component;
 - b. Nonresidential Uses: specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.
 5. Preliminary concepts and reports for the following facilities:
 - a. Streets
 - b. Street lighting
 - c. Sidewalks and pathways
 - d. Sanitary sewers
 - e. Water supply system
 - f. Other utilities
 - g. Storm water management
 - h. Schools
- d) A Traffic Impact Study (when a proposed development meets or exceeds the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) 150 or more dwelling units; (ii) 15,000 square feet or more of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more square feet of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or, (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction).
- e) A brief report of a neighborhood meeting to which the petitioner invited owners of property within 500 feet of the boundaries of the development to discuss the proposal. The report shall summarize the results of the meeting.

F. Review Considerations

1. In their consideration of a PUD District Ordinance and Concept Plan, the Community Development Department staff in its report to the Plan Commission, the Plan Commission in its recommendation, and the Westfield Town Council in its decision, shall consider as many of the following as may be relevant to the specific proposal:
 - a. The extent to which the PUD District Ordinance and Concept Plan meets the purposes of this Planned Unit Development District, the Comprehensive Plan, and any other adopted planning policies, objectives or regulations of the jurisdiction.
 - b. The extent to which the proposed PUD District Ordinance and Concept Plan meets the requirements, standards, and stated purpose of this Planned Unit Development District.
 - c. The extent to which the proposed PUD District Ordinance and Concept Plan departs from the zoning and other regulations that are otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.

- d. The proposal will not be injurious to the public health, safety, and general welfare.
- e. The physical design proposed by the PUD District Ordinance and Concept Plan and the extent to which it makes adequate provision for:
 - a. public services;
 - b. adequate control over vehicular traffic;
 - c. protection of designated permanent open space; and
 - d. furthering the amenities of light, air, recreation and visual appeal.
- f. The relationship and compatibility of the proposed PUD District Ordinance and Concept Plan to the adjacent properties and neighborhood.
- g. The desirability of the proposed PUD District Ordinance and Concept Plan in relation to the Town's physical development, tax base and economic well-being.
- h. The development proposed by the PUD District Ordinance and Concept Plan will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services or improvements that are proposed by the developer as a part of the project approval.
- i. The development proposed by the PUD District Ordinance and Concept Plan preserves significant ecological, natural, historical, and architectural resources to the extent possible.

G. Guarantee of Performance for Completion of Improvements A bond or other guarantee acceptable to the Town of Westfield shall be provided for all required public improvements and shall be executed prior to the time of improvement location permit issuance for single site developments or prior to subdivision plat recording, which ever applies. Improvements that shall be guaranteed include facilities which shall become public, and may include other facilities or improvements as may be specified in the Concept or Development Plan approval. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements, and shall be in an amount of 110 percent of the estimated cost of the improvements.

H. Changes in the Planned Unit Development

- 1. Changes that shall require a new Concept Plan approval include changes which alter the concept or intent of the PUD including but not limited to:
 - a) Increases in density or intensity;
 - b) Changes in the proportion or allocation of land uses;
 - c) Changes in the list of approved uses;
 - d) Changes in the locations of uses;
 - e) Changes in functional uses of open space, where such change constitutes an intensification of use of the open space; and/or
 - f) Changes in the final governing agreements where such changes conflict with the Concept Plan approval.

I. Procedure for Making Changes to an Approved Planned Unit Development

The procedure for making changes to an approved PUD shall be the same as the procedure for an initial PUD approval as outlined in WC 16.04.190 D, E and F.

J. Sunset

- 1. **Timeline for Obtaining Approvals:** Within 18 months from the date of the approval of the PUD District Ordinance and Concept Plan by the Council, application for Development Plan approval, in total or in phases, shall be submitted for review. The Plan Commission or Director, as provided by WC 16.04.165 B, shall review the Development Plan for consistency with the approved PUD District Ordinance and Concept Plan. If a Development Plan is filed for in phases, each subsequent phase shall be filed for within 18 months of the approval of the prior phase.
- 2. **Expiration of PUD District Ordinance and Concept Plan.** In the event that Development Plan approval is not obtained for all or a portion of the PUD within the time frames outlined in 1. above, the PUD District Ordinance and Concept Plan shall be deemed to have

expired for that portion of the PUD that has not received Development Plan approval, except for the location and density of the proposed land uses depicted on such PUD District Ordinance and Concept Plan. Once a PUD District Ordinance and Concept Plan have expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until:

- a) a new PUD District Ordinance and Concept Plan are approved as set forth in WC 16.04.165 D, E and F; and
 - b) a Development Plan approval as required by this section has been obtained.
3. Extensions of Time. Extensions of time, in six (6) month increments not to exceed a total of 18 months, for obtaining Development Plan approval may be granted by the Director if requested in writing on or before the 18 month anniversary of approval of the PUD District Ordinance and Concept Plan and for good cause shown. In the event that the Director disallows a requested extension, the developer may appeal said determination regarding an extension of time to the Board of Zoning Appeals (as per IC 36-7-4-918.1) within 30 days of being notified of such determination.

WC 16.04.200 Establishment of Controls

No plat of a subdivision of land located within the jurisdiction of the Westfield-Washington Township Plan Commission shall be recorded until it shall have been approved by the commission, and such approval shall have been approved by the Commission, and such approval shall have been entered in writing on the plan by the president and secretary of the Commission.

EXHIBIT 11

WC § 16.04.165 Development Plan Review

Any Single Family Subdivision Development in a Residential District (AG-SF1, AG-SF-I, SF1, SF-A, SF2, SF3, SF4, SF5).

- a. Site Access and Site Circulation:
 1. All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
 2. All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
 3. Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the subdivision. Subdivisions shall be provided with internal sidewalks or pathways along all internal streets as well as sidewalks or pathways along perimeter streets. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network. Where site access has been officially approved by an agency other than the Town of Westfield, the Westfield - Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.
- b. Landscaping - See WC 16.06 et seq.
- c. Lighting - See WC 16.07 et seq.
- d. Signs - See WC 16.08 et seq.
- e. Building Orientation.

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

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

1. Development of single family subdivisions in which single family lots are so laid out that dwellings are located with the front of the dwelling oriented toward the perimeter street of the subdivision. This design objective may be accomplished through the utilization of frontage road in those instances where the classification of the perimeter street would prohibit individual lots from gaining direct access to the perimeter street; or,
2. Single family dwellings located on lots adjacent to a perimeter street of a subdivision and located so as to have a rear or side façade oriented to said perimeter street shall utilize multiple textures (e.g., rough, smooth, striated, etc.) or multiple architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each façade visible from the perimeter street; and, ...

At least two (2) of the following three (3) design objectives:

1. Development of single family subdivisions in which the front façade of an attached or detached front load garages are stepped back from the front building line by at least one-half of the depth of the single family dwelling on the lot;
2. Development of single family subdivisions in which the building setback line varies within each block face to eliminate monotonous building placement; or,
3. Development of single-family subdivisions in which no two single-family dwellings may be located on side to side adjacent lots with the same combination or proportion of roofing or siding materials on each façade visible from a public street. This design objective may be accomplished through the use of different combinations or proportions of roofing or siding materials on each front façade, like-oriented façade and facing façade of single-family dwellings located on adjacent lots and visible from a public street. Simple variation in color scheme shall not be deemed sufficient.

f. Building Materials. WC § 16.04.165 Development Plan Review

In order to create variation and interest in the built environment, all single family dwellings built in a single family subdivision in a Residential District (AG-SF1, AG-SF 1 I, SF1, SF-A, SF2, SF3, SF4 and SF5) shall be restricted in the use of roofing and siding materials on all façades as follows:

1. No single family dwelling shall utilize rolled roofing or tar paper as the visible final layer of roofing materials.
2. No single family dwelling shall utilize vinyl siding on more than twenty-five (25) percent (exclusive of window or door areas) of any façade.

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

Findings Required for Approval of a Development Plan.

The Plan Commission or Director may approve a Development Plan upon finding that:

1. The proposed development is consistent with the intent and purpose of the Westfield - Washington Township Comprehensive Plan; and,
2. The proposed development plan satisfies the development requirements specified in this Ordinance.

F. Development Requirements Which May Be Waived.

In order to encourage innovative building and site designs capable of enhancing the quality of the built environment of Westfield - Washington Township, the Plan Commission may, pursuant to IC 36-7-4-1402(b)(4), waive Development Requirements related to: Site Access and Site Circulation; Building Orientation; or, Building Materials, for the approval of a Development Plan upon making findings as specified in WC 16.04.165, G., below. The Plan Commission may not waive any other Development Requirements. Any other Development Requirement must be complied with unless a variance of such Development Requirement is obtained from the Board of Zoning Appeals:

If a Site Access waiver is requested, the Plan Commission may not grant such waiver unless a favorable review comment or letter regarding the site access waiver is received from the Town, County or State agency having jurisdiction over access to and from the applicable street.

G. Conditions for Waiver of Development Requirements.

The Plan Commission may approve a waiver of Development Requirements only upon finding that:

1. The proposed development represents an innovative use of site design / site access design / site circulation design / building orientation / building materials / landscaping which will enhance the use or value of area properties;
2. The proposed development will not be injurious to the public health, safety, morals or general welfare of Westfield - Washington Township;
3. The strict application of the Development Requirements of the Westfield - Washington Township Zoning Ordinance will result in a development of the real estate which is undesirable when compared with the proposed development;
4. The proposed development is consistent with and compatible with other development located in the area; and,
5. The proposed development is consistent with the intent and purpose of the Westfield - Washington Township Comprehensive Plan.

H. Plan Documentation and Supporting Information.

All requests for Development Plan approval shall include the following plans, as set forth Subsection J., below:

1. Site Plan. *
2. Site Plan (for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).
3. Overall Plan. *

4. Landscape Plan. *
5. Building Elevations.
6. Lighting Plan. *
7. Sign Plan. *
8. Site Access and Site Circulation Plan. *
9. A Traffic Impact Study (when a proposed development meets or exceeds the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) 150 or more dwelling units; (ii) 15,000 square feet or more of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more square feet of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or, (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction).
10. Statement of Development Build-out. *
11. Green Space Provisions. *

* Items not required for an individual single family dwelling or accessory residential structure on an individual lot in a Residential District.

I. Procedures.

1. Application for Development Plan Approval by the Plan Commission shall be in compliance with the following procedures:
 - a. Pre-Filing Conference. A pre-filing conference with Staff is required prior to the filing of any Development Plan for public hearing before the Plan Commission. At the pre-filing conference, the petitioner shall provide three (3) copies of a preliminary sketch plan capable of depicting the proposed development. Staff may take up to ten (10) business days to review the proposed sketch plan and provide comments back to the petitioner. The petitioner is encouraged to incorporate the comments received from Staff into the design of the project prior to filing for Development Plan approval. Notwithstanding anything contained in this Ordinance to the contrary, neither the Staff's conceptual review of the sketch plan nor Staff's comments to the petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed Development Plan.
 - b. Who May File. Development Plans may be initiated by a petition signed by the owners of the land involved in the petition, or the owner's authorized agent. If an authorized agent files a petition, a signed and notarized consent form must accompany the application.
 - c. Filing Deadline. All Development Plans shall be filed at least forty (40) days prior to the initial public meeting at which they are to be considered by the Plan Commission.
 - d. Forms of Filing. All Development Plans for public hearing by the Plan Commission shall be on forms provided by Community Services Department. In addition, Site Plans, Overall Plans, Landscape Plans, Building Elevations, Lighting Plans, Sign Plans, Site Access and Site Circulation Plans, surveys, legal descriptions, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality. The number of copies of all petitions and supporting documentation required to be filed shall be as established by the Community Services Department.
 - e. Findings of Fact. The petitioner shall, at the time of filing of the petition, file proposed detailed written findings of fact.
 - f. Specifying Request. All Development Plans shall specify the approvals or waivers requested. Any items, even if indicated on the proposed Site Plan, Overall Plan, Building Elevations or Site Access and Site Circulation Plan, shall not be considered a part of the request presented to the Plan Commission for its consideration unless specified in the Development Plan.

- g. Docketing by Community Services Department. Each Development Plan filed shall be reviewed for completeness. All Development Plans which are determined to be in proper form pursuant to the guidelines established by the Community Services Department shall, within ten (10) days of filing, be numbered and docketed by the Staff for an initial hearing by the Plan Commission.
- h. Investigation of Petitions. Upon assignment of a number and hearing date, a copy of the Development Plan and relevant supporting documentation shall be distributed to members of Staff and the members of the Technical Advisory Committee for review and comment. The Director may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Staff concerning the proposal contained in the Development Plan and a report from members of the Technical Advisory Committee. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.
- i. Notice Requirements. All notices for public hearings regarding a Development Plan Approval before the Plan Commission shall be provided in accordance with the following requirements:
 - 1. Due and proper notice shall be served according to the provisions of Indiana law IC 5-3-1-2.
 - 2. Petitioners shall notify all contiguous property owners of public hearings via certified mail, which shall be received by the contiguous property owners at least ten (10) days prior to the date of public hearing.
 - 3. The petitioner must present a copy of public notice, proof of publication, and copies of certified mail receipts to the Community Services Department Staff at least five (5) days prior to the time of public hearing as proof of fulfilling due and proper notice requirements. Any Development Plan, which has been delegated to Director for approval, may occur without public notice and without a public hearing.
- j. Conduct of Public Hearings. In order to provide all interested parties with a fair hearing, Petitioners and remonstrators shall be afforded a reasonable amount of time for the presentation of evidence, statements and argument at the public hearing of every Petition before the Plan Commission. The order of the presentation of evidence, statements and arguments shall be as follows:
 - 1. Staff of the Plan Commission shall be given a reasonable time to introduce the matter being considered and for the presentation of evidence or statements regarding the petition being considered.
 - 2. Petitioners shall be allotted a reasonable time to present evidence, statements and arguments in support of the petition being considered.
 - 3. Plan Commission members shall be afforded the opportunity to ask questions about the petition of either Staff or the Petitioner.
 - 4. Members of the public interested in the petition, whether for or against the petition, shall be allotted a reasonable time to present evidence, statements and arguments related to the petition being considered.
 - 5. The Petitioner shall have a reasonable opportunity for rebuttal, which shall include only evidence, statements and argument in rebuttal of or in response to comments of Staff, the Plan Commission or members of the public, and a brief closing statement. At the conclusion of remarks by any party, the Plan Commission shall have the right to ask questions pertaining to the evidence, statements and argument presented. The presiding officer shall have authority to cut off repetitious and irrelevant testimony and shall make reasonable efforts to allow equal time for Petitioners and remonstrators. All persons appearing at a public hearing shall act in an orderly and courteous manner. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges

extended by the Plan Commission and shall be dealt with by the presiding officer as is deemed fair and proper.

2. Application for Development Plan Approval by the Director shall be accomplished in compliance with the following procedures:
 - a. All Development Plans for approval by the Director shall be on forms provided by Community Services Department. In addition, Site Plans, Building Elevations, surveys, legal descriptions, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality. The number of copies of a Development Plan and supporting documentation required to be filed shall be as established by the Community Services Department.
 - b. Contact the Director to make an appointment to deliver the Development Plan and provide a brief explanation of the proposed development.
 - c. Director shall have a period of not more than fifteen (15) days in which to review the proposed Development Plan and either make a decision concerning the Development Plan or request, in writing, additional information from the applicant.
 - d. Director may seek the advice and comment of members of Staff or the Technical Advisory Committee prior to making a decision.
 - e. Any Development Plan, which has been delegated to the Director, may occur without public notice and without a public hearing.
 - f. Appeals of Determinations by Director.

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

3. Fees. In order to defray administrative costs, the following fees shall be applicable:
 - a. Development Plans filed for Plan Commission approval - See WC 16.04.180 Figures; or,
 - b. Development Plans filed for Director's approval - included in the building permit fee.

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

4. Hearings. All public hearings regarding a Development Plan before the Plan Commission shall be conducted in accordance with the procedures set forth in the Rules of Procedure of the Plan Commission and in this Subsection I.
5. Amendments.
 - a. Amendments to Development Plans pending determination by the Plan Commission.
 1. Amendments Proposed at a Public Hearing. The applicant may make amendments to Development Plans pending determination by the Plan Commission at any time prior to a vote being called for by the Plan Commission. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the consideration of such amended Development Plan to the next meeting of the Plan Commission. The Plan Commission, in its sole discretion, may assign a continued Development Plan to a committee of the Plan Commission for further review and evaluation prior to the next meeting of the Plan Commission. If amendments are presented by the Petitioner and agreed to by the Plan Commission at the public hearing, revised plans indicating all amendments, as approved by the Plan Commission, shall be filed with the

Community Services Department within thirty (30) days of the Plan Commission hearing or prior to the issuance of an Improvement Location Permit, whichever is earlier.

2. Amendments To Development Plans Prior To Preparation of a Staff Report. In order for the written Staff Report regarding a Development Plan to include comments and recommendations related to plans amended in response to comments provided by Staff or members of the Technical Advisory Committee, any such amendments must be received by Staff at least two (2) weeks prior to the scheduled public hearing by the Plan Commission. If the Director determines that additional changes have been made to the Development Plan beyond those necessary to comply with the recommendations of Staff or members of the Technical Advisory Committee, the Director may continue the public hearing of the Development Plan before the Westfield - Washington Township Plan Commission and require the resubmittal of the amended plans for review by Staff and members of the Technical Advisory Committee.

- b. Amendments To Development Plans Pending Determination By The Director. The applicant may make amendments to Development Plans pending determination by the Director at any time prior to a determination being made by the Director. If, in the sole discretion of the Director, the proposed amendment is of such a nature that additional time is needed for review, the amended Development Plan shall be deemed a new filing and shall be reviewed within the time frames set forth in WC 16.04.165, I., 2., above for the initial review of Development Plans by the Director.
- c. Amendments to Approved Development Plans. Minor amendments to Development Plans which have already received approval from the Plan Commission or the Director and which do not involve:
 - a. an increase in height, area, bulk or intensity of land uses;
 - b. the designation of additional land uses;
 - c. the reduction in perimeter yards;
 - d. the addition of driveways or access points; or,
 - e. reduction in the amount of parking for any use, may be authorized by the Director without a public hearing in its continuing administration of the Development Plan if, in the determination of the Director, the requested minor amendments do not adversely impact the purpose or intent of the overall development.

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

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

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

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

J. Plan Documentation.

- 1. Site Plan (For Site Plan requirements for individual single family dwellings or accessory residential structure on an individual lot in a Residential District, see WC 16.040165, J., 2.).

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

- a. North arrow;
- b. Graphic scale;
- c. Address of the site;
- d. Proposed name of the development;
- e. Area map insert showing the general location of the site referenced to major streets, section lines and Alternative Transportation System, as well as the zoning and land use of adjacent property;
- f. Legal description of the site;
- g. Boundary lines of the site including all dimensions of the site;
- h. Names, centerlines and right-of-way widths of all streets, alleys and easements;
- i. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines or building setback lines;
- j. Location and dimensions of all existing structures, including paved areas;
- k. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;
- l. Location and name of all existing and proposed public or private streets, access easements, Alternative Transportation System, and rights-of-way within two-hundred (200) feet of the site;
- m. Location of all floodway and floodway fringe areas within the boundaries of the site;
- n. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
- o. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - # of parking spaces required and provided, residence - # of dwelling units per net acre, office - gross floor area);
- p. Structures proposed for demolition should be indicated as such;
- q. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);
- r. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);
- s. All improvements to street system on-site and off-site;
- t. Plan for sidewalks or Alternate Transportation System;
- u. Measurement of curb radius and/or taper;
- v. Names of legal ditches and streams on or adjacent to the site;
- w. Location and type (e.g. ground, pole, wall) of all signs on the site;
- x. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails or other similar uses;
- y. Existing zoning and land use of all adjoining real estate; and,
- z. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

2. Site Plan (Required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District). A site plan (indicates the nature of the proposed development) filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1" = 100' and shall include the following items:
 - a. North arrow;
 - b. Graphic scale;
 - c. Address of the site;

- d. Legal description of the site;
- e. Boundary lines of the site including all dimensions of the site;
- f. Names, centerlines and right-of-way widths of all streets, alleys and easements;
- g. Location and dimensions of all existing structures, including paved areas;
- h. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;
- i. Location of all floodway and floodway fringe areas within the boundaries of the site;
- j. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
- k. Use of each structure by labeling and size (e.g. one story house - 1,200 sq. ft., detached garage - 576 sq. ft., storage shed - 120 sq. ft.);
- l. Structures proposed for demolition should be indicated as such;
- m. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);
- n. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);
- o. Measurement of curb radius and/or taper;
- p. Names of legal ditches and streams on or adjacent to the site; and,
- q. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

- 3. Overall Plan (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District). An Overall Plan (if applicable, indicates the nature of the subject project and its relationship to the major features of the larger integrated center of which the project is a part) filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1" = 100' and shall include the following items:
 - a. North arrow;
 - b. Graphic scale;
 - c. Address of the site;
 - d. Proposed name of the development;
 - e. Area map insert showing the general location of the site referenced to major streets, section lines and Alternative Transportation System, as well as the zoning and land use of adjacent property;
 - f. Legal description of the site;
 - g. Boundary lines of the site including all dimensions of the site;
 - h. Names, centerlines and right-of-way widths of all streets, alleys and easements;
 - i. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines and/or building setback lines;
 - j. Location and name of all existing and proposed public or private streets, access easements, Alternative Transportation System, and rights-of-way within two-hundred (200) feet of the site;
 - k. Location of all floodway and floodway fringe areas within the boundaries of the site;
 - l. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
 - m. All improvements to street system on-site and off-site;
 - n. Plan for sidewalks or Alternate Transportation System;

- o. Location, dimensions, and type (e.g. ground, pole, wall) of all signs on the site. Include separate elevations of proposed sign structures with all dimensions drawn to scale;
- p. Areas reserved for park, recreation, conservation, wetland, common area, lake or other similar uses;
- q. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

- 4. Landscape Plan (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

Landscape Plans filed in connection with the submission of a Development Plan shall: indicate compliance with the requirements of WC 16.06, et seq. - Landscaping Standards; be drawn to scale of not more than 1" = 100'; and, include the following items:

- a. Names and addresses of owners, developers, plan preparers, plan preparation dates, graphic scale of drawings, and north arrow;
- b. Address of the site;
- c. Proposed name of the development;
- d. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;
- e. Locations, quantities, sizes and names (botanical names and common names) - of planting materials;
- f. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;
- g. Locations of barriers to be placed at or beyond the drip lines of trees to be preserved and types of materials to be used for barriers;
- h. Planting and installation details as necessary to ensure conformance with required standards;
- i. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill;
- j. Tables clearly displaying relevant statistical information, including numbers of existing trees, numbers of trees to be preserved, etc.;
- k. Overlay sheets at the same scale as landscape plans that display locations, sizes, and common names of individual trees that measure eight (8) inches or more in caliper; areas of dense trees or shrubs, and other natural areas which are to be preserved or removed; and,
- l. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

- 5. Building Elevations. Building Elevations filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:
 - a. Address of the site;
 - b. Proposed name of the development;
 - c. Graphic scale;
 - d. Elevations for each facade of the building;

- e. Specification or sample of the type and color of building materials to be used for all wall, window, roof and other architectural features;
- f. A separate true color rendering of the proposed building, including any proposed wall sign; *
- g. Placement, size, color and illumination details for any proposed wall sign;*
- h. Details of any exterior architectural lighting proposed on or around the building;
- i. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

* Items not required for an individual single family dwelling or accessory residential structure on an individual lot in a Residential District.

- 6. Lighting Plan (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District). Lighting Plans filed in connection with the submission of a Development Plan shall indicate compliance with the requirements of WC 16.07 et seq. - Lighting Standards, be drawn to scale of not more than 1" = 100', and, include the following items:
 - a. North arrow;
 - b. Graphic scale;
 - c. Address of the site;
 - d. Proposed name of the development;
 - e. Boundary lines of the site including all dimensions of the site;
 - f. Location and dimensions of all existing structures, parking areas and walkways;
 - g. Type and location of all exterior lighting fixtures, including, wattage and type of light;
 - h. Intensity of lighting at base of light structure and at the lot line measured in foot candles;
 - i. If architectural building lighting is proposed, indicate the location, type and intensity of lighting on each building façade. (If architectural building lighting is proposed, the photometric plan required in item h. above, shall include the architectural building lighting in the measurement of overall light intensity at the lot line.);
 - j. Timing of lighting and method of control of lighting; and,
 - k. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

- 7. Sign Plan (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District). Sign Plans filed in connection with the submission of a Development Plan shall indicate compliance with the requirements of WC 16.08 et seq. - Sign Standards; be drawn to scale; and, include the following items:
 - a. Address of the site;
 - b. Proposed name of the development;
 - c. Graphic scale;
 - d. A site plan indicating the location of any existing or proposed freestanding signs;
 - e. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
 - f. Elevation of proposed signs including size, materials and color;
 - g. A true color rendering of the proposed signs;
 - h. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination; and,

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

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

8. Site Access and Site Circulation Plan (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District). A Site Access and Site Circulation Plan shall be required all development, except individual single family homes. The Site Access and Site Circulation Plan shall be drawn to scale of not more than 1" = 100' and shall include the following items:
 - a. North arrow;
 - b. Graphic scale;
 - c. Address of site;
 - d. Proposed name of the development;
 - e. Area map insert showing the general location of the site referenced to major streets, section lines and Alternate Transportation System;
 - f. Names, centerlines and right-of-way widths of all streets, alleys and easements;
 - g. Location and name of all existing and proposed public or private streets, access easements and rights-of-way within two-hundred (200) feet of the site;
 - h. Location of any proposed or existing driveway onto a street or alley and its width at the lot line;
 - i. Depictions of all travel lanes, turning movements, vehicle storage areas and tapers, including dimensions, at all driveways;
 - j. All improvements to the street system on-site and off site;
 - k. Centerline measurements between all existing and proposed driveways within two-hundred (200) feet of the site;
 - l. Measurement of curb radius and/or taper;
 - m. Location and dimensions of primary vehicular ways in and around the proposed development;
 - n. Location of any proposed or existing sidewalk or pathway;
 - o. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

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

9. Traffic Impact Study (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District). A Traffic Impact Study shall be required when a proposed development will meet or exceed the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) 150 or more dwelling units; (ii) 15,000 square feet or more of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more square feet of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or, (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction). A registered professional engineer shall prepare the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, an applicant shall meet with the Staff of the Community Development Department to determine an appropriate scope for the Traffic Impact Study.
10. Statement of Development Build-Out (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District). Petitioner shall indicate, either on the submitted site plan, overall plan or in writing, a statement of: (i) the order of development of the major infrastructure elements of the project; (ii) project phase

- boundaries, if any; (iii) the order and content of each phase; and, (iv) an estimate the time frame for build-out of the project.
11. Green Space Provisions (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District). Petitioner shall indicate, either on the submitted landscape plan or in writing, along with any necessary explanatory materials or graphics, a statement of the nature and extent of all existing and proposed green space on the real estate.

EXHIBIT 12

Landscaping Standards - WC 16.06.010 - General Landscaping Provisions

- A. Purpose and Intent - This Chapter establishes regulations for the preservation of natural features and minimum standards for the provision, installation, and maintenance of landscape materials. The regulations specified herein are intended to promote the health, attractiveness, and safety of the community; foster aesthetically pleasing and environmentally sensitive development that protects and preserves the appearance and character of the community; and encourages the preservation of natural areas such as mature tree stands and stream corridors.

This Chapter establishes standards to manage and control drainage and erosion; to increase the compatibility of development with the natural environment and adjacent developments; to encourage connectivity through the use of a pedestrian network; and to maintain and increase the value of land by requiring landscaping to be incorporated into developments. The standards set forth herein promote important physical and psychological benefits through the use of landscaping to reduce noise and lighting; promote innovative and cost conscious approaches to the design, installation, and maintenance of landscaping; and establish procedures and standards for the administration and enforcement of this Chapter.

- B. Applicability
1. This Chapter shall apply to all zoning districts and all public, private, and institutional developments, except those approved prior to the enactment of this Chapter and those that have fulfilled filing requirements at the time of the enactment of this Chapter.
 2. This Chapter shall apply to nonresidential uses, residential subdivisions, or other residential developments that require site development plan approval or a special exception.
 3. This Chapter shall not apply to previously-authorized building permits, a previously approved site development plans, or previously-approved subdivision plats.
 4. This Chapter shall not apply to detached single-family residences not located within subdivisions.
- C. Content of Landscape Plan - Landscaping plans shall comply with the following standards:
1. Landscape plans shall be submitted for all required green belt buffer areas, buffer yards, conservation easements, landscape easements, and areas owned in common within proposed developments. It is recommended that landscape plans be prepared by licensed landscape architects, nurserymen, or other professionals experienced in landscape design, installation, and maintenance. A narrative describing ownership, use, and maintenance responsibilities of these areas should be specified in the submittal.
 2. Landscape plans shall show the entire project drawn to scale on standard sized sheets (minimum 24" x 36") and shall contain the following information:
 - a. Names and addresses of owners, developers, plan preparers, plan preparation dates, scale of drawings, and north arrows;
 - b. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;
 - c. Locations, quantities, sizes, and names (botanical names and common names) - of planting materials;
 - d. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;
 - e. Locations of barriers to be placed at or beyond drip lines of trees to be preserved and types of materials to be used for barriers;
 - f. Planting and installation details as necessary to ensure conformance with required standards;
 - g. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill; and

- h. Tables clearly displaying relevant statistical information, including numbers of existing trees and numbers of trees preserved, for example.
 - 3. Standard size sheets at the same scale as landscape plans that display locations, sizes, and common names of existing individual trees that measure twelve (12) inches or more in caliper, areas of dense trees or shrubs, and other natural areas.
- D. Modifications - When a change in use occurs, or when modifications that require a building permit are made to existing structures, landscaping shall be required to be installed in a manner that is comparable in nature and extent to the impact of the proposed change or modification.

WC 16.06.020 - Preservation and Replacement of Trees

- A. Developers shall take reasonable measures to design and locate proposed structures in a manner that minimizes the destruction of significant tree specimens.
- B. Prior to site development plan approval or the issuance of a building permit, developers shall inventory all trees which possess a caliper measure of at least twelve (12) inches. Tree inventories shall depict locations, sizes, and common names of existing trees and individual shrubs; areas containing dense trees or shrubs; and other natural site features. Existing trees that are to be preserved shall be credited toward required landscaping requirements based on the sizes of such preserved trees.
- C. The following considerations shall be made in regard to tree preservation efforts:
 - 1. The practicability of arranging site plan components around existing features. Plans for groups of structures should be designed so as to preserve areas of high tree concentrations, desirable individual tree specimens, and desirable stands of trees and shrubs;
 - 2. The condition of vegetation with respect to continued vitality;
 - 3. The possibility of preserving vegetation through pruning rather than removal.
 - 4. The desirability of a particular tree or species by reason of its appearance; historic or ecological significance; botanical characteristics; and the function the vegetation would fulfill as a site plan component;
 - 5. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation; and
 - 6. The potential for interference with utility services along the use of roads and walkways.
- D. Tree preservation plans shall be submitted with site plans that detail locations, sizes, and common names of preserved trees; individual shrubs; areas of dense tree or shrub concentrations, and other natural features which are to be preserved or removed. No disturbance shall be permitted in the critical root zones of preserved trees. Disturbances include trenching, backfilling, driving or parking equipment, and dumping trash, oil, paint, or other materials detrimental to plant health.
- E. Should any tree designated for preservation die within five (5) years of project completion, the owner shall replace such tree with a tree (or trees) of equal tree preservation value within 180 days (see following paragraph for value calculation).
- F. Incentives to Preserve Trees - Existing trees that are preserved shall contribute to required on-site landscaping, based proportionally on their caliper measure. Certain "cull" species and deformed trees may not be permitted to be credited. Preserved trees under eight (8) inches in caliper shall be credited at the rate of one (1) times the caliper measure of such trees. However, trees with a caliper of less than two (2) inches shall not qualify for credit. Preserved trees between eight (8) and sixteen (16) inches in caliper shall be credited at the rate of two (2) times the caliper measure of such trees. If preserved trees possess caliper measures of sixteen (16) inches or greater, credit shall be calculated at the rate of four (4) times the caliper measure of such trees. A qualifying six (6) inch caliper preserved tree shall be credited as three (3) required two (2) inch caliper trees. A qualifying fourteen (14) inch caliper preserved tree shall be credited as twenty-eight (28) required two (2) inch caliper trees. And, a qualifying eighteen (18) inch caliper preserved tree shall be credited as thirty-six (36) required two (2) inch caliper trees.
- G. Barriers shall be used to protect trees during site development. Barriers shall be specified on landscape plans and shall be placed at or beyond the drip lines of trees to be preserved. Such barriers shall

remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.

- H. Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve identified tree specimens.

WC 16.06.030 - Selection, Installation, and Maintenance of Plant Materials

A. Selection

1. Shade Trees - Shade trees shall be a minimum of eight (8) feet in height and have a caliper measure of at least two (2) inches, measured twelve (12) inches above finished grade. Shade trees shall be of a variety that will attain an average mature spread greater than twenty (20) feet.
2. Evergreen Trees - Evergreen trees shall be a minimum height of six (6) feet.
3. Ornamental Trees - Ornamental trees shall have a minimum trunk size of two (2) inches in caliper, measured six (6) inches above finished grade.
4. Shrubs shall possess a minimum height of eighteen (18) inches at the time of planting.
5. Substitutions - If plant substitutions become necessary due to seasonal planting problems or a lack of plant availability, revisions to planting plans shall be permitted based on the substitution list below. For on-site requirements only, substitutions may be made for up to one-half (50%) of required plants. If plant substitutions do not fulfill the following criteria, changes to previously-approved plans shall be resubmitted and reviewed for new approval.
 - a. 1 shade tree = 2 ornamental trees = 2 evergreen trees
 - b. 1 ornamental tree = 1 evergreen tree

B. Installation

1. Landscaping materials shall be installed in accordance with planting procedures established by the American Association of Nurseryman.
2. Required landscaping of development projects shall be completed prior to the issuance of Certificates of Occupancy for non-residential and multi-family projects, and prior to the issuance of building permits for more than fifty percent (50%) of the lots within each section of residential subdivisions. Landscaping installation may be delayed up to 120 days due to the following:
 - a. Periods of adverse weather, or
 - b. Conflicts between construction scheduling and proper planting conditions.

C. Maintenance

1. All newly planted vegetative material shall meet minimum American Standard for Nursery Stock Standards.
2. Landscaping shall be maintained in healthy growing condition. This includes:
 - a. Regular irrigation, weeding, fertilizing, pruning, mowing, and other maintenance of outside plant materials on the property;
 - b. Mature trees shall not be topped. They shall be pruned according to procedures established in the National Arborist Association Standards, published by the National Arborist Association;
 - c. Treating plant materials that exhibit evidence of insect pest or disease damage;
 - d. Replacement of dead or dying plant materials with specimens in good, healthy, growing condition. Replacement shall be completed using the same plant materials approved on landscape plans.
 - e. Replenishing natural landscape materials such as rock, stone, bark chips and shavings that no longer cover the area in which they were originally deposited.
 - f. Repairing, replacing, or maintaining structural landscaping features including, but not limited to fountains, reflecting pools, outdoor art work, screening walls, retaining walls, fences, benches or other street furniture elements, as necessary to maintain these items in good condition.
 - g. Any other action necessary to maintain landscaping installed in accordance with an approved landscape plan.

3. Plantings and landscaping features required by this Chapter shall be subject to inspection to verify continued compliance with this Chapter.

WC 16.06.040 - General Landscape Design Standards

- C. Consultation - A landscape architect, nurseryman, or other professional experienced in the installation and care of plant materials shall be consulted to ensure that proposed plants are appropriate and will survive.
- D. Scale and Nature of Landscaping - The scale and nature of landscaping materials shall be appropriate to the size of proposed structures. Large-scale buildings should be complemented by large-scale plants. Form, texture, color, pattern of growth, and adaptability to local conditions shall be considered when selecting plant materials.
- E. Clearance - Trees shall be planted so that when they reach maturity, there will be a minimum of ten (10) feet of clearance between tree trunks and structures, building overhangs, walls, fences, and other trees.
- F. Materials - Grass and other vegetative ground cover shall be used in all green space areas, including parking lot islands, except for decorative mulch planting beds containing trees and/or shrubs; and inert stabilization in areas subject to severe runoff or erosion.
- G. Lines of Sight - Plantings in landscaped areas shall not obstruct sight lines as per WC 16.04.230 2.v).
- H. Energy Conservation - Plantings shall be arranged to promote energy conservation wherever practical. This includes using deciduous trees on the south and west sides of buildings to provide shade from summer sun and planting evergreens on the north of buildings to insulate against winter winds.
- I. Noise Reduction - Properties adjacent to highly trafficked roads or businesses shall arrange landscaping to reduce the intensity of noise by reflecting, deflecting, or absorbing sound. Some techniques to accomplish this include using earth berms, walls, fences, or plantings to provide physical separation and to absorb noise. When a berm is used to form a visual screen in lieu of or in conjunction with a hedge or wall, it shall not exceed a slope of thirty (30) degrees and shall be completely covered with shrubs, grass, or other living ground cover.
- J. Landscape plans shall clearly identify areas where stone or other inert materials are to be used as ground cover. Areas not so designated shall be required to have grass or other vegetative ground cover.
- K. Trash and Loading Facilities - Trash dumpsters, trash pads, loading areas consisting of two or more loading spaces, loading docks, service areas, and maintenance areas shall be screened from residential uses and public roads. Screening of such facilities shall be achieved by using a six (6) feet high, completely opaque fence or wall, a six (6) feet high berm, or a six (6) feet high evergreen screen planted nine (9) feet on center in a double staggered row.
- L. Heating and Cooling Facilities - Ground-mounted heating and cooling units for nonresidential or multi-family structures shall be completely screened.
- M. Softening of Walls and Fences - Plant materials other than ground cover shall be placed intermittently (approximately every 40 feet) against long expanses (over 80 feet) of building walls, fences, and other barriers to create a softening effect. However, ground cover plants may supplement the plant materials required by this paragraph.
- N. Detention/Retention Basins and Ponds - Detention/retention basins and ponds shall be landscaped in a manner that replicates the natural form of ponds. Such landscaping shall include shade trees, ornamental trees, evergreens, shrubbery, hedges, and/or other plant materials.

WC 16.06.050 - On-Site and Street Frontage Landscaping Requirements

- A. On-Site Standards

Yards, setback areas, and green space areas within developments shall be landscaped with live vegetation. The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted are set forth in Table 16.06.050-01.

Table 16.06.050-01: Minimum On-Site Requirements

Land Use Type	Plant Materials		
	Shade Trees	Ornamental or Evergreen Trees	Shrubs
Single-Family Residential	4 per dwelling unit	2 per dwelling unit	4 per dwelling unit
Multi-Family in MF 1&2 districts only	1 per dwelling unit	1 per dwelling unit	4 per dwelling unit
Institutional Uses	2 per acre	3 per acre	10 per acre
Business Uses	10 per acre	10 per acre	25 per acre
Industrial Uses	5 per acre	5 per acre	25 per acre

A proportional decrease in the required number of trees is allowed if larger caliper trees are planted. Trees with caliper measures of four (4) inches may replace two (2) required two (2) inch caliper trees.

Institutional uses include, without limitation, schools, churches and government offices. For Institutional uses:

- Trees required to be planted in interior parking lot landscaping areas may be counted toward meeting on-site landscaping requirements as set forth in the table above.
 - Identified acreage for constructed athletic fields and courts (including the adjacent perimeter for coaching and spectator viewing), and constructed playgrounds with equipment may be subtracted from the total acreage before computing on-site requirements.
5. Trees should be grouped together whenever possible to simulate natural tree stands, versus trees being planted in straight rows.
 6. Required trees and plantings within residential land uses must be planted somewhere within such residential land uses. Required trees and plantings within such land uses are not intended to be requirements per each lot, but are intended to be aggregate requirements per subdivision section or per multi-family development.
 7. Required trees and plantings within non-residential land uses must be planted per each lot requirement. Trees and plantings are not credited to overall development requirements.
 8. Existing trees or woodlands that are preserved may be counted toward minimum planting requirements.

B. Road Frontage Standards

1. In residential developments, where property abuts primary arterials, secondary arterials, or collector roads not internal to subdivisions, at least one shade tree per thirty (30) linear feet of road frontage shall be planted adjacent to road rights-of-way. Trees planted along road

- frontage in residential developments may be credited toward overall on-site landscaping requirements set forth in Table 16.06.050-01.
- In non-residential developments where property abuts any public right-of-way, at least one shade tree per forty (40) linear feet of road frontage shall be planted adjacent to road

Table 16.06.060 - 01 : Minimum Required Buffer Yard

Land Uses	Adjoining									
	AG	SF AG-SF1 AG-SF1-I	SF SF1 SF2	SF SF3	SF SF4 SF5	MF	Institutional Churches Schools Gov't Offices	Commercial	Industrial Ei	Industrial Oi
AG	-	40	40	40	40	40	15	15	15	15
SF AG-SF1 AG-SF1-I	40	-	20	20	20	20	40	40	40	40
SF SF1 SF2	40	20	-	20	20	20	40	40	40	40
SF SF3	40	20	20	-	20	20	40	40	40	40
SF SF4 SF5	40	20	20	20	-	20	40	40	40	40
MF	40	20	20	20	20	-	40	40	40	40
Institutional Churches Schools Gov't Offices	15	40	40	40	40	40	-	15	40	40
Commercial	15	40	40	40	40	40	15	-	15	15
Industrial Ei	15	40	40	40	40	40	40	15	-	15
Industrial Oi	15	40	40	40	40	40	40	15	15	-

- Institutional uses include, without limitation, schools, churches and government offices.
- For primary institutional structures on lots of record (as of December 10, 2001, when Ordinance 01-16 was adopted) less than ten (10) acres in size adjacent to residential uses, the Plan Commission may approve a buffer yard width of less than 40 feet (but no less than 15 feet) provided that:
 - The proposed structure shall be finished in a manner that is in character with the adjacent neighborhood.
 - The buffer yard landscaping may be required to be supplemented with a fence or masonry wall to assist in addressing the impact of the proposed use on adjacent existing uses. No drives or parking areas shall be permitted in the reduced buffer yard area.

- C. Within buffer yard, at least one (1) evergreen tree per thirty (30) linear feet and five (5) evergreen shrubs per thirty (30) linear feet shall be planted. Such plantings should be arranged in a manner that creates a visual barrier between uses without precluding connectivity between uses. In order to create a more effective buffer, the Plan Commission may approve evergreen trees to be substituted in lieu of evergreen shrubbery on a 1:3 basis (tree: shrub). Up to 60% of shrubbery may be substituted for trees. (Staff note: Additional trees may be substituted to lessen required shrubbery planting, but additional shrubbery may not be substituted to reduce required tree plantings).
- D. If woodlands are located within buffer yards, preserved trees may be substituted for required plants in buffer yards (see WC 16.06.030, Selection, Installation, and Maintenance of Plant Materials for substitution guidelines).
- E. If woodlands are located within buffer yards, preserved trees may be substituted for required plants in buffer yards (see WC 16.06.030, Selection, Installation, and Maintenance of Plant Materials for substitution guidelines).
- F. In residential districts, plantings required to be placed in buffer yards shall not be credited toward total on-site landscaping requirements set forth in Table 16.06.050-01.
- G. In non-residential districts, trees required to be planted in buffer yards shall be credited toward total on-site landscaping requirements set forth in Table 16.06.050-01.
- H. Buffer yards shall not be required between uses within planned developments or within subdivisions.

WC 16.06.070 - Parking Area Landscaping

The following landscape requirements shall be applied to parking lots to screen parking areas from streets, to prevent the creation of large expanses of paving, and to provide shade to paved areas.

A. Interior Parking Lot Landscaping

1. Area Required - A portion of vehicular use areas shall be maintained as landscaped area. The total amount of interior parking lot area that must be landscaped shall be based on the total number of proposed parking spaces. Such standards are set forth in Table 16.06.070-01:

Table 16.06.070 – 01 : Percentage of Parking Lot Landscaping

Number of Parking Spaces	Percentage of Vehicular Use Area to Be Landscaped
0 to 4	0 %
5 to 24	5 %
25 to 49	7.5 %
50 or more	10 %

2. Parking Lot Islands

- a. Parking lot islands shall be dispersed throughout parking lots in a design and configuration that aesthetically corresponds to the size and shape of parking lots. Combining or placing parking lot islands together such that more than one tree may be planted in the island shall be considered when possible.
- b. Parking lot islands shall be constructed at least six (6) inches above the surface of parking lots; they shall be a minimum of one hundred twenty (120) square feet in area; and they shall be a minimum of seven (7) feet in width, measured from back of curb to back of curb.
- c. Interior landscaped areas shall be curbed in a manner that restricts vehicles from driving over landscaped areas.
- d. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking spaces to a maximum of two hundred (200) feet in length.
- e. Parking lot islands shall include at least one (1) tree and four (4) shrubs per parking lot island. One hundred (100) percent of every parking island shall be covered with permitted groundcover material to achieve complete coverage.

f. No landscaping within parking lot islands may unreasonably obstruct visibility for vehicles entering, maneuvering in, or exiting parking areas. Such landscaping shall be constructed in compliance with visibility standards set forth in WC 16.04.230 2.v).

B. Perimeter Parking Lot Landscaping

1. Application

a. Perimeter landscaping is required for parking lots with ten (10) or more spaces where:

- 1.) the parking lot is located within a required yard; or
- 2.) the parking lot is located within twenty (20) feet of a lot line or right-of-way line.

b. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings should be grouped in an aesthetically pleasing manner.

c. Trees required to be planted in perimeter parking lot landscape areas may be counted toward meeting total on-site landscaping requirements as set forth in Table 16.06.050-01.

2. Requirements - Perimeter parking lot landscape areas shall include the following landscape improvements:

a. There shall be one tree per thirty (30) linear feet of parking lot length. Trees may be clustered.

b. There shall be one shrub per three (3) feet of parking lot length. Shrubs may be clustered.

Perimeter parking lot landscape areas not planted with trees or shrubs shall be covered with grass or other permitted groundcover or mulch.

EXHIBIT 13

Outdoor Lighting Standards - WC 16.07.010 General Provisions

A. Purpose and Intent.

Westfield-Washington Township wishes to enhance the visual environment of the nighttime sky, protect the public health, safety and welfare, provide safe roadway conditions for motorists, cyclists, and pedestrians, and promote energy efficient, cost effective lighting while minimizing light pollution, intrusion and trespass from uncontrolled light sources. It is the intent of this Chapter to minimize the intrusion of lighting across property lines and into the nighttime sky, thereby avoiding a disruption to the quality of life of Washington Township residents.

B. Applicability.

These regulations shall be applicable to all outdoor lighting sources within Westfield-Washington Township, which:

- c) Are newly designed, constructed, erected or placed into operation after the effective date of this chapter; and
- d) Require the relocation or replacement of existing lighting fixtures commenced after the effective date of this chapter.

C. Exceptions.

Exceptions to these lighting standards shall include the following:

- 1) All outdoor light fixtures permitted prior to the adoption of these regulations (Ord. 02-39, December 9, 2002) shall be exempt from the shielding requirements of this chapter, except that when an outdoor light fixture becomes inoperable, the replacement light fixture shall comply with the standards of this chapter;
- 2) All hazard warning lighting required by Federal and State regulatory agencies shall be exempt from the requirements of this chapter;
- 3) All temporary emergency lighting required by local law enforcement, emergency service and utility department(s), shall be exempt from the requirements of this chapter;
- 4) All traffic control and directional lighting shall be exempt from the requirements of this chapter;
- 5) All underwater lighting used for the illumination of swimming pools and water features shall be exempt from the lamp type and shielding standards of this chapter;
- 6) All lighting for temporary festivals and carnivals shall be exempt from the requirements of this chapter; and
- 7) All low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100 watt incandescent light) per fixture shall be exempt from the requirements of this chapter.

D. Prohibitions.

Prohibitions to the lighting standards of these regulations shall include the following:

- 1) The installation, sale, lease, or purchase of any mercury vapor lamp shall be prohibited in Westfield-Washington Township;
- 2) The use of laser source light or other similar high intensity light for outdoor advertising, when projected above the horizontal shall be prohibited in Westfield-Washington Township;
- 3) The operation of searchlights and floodlights for advertising purposes shall be prohibited in Westfield-Washington Township;
- 4) The use of any lighting source on towers shall be prohibited except as required by the Federal Aviation Administration; and
- 5) The illumination of off-site advertising signs shall be prohibited in Westfield-Washington Township.

E. General Lighting Standards.

For all areas located in Westfield-Washington Township the following standards shall apply:

- 1) All light fixtures shall be fully shielded and direct light downward toward the earth's surface;
- 2) All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way;

- 3) All lighting sources shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way;
- 4) Light pole height shall not exceed twenty-five feet (25'). All parking area light fixtures shall be designed and located to confine emitted light to the parking area; and
- 5) All lighting fixtures must meet building code requirements for their appropriate construction class;

F. Multi-Family Residential, Commercial and Industrial Standards.

For all multi-family residential, commercial, and industrial uses the following standards shall apply:

- 1) All light fixtures shall be positioned in such a manner so that no light-emitting surface is visible from a residential area or public right-of-way when viewed at ground level;
- 2) Light meter readings shall not exceed: one-half (0.5) foot-candles at a single-family residential property line, or one-half a (0.5) foot-candle at a multi-family residential property line or one (1.0) foot-candle at all other non-residential property lines. (It should be understood that, with all of these measurements, light will still be visible at or beyond property lines.)
- 3) All lights on poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser;
- 4) All canopy structures shall have lights with diffusers which are recessed, and which do not extend below the surface of the canopy as measured on a plane parallel to the earth's surface;
- 5) Lighting under awnings and canopies shall only illuminate a building front, a sign under an awning or canopy, or the sidewalk, but shall not illuminate the awning or canopy itself;
- 6) Thirty (30) percent of all parking area lighting shall be turned off within 30 minutes of closing of the last business or no later than 11:00 p.m.; and
- 7) No outdoor sports or recreational facilities shall be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.

G. Sign Lighting.

- 1) Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on top of or above the sign structure and shall comply with the shielding requirements of this chapter;
- 2) Lighting fixtures used to illuminate ground mounted or monument signs may be illuminated with a ground mounted or bottom mounted lighting fixture, provided that the fixture is fully shielded and all light output is directed onto the sign surface.
- 3) No sign lighting shall pulse, rotate, blink, flash or simulate motion, except a display containing only the time and temperature; and
- 4) Lamps utilized for the internal illumination of wall signs shall be turned off at 11:00p.m. or when business closes.

H. Lighting Plans.

The applicant for any permit required by Westfield-Washington Township that proposes outdoor lighting shall submit a lighting plan set which includes:

- 1) A site plan indicating the location of all lighting structures, supports and fixtures, including those fixtures which presently exist on site and those which are proposed for the site;
- 2) A graphic and/or textual description of all lighting fixtures, both proposed and existing on-site. The description may include, but is not limited to cut sheets and illustrations by the manufacture, lamp types, wattages, and lumen outputs;
- 3) A site plan with illuminance levels superimposed on the site plan in the form of an iso foot-candle diagram or point-by-point grid diagram.
- 4) All plot lighting levels shall be depicted at 10-foot intervals or less.
- 5) The iso foot-candle diagram shall plot foot-candle increments of one-half (0.5) footcandle or less;
- 6) Photometric data depicting the angle of cut off of light emissions; and
- 7) Any other information that the Planning Director determines necessary to ensure compliance with the provisions of this chapter.

EXHIBIT 14

WC 16.08.010 Sign Standards - General Provisions

A. Purpose and Intent.

Westfield-Washington Township wishes to establish sign regulations for the design, placement, and maintenance of signs in Washington Township which provide a reasonable and impartial means to permit communication, protect the public health, safety, and general welfare, minimize hazards to pedestrians and motorists along thoroughfares and at intersections, enhance the aesthetic environment of Westfield-Washington Township, safeguard property values, minimize possible adverse effects of signs on nearby property, protect public and private investment in buildings and open spaces and implement relevant provisions of the comprehensive plan as updated on an annual basis. Westfield Washington Township wishes to balance the rights of businesses to identify themselves with the rights of the public to have uncluttered, safe and attractive public rights-of-way. The responsible regulation of signs will foster business opportunities and improve the quality of life in Westfield-Washington Township.

B. Applicability.

These regulations shall be applicable to all signs within Westfield-Washington Township, which:

- 1) Are newly constructed, erected, or placed into operation after the effective date of this chapter; and
- 2) Involve relocation or replacement of existing sign structures or supports commenced after the effective date of this chapter.

C. Exceptions.

All signs require a sign permit from the Community Development Department. Exceptions to the sign standards and permit requirements under this chapter shall include:

- 1) All regulatory, informational, identification, or directional signs required by law or government entity;
- 2) Temporary signs advertising annual events put on by Westfield or Washington Township public entities and school districts;
- 3) Scoreboards for public and private recreational facilities and institutions that do not provide for commercial or business advertising displays;
- 4) Permanent drive-thru menu boards where drive-thru uses are permitted;
- 5) Window signage placed upon the building interior, or flush with window surface, not covering more than 50 percent of the window upon which it is placed.
- 6) Postal signs, historic site markers or plaques, flags of government or noncommercial institutions, gravestones, and address numbers;
- 7) Structures and/or containers intended for separate use such as phone booths, waste management containers, and point-of-purchase advertising displays;
- 8) Lettering or symbols placed directly onto a licensed and operable motor vehicle or trailer operating in the normal course of business provided that a vehicle or trailer is not parked or positioned solely for advertising purposes;
- 9) Private informational signs such as "no trespass," "private," "sale," etc. which do not exceed four (4) square feet in surface area;
- 10) Signs offering residential property for sale, lease, or rent, provided that such signs shall not exceed eight (8) square feet per face, are placed wholly on the subject property and are limited to a maximum of one (1) sign per street frontage;
- 11) Signs offering commercial or industrial property for sale, lease, or rent, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, and are limited to a maximum of one (1) sign per street frontage;
- 12) Signs advertising construction projects, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, are limited to a maximum of one (1) sign per street frontage, and shall be removed at the end of construction;
- 13) Political signs which do not impair lines of sight for vehicles or pedestrians; and
- 14) Seasonal decorations within the appropriate holiday season or civic festival season.

D. Prohibitions.

Prohibitions to these sign standards shall include the following:

- 1) No signs or sign structure shall be similar in coloring, shape, function or location nor resemble, conflict with or be confused with any approved traffic-control sign or device;
- 2) No sign shall create a safety hazard for vehicles or pedestrians as determined by the Town Engineer;
- 3) No sign shall be placed in any public right-of-way except publicly owned traffic-control and transit signs, informational, identification, and directional signs;
- 4) No pole signs shall be permitted within Westfield-Washington Township (See Pole Sign in definitions);
- 5) No off-premise sign shall be permitted within Westfield-Washington Township;
- 6) No display of temporary signs such as banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, balloons or inflatable signs shall be permitted except for banners permitted on a limited basis pursuant to Section WC 16.08.010 L;
- 7) No sign shall project into the public right-of-way; except that a business sign mounted on a building may be permitted to project eighteen (18) inches from the face of a building elevation. Relief from this standard may be granted by the Town Council or designee;
- 8) No sign shall be mounted on a roof or extend above an eave or parapet of a building wall;
- 9) No sign shall be permitted to revolve, flash, blink, swing or appear to move;
- 10) No sign shall be affixed to trees, fence posts, utility poles or other support structures; and
- 11) No sign shall be placed on a personal or commercial vehicle or trailer which is then parked or positioned for the primary purpose of displaying the said sign.

E. General Sign Regulations.

All signs shall conform to the following regulations:

- 1) Signs must be kept clean, painted, in working operation and free of hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as not to be detrimental to the public health, safety or general welfare;
- 2) Abandoned sign copy shall be removed by the owner or lessee of a site upon which the sign is located within three (3) months after the business or service advertised by the sign ceases operations;
- 3) Sign foundations and structures with copy removed may remain upon a site for twenty-four (24) months with the property owner's written consent provide that the foundations and structure are maintained pursuant to WC 16.08.010 E, 1.
- 4) All monument signs shall be designed and located to maintain clear lines of sight along public rights-of-way;
- 5) Maximum sign height shall be measured from the natural grade elevation upon which the sign is placed or crown height of the adjacent roadway, whichever is higher;
- 6) Illumination of signs shall be regulated per Section WC 16.07 of the Westfield-Washington Township Zoning Ordinance;
- 7) Illuminated signs shall be setback a minimum distance of twenty-five (25) feet from any residential district;
- 8) In no instance shall a permitted nonresidential use or tenant be restricted to less than twenty-five (25) square feet of sign area, nor shall any permitted nonresidential use or tenant be permitted to display more than five (500) hundred square feet of sign area;
- 9) Sign area shall be computed as the smallest continuous rectangular figure that circumscribes a single sign display including writing, representations, emblems, logos or other displays, exclusive of the supporting framework, base, or structural bracing clearly incidental to the sign display;
- 10) In no instance shall wall sign square footage exceed the linear footage of the wall on which it is placed (See "Linear Footage, Wall" in Definitions);
- 11) Changeable copy signage shall be allowed only when incorporated into a permanent sign structure as allowed by this ordinance; and,
- 12) For signage with changeable copy area, the entire changeable copy area shall be counted toward sign display area square footage, regardless of the amount of information placed upon the changeable copy area.

F. Residential District Signs.

No sign shall be erected in a residential district except for the following:

- 1) Residential complexes and subdivisions shall be permitted either of the following entrance signage options:

- a. One (1) monument sign per residential complex or subdivision entrance, which shall not exceed nine (9) feet in height, and shall not exceed thirty-two (32) square feet per sign face; or,
 - b. Two (2) separate sign display areas per entrance, provided that the sign display areas are directly incorporated into an entrance landscape feature, wall, or other decorative feature. In no instance shall the sign display area exceed fifteen (15) feet in height or total more than one hundred (100) square feet of sign area.
- 2) Home occupations shall be permitted one (1) sign per residence which shall not exceed 4 square feet in total sign area; and
 - 3) Home occupation signs shall only be affixed to a wall or door of the structure containing the business.
 - 4) Permitted non-residential uses located in residential districts shall be allowed signage as per 16.08.010 (G) below.

G. Individual Nonresidential Signs.

All individual nonresidential uses shall be permitted signage as detailed below. Out lots of nonresidential centers are NOT considered individual uses, and are permitted signage as detailed in 16.08.010 (I).

- 1) Sign Area Allocation:
 - a. For all permitted individual nonresidential uses, total sign area allocation permitted shall be one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way; and,
 - b. The total permitted sign area allocation may be divided between monument, wall, awning, and projecting signs (projecting signs permitted in Downtown Center only).
- 2) Monument Signs:
 - a. A maximum of one (1) monument sign shall be permitted for each public street frontage per lot in all zoning districts;
 - b. Monument signs may have a maximum sign display area of sixty (60) square feet per sign face;
 - c. Monument sign display area may have a maximum height dimension of six (6) feet and a maximum width dimension of twelve (12) feet;
 - d. Monument signs may have a maximum sign height of nine (9) feet only when incorporating a sign base and sign cap features;
 - e. Monument signs incorporating a cap or base shall have a minimum base height of six (6) inches, a maximum base height of twenty-four (24) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed three (3) feet; and,
 - f. Sign caps and bases shall not be used for sign display or advertising purposes.
- 3) Setbacks:
 - a. All signs shall conform to the side and rear yard setback requirements for structures as set forth in Chapter 20.07 of this zoning ordinance; and
 - b. Signs shall have a minimum front yard or right-of-way setback requirement of five (5) feet from a property line or right-of-way.

H. Downtown Center.

The Local Business Historical District (LB-H) shall be regulated per Section WC 16.08.010, (G) of the Westfield-Washington Township Zoning Ordinance. In addition to these sign standards the following sign type is also permitted within the Downtown Center:

- 1) Projecting signs which do not exceed sixteen (16) square feet per sign face.

I. Nonresidential Center Signs.

- 1) Monument Sign(s) (Center Only):
 - a. Size:
 - i. Nonresidential centers less than 25,000 building square feet in size shall be permitted one monument sign per nonresidential center, which shall be no greater than nine (9) feet in height and have no more than sixty (60) square feet of sign area per face;
 - ii. Nonresidential centers which range in size from 25,000 building square feet to one hundred thousand (100,000) building square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than fifteen (15) feet in

- height and have no more than one hundred and twenty (120) square feet of sign area per face;
- iii. Nonresidential centers greater than one hundred thousand (100,000) building square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face;
 - b. Nonresidential center monument signs shall have a minimum base height of six (6) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed six (6) feet; and,
 - c. Sign caps and bases shall not be used for display or advertising purposes.
- 2) *Entrance Sign(s) (Center Only):*
- a. In addition to a nonresidential monument sign, a nonresidential center shall be permitted one (1) entrance sign per point of ingress; and,
 - b. Nonresidential center entrance signs shall be limited to a maximum of six (6) feet in height, a sign area of thirty (30) square feet per sign face, and shall not contain tenant information.
- 3) *Interior Circulation Sign(s) (Center Only):*
- a. Nonresidential centers are permitted interior circulation signage containing traffic directing information only (such as "Enter", "Exit", "Do Not Enter", etc.). Circulation signage shall be limited to a maximum of three (3) feet in height, and a sign area of two (2) square feet per sign face.
- 4) *Center In-Line Tenant Signage:*
- a. All in-line tenants of nonresidential centers shall be permitted one (1) square foot of signage for each linear foot of tenant space front façade (See "Front Façade" in Definitions);
 - b. Corner in-line tenants shall have only one (1) front façade, that being the façade with the primary public entrance.
 - c. The total permitted sign area allocation may be divided between wall and awning signs;
 - d. Wall signs in nonresidential centers shall be located on front building elevations except that those tenants with corner locations are permitted to place signage on a side wall; and,
 - e. Any side wall sign square footage shall be deducted from the total sign allocation for the tenant space;
 - f. Center in-line tenants shall not be permitted individual monument signs.
- 5) *Outlet Signage:*
- a. All out lots of nonresidential centers shall be permitted one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way;
 - b. The total permitted sign area allocation may be divided between wall, awning, and under canopy signs;
 - c. Signs may be located on any building elevation; and,
 - d. All sign square footage shall be deducted from the total sign allocation for the out lot;
 - e. Out lots within a nonresidential center shall not be permitted monument signs.

J. Sign Area Bonus.

The total sign allotment for an individual nonresidential use, tenant, or a nonresidential center may be increased by a specified percentage for compliance with design criteria as listed below. Percentage increases shall be based on the original sign allotment calculation. If more than one criterion is met, then sign area bonuses will be granted cumulatively.

- 1) *Sign Area Allotment Bonuses:*
- a. *Sign Number:* A five (5%) percent sign area allotment bonus shall be granted for limiting the total number of signs to three (3) or less;
 - b. *Where monument signs are permitted,* a ten (10%) percent sign area allotment bonus shall be granted for not having a monument sign.
 - c. *Alternative Materials.* A ten (10%) sign area allotment bonus shall be granted when all signage on site is primarily comprised of decorative wood, sculpted metal, or equivalent substitutes. This bonus is also available on a Tenant/Outlet basis in Nonresidential Centers.
 - d. *Nonresidential Center Sign Plan.* A ten (10%) percent sign area allotment bonus shall be granted if a uniform and complimentary sign plan is mandated for all signage on site, including center, tenant, and out lot signage. A sign plan must address colors and materials

and be approved by the Community Development Director prior to the issuance of individual permanent sign permits for tenants and out lots.

- 2) **Wall Sign Bonuses:**
 - a. **Individual Letters.** A ten (10%) percent wall sign area bonus shall be granted for individual nonresidential uses, tenants, or out lots whose wall signs consist only of individual letters mounted directly on a building surface.
- 3) **Monument Signs:**
 - a. **Materials.** A ten (10%) percent monument sign area bonus shall be granted for using brick, stone or equivalent substitute in the construction of a sign base, cap and supporting structure.
 - b. **Matching Materials.** A ten (10%) percent monument sign area bonus shall be granted if over fifty (50%) percent of the sign base, cap, and supporting structure matches the building materials used on a front elevation of the building(s).
 - c. **Landscaping.** A ten (10%) percent monument sign area bonus shall be granted for landscaping the area around a base of a monument sign. Refer to Section 16.06.010 of the Zoning Ordinance for landscaping details.

K. Sandwich Board Signs.

Sandwich board signs shall only be permitted in commercial zoning districts and shall conform to the following regulations:

- 1) The placement of sandwich board signs shall not impede pedestrian or vehicular traffic;
- 2) One (1) sandwich board sign shall be permitted per individual commercial or business use;
- 3) Sandwich board signs shall not count toward the total sign allotment for a commercial use or business;
- 4) Sandwich board signs shall not exceed six (6) square feet per sign face;
- 5) Sandwich board sign faces shall be constructed of a chalk board type material or equivalent substitute which permit the application of any identification, message or information with a non-permanent type of text, design or logo;
- 6) Sandwich board sign width shall not exceed three and one-half (3.5) feet when measured from the outside of a sign support and/or sign face;
- 7) Sign height shall not exceed five (5) feet when measured from the ground to the top of a sign face or sign support structure;
- 8) Sandwich board signs shall have a base support and the base support shall be weighted with a minimum ten (10) pound ballast to ensure sign stability;
- 9) Sandwich board signs shall not be permanently affixed to any structure or sidewalk, and must be removed at the end of each business day;
- 10) Signs shall only be placed within 10 feet of, and directly in front of, a business façade having a public entrance. See the graphic below:



- 11) Placement of sandwich board signs in a public right-of-way shall require approval by the Westfield Town Council, or designee; and
- 12) More than two (2) sign violations of this ordinance in one calendar year shall result in the termination of the sandwich board sign permit and require removal of the sandwich board for that calendar year.

L. Under Canopy Signs.

Under canopy signs shall only be permitted in commercial zoning districts and shall conform to the following regulations:

- 1) Under canopy signs shall be placed under canopies or roof overhangs.

- 2) Under canopy signs shall not count toward the total sign allotment for a commercial use or business;
- 3) Under canopy signs shall not exceed one (1) per building entrance;
- 4) Under canopy signs shall not exceed three (3) square feet in area;
- 5) Under canopy signs shall not be separately illuminated; and,
- 6) Under canopy signs shall contain only the address, logo, or name of the occupant or business served by the entrance.

M. Temporary and Special Event Signs.

Temporary and special event signs shall only be allowed for permitted nonresidential and multi family uses in residential zoning districts and for all permitted uses in commercial zoning districts. All temporary and special event signage shall conform to the following regulations:

- 1) New businesses, seasonal businesses, grand openings, or special events may display a banner that does not exceed 32 square feet in size, and is securely attached to a structure or support device.
- 2) Application must be made, and a temporary sign permit issued PRIOR to the display of temporary signage.
- 3) All existing business shall be limited to one (1) temporary sign permit annually;
- 4) All temporary signs shall be placed on the property on which the permitted use is being conducted;
- 5) Temporary sign permits shall be limited to fifteen (15) calendar days per quarter; and
- 6) Temporary sign permits may be issued for a calendar year or renewed on a quarterly basis at the Community Development Department

N. Nonconforming Signs.

All existing signs which do not conform to this section are designated lawfully nonconforming and shall either be removed or brought into compliance with these regulations at such a time when new development or expansion is proposed, or when a change in signage is proposed for the property upon which the sign is located. Lawful nonconforming signs shall not be relocated, expanded, or altered except to permit routine maintenance and repairs. In no case shall the replacement of individual tenant name panels on a non-residential center sign constitute the need to bring the non-residential center sign into compliance with these sign regulations.

O. Permits.

After the effective date of the ordinance codified in this title, and except as otherwise provided, no person shall erect any sign as defined herein without first obtaining a sign permit from the Community Development Department. The Community Development Department Director and his/her designated staff shall have the authority to review and decide upon all sign permit applications. Signs which shall not require a permit include all signs or displays permitted in Section 16.08.010 C; Exceptions. Application for a permit shall be made in writing, upon forms prescribed and approved by the Director and shall contain the following information:

- 1) Name, address, and telephone number of applicant or business;
- 2) Site address;
- 3) Graphic scale;
- 4) A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
- 5) A site plan indicating the location of any existing or proposed monument signs;
- 6) A square footage calculation of any proposed sign(s), as well as the location and square footage of all existing on-site sign(s);
- 7) Elevation of proposed signs including size, materials, color and dimensions;
- 8) A true color rendering of the proposed signs;
- 9) Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination;
- 10) Indication of sign type(s) as defined in this chapter;
- 11) Written consent of the owner of the building, structure, or land on which the sign is to be erected if the applicant is not the owner; and
- 12) Temporary and special event sign displays shall provide a schedule for sign displays which indicate the dates and duration of the sign displays.
- 13) Any other information necessary to support a thorough review of the project and as requested in writing by the Director

All applications for permits shall be accompanied by payment of fees. The fee schedule shall be kept on file in the Community Development Department. If the proposed sign plan is in compliance with all the requirements of this zoning ordinance, a permit shall be issued.

P. Violations and Enforcement.

The Director is authorized to enforce all provisions of this chapter. Violations of this Ordinance shall be subject to the enforcement remedies and penalties provided by this Ordinance, by other Town ordinances, and by state law. Remedies of the Town shall include:

- 1) The Director shall advise the owner of the sign, business, building, structure or premise in writing of a violation of this chapter and specify a date for compliance which shall not exceed thirty (30) days;
- 2) The written notice shall describe the violation, appeal process, and enforcement provisions including penalties that may be assessed;
- 3) Issuing a stop work order for any and all work on any signs on a site;
- 4) Seeking an injunction or other restraint that requires the removal of the sign or correction of the nonconformity;
- 5) Imposing civil penalties in accordance with the following schedule:
 - a. \$50 for the first day of the violation;
 - b. \$100 for the second day of the violation;
 - c. \$250 for the third day of the violation; and
 - d. \$500 a day each day thereafter that violation continues; and
- 6) And other remedies provided for or allowed by state law or Town Codes.

WC 16.08.100 Administration and Penalties.

Enforcement - The Community Development Director is hereby authorized and directed to enforce all of the provisions of this ordinance. Upon presentation of proper credentials, the Building Commissioner and Planner or his duly authorized representative may enter at reasonable times any building, structure or premises in the Town of Westfield and Washington Township to perform any duty imposed upon him by this ordinance.

Interpretation - Where there is any ambiguity or dispute concerning the interpretation of this ordinance, the decision of the Building Commissioner and Planner shall prevail subject to appeal as provided herein.