



Oak Manor

PLANNED UNIT DEVELOPMENT

ORIGINAL ORDINANCE

Ordinance No.: 03-37

Adoption Date: November 10, 2003

Instrument No.: 200500013558



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307
145

BEST POSSIBLE IMAGE
ALL PAGES

200300125262
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
12-17-2003 At 09:00 am.
ORDINANCE 19.00

ORDINANCE NO. 03-37

Rerecording to Add PUD
**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 0207-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 positive recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the commission to the town Council on October 28, 2003; and

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

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

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

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the real estate described in Attachment "A" hereto (Real Estate) from SF2, SF3 and GB-PD to SF2/PUD, SF3/PUD, and GB-PUD such real estate being subject to commitments and standards as detailed in Attachment "B".

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

11/6/2003

200500013558
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
03-04-2005 At 10:44 am.
ORDINANCE 307.00

Ordinance 03-37

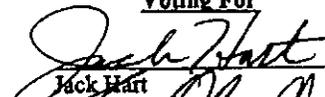
ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF
WESTFIELD, HAMITON COUNTY, INDIANA THIS 10 DAY OF
NOV, 2003

WESTFIELD TOWN COUNCIL

Voting For

Voting Against

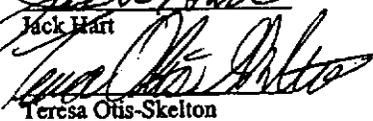
Abstain



Jack Hart

Jack Hart

Jack Hart



Teresa Otis-Skelton

Teresa Otis-Skelton

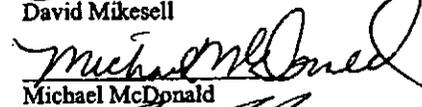
Teresa Otis-Skelton



David Mikesell

David Mikesell

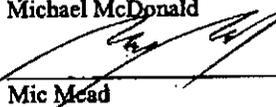
David Mikesell



Michael McDonald

Michael McDonald

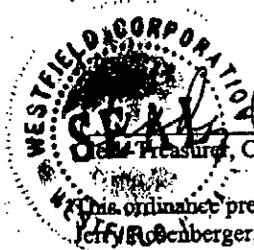
Michael McDonald



Mic Mead

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Cindy Gossard, Treasurer
This ordinance prepared by
Jeff Rothenberger, Town Manager

11/6/2003

Ordinance 03-37

Rezone from SF 2 to SF 2/PUD

AREA A LEGAL DESCRIPTION

A part of the Southeast Quarter of Section 6, Township 18 North, Range 4 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest Corner of said Quarter; thence North 00 degrees 17 minutes 27 seconds East along the west line thereof a distance of 1179.83 feet to the southwesterly corner of a Parcel of Land as described in Instrument Number 2002-7514 in the Office of the Recorder of Hamilton County; (the following eleven courses being along the boundary of said Parcel of Land) (1) thence South 89 degrees 42 minutes 32 seconds East a distance of 16.50 feet; (2) thence North 00 degrees 17 minutes 28 seconds East a distance of 25.00 feet; (3) thence South 89 degrees 42 minutes 32 seconds East a distance of 2.50 feet; (4) thence North 00 degrees 17 minutes 28 seconds East a distance of 90.00 feet; (5) thence South 89 degrees 42 minutes 32 seconds East a distance of 11.00 feet; (6) thence North 03 degrees 52 minutes 03 seconds East a distance of 160.31 feet; (7) thence North 00 degrees 17 minutes 28 seconds East a distance of 150.00 feet; (8) thence North 03 degrees 59 minutes 53 seconds West a distance of 200.56 feet; (9) thence North 09 degrees 21 minutes 25 seconds West a distance of 50.72 feet; (10) thence North 00 degrees 17 minutes 28 seconds East a distance of 50.00 feet; (11) thence North 89 degrees 42 minutes 32 seconds West a distance of 16.50 feet to the aforesaid west line; thence North 00 degrees 17 minutes 27 seconds East along said west line a distance of 743.12 feet to the Northwest Corner of said Quarter; thence North 89 degrees 35 minutes 25 seconds East along the north line thereof a distance of 2644.43 feet to the Northeast Corner thereof, thence South 00 degrees 04 minutes 06 seconds East along the east line thereof a distance of 2658.67 feet to the Southeast Corner thereof, thence South 89 degrees 49 minutes 29 seconds West along the south line thereof a distance of 2661.00 feet to the Point of Beginning. Containing 161.069 acres, more or less.

Rezone from SF 3 to SF 3/PUD

AREA B LEGAL DESCRIPTION

A part of the West half of Section 5, Township 18 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being bounded as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 5, Township 18 North, Range 4 East; thence South 00 degrees 06 minutes 29 seconds East (assumed bearing) 917.53 feet along the West line of said Northwest Quarter to the Northwest corner of the South half of said Northwest Quarter and the Point of Beginning of this description; thence South 89 degrees 03 minutes 38 seconds East 2666.27 feet along the North line of the South half of said Northwest Quarter to the Northeast corner of the South half of said Northwest Quarter; thence South 00 degrees 06 minutes 41 seconds East 1321.20 feet along the East line of said Northwest Quarter to the Southeast corner of said Northwest Quarter; thence North 88 degrees 50 minutes 11 seconds West 1333.28 feet along the South line of said Northwest Quarter to the Northeast corner of the Northwest Quarter of the Southwest Quarter; thence South 00 degrees 04 minutes 00 seconds East 1321.64 feet along the East line of the Northwest Quarter of said Southwest Quarter to the Southeast corner of the Northwest Quarter of said Southwest Quarter; thence North 89 degrees 09 minutes 34 seconds West 1331.92 feet along the South line of the Northwest Quarter of said Southwest Quarter to the Southwest corner of the Northwest Quarter of said Southwest Quarter said corner being North 00 degrees 07 minutes 09 seconds West 1329.17 feet from the Southwest corner of said Southwest Quarter; thence North 00 degrees 07 minutes 09 seconds west 1329.17 feet along the West line of said Southwest Quarter to the Northwest corner of said Southwest Quarter said corner also being the Southwest corner of said Northwest Quarter; thence North 00 degrees 06 minutes 29 seconds West 1310.76 feet along the West line of said Northwest Quarter to the Point of Beginning. Containing 121.08 acres, more or less.

Rezone from GB-PD to GB/PUD

AREA C LEGAL DESCRIPTION

A part of the Northwest Quarter of Section 5, Township 18 North, Range 4 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of North 89 degrees 40 minutes 33 seconds East along the North line thereof a distance of 1674.38 feet to a "Mag" nail with washer marking the Northwest corner of a tract of land described in Instrument Number 200000009978 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 03 minutes 28 seconds East along the West line of said tract and along the West line of a tract of land described in 200000018471 in said Recorder's Office a distance of 930.94 feet to a rebar marking the Southwest corner of said tract described in 200000018471, said point also being on the North line of a tract of land described in Instrument Number 9116724 in said Recorder's Office (being the North Right-of-Way line of the former Central Indiana Railroad); thence North 89 degrees 00 minutes 37 seconds West along the North line thereof a distance of 1674.64 feet to a "Mag" nail with washer marking the intersection of said North Right-of-Way line and the West line of said Northwest Quarter; thence North 00 degrees 03 minutes 28 seconds West along the West line thereof a distance of 892.53 feet to the Point of Beginning. Containing 35.045 acres, more or less.

**WESTFIELD WASHINGTON TOWNSHIP PLAN COMMISSION
CERTIFICATION**

The Westfield Washington Plan Commission met in regular session on Monday, October 27, 2003, to consider an amendment of the Comprehensive Zoning Ordinance of Westfield-Washington Township 1977, as amended. Notice of public hearing on October 27, 2003, was presented to the Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed amendment is as follows:

A change in zoning classification, from SF2, SF3 and GB-PD
to SF2, SF3 and GB-PD/PUD
at 171st Street and Carey Road (generally).

A motion was approved to forward this request to the Westfield Town Council with a recommendation to approve (9-0-0).

I, Kevin G. Buchheit, AICP, being the Secretary of the Westfield-Washington Township 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 Plan Commission held on October 27, 2003.



Kevin G. Buchheit, AICP, Secretary

October 28, 2003

Date

Rezone from SF 2 to SF 2/PUD

AREA A LEGAL DESCRIPTION

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Kevin G. Buchheit, AICP, Secretary

October 28, 2003

Date

WESTFIELD, INDIANA

PUD ORDINANCE NO. 02-07-PUD-02

**OAK MANOR
PLANNED UNIT DEVELOPMENT DISTRICT**

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5. WC 16.04.050 Underlying General Business-Planned Development Standards
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7. WC 16.06.010 Landscaping Standards
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19. External Street Landscaping Areas A & B
20. Area C Legal Description
21. Area C Development Plan
22. Area C Permitted Uses
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ARTICLE I.
OAK MANOR PUD
ORDINANCE NO. 02-07-PUD-02

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

This PUD Ordinance (the "Oak Manor 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 Langston Development Company, Inc., Flynn & Zinkan Realty Company, Hollie N. Curtis-Yuhas, Bradley A. Crouse and Beverly J. Crouse for the real estate containing approximately 317 acres, legally described on Exhibits "9", "10", and "19" attached hereto, and incorporation herein by this reference, and located in Washington Township, Westfield, Hamilton County, Indiana (the "Real Estate");

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

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

ARTICLE I.

OAK MANOR PUD

SECTION 1.1. 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 provisions of streets, utilities, and municipal services;
- E. Preserve the natural environmental and scenic features of the Real Estate;
- F. Encourage and provide a mechanism for arranging improvement on-site so as to preserve desirable features; and
- G. Mitigate the problems which may be presented by specific site conditions.

SECTION 1.2. EFFECT. The development standards created by this Oak Manor PUD supercede the standards of the Zoning Ordinance. Unless otherwise specified herein, the owner(s) of the Real Estate shall otherwise comply with the terms, conditions, and procedures of PUD Ordinance 02-01 (WC 16.04.190) (the "PUD Ordinance").

SECTION 1.3. DEFINITIONS. Unless otherwise specified in (i) this Oak Manor 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 Oak Manor PUD.

ARTICLE II.
AREAS A AND B RESIDENTIAL AREAS

SECTION 2.1. LOW DENSITY SINGLE FAMILY RESIDENTIAL AREA. Area A of the Real Estate, described in what is attached hereto and made a part hereof as Exhibit "9" ("Area A"), 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 in force at the time of the filing of this Oak Manor PUD. A copy of the SF-2 development standards and a copy of WC 16.04.165 Development Plan Review, which were in force at the time of the filing of this Oak Manor PUD and which apply to Area A, except as modified in this Oak Manor PUD, have been attached hereto and made a part hereof as Exhibit "3" and Exhibit "6" respectively.

SECTION 2.2. MIXED USE RESIDENTIAL AREA. Area B of the Real Estate, described in what is attached hereto and made a part hereof as Exhibit "10" ("Area B"), is reclassified on the Zone Map from the SF-3 Residence District Classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-3 District of the Zoning Ordinance in force at the time of the filing of this Oak Manor PUD. A copy of the SF-3 development standards and a copy of WC 16.04.165 Development Plan Review, which were in force at the time of the filing of this Oak Manor PUD and which apply to Area B, except as modified in this Oak Manor PUD, have been attached hereto and made a part hereof as Exhibit "4" and Exhibit "6" respectively.

SECTION 2.3. USES. Areas A & B shall be developed for residential uses as more particularly shown on the concept plan attached hereto as Exhibit "1" (the "Concept Plan"). The size, dimensions, acreage, and/or number of residential units of each Parcel may be increased or decreased, so long as the total maximum number of residential units does not exceed Seven Hundred (700) units and the maximum number of attached residential units does not exceed 290 units.

Permitted uses are as follows:

- A. Permitted Uses for Area A shall include the following:
- (1) All uses permitted in the SF-2 District Per the Westfield Washington Township Zoning Ordinance in force at the time of the filing of this Oak Manor PUD, together with model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons;
 - (2) Residential common areas and privately owned amenity areas along with accessory uses, structures, and improvements located thereon including, without limitation, recreational developments, including swimming pools, clubhouses, parks, pools, ball fields, ball courts, practice facilities, playgrounds, and other recreational spaces and buildings all of which shall be made available to all of the residents of Area A. Approval for the constuction of said amenity improvements shall be approved by staff. Documentation specifications shall be as presented in the DPR without need for Plan Commission action or public hearing;
 - (3) Home occupations shall be permitted per the terms and conditions of the Zoning Ordinance; provided, however, that (i) home garage sales shall not exceed two (2) days per year, (ii) home-based schools shall be limited to twelve (12) or less full-time or part-time students, including residents of the home;
 - (4) The Pool, Clubhouse and adjacent amenity areas thereto may be rented out for special occasions under terms and conditions as approved by the Developer or Association.
- B. Permitted uses for Area B shall include the following:
- (1) All uses permitted in Area A;
 - (2) Attached single family and multifamily residential dwellings and buildings and uses accessory thereto.
 - (3) All Home Occupations permitted within the SF-3 Zoning District in force at the time of the filing of this Oak Manor PUD, all professional

occupations with generally the same functions and requirements of a lawyer, architect, accountant, counselor, consultant, and Real Estate Agent that are approved by the Developer or Architectural Control Committee as long as the work is performed entirely within the residence, all work is performed by residents and a maximum of one (1) outside personnel, and general parking requirements of the occupation including outside personnel and customers shall not exceed two (2) spaces which shall be located in front of or adjacent to residential unit. Home occupations with outside personnel shall be limited in number to twenty-four (24) and shall be located within Parcel B-1 on the direct access road to Area C and adjacent to Area C.

- (4) The Pools, Clubhouses and adjacent amenity areas thereto may be rented out for special occasions under terms and conditions as approved by the Developer or Association.

SECTION 2.4. GROSS RESIDENTIAL DENSITY. The gross residential units for Areas A and B shall not exceed a total of Seven hundred (700) units.

SECTION 2.5. AREA A DEVELOPMENT STANDARDS AND ARCHITECTURAL GUIDELINES. The Development Standards and Architectural Guidelines for Area A shall be as set forth in what is attached hereto and incorporated herein by reference as Exhibits "11" and "12" and, to the extent they conflict with those set forth in Exhibit "3", Exhibit "6", other provisions of the Zoning Ordinance, Subdivision Control Ordinance, and the Utility and Infrastructure Construction Standards and amendments thereto, they shall replace and supercede those Ordinances and amendments thereto.

SECTION 2.6. AREA B DEVELOPMENT STANDARDS AND ARCHITECTURAL GUIDELINES. The Development Standards and Architectural Guidelines for Area B shall be as set forth in what is attached hereto and incorporated herein by reference as Exhibits "13" and "14" and, to the extent they conflict with those set forth in Exhibit "4", Exhibit "6", other provisions of the Zoning Ordinance, Subdivision Control

Ordinance, and the Utility and Infrastructure Construction Standards and amendments thereto, they shall replace and supercede those Ordinances and amendments thereto.

SECTION 2.7. STREETScape STANDARDS. The Streetscape Standards for the Residential Areas A and B shall be set forth in what is attached hereto and incorporated herein by reference as Exhibit "15" and, to the extent they conflict with those set forth in Exhibits "3", "4", and "6", other provisions of the Zoning Ordinance, Subdivision Control Ordinance, and the Utility and Infrastructure Construction Standards and amendments thereto, they shall replace and supercede those Ordinances and amendments thereto.

SECTION 2.8. STREET STANDARDS. The development standards pertaining to streets, private drives, paths, gates, road cuts, etc. for Areas A and B are set forth in what is attached hereto and incorporated herein by reference as Exhibit "16" and, to the extent they conflict with those set forth in the Subdivision Control Ordinance, the Utility and Infrastructure Construction Standards and amendments thereto, and other provisions of the Zoning Ordinance, they shall replace and supercede those standards. Exhibit "16" provides for, without limitation, private and public streets, gated communities, and the permitted number of entrances, curb cuts, and road cuts, and lanes.

SECTION 2.9. LANDSCAPING STANDARDS. Attached hereto and incorporated herein by reference as Exhibit "7" are landscaping standards, set forth in Section WC 16.06 of the Zoning Code "Landscaping Standards". In the event that the landscaping standards set forth in this Section 2.9 of this Oak Manor PUD for Areas A and B shall conflict with those set forth in WC 16.06 of the Zoning Code "Landscaping Standards" or any other Zoning Ordinance in force at the date of the filing of the Oak Manor PUD they shall replace and supercede those standards.

- A. **Tree Inventory.** Prior to development plan approval or the issuance of a building permit, the Developer shall inventory all trees twelve (12) inches in caliper or greater and shall be required to locate only those healthy trees; 1) with a caliper measure of twenty (20) inches or greater and 2) located outside tree preservation areas or nature preservation areas. In addition, the Developer shall be required to

inventory those trees for which they are requesting a credit against landscape requirements under Section 16.06.020(F) in Exhibit "7" and substitution provisions within this Oak Manor PUD Ordinance; provided, however, that tree stands will be generally outlined on any Development Plan.

B. Substitutions. The following substitutions shall also be permitted for all landscaping requirements;

- (1) One (1) evergreen tree can be substituted for three (3) evergreen shrubs on up to 60% of the required shrubs in buffer yards;
- (2) Ornamental and Shade Trees can be substituted one for one for evergreen trees on up to 60% of the required evergreen trees in buffer yards;
- (3) In buffer and road frontage yards, deciduous shrubs may be substituted one for one for evergreen shrubs when incorporated with fencing, walls, columns, or mounds.
- (4) Preserved trees two (2) inches in caliper or greater located within or adjacent to right of ways or in buffer yards may be substituted one (1) for one (1) for required buffer yard trees, road frontage trees, perimeter parking lot landscaping, and one tree (1) for three shrubs (3) on up to 60% of evergreen shrubs.
- (5) Preserved Woodland Areas can be substituted for all required road frontage and buffer yard plantings if the preserved trees exist in the road frontage or buffer yard areas for which they are substituted.
- (6) Preserved Trees in any area of Areas A & B can be used as credits for the minimum on site requirements for any other area in A & B respectively per the ratios listed in Paragraph F of the WC 16.06.020 Preservation and Replacement of Trees of the Zoning Ordinance.

C. Buffer Yards. A twenty foot buffer yard shall be required around the perimeter of each Area except as follows:

- (1) No buffer yards shall be required;
 - a. between Areas within the Oak Manor PUD and adjacent to the existing Oak Manor Subdivision, and

- b. adjacent to the abandoned railroad right of way, except as provided for in Section 3.4, B, 5 below, and
 - c. within gas pipeline easements and overhead electrical easements prohibiting landscaping.
- (2) A 40' buffer yard shall be required along Carey Road north of 171st Street to the abandoned railroad right of way.
 - (3) Buffer Yards that are not additionally road frontage shall be landscaped per WC 16.06.060 paragraph C, with substitutions allowed per paragraph B of this Section 2.9, with the exception of areas encompassed by gas pipeline easements and overhead electrical easements prohibiting landscaping, where no landscaping shall be required.
- D. External Road Frontage Landscaping Standards Areas A and B.** Road frontage yards along External Streets shall be landscaped as follows, whether or not they are additionally buffer yards, with the exception of areas encompassed by easements prohibiting landscaping, where no landscaping shall be required:
- (1) Road frontage yards along external streets contiguous with Areas A and B shall be landscaped using singularly and/or in combination; berms, landscaping, brick or stone masonry, and ornamental metal fencing, excepting however those locations where the external streets are adjacent to Preserved Woodland Areas and within gas pipeline easements and overhead electrical easements prohibiting landscaping, where no landscaping shall be required. Berming, when used, shall be at least three (3) feet in height, non-continuous, and located out of right-of-ways. At least four (4) evergreen trees, one (1) ornamental trees, two (2) shade trees, and 8 bushes per one-hundred (100) linear feet shall be planted. Ornamental trees may be substituted, one (1) for one (1), for evergreen trees, up to fifty (50) percent of the required evergreen trees. Masonry columns and ornamental metal picket fencing shall not exceed eight (8) feet in height. A typical landscape design for road frontage has been incorporated herein as Exhibit 19.

- E. **Internal Road Frontage Landscaping Standards.** Internal streets within Areas A and B shall be lined with shade trees outside of the right of way, of the types and locations as determined by the Developer, and shall be spaced approximately every fifty (50) feet within Area A and approximately sixty (60) feet within Area B. All road frontage trees shall be credited towards onsite minimum requirements.
- F. **Open Space.** A minimum of Thirteen (13%) of the gross area of the real estate within Areas A & B of the PUD shall be dedicated Open Space and shall be located generally in the areas as denoted on the Conceptual Plan, which shall supercede the Green Belt Space, Secondary Green Space, and all other Open Space Requirements set forth in the Zoning Ordinance. Any of the Open Space area of this PUD that is dedicated to a neighborhood association, the public, or whose ownership is transferred to a Municipality for public use, including rail right of ways, shall be factored in the total amount of Open Space.

SECTION 2.10. AMENITIES AND MEMBERSHIPS.

- A. **Amenities.** In each Area A and B the developer shall provide at least three (3) different amenities from the following list:
- (1) Clubhouse
 - (2) Swimming pool;
 - (3) Playground;
 - (4) Dedicated Open Space or Park (minimum 5,000 square feet);
 - (5) Trail;
 - (6) Basketball Court;
 - (7) Tennis Court;
 - (8) Volleyball Court;
 - (9) Formal garden (minimum 2,500 square feet);
 - (10) Picnic Area.
- B. **Membership.** All property owners within each residential Area or Parcel, within Areas A & B, shall automatically, upon taking title to the property, become a member of that particular Area's and/or Parcel's Property Owner's Association.

SECTION 2.11. SIGNAGE. Sign permits shall not be required for all exempt signs and signs listed in Paragraph A of this Section 13. The following provisions shall govern signage located upon and within the Real Estate for Areas A and B and, to the extent they conflict with the provisions of the Westfield-Washington Township Sign Ordinance and other provisions of the Zoning Ordinance, the following provisions and standards shall control:

- A. The following signs shall be exempt from permits and fees and shall be permitted in locations outside of right of ways.
- (1) All signs designated as exempt in Section 16.08 et seq. of the Sign Ordinance; and
 - (2) Sales signs used in connection with the sale of Real Estate within the PUD that are eight (8) s.f. in size per side or smaller; and
 - (3) Builder and contractor signs used to denote the contractor constructing a residence or owning a lot within the PUD that are eight (8) s.f. in size or smaller; and
 - (4) Event signs and banners to promote a special event such as a home show shall be displayed no longer than sixty (60) days per calendar year; and
 - (5) Governmental and non-commercial institution flags mounted on a pole are exempt. No more than two flags shall be mounted on a pole; and
 - (6) Interior building signs that are not intended to be legible from outside a building; and
 - (7) Lot and common area identification signs no larger than eight (8) square feet in size.
- B. **Prohibited signs:** Signs prohibited by the Sign Ordinance, except as otherwise permitted hereunder.
- C. **Temporary Signs Permitted with permits which require Staff approval only and shall be permitted in locations outside right of ways.**
- (1) One construction sign for each street frontage of a lot upon which construction of any attached single family structure, provided the following standards are met:
 - a. The maximum sign area shall be sixty-four (64) square feet.
 - b. The maximum height of each sign shall be ten (10) feet.

- c. The sign shall not be illuminated.
 - d. The sign shall be removed within seven days after the beginning of the intended use of the building.
 - e. Sign copy shall be limited to identification of the building, architects, engineers, contractors and other persons involved with the construction, but shall not include any advertising or product other than a rendering of the building being constructed.
 - f. One two sided or two one sided signs with identical copy shall be considered one sign under this provision provided that the two one-sided signs are joined at one side with an angle of no greater than forty-five (45) degrees between the two sign faces such that the two sign faces are not legible at the same time from a single viewpoint.
- (2) Signs depicting the site plan of an Area or Parcel assuming completion of development in accordance with the development plan and indicating the location within the Real Estate of the person viewing the sign, shall be permitted without a sign permit provided the following standards are met:
- a. The maximum sign area per Parcel shall be sixty-four (64) square feet.
 - b. The maximum height shall be ten (10) feet.
 - c. Site plan signage may be illuminated.
 - d. Site plan signage shall be removed from a Parcel when 95% of the lots in that parcel have been built upon and the premises occupied.
- (3) Real estate sales, model home signs, shall be permitted provided the following standards are met:
- a. The maximum sign area shall be 32 square feet.
 - b. The maximum height of the sign shall be eight feet.
 - c. Limited to one sign for each street frontage of the lot, with no more than two sign faces per sign.

- d. The sign may be illuminated in accordance to Lighting Standards as incorporated herein as Exhibit 17.
- e. Signs for detached dwellings and commercial structures shall be removed within seven days after the date the unit is sold.
- f. With respect to attached dwellings, when 90% of the dwellings are sold or occupied, real estate signs are limited to a ground sign, a wall sign or a window sign of eight square feet or less.

E. Permitted Other Signs:

- (1) Signs permitted under Section 16.08 et seq. of the Sign Ordinance.
- (2) One (1) development identification sign at each of the street entrances to areas A, B, and C or parcels within such areas provided the following standards are-met:
 - a. The design of the sign shall be consistent with the Design Vocabulary.
 - b. The maximum sign area per sign shall not exceed 100 square feet per side.
 - c. The area surrounding the sign(s) shall be appropriately landscaped.
 - d. The sign may be illuminated; provided, however; that such signs shall not be internally lit.
 - e. The sign shall not exceed fifteen (15) feet in height.
 - f. The sign shall be removed when 95% of the lots or units in the area to which the sign relates have been built upon and the premises occupied.
 - g. The sign shall not be located within the right of way.
- (3) Business Signs on the internal spine street in Parcel B-1 provided the following standards are-met:
 - (a) The maximum sign area shall be nine (9) square feet.
 - (b) The maximum height of the sign shall be six feet.
 - (c) Limited to one sign for each unit, with no more than two sign faces per sign.

(d) The sign may not be illuminated.

SECTION 2.12. OUTDOOR LIGHTING. Attached hereto and incorporated herein by reference as Exhibit "17" are the current Outdoor Lighting Standards set forth in the Westfield-Washington Township Zoning Ordinance, which shall apply to Areas A and B and shall replace and supercede the Outdoor Lighting Standards that were in effect at the date of filing of this Oak Manor PUD and have been attached hereto and made a part hereof as Exhibit "8".

SECTION 2.13. PHASING SEQUENCE. The sequence and phasing of development shall be as set forth in Exhibit "18" (the "Phasing Sequence"). The Phasing Sequence shall control, replace, and supercede provisions in the PUD Ordinance pertaining to the submission, approval, and timing of phases, development, and development plans.

ARTICLE III.
COMMERCIAL AREA

SECTION 3.1. COMMERCIAL AREA. Area C of the Real Estate is described in what is attached hereto and made a part hereof as Exhibit "20" ("Area C"), and is reclassified on the Zone Map from the GB-PD District Classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the GB-PD District of the Zoning Ordinance in force at the time of the filing of this Oak Manor PUD. A copy of the GB-PD District development standards and a copy of WC 16.04.165 Development Plan Review, which were in force at the time of the filing of this Oak Manor PUD and which apply to Area C, except as modified by this Oak Manor PUD, have been attached hereto and made a part hereof as Exhibit "5" and Exhibit "6" respectively. Area C is an integrated commercial development which will comprise multiple buildings and out lots, each of which may contain more than one (1) business, as conceptually shown on the retail concept plan attached hereto as Exhibit 21 (the "Plan"). The Plan conceptually represents the proposed layout of Area C; however, the size, location and number of buildings, parking, and roadways within Area C may be modified provided such modifications are in compliance with the requirements set forth in this Oak Manor PUD.

SECTION 3.2. USES. Area C shall be developed for general retail, office and other commercial uses. Permitted uses for Area C are set forth on Exhibit 22 attached hereto and incorporated herein by this reference.

SECTION 3.3. DEVELOPMENT AND ARCHITECTURAL STANDARDS. The Development Standards, Streetscape Standards, and Architectural Guidelines standards for Area C shall be as set forth below and shall replace and supersede those standards and guidelines set forth in WC § 16.04.050 Business Districts of the Zoning Ordinance, or the Subdivision Control Ordinance, or the Utility and Infrastructure Construction Standards, and other provisions of the Zoning Ordinance.

A. **Building Height.** Buildings within Area C are restricted to a maximum height of sixty (60) feet. For purposes of measuring such heights, pitched roofs are measured to the mid-point.

B. Building Setback Requirements.

Side yard (each side): Internal - No minimum

Along East Perimeter Boundary Line of Area C - A minimum of ten (10) feet. Landscaping may be placed within this setback area.

Rear yard: A minimum of twenty (20) feet, unless abutting a common parking lot, in which event no rear yard is required. Driveways may be located within this rear yard setback.

External Streets: A minimum of thirty (30) feet from the right-of-way line of Carey Road and a minimum of forty (40) feet from the right-of-way line of S.R. 32. The required landscaping along Carey Road and S.R. 32 may be placed within these setback areas. Additionally, parking areas may extend into these setback areas to within ten (10) feet of the right-of-way of Carey Road and S.R. 32.

C. Parking Standards. The following parking ratios shall apply to Area C:

Retail/Office/
Medical Office A minimum of 1 space for every 300 gross square feet
and a maximum of 1 space for every 200 square feet.

Restaurant A minimum of 1 space for every 3 seats

The above ratios shall be calculated on Area C as a whole without consideration of any different ownerships in individual parcels located within

The above ratios shall be calculated on Area C as a whole without consideration of any different ownerships in individual parcels located within Area C. Each parking space may be a minimum of nine (9) feet in width and twenty (20) feet in length (eighteen (18) feet when against a curb).

D. Outdoor Dining. Restaurants shall be permitted to operate seasonal outdoor seating areas on sidewalks and in courtyards; provided that pedestrian circulation and access to store entrances are not impaired. The following standards and guidelines are applicable:

1. To allow for pedestrian circulation, a minimum of five (5) feet of unobstructed sidewalk area along the front of the building and leading to the entrance to the establishment shall be maintained free of tables and other encumbrances.
2. Planters, posts with ropes, railings, changes in elevation or texture, other removable or permanent enclosures are required as a way of defining the area occupied by the seasonal outdoor seating areas.
3. Fixtures such as extended awnings, canopies or large umbrellas shall be permitted to provide shade. Fixture colors shall complement building colors.
4. Seasonal outdoor seating areas shall be required to provide appropriate outdoor trash receptacles.
5. Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
6. The outdoor seating area of a restaurant shall be included in the calculation of the parking requirements set forth in Section 3.3.C. above.

E. Outdoor Storage and Sales Areas. Retail establishments shall be permitted to have outside display and storage of retail merchandise and shopping carts, in accordance with the following standards and guidelines:

1. The parking area directly in front of the anchor user building may contain corrals for the storage of shopping carts (a/k/a bascarts) that are typical and customary at a full service grocery store with all typical services or a discount department store with all typical services.

2. Permanent outdoor sales are permitted directly in front of the anchor user building provided (i) all merchandise is surrounded by masonry wall(s), constructed of materials compatible to the exterior walls of the anchor user building, (ii) the masonry wall(s) shall be of a sufficient height to screen all pallets and merchandise from horizontal view, (iii) a minimum of five (5) feet of unobstructed sidewalk area along the front of the anchor user building leading to the storefront entrance is maintained free of display, and (iv) the display area does not exceed seventy-five (75) percent of the length of the anchor user building storefront. Openings in the parking lot side of the screening masonry wall are allowed so long as merchandise enclosed within the outdoor sales area is not directly visible. In addition to the anchor user building, one (1) free-standing, single-user building in Area C primarily used as a "building materials" or "hardware" store shall be permitted to have a permanent outdoor sales area provided such outdoor sales area is in compliance with the standards set forth in this paragraph.
3. Sidewalk displays are permitted, during normal business hours only, directly in front of all other establishments within Area C other than the anchor user building, provided that (i) a minimum of five (5) feet of unobstructed sidewalk area along the front of the building and leading to the storefront entrance is maintained free of display, (ii) the display area does not exceed seventy-five (75) percent of the length of the storefront, and (iii) all sidewalk displays are removed at the end of each business day. Cardboard boxes or pallets shall not be used for sidewalk displays, and all sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times.
- F. **Drive-Thru Facilities.** Drive-thru facilities are permitted within Area C, provided any canopies over the drive-thru's and associated columns are constructed of the same or compatible building materials or awnings as on the exterior of the building served by such drive-thru. Each drive-thru shall be designed in conjunction with the immediately surrounding parking areas and driveways to allow a minimum stacking of three (3) cars per drive-thru lane,

such that the stacking of at least three (3) cars per drive-thru lane will not obstruct the free-flow of other traffic throughout Area C.

G. Architectural Standards.

1. **Design.** All buildings must have compatible architectural designs.
2. **Materials and Colors.**
 - a. Predominant exterior building materials shall be high quality materials, including but not limited to, glass, brick, Quik-Brik, EFIS, limestone, other native stone and tinted/textured concrete masonry units.
 - b. The primary building material to be used on the rear and/or sides of the small "B" shops (a/k/a a "multi-tenant building") and the anchor user building in Area C will be Quik-Brik, 3-1/2 inch by 15-1/2 inch masonry bricks or their equivalent in a color aesthetically compatible with the brick used on the sides and front of the commercial structures.
 - c. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels, except decorative accent metal panels are permissible.
 - d. Roof material used on pitched roofs of any building in excess of 25,000 square feet shall be synthetic slate style.
 - e. Façade colors shall be low reflectance, subtle, neutral or earth tone colors.
 - f. Building trim, awnings, canopies, and accent areas may feature brighter colors, including primary colors.
3. **Screening.** The exterior rear wall of the small "B" shops building and the anchor user building shall contain a parapet wall to screen roof-mounted equipment from ground view. The parapet wall shall vary in height and shall be 4 to 5 feet above the roof line in areas located adjacent to any roof mounted equipment, decreasing in height in other

locations to incorporate varying heights across the top of the back wall of the small "B" shops building and the anchor user building. Such parapet wall shall be made of EFIS or its equivalent, Quik-Brik, brick or any other material used on the exterior of the building. Ground mounted equipment behind the anchor user building shall be enclosed by screening elements comprised of a metal enclosure.

4. **Façade Changes.** Facades that have greater than two hundred (200) feet in length, measured horizontally, shall incorporate either awnings, wall plane projections or recesses of no less than twelve (12) inches in depth per Section 3.3.G.5.d. below.
5. **Repeating Patterns.** Building facades must include a repeating pattern that includes no less than two (2) of the following elements:
 - a. color change;
 - b. texture change;
 - c. material change;
 - d. an expression of architectural interest through a change in plane no less than twelve (12) inches in width, such as an offset, cornice, awnings, canopies, columns, reveal or projecting rib.
6. **Entryways.** Each retail establishment greater than 25,000 square feet shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
 1. canopies or porticos;
 2. overhangs or canopies;
 3. recesses/projections;
 4. arcades;
 5. raised corniced parapets over the door;
 6. peaked roof forms;
 7. arches;

8. outdoor patios;
 9. display windows;
 10. architectural details such as tile work or moldings which are integrated into the building structure and design;
 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
7. **Anchor User Loading Dock; Other Loading Docks.** The open side of the anchor user's loading dock shall be on the west side of such recessed loading dock, such that the tractor of an unloading truck will be facing west. Loading docks shall be permitted on the east side or the south side of any building within the Development located east of the Direct Access Road (as depicted on the Plan), provided the tractor of an unloading truck will be facing east if the loading dock is located on the south side of a building, and provided the tractor of an unloading truck will be facing south if the loading dock is located on the east side of a building.
8. **Walkways, Sidewalks, Plaza and Screen Wall.** Area C has been planned to encourage pedestrian circulation. The sidewalks are generously dimensioned to allow for shoppers, strollers, sidewalk displays and seasonal outdoor dining. Open spaces are incorporated to provide a sequence of respite sites for pedestrians. Most importantly, the sidewalk system is continuous, accessible, and will connect into Area B and the Trail System (as defined in Section 3.9 below), allowing numerous opportunities for pedestrian circulation.
- a. To provide connectivity with the proposed Trail System, Area C shall contain a ten (10) foot wide walkway in a "brick pattern" made from either: stamped concrete, decorative pavers or other suitable material, which walkway shall extend from the sidewalk at the west end of the small "B" shops building for approximately one hundred eighty (180) feet, more or less, to

the south property line of Area C adjacent to the proposed Trail System property.

- b. Sidewalks shall be installed on both sides of the north/south Direct Access Road, which Direct Access Road will be located east of the anchor user building within Area C. The sidewalk on the east side of the Direct Access Road shall extend from the southern right-of-way of SR 32 to the proposed Trail System, and the sidewalk on the west side of the Direct Access Road will commence from a point that is approximately one hundred twenty-five (125) feet south of the southern right-of-way of SR 32 to the proposed Trail System. A pedestrian crosswalk shall be located near the northeast corner of the anchor user building across the Direct Access Road providing pedestrian connectivity between the portion of Area C located west of the Direct Access Road and the portion of Area C located east of the Direct Access Road.
- c. The western walkway described in Section 3.3.G.8.a. above will cross through a plaza area, approximately forty (40) feet by eighty (80) feet, designed for the benefit of the proposed Trail System users. The surface of this plaza area will be constructed of materials that will compliment the materials used in the western walkway, and this plaza area will contain amenities such as concrete benches for resting and/or a water feature as a seasonal amenity for weary hikers and bicyclers.
- d. A screen wall shall be constructed of Quik-Brik or its equivalent behind the small "B" shops building. This wall shall be seven (7) feet tall and the open side shall face north so as to screen the trash containers from the ground view to the south. Approximately thirty-three (33) parking spaces, more or less, shall be located south of this screen wall for the benefit of the proposed Trail System users as an amenity for the community.

SECTION 3.4. LANDSCAPING. Area C will feature many diverse forms of landscaping, some of which are unique to a commercial development of this nature. In addition to traditional perimeter and interior landscaping around this commercial project and interspersed in parking lot islands and perimeter parking islands, Area C will also include a pond, a park and a nature area, as more particularly described below:

- A. **Landscaping Standards.** The landscaping requirements for Area C shall be substantially as set forth in the Overall Landscape Plan attached hereto as Exhibit "23" and incorporated herein by this reference (the "Area C Landscape Plan"). The landscaping standards set forth on the Area C Landscape Plan shall supersede and replace those standards set forth in Section WC 16.04.077 of the Zoning Code ("State Highway 32 Landscape Overlay Zone"). In the event that the landscaping standards set forth on the Area C Landscape Plan conflict with those set forth in WC 16.06 of the Zoning Code attached hereto as Exhibit "7" (the "Landscaping Standards") in force at the date of the filing of the Oak Manor PUD, then the standards set forth on the Area C Landscape Plan shall replace and supersede those standards set forth in Exhibit "7". More specifically, no additional landscaping shall be required within Area C except as set forth on the Area C Landscape Plan; however, other provisions and standards of the Landscaping Standards shall apply to Area C, to the extent the same do not conflict with this Section 3.4, such as, but not limited to, substitutions permitted under the Landscaping Standards shall apply in addition to the substitutions set forth in this Section 3.4. The perimeter landscaping along Carey Road and State Road 32 shall be installed, in general accordance with Exhibit 23, in phases on each outlot (as defined in Section 3.5.D.2.) as the outlots are developed with buildings; provided, however, all perimeter landscaping along Carey Road and State Road 32, including such landscaping on any undeveloped outlots, must be installed, in general accordance with Exhibit 23, no later than three (3) years after the adoption of this Oak Manor PUD.

B. **Substitutions.** The following substitutions shall also be permitted for all landscaping requirements set forth on the Area C Landscape Plan:

- 1) Similar species may be substituted for any particular plant and/or tree species identified on the Area C Landscape Plan in the event the identified species is not readily available.
- 2) One evergreen tree can be substituted for three evergreen shrubs up to 60% of the required shrubs;
- 3) Shade trees can be substituted one for one for evergreen trees and one for two for ornamental trees on up to 60% of the required evergreen trees and ornamental trees, and ornamental trees can be substituted one for one for evergreen trees on up to 60% of the required evergreen trees;
- 4) Throughout Area C, deciduous shrubs maybe substituted one for one for evergreen shrubs up to 60% of the required evergreen shrubs; and
- 5) In substitution of the evergreen tree landscaping along the south perimeter line of Area C behind the anchor user building as depicted on the Area C Landscape Plan, a mound may be installed by the Developer of Area C on the Area B property located south of the former Central Indiana Railroad property (more particularly described in Section 3.9 below), which mound will be no less than the same lineal length as the anchor user building and may be up to eight (8) feet but not less than three (3) feet tall, so as to further provide a visual and noise barrier behind the anchor user building.

C. **Buffer Yards.** No buffer yards shall be required within Area C, except as set forth in Section 3.4.B.5. above.

D. **Open Space.** A minimum of ten percent (10%) of the gross area of the real estate within Area C shall be dedicated Open Space which shall supersede the Green Belt Space and other Open Space Requirements set forth in WC

16.04.230 in the Westfield – Washington Township Zoning Ordinance. Any of the open space area of this PUD that is dedicated to the public or whose ownership is transferred to a Municipality for public use, including the Trail System, shall be factored in the total amount of Open Space. Also factored into the Open Space requirement are the following areas comprising part of Area C:

1. **Pond.** A pond (the "Pond") shall be located adjacent to State Road 32. This Pond will feature an aerating fountain in the middle, an aquatic plant ledge around its perimeter containing a variety of aquatic plantings and other landscaping features detailed on the Area C Landscape Plan.
2. **Park Area.** Area C will include a park area (the "Park Area") of one and one-half (1-1/2) acres, more or less, which Park Area will be landscaped with a variety of plantings that are native to the State of Indiana.
3. **Nature Preserve.** An approximately 0.67 acre existing area densely covered with trees and other plantings located in the southeast corner of Area C will be left undisturbed as a nature preserve area (the "Nature Preserve").

SECTION 3.5. SIGNAGE. The following provisions shall govern signage located upon and within Area C, and to the extent they conflict with the provisions of the Town of Westfield -- Washington Township Sign Ordinance, the following provisions and standards shall control:

- A. **Construction Signs.** A maximum of three (3) construction signs which identify the architects, engineers, contractors, financial institutions and other individuals or firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the commercial development or the purpose for which any building is intended, shall be permitted during the construction period and shall be required to have a permit for a temporary sign, which permit shall require the Westfield Community Development Department

review and approval only. Each construction sign shall be limited to a maximum sign surface of thirty-two (32) square feet and a maximum height of ten (10) feet above grade/ground level.

- B. **Real Estate Signs.** A maximum of five (5) real estate signs advertising the sale, rental or lease of premises within Area C are permitted, without the requirement of a permit. Each real estate sign shall be limited to a maximum of thirty-two (32) square feet. Additional real estate signs advertising the sale, rental or lease of premises within Area C are permitted, but shall require a permit if such additional real estate signs exceed six (6) square feet.

- C. **Private Traffic Direction.** Signs directing traffic movement into Area C or within Area C not exceeding four (4) square feet in sign surface area for each sign and not exceeding four (4) feet in height above grade/ground level are permitted without the requirement of a permit. Internal illumination of these signs shall be permitted, as regulated by the Outdoor Lighting Standards set forth in Section WC 16.07.010 attached hereto as Exhibit "8." Such signs may include the identification, including but not limited to its company logo, of any tenant, occupant or other user of all or any portion of a building within Area C. Such traffic direction signs are exempt from all provisions of the Town of Westfield – Washington Township Sign Ordinance, except for construction and safety regulations.

- D. **Business and Commercial District Signs.** The following types of signs are permitted within Area C:
 - 1. **Ground Signs**
 - a. One ground sign shall be permitted for each free-standing building; provided, however, that the portion of Area C located west of the Direct Access Road shall be limited to a maximum total of three (3) ground signs.

- b. No ground sign shall be permitted within fifty (50) feet of a residential district, unless the sign is landscaped or otherwise screened from the view of the single or multi-family district.
- c. A ground sign structure shall be no greater than seven (7) feet in height and fourteen (14) feet in length if it contains a brick base and side columns, and in any event, regardless whether it contains a brick base and side columns or not, the sign surface area of a ground sign shall be no greater than six (6) feet in height and twelve (12) feet in length.
- d. Ground signs shall be located on the same parcel where the business operates.
- e. Ground signs shall be placed a minimum of ten (10) feet from the right-of-way of the adjacent public road, and in a location that will facilitate traffic recognition, provide general identification of the establishment and not obstruct vehicular lines of sight.
- f. All ground signs shall be of the same general design.
- g. Ground signs may be internally, but not externally, illuminated, as regulated by the Outdoor Lighting Standards set forth in Section WC 16.07.010 attached hereto as Exhibit "8".

2. **Wall Signs.** For purposes of this Section 3.5.D.2., the term "outlot" shall mean a lot within Area C which is adjacent to a (public or private) street, roadway or frontage road and is intended for an additional and separate building or buildings.

- a. Wall signs for each outlot are limited to four (4) square feet of sign area for each one (1) linear foot of the outlot building façade fronting a public road. Outlot buildings shall be permitted to place wall signs on any or all sides of the building, provided a minimum

of one-quarter (1/4) of the total sign allotment for such outlet shall be placed on the wall fronting a public road and the aggregate area of all wall signs for such outlet shall not exceed the total sign allotment for such outlet. With respect to any building situated on a corner outlet fronting on two public roads, such building shall be limited to four (4) square feet of sign area for each one (1) linear foot of the longest building façade fronting a public road of such building. A corner outlet building shall be permitted to place wall signs on all sides of the building, provided a minimum of one-quarter (1/4) of the total sign allotment for such corner outlet building shall be placed on each wall fronting a public road and the aggregate area of all wall signs for such corner outlet building shall not exceed the total allotment for such building.

- b. Wall signs located on any building within Area C that is not on an outlet shall be a maximum size of two (2) square feet for each one (1) lineal foot of building frontage, with a minimum of fifty-six (56) square feet for any business whose lineal footage of building frontage is twenty (20) feet or less, and a maximum size of three hundred (300) square feet per each wall sign.
 - c. Wall signs may be either mounted on a building or painted or stenciled on a permanent or retractable awning. All wall signs mounted on any building may be comprised of individual letters which are internally illuminated, and such letters may either be mounted on the wall directly or on a raceway. All wall signs shall be mounted a minimum of ten (10) feet above the sidewalk. Where there is no sidewalk below the proposed mounting of a wall sign, then the wall sign shall be mounted at least ten (10) feet above the base of the building.
3. **Shopping Center Identification Sign (a/k/a a Pylon Sign).** One shopping center identification sign shall be permitted, which sign shall be located adjacent to SR 32, immediately west of the new Direct Access

Road. The base and side columns of this shopping center identification sign may be constructed of either brick, E. F. I. S., stone or a combination of these building materials. The shopping center identification sign may extend to a maximum height of thirty-five (35) feet above grade level, and shall have a maximum sign panel surface size of not more than four hundred (400) square feet per side. Such sign may be internally or externally illuminated, as regulated by the Outdoor Lighting Standards set forth in Section WC 16.07.010 attached hereto as Exhibit "8". No part of such sign shall be located closer to the right-of-way of SR 32 than twenty (20) feet.

4. **Under Canopy Signs.** Under canopy signs may not project below a canopy more than twelve (12) inches. The bottom of such sign shall not be lower than ten (10) feet from a walk or walkway.

SECTION 3.6. OUTDOOR LIGHTING. Attached hereto and incorporated herein by reference as Exhibit "8" are Outdoor Lighting Standards, set forth in Section WC 16.07.010. Those Lighting Standards shall apply to Area C of the Development, with the following exceptions:

- a. All lights along the outside perimeter property lines of Area C shall be limited to 0.5 foot candle, except in those areas containing an ingress/egress to an adjoining public road.
- b. All exterior lighting shall have a maximum illumination at ground level of a 14 foot-candle level, except underneath of any fueling station canopy for which the maximum permitted foot-candle level at ground level shall be sixty (60).
- c. Light poles shall be limited to thirty (30) feet in height, exclusive of their concrete bases.

- d. Light fixtures along the entrance drives and the public rights of way shall be decorative and shall be compatible with the overall architecture of Area C, but overall site illumination into the atmosphere shall be restricted through the use of shields on the fixture to include a horizontal lamp and no more than a 180 degree angle of light.
- e. Light fixtures underneath of any fueling station canopy shall be flush mounted, such that the actual light fixtures do not protrude below the underneath side of the canopy.
- f. Mercury vapor lights are prohibited.

SECTION 3.7. TRASH REMOVAL AND DELIVERIES; ACCESSORY STRUCTURES.

- a. One (1) trash removal contractor shall service all tenants and occupants within the small "B" shops building that abuts the anchor user building. All Trash removal, compaction, service vehicles, deliveries, and parking lot sweeping, with the exception of snow removal, shall be prohibited between the hours of midnight and 6:00 a.m.
- b. Dumpsters and trash compactors shall be enclosed by a masonry enclosure and gated.
- c. Accessory structures including trash dumpsters and compactors are not permitted within any front yard or within any side yard setback requirements.

SECTION 3.8. TRAIL SYSTEM. A fifty (50) foot wide strip of land located immediately south of and parallel to the entire south boundary line of Area C, and immediately north of and parallel to the north boundary line of Area B is part of the former Central Indiana Railroad (also known as the White River, Noblesville and Westfield Railroad). The Town of Westfield-Washington Township has identified the former Central Indiana Railroad as a potential pathway (the "Trail System") for a county-wide alternative transportation network

connecting various communities throughout the Town of Westfield-Washington Township, and promoting access to recreational opportunities via bikeways and other alternative modes of transportation. The Developers of Areas B and C shall dedicate any interest they may have in and to that portion of the former Indiana Central Railroad located adjacent to Areas B and C to the Town of Westfield-Washington Township for the use thereof as part of the Trail System. Thereafter, the Town of Westfield-Washington shall grant for the benefit of Areas B and C and the appropriate utility companies any and all necessary easements for access, utilities and storm water drainage under, over and across the Trail System adjacent to Areas B and C to enable the Developers to complete the infrastructure improvements in the development of the various parcels within the Oak Manor PUD.

APPROVAL

THIS PUD ORDINANCE NO. 02-07-PUD-02, OAK MANOR PLANNED UNIT DEVELOPMENT DISTRICT, shall be in full force and effect, from and after its passage by the Town Council.

ADOPTED BY THE Town Council of the Town of Westfield-Washington Township, Indiana, on this _____ day of _____, 2003.

THE TOWN COUNCIL OF WESTFIELD-WASHINGTON TOWNSHIP, INDIANA

BY:

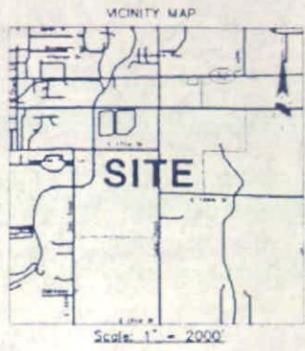
AYE

NAY

	John (Jack) Hart, President	
	Teresa Otis Skelton, Vice President	
	Mic Mead, Member	
	David Mikesell, Member	
	Michael McDonald, Member	

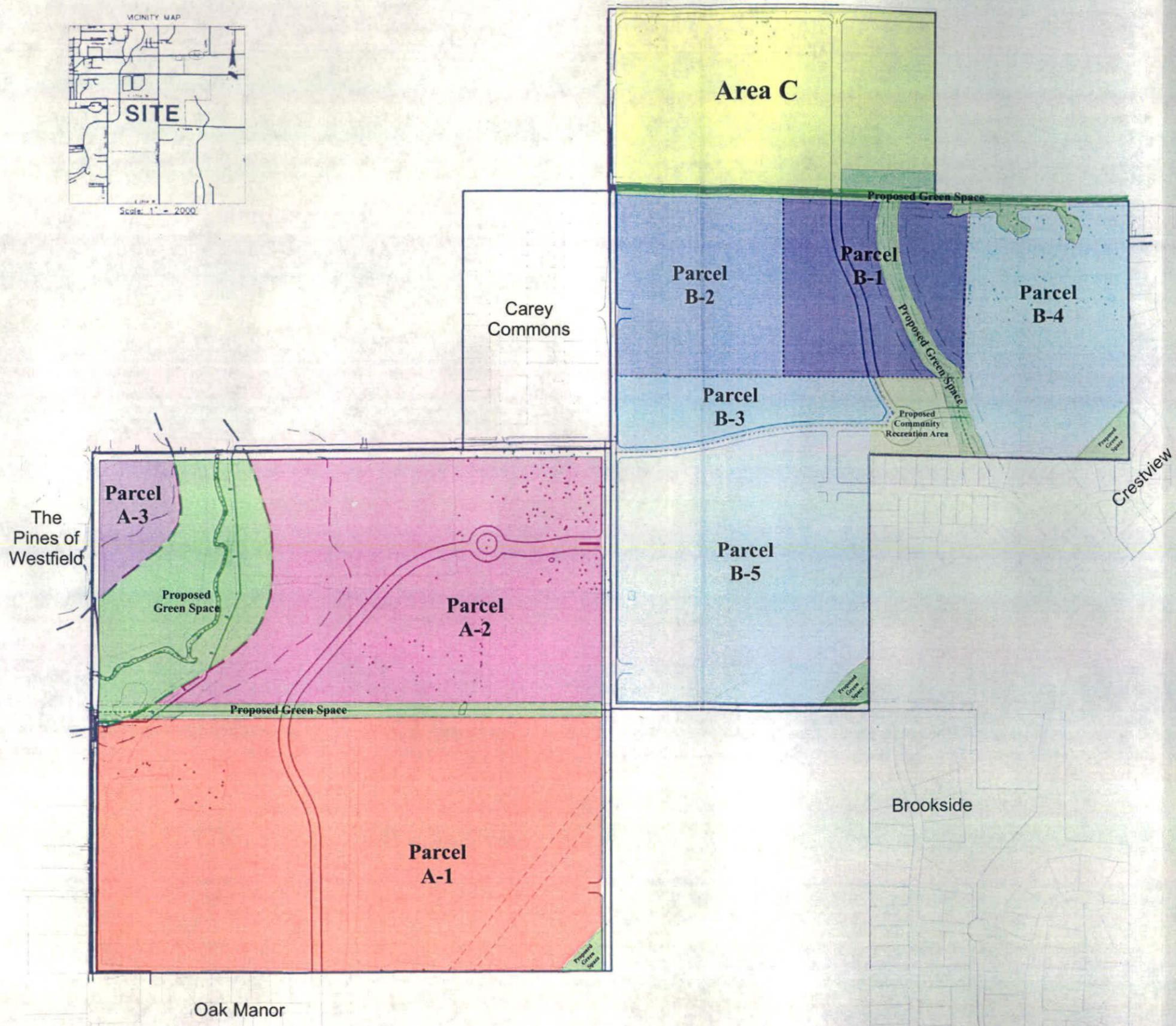
ATTEST:

Cindy J. Gossard, Clerk-Treasurer
The Town of Westfield-Washington Township



OAK MANOR PUD CONCEPT PLAN

HAMILTON COUNTY INDIANA



THE SCHNEIDER CORPORATION
 7501 N. 100th Street
 Chicago, IL 60631
 Phone: 773.424.8410
 www.schneidercorp.com

Schneider

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 7501 N. 100th Street
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 www.schneidercorp.com

Architecture
 Civil Engineering
 Environmental Engineering
 Geotechnical Services
 2011-2012
 License Number: 00000000
 License State: IL
 License Expires: 12/31/2012
 License Number: 00000000
 License State: IL
 License Expires: 12/31/2012

OAK MANOR PUD

HAMILTON COUNTY, INDIANA

LANGSTON DEVELOPMENT CO., INC.
 CLARK, INDIANA

DATE	06/16/15	PROJECT NO.	4134.009
SCALE	AS SHOWN	ISSUED BY	
DESCRIPTION	CONCEPT PLAN 2		
APPROVED BY		DESIGNED BY	
CHECKED BY		PROJECT MANAGER	
DATE		DATE	

EXHIBIT 2
DEFINITIONS

The following words and terms, not defined elsewhere in the Oak Manor PUD or its 21 Exhibits, shall have the following meanings:

1. Architectural Break. An offset from an exterior wall of a minimum of two (2) feet that continues a minimum of four (4) feet.
2. Architectural Review Board. The Board established by a Declaration of the Developer for the purpose of reviewing the design of all structures to be constructed in a particular Parcel.
3. Area. Area A, Area B, and/or Area C as identified in the Oak Manor PUD.
4. Blank Wall. An exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane for a distance of 30 feet in length.
5. Masonry Wainscot. Masonry or equivalent veneer a minimum of 18" in height from foundation wrapped around the entire foundation.
6. Building Height. Building height shall be measured (i) from the average ground level at the foundation of the residence facing the street (ii) to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Chimneys, elevators, tanks, and other similar structures shall not be included in calculating heights.
7. Cornice. The top part of an entablature, usually molded and projecting.
8. Cupola. A small roof tower, usually rising from the roof ridge.
9. Cul-de-sac Street. A cul-de-sac street is a public or private street ending in a cul-de-sac. The length of a cul-de-sac is the distance from the center radius of the cul-de-sac to the centerline of the nearest intersection.
10. Declaration. A Declaration of Covenants, Conditions, and Restrictions for one 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.
11. Department. The Department of Community Development of the Town of Westfield, Indiana.

12. 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 Primary Area.
13. Developer. The Developer shall be Langston Development Company, Inc. as to Areas A and B, and Flynn & Zinkan Realty Company as to Area C, and the successors or assigns of both companies.
14. DPR Process. The process of Development Plan Review as specified in Section 16.04.165 of the Zoning Ordinance at the date of the Oak Manor PUD filing attached hereto as Exhibit "6".
15. Elevation. An exterior facade of a structure, or its head-on view, or representation drawn with no vanishing point, and used primarily for construction.
16. External Streets. Carey Road, 169th Street, 171st Street, Oak Road, and SR 32.
17. Frontage Line. The property line adjacent to the street.
18. Frontage Place. A permanent public or private way situated parallel to a village street or a boulevard in order to provide access to one or more lots.
19. Gable. That part of the end wall of a building between the eaves and a pitched or gambrel roof.
20. Hardi-Plank. A fabricated material made of cement, sand, natural fibers and water combined and cured to look like a wood based siding material or its equivalent.
21. Horizontal Property Regime. Shall mean the form of real estate division and sale per the Horizontal Property Law of the State of Indiana, Acts 1963, Chapter 349, Section 1 through 31, as amended and identified in the Indiana Code as 31-1-6 et seq.
22. Internal Spine Street. Public Street within the Oak Manor PUD which provides for the primary vehicular circulation through the PUD and shown on the Concept Plan.
23. Internal Street. Any Public Street, Private Street, or Shared Drive other than an External Street or the Direct Access Drive.
24. Kwik-Brik. A new technology of masonry units manufactured to give the high profile look of brick, but with better functionality and quicker availability than brick or its equivalent. This material may also be used for coined corners and/or soldier coursing to add variation interest in its installation.

25. Masonry or equivalent. Exterior wall building material, such as brick, stone, cultured stone, or similar material which is laid up in small units or blocks.
26. Maximum Parcel Coverage. The maximum amount of any Area or Parcel which may be covered by a building or, stated differently, the maximum building "footprint" for any Area or Parcel.
27. Model Home. Dwelling temporarily used in the connection with the sales of similarly built residential dwellings that will eventually be sold as a residential dwelling.
28. Open Space. Any part of the real estate not covered by public streets, private streets, buildings, or parking lots. Open Space may include, but shall not be limited to, preserved wetlands, preserved woodland areas, trails, parks, plazas, courtyards, gardens, landscaped and screening areas, yards, rights-of-way not paved, ponds, retention/detention areas with common access, recreation areas, parking lot islands, and sidewalks. Open space shall be held in common interest and not within individually owned lots.
29. Parcel. Portion of land within any Area, A through C, as shown on the Concept Plan.
30. Parcels. A combination of two or more parcels.
31. Portico. An open sided structure attached to a building sheltering an entrance or serving as a semi-enclosed space.
32. Preserved Woodland Area. The areas of land within the Oak Manor PUD preserved in its natural state containing mature trees.
33. Projecting Sign. A sign attached to and projecting from a structure, building or wall greater than 12 inches and perpendicular or nearly perpendicular to the building or wall to which it is attached.
34. Sign. A sign that illustrates, by its shape and graphics, the nature of the business conducted within.
35. Sign, Traffic. A sign directing traffic movement into or within the Real Estate.
36. Sign Fascia. The vertical surface of a lintel over a storefront which is suitable for sign attachment.
37. Sign Ordinance. Chapter 8. Sign Standards (WC 16.08) of the Westfield-Washington Township Zoning Ordinance as was in force on the date of the filing of this Oak Manor PUD.

38. Subdivision Control Ordinance. WC 16.04.200 et. sec. of the Westfield-Washington Township Zoning Ordinance as was in force at the time of the filing of this Oak Manor PUD.
39. Vinyl Siding. Vinyl siding, when used herein to describe a permitted exterior surface, shall be deemed to mean a vinyl siding with a thickness of .044 inches in thickness or greater.
40. Zoning Ordinance. The Town of Westfield and Washington Township Zoning Ordinance.

16.04.030 Residential Districts

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

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

2. Accessory buildings and uses:

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

b) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a 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 determines the location of the building line for the block frontage in lieu of the setback lines contained in this chapter.

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

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

4. Building height: In the single family districts limiting building height to 25 feet, a dwelling may be increased in height not to exceed 35 feet, provided that each side yard is increased an additional foot for each foot such building exceeds 25 feet in height.

WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

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

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

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

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

6. Minimum Setback Lines -

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

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

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

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

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

D. SE-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

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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

16.04.030 Residential Districts

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

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

2. Accessory buildings and uses:

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

b) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a 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 building line is required on each street.

4. Building height: In the single family districts limiting building height to 25 feet, a dwelling may be increased in height not to exceed 35 feet, provided that each side yard is increased an additional foot for each foot such building exceeds 25 feet in height.

SE 1 - This district is established for residential homes medium density, single family with available public water and sewer facilities.

1. Permitted Uses -

- Single family dwellings
- Churches
- Public or private schools without dormitory accommodations
- Public parks - not to exceed five acres
- Fire station
- Accessory buildings as they relate to above uses
- 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 -

- Tennis and swimming clubs
- Convents, monasteries, theological schools, rectories and parish houses

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

WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

4. Minimum Lot Area -

- Single family - not less than 12,000 square feet
- Two-family (duplexes) - corner lots not less than 15,000 square feet

5. Minimum Lot Frontage on Roads - Not less than 50 feet for single family and duplexes.

6. Minimum Setback Lines -

- Front yard - 20 feet
- Side yard - 10 feet except corner lots when 20 feet will also apply to side yard on road.
- Rear Yard - 30 feet
- Minimum lot width a building line - Single family - 80 feet
Duplexes on corner lots - 90 feet

7. Maximum building height - Not to exceed 25 feet

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 the provisions in this ordinance.

F. SR-4 - This district is established for higher density single family residential homes in residential areas with available state approved water and sewer facilities and such lands must be at least one-eighth (1/8) of its perimeter adjacent to the corporate limits of the town

1. Permitted Uses -

- Single Family Dwellings
- Churches
- Schools - Public and private with dormitory accommodations
- Fire stations
- Accessory buildings as they relate to above uses

WC § 16.04.050 Business Districts

A. General Requirements (other than historical district) -

1. Groups of users requiring parking space may join in establishing group parking area with capacity aggregating that required for each participating use, with the approval of the Plan Commission.
2. Public parking area and loading and unloading berths shall be paved with a dust proof or hard surface.
3. One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.
4. Loading and unloading berths shall not be required for business uses, which demonstrate that they do not receive or transmit goods or wares in quantity by truck delivery.
5. Parking may be permitted in the required front yard for business uses.
6. On a through lot, front yards shall be provided on each street in the local business, general business and historical districts.
7. The maximum building height requirements may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirement.
8. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, distribution poles and lines, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
9. A suitable planting screen shall be provided on any business yard that abuts a residential area in accordance with the landscaping provisions in this section. Such plantings shall provide an effective screen at the time of construction of the development.
10. The Plan Commission shall review and approve plans to assure adherence to developmental standards and overall conformity to the Master Plan and Zoning Ordinance.
11. There shall be no storage or display of merchandise outside of a building except in a sales lot established for that purpose and except for merchandise associated with sidewalk-type sales events of less than one (1) week in duration and with a frequency of no more than once every six (6) calendar months.

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

- Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
 - Lumber yards - including millwork
 - Liquor stores and taverns
 - Restaurants - drive-in and carry-out food and beverage stores
 - Industrial schools or training facilities
 - Amusement parks
 - Convents, monasteries, theological schools, rectories, parish houses
 - Large animal hospitals
 - Manufactured home parks (in accordance with provisions of WC 16.04.090)
 - Outdoor theaters
 - Material recycling facilities (MRFs)
3. ^{2E} Minimum Lot Area - As required under Planned Business Development district.
 4. Minimum Lot Frontage on Road - As required under Planned Business Development district.
 5. Minimum Setback Lines - As required under Planned Business Development district.
 6. Maximum Building Height - As required under Planned Business Development district.
 7. Minimum Ground Level Square Footage - As required under Planned Business Development district
 8. Parking - Off-street and/or private parking shall be provided in accordance with the provisions of this ordinance.
 9. Loading and Unloading Berths - Loading and unloading berths shall be provided as identified in this ordinance.
- H. LB-PD and GB-PD - Local Business - Planned Development and General Business - Planned Development - The purpose of these districts is to allow commercial development of such a nature that the areas will be developed in a compatible design and that overall supporting services including roads and utilities can be provided in a proper manner to accommodate the needs of business in these districts. Outlot development should be compatible in general exterior design, coloration, and use of materials to that of the primary development structure or structures.
1. General Requirements - The general requirements for obtaining a building permit for a planned business development in any district shall be in accordance with the following procedures. In any district in which rezoning of land, or a special exception, or an exemption from special exception restrictions, or a variance from the ordinance requirements is requested in connection with the development of land or buildings subject to the provisions, requirements, and standards of this ordinance governing

planned business development, the petitioner for such rezoning, special exception, exemption or variance, in connection with such planned business development shall petition the Plan Commission or Board of Zoning Appeals, as appropriate, for such rezoning, special exception, exemption or variance, and shall notify surrounding property owners of such petition. Prior to the hearing on such petition, the petitioner shall submit evidence to the Plan Commission or Board, as appropriate, that all land owners located within a 500 foot radius of the proposed development have been notified in writing of the petitioner's request for such rezoning, special exception, exemption or variance. Such notice shall inform the notified land owners of the date for the public hearing to be held by the Board of Zoning Appeals or Plan Commission. For the purpose of determining the names and addresses of such land owners, the most recent real estate tax assessment records as they appear in the office of the assessor of Hamilton County, Indiana on the date the petition for rezoning, special exception, exemption or variance is filed shall be deemed the true names and addresses of persons entitled to notice. Outlot development area shall not exceed 25 percent of the total development.

2. Minimum Tract Requirements -

- In Planned Business Developments for General Business districts - A minimum of 10 acres
- In Planned Business Developments for Local business districts - A minimum of 5 acres
- Enclosed Industrial districts (Industrial Parks) - A minimum of 10 acres
- Where Local and General Business are included in the same Planned Business Development, the 10 acre minimum shall apply

3. Permitted Uses -

- All businesses approved for Local Business as shown on Figure 2 are eligible for Planned Local Business Development.
- All businesses approved for General Business as shown on Figure 2 are eligible for Planned General Business Development.

4. Special Exceptions -

a) Planned Business Development - Local Business -

- Auto rustproofing
- Auto sales, new or used, service and repair
- Gasoline service stations
- Liquor stores and tavern
- Fruit stands, temporary
- Any outdoor food and beverage business
- Self-service food and beverage business

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

- Carry-out food and beverage business
 - Drive-in food and beverage stores
 - Convents, monasteries, theological schools, rectories, parish houses
 - Manufactured home parks - in accordance with the provisions of WC 16.04.090
 - Material recycling facilities (MRFs)
- b) Planned Business Development - General Business -
- Auto rustproofing
 - Gasoline service stations
 - Coal
 - Salt storage - outside
 - Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
 - General construction companies
 - Lumber yards - including millwork
 - Mobile home sales
 - Liquor stores and taverns
 - Industrial schools or training facilities
 - Amusement parks
 - Convents, monasteries, theological schools, rectories, parish houses
 - Large animal hospitals
 - Manufactured home parks - in accordance with the provisions of WC 16.04.090
 - Outdoor theaters
 - Material recycling facilities (MRFs)
- c) Where in districts requiring Planned Business Development for Local Business, General Business and Special Business, there is proposed to be developed an enclosed shopping center with 100,000 square feet or more of gross leasable area, the special exception businesses and other uses as listed in 4.a) and 4.b) of this subsection may be exempted from such special exception restrictions if written approval is obtained from the Board of Zoning Appeals indicating which businesses and other uses listed as special exceptions may be included in such enclosed shopping center or in areas adjacent to such enclosed shopping center as appurtenant uses within 300 feet of the shopping center. The written approval by the Board of Zoning Appeals for such exemption must be granted on or before final plans are approved by the Plan Commission for the project. Such approval shall be recorded in the minutes of the Board of Zoning Appeals and a copy transmitted to the petitioner.
5. Minimum Frontage Required on Street of Primary Access-
- 10 acre minimum - 660 feet
 - 5 acre minimum - 330 feet

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6. Minimum Setback Lines -

- Front Yard - 10 acre minimum - 60 feet
5 acre minimum - 30 feet
- Side Yard - 10 acre minimum - 15 feet
5 acre minimum - 15 feet
- Rear Yard - 10 acre minimum - 20 feet
5 acre minimum - 20 feet
- Minimum Lot Width at Building Line - None

7. Minimum Number of Structures - None

8. Minimum Size of Structures - None

9. Application Procedure - Applications for a Planned Business Development shall consist of the following steps:

a) Preliminary plans presented to the Building Commissioner must:

- Be drawn to scale.
- Show dimensional boundaries of property to be developed.
- Indicate location, type and size of structures, and use and arrangement of all structures (details are not necessary).
- Show the proposed number of parking and loading spaces.
- Show the proposed locations and width of driveways, entrances and exits.
- Show all areas to be maintained as permanent open space.
- Provide a traffic study to include:
 - 1) A comparative analysis of present capacity of streets adjacent to the proposed center with potential capacity volumes, taking into consideration the effect the proposed center will have upon engendering additional traffic; and
 - 2) A circulation plan for all streets (existing and proposed) which will show recommendations for controlling, signaling, channeling, storing and warning traffic.
- Include a statement of financial responsibility which demonstrates the ability of the developer of the center to proceed with construction and development
- Show locations and dimensions of sidewalks
- Provide for dedication of any right-of-ways that may be necessary
- Show location of any easements for utilities, public or private

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- o Include a statement of proposed covenants to insure that the development plan is reasonable
- o Insure proper drainage
- o Provide a statement as to the proposed timetable for development if the project is to be done in phases
- o Submit a preliminary plan indicating the proposed location of land within the property to be developed which may be developed as out-lots of the shopping center or other business. Such plan shall indicate the proposed general location of such future buildings and construction requirements such as exterior design and height that shall be met by the developer, tenant, or owner including landscaping requirements, parking, traffic control patterns, and other information which will satisfy the Plan Commission as to the total size and impact of the planned business development.

b) The Building Commissioner shall review all materials, plans and schedules and make recommendations to the Plan Commission as to the suitability of the development as to:

- Unified design
- Safe ingress and egress
- Adequate and properly located parking and loading facilities

c) After approval of the preliminary plans by the Plan Commission, the following is required for final plan approval:

- Engineering plans and specifications for all sanitary sewers, storm sewers, and water distribution lines, as well as telephone, gas and electric utility lines
- Any changes from preliminary plans
- Deed or easement agreements
- Final construction schedule stating the date for final construction on the proposed development
- File a surety bond or escrow agreement to insure the final completion of all site improvements which includes streets, drives, walks, walls, water mains, storm and sanitary sewers, and landscape plantings. The bond shall be made to the Town for an amount to be specified by the Town Council.

I. General Variance - Where the developer of business located in a planned business development district can show the provisions of this ordinance would cause unnecessary hardship if strictly followed, and where in the opinion of the Plan Commission because of the type and number of businesses to be located in such planned business development, the required number of parking spaces or the required size of such parking spaces or the; number of loading berths or the required size or configuration of such loading berths for such businesses are not practical, then the Plan Commission may authorize a variance from such required standards of this section and such variance shall be entered into the minutes of the Plan Commission together with the reasoning for the departure from the required standards.

WC § 16.04.165 Development Plan Review.

Purpose: A Development Plan Review process is hereby established for the Town of Westfield and Washington Township, Hamilton County, Indiana. The purpose of the Development Plan Review process is to: (i) promote innovation and creativity in the design of the built environment; and, (ii) assure the compatibility of new development or major additions to existing development with the surrounding community. The Development Plan Review Process shall be applicable to all zoning districts. The Development Plan Review Process shall be applicable to any: (i) new construction; (ii) building additions; (iii) new or expanded surface parking areas; (iv) new or expanded surface loading areas; (v) exterior building renovations that require a building permit; or, (vi) permanent signs that require a permit pursuant to WC 16.08 et seq., located within the planning and zoning jurisdiction of the Westfield - Washington Township Plan Commission. The approval or disapproval of a Development Plan is hereby delegated to the Plan Commission, or, in certain limited situations as set forth below, to the Director.

A. Districts Designated for Development Plan Review.

The approval of a Development Plan shall be a prerequisite for any: (i) new construction; (ii) building additions; (iii) new or expanded surface parking areas; (iv) new or expanded surface loading areas; (v) exterior building renovations that require a building permit; or, (vi) permanent signs that require a permit pursuant to WC 16.08 et seq., in all zoning districts contained in this Ordinance.

B. Development Plan Authority.

1. Development Plan Authority Delegated to the Plan Commission.

The authority to approve or disapprove a Development Plan for the following developments is hereby delegated to the Plan Commission:

- a. any development for a use *other than* a Single Family Residential Use in a Residential District (AG-SF1, AG-SF-1, SF2, SF3, SF4, SF5);
- b. any proposed development in any Multi-Family District (MF-1, MF-2);
- c. any proposed development in any Business District (GO, GO-PD, LB, LB-H, LB-PD, GB, GB-PD, SB, SB-PD);
- d. any proposed development in any Industrial District (BI, BI-PD, OI, OI-PD);
- e. any proposed development of a Single Family Subdivision (AG-SF1, AG-SF-1, SF2, SF3, SF4, SF5); and,
- f. any proposed permanent signs, in any district, that require a permit pursuant to WC 16.08 et seq.

2. Development Plan Authority Delegated to the Director.

The authority to approve or disapprove a Development Plan for any proposed development of or addition to a single family dwelling or accessory residential structure on *an individual lot* within a Residential District is hereby delegated to the Director.

C. Development Requirements - General.

Each Development Plan shall demonstrate compliance with the Development Requirements specific to each District as well as the following Development Requirements:

1. Compliance with all applicable development standards of the zoning district in which the real estate is located;
2. Compliance with all applicable provisions of any Overlay District in which the real estate is located;
3. Compliance with all applicable provisions of the Subdivision Control Ordinance (unless a waiver has been granted, in which case compliance with the terms and conditions of the waiver grant shall be required);
4. Compliance with all applicable provisions of this Chapter WC16.04.165 (unless a waiver has been granted, in which case compliance with the terms and conditions of the waiver grant shall be required);
5. The proposed development shall be appropriate to the site and its surroundings based upon the recommendations contained in the Westfield - Washington Township Comprehensive Plan;
6. The design and location of proposed street and highway access points shall minimize safety hazards and congestion;
7. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development;
8. The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development; and,
9. The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.

D. Development Requirements for Each District.

1. Any development for a use other than a Single Family Residential Use in a Residential District (AG-SF1, AG-SF-I, 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 site.

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.

- (1) No loading spaces or loading docks shall be permitted to face a public street.
- (2) Loading spaces or loading docks facing or oriented to a side or rear lot line of an adjoining Residential District shall be screened from view from such Residential District by the use of: (i) evergreen trees; or, (ii) a combination of overstory, understory or evergreen trees and a solid wall or fence, which creates a dense visual barrier to a minimum height of six (6) feet.

f. Building Materials.

In order to insure compatibility of non-residential uses with surrounding residential uses in Residential Districts, all nonresidential uses shall use exterior

building materials, roofline treatments and roofing materials that are compatible with and consistent with residential construction methods and materials.

2. Any Multi-Family District (MF-1, MF-2).

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 project. Multi-family projects 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. Green Space Areas - See WC 16.04.040 Multi-Family Districts.

d. Lighting - See WC 16.07 et seq.

e. Signs - See WC 16.08 et seq.

f. Building Materials.

All new buildings or building additions located in any Multi-Family District shall utilize two (2) or more exterior building materials (excluding window, door, and roofing materials). The primary exterior building material used on each facade shall be either brick or Exterior Insulation and Finish System (E.I.F.S.) and shall constitute a minimum of seventy-five (75) percent of each facade.

3. Any Business District (GO, GO-PD, LB, LB-H, LB-PD, GB, GB-PD, SB, SB-PD),

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 site.

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.

- (1) Each building façade visible from a public street or oriented to an adjoining Residential District shall be a finished façade.
- (2) No loading spaces or loading docks shall be permitted to face a public street or an adjoining Residential District.
- (3) No outside storage shall be permitted between an established building line and the right-of-way of a public street or an adjoining Residential District.
- (4) All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.

f. Building Materials.

In order to create variation and interest in the built environment, all new buildings or building additions located within any Business District shall use the exterior building materials specified below on each facade visible from a public street or an adjoining Residential District:

- (1) All brick (excluding window, display window, door, roofing, fascia and soffit materials); or,
- (2) Two (2) or more building materials (excluding window, display window, door and roofing materials), provided, however, that the primary building material shall be either brick or Exterior Insulation and Finish System (E.I.F.S.) and shall constitute a minimum of sixty (60) percent of each facade visible from a public street or an adjoining Residential District.

The exterior building material selection shall be supplemented with the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.) or the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each facade visible from a public street or an adjoining Residential District:

4. Any Industrial District (EI, EI-PD, OI, OI-PD).

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 site.

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.

- (1) Each building façade visible from a public street or oriented to an adjoining Residential District shall be a finished façade.
- (2) No loading spaces shall be permitted to face a public street or an adjoining Residential District.
- (3) No outside storage shall be permitted between an established building line and the right-of-way of a public street or an adjoining Residential District.
- (4) All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.

f. Building Materials.

In order to create variation and interest in the built environment, all new buildings or building additions located within any Industrial District shall use the exterior building materials specified below on each facade visible from a public street or an adjoining Residential District:

- (1) Brick or other masonry material. Other masonry materials shall include:
 - a. Architectural concrete, if the surface of the architectural concrete simulates brick or stone (e.g., limestone, marble, or, granite);
 - b. Pre-cast concrete, if the surface of the pre-cast concrete is painted, textured (e.g. rough, striated, imprinted with a pattern or form), or designed to simulate brick or stone (e.g., limestone, marble, or, granite);
 - c. External Insulation and Finish System (E.I.F.S.); or,
 - d. Stone.
- (2) If a masonry material other than brick is utilized, it shall be supplemented with the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.) or the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each facade visible from a public street or an adjoining Residential District.
- (3) The primary exterior building material shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each facade visible from a public street or an adjoining Residential District.

5. Any Single Family Subdivision Development in a Residential District (AG-SF1, AG-SF-I, 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.

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, 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 or aluminum siding, individually or in combination, 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.

E. 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.

3. Hearings.

All public hearing 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.

4. 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 re-submittal 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.

5. 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.

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 driplines 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,

- 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 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;

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- 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 of 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;
- j. 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.

K. Transitional Rules.

Any application for Development Plan or Improvement Location Permit which has been filed with the Community Development Department of Westfield – Washington Township and which application is full and complete under the provisions of the Westfield – Washington Township Zoning Ordinance prior to the effective date of this Ordinance shall continue to be processed to completion pursuant to the terms and conditions of the Westfield – Washington Township Zoning Ordinance in effect at the time of making such application.

In the case of a Development Plan subject to these Transitional Rules, substantial completion shall occur within two (2) years of the date of approval by the Plan

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Commission. The Director may, for good cause shown, grant a one-time extension of up to one (1) year in duration to obtain substantial completion. If substantial completion has not occurred within two (2) years of the date of approval, or by the end of the one (1) year extension period if granted by the Director, the developer shall present a Special Request before the Plan Commission for an extension of time in which to achieve substantial completion. If an extension of time is either: not requested; or, denied by either the Director or the Plan Commission, the prior Development Plan approval shall be deemed null and void and any further development of the site shall require the approval of a new Development Plan in compliance with the terms and provisions of the Westfield - Washington Township Zoning Ordinance in effect at the time of filing of the new Development Plan.

Substantial completion shall mean, by way of example, the completion of infrastructure or structural improvements which are essential to: (i) the safe and efficient development of eighty (80) percent or more of the lots in a subdivision; or, (ii) the safe habitability, use or function of a structure.

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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 driplines 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 fourteen (14) required two (2) inch caliper trees. And, a qualifying eighteen (18) inch caliper preserved tree shall be credited as thirty-six (36) required two (2) inch caliper trees.

G. Barriers shall be used to protect trees during site development. Barriers shall be specified on landscape plans and shall be placed at or beyond the driplines of trees to be preserved. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.

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

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

- A. Consultation - A landscape architect, nurseryman, or other professional experienced in the installation and care of plant materials shall be consulted to ensure that proposed plants are appropriate and will survive.
- B. Scale and Nature of Landscaping - The scale and nature of landscaping materials shall be appropriate to the size of proposed structures. Large-scale buildings should be complemented by large-scale plants. Form, texture, color, pattern of growth, and adaptability to local conditions shall be considered when selecting plant materials.
- C. Clearance - Trees shall be planted so that when they reach maturity, there will be a minimum of ten (10) feet of clearance between tree trunks and structures, building overhangs, walls, fences, and other trees.
- D. Materials - Grass and other vegetative ground cover shall be used in all green space areas, including parking lot islands, except for decorative mulch planting beds containing trees and/or shrubs; and inert stabilization in areas subject to severe runoff or erosion.
- E. Lines of Sight - Plantings in landscaped areas shall not obstruct sight lines as per WC 16.04.230 2.v).
- F. Energy Conservation - Plantings shall be arranged to promote energy conservation wherever practical. This includes using deciduous trees on the south and west sides of buildings to provide shade from summer sun and planting evergreens on the north of buildings to insulate against winter winds.
- G. Noise Reduction - Properties adjacent to highly trafficked roads or businesses shall arrange landscaping to reduce the intensity of noise by reflecting, deflecting, or absorbing sound. Some techniques to accomplish this include using 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.
- H. Landscape plans shall clearly identify areas where stone or other inert materials are to be used as ground cover. Areas not so designated shall be required to have grass or other vegetative ground cover.
- I. 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.
- J. Heating and Cooling Facilities - Ground-mounted heating and cooling units for nonresidential or multi-family structures shall be completely screened.

- K. 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.
- L. 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

- 1. Yards, setback areas, and green space areas within developments shall be landscaped with live vegetation.
- 2. 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

Use	Plant Materials		
	Shade Trees	Ornamental or Evergreen	Shrubs
Residential	4 per dwelling unit	2 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.

3. Institutional uses include, without limitation, schools, churches and government offices.
4. For Institutional uses:
 - o 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.
 - o 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.
2. 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 rights-of-way. Trees planted along road frontage in non-residential developments may be credited toward overall on-site landscaping requirements set forth in Table 16.06.050-01.
3. Shade trees required to be planted along road frontage shall be located outside drainage and utility easements, shall be located in a manner that mitigates interference with infrastructure located within such easements and may be clustered or grouped in order to attain creative site design.

4. When evergreen and/or ornamental trees are preserved along road frontage and qualify for preservation credit, they may count 1:1 toward road frontage requirements.

WC 16.06.060 - Buffer Yard Requirements

- A. Plantings in buffer yards should physically separate and visually screen different land uses and/or zoning districts from one another without precluding connectivity between uses. Plants used for screening must reach a minimum height of forty-eight (48) inches within three years of installation, and be at least eighteen (18) inches tall when planted. Plantings in buffer yards shall consist of two (2) or more species of both trees and shrubs.
- B. Buffer sizes shall be determined by adjacent zoning districts and/or land uses in accordance with Table 16.06.060-01. If adjacent properties possess a mix of land uses, then the highest intensity use shall determine the required buffer yard size.

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Table 16.06.060 - 01 : Minimum Required Buffer Yard

Land Uses	Adjoining									
	AG	SF AG-SF1 AG-SF1-J	SF 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-J	40	-	20	20	20	20	40	40	40	40
SF 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	-

Proposed

1. Institutional uses include, without limitation, schools, churches and government offices.
2. 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.

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- 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 yards, at least one (1) evergreen tree per thirty (30) linear feet and five (5) evergreen shrubs per thirty (30) linear feet shall be planted. 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. 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.
- F. 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.
- G. 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%

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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.

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

WC 16.06.080 - Recommended Plant Materials

- A. Table 16.06.080-01, Table of Recommended Plant Materials, lists plant materials recommended for use in fulfilling landscaping requirements.
- B. Table 16.06.080-02, Plant Use Table, suggests appropriate uses for each specie of tree, shrub, ground cover, and vine.
- C. A minimum of three (3) different species of shade trees shall be used per each development site.

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: zero (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 11:00 p.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) foot-candle 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 18
PHASING SEQUENCE

Phasing below is the order of development anticipated by the Developer. Actual phasing is subject to change based on market demands.

During the calendar years 2003-2005

A-1, B-1, B-2, B-4, C

During the calendar years 2005-2007

A-2, A-3, B-3, B-4, B-5

- * Once the Development Plan is approved and all other approvals necessary to the commencement of development have been obtained for each parcel, development and the installation of utilities and streets shall commence within a reasonable period of time, but may be completed in phases.

WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

WC 16.04.077 State Highway 32 Landscape Overlay Zone

It is the purpose of the State Highway 32 Landscape Overlay Zone to promote the public health, safety, comfort, and general welfare by providing for consistent and coordinated landscaping of the properties bordering State Highway 32 in Washington Township, Hamilton County.

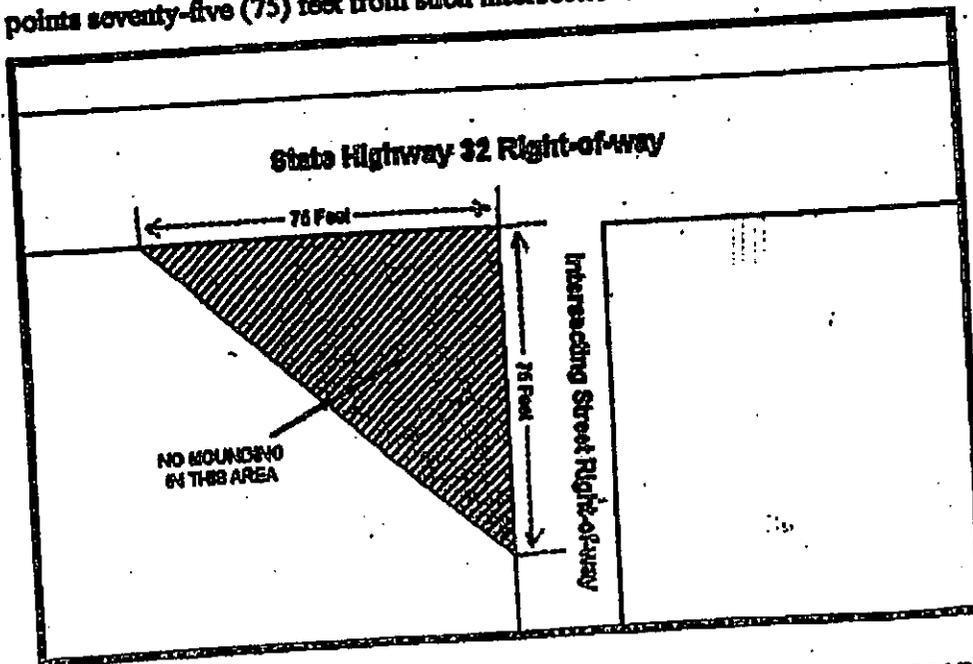
1. **Application** - This section (WC 16.04.077) shall apply to all land uses in all zoning districts that lie within the following described boundaries from the date at which this section is adopted.
2. **State Highway 32 Landscape Overlay Zone Boundaries** - The boundaries of the State Highway 32 Landscape Overlay Zone are hereby established for an area of 600 feet on either side of the right-of-way of State Highway 32, extending across the entire Township of Washington in Hamilton County, Indiana; except that portion of State Highway 32 which lies between U.S. 31 and Grassy Branch/Carey Road; and that portion which lies within the originally platted towns of Jolietville and Bagletown. (see Figure WC 16.04.077 A)
3. **Landscaping** - In conjunction with other landscaping requirements established in the Westfield - Washington Township Comprehensive Zoning Ordinance, all development activities in the State Highway 32 Landscape Overlay Zone shall meet the following minimum landscaping requirements:
 - a) **Frontage Along State Highway 32**
 - All development activities on properties having frontage on State Highway 32 shall include construction of landscaping consistent with that which is established in Figure WC 16.04.077 B of this section.
 - This exhibit illustrates four shade trees, six ornamental trees, and five evergreen trees to be planted every two hundred lineal feet in a staggered manner, on a mound, along such frontage (see 16.04.077, 3c for approved tree species).
 - All mounding along State Highway 32 shall be located at least forty (40) feet from the State Highway 32 right-of-way.
 - No mounding or landscaping shall be permitted to interfere with drainage and/or utilities.
 - It is not necessary that mounding required within the State Highway 32 Landscape Overlay Zone meet the requirements established elsewhere in the zoning ordinance.

WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

- Any partial section of the two hundred foot frontage landscaping depicted in Figure WC 16.04.077 B shall be landscaped in a manner which is proportionate to its size (i.e., a one hundred foot section of road frontage would be planted with half the number of trees as a two hundred foot section).
- When calculating the number of trees to be planted along such frontage results in a fraction, the number of trees required shall be rounded up to the nearest whole number (i.e., a calculation of 2.3 trees results in 3 trees being required).
- It is not necessary for such plantings to be placed identically to those illustrated in Figure WC 16.04.077 B; however, the Plan Commission shall have full authority to require any plans which differ from Figure WC 16.04.077 B to be changed in a way which is more consistent with Figure WC 16.04.077 B.

b) Intersections Along State Highway 32

- All development activities on properties which include or abut intersections along State Highway 32 (including all thoroughfares, driveways, and vehicular accesses to property) must include construction of landscaping consistent with that which is established in Figure WC 16.04.077 C of this Section.
- This exhibit illustrates daylilies, junipers, and six ornamental trees to be planted on the bulb-like termination of the frontage mounding facing State Highway 32 at each intersection. (see 16.04.077, 3c for approved tree species)
- Such mounding shall not be placed or permitted to remain on any corner lot within the triangular area formed by the intersection of rights-of-way lines and points seventy-five (75) feet from such intersection.



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WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

- In the case of rounded rights-of-way intersections, the seventy-five (75) feet distance shall be measured from the point at which the rights-of-way lines would intersect if they were not to have been rounded at the corner.
- All mounding shall be located at least forty (40) feet from the State Highway 32 right-of-way and the rights-of-way of intersecting streets.
- No mounding or landscaping shall be permitted to interfere with drainage and/or utilities.
- It is not necessary that mounding required within the State Highway 32 Landscape Overlay Zone meet the requirements established elsewhere in the zoning ordinance.
- It is not necessary for such plantings to be placed identically to those illustrated in Figure WC 16.04.077 C; however, the Plan Commission shall have full authority to require any plans which differ from Figure WC 16.04.077 C to be changed in a way which is more consistent with Figure WC 16.04.077 C.

c) Approved Tree Species

Shade Trees - must be at least two and one half inches in diameter

- Purple Ash
- Honey Locust
- Red Maple

Ornamental Trees - must be at least two inches in diameter

- Winterking Hawthorn
- Crabapple
- Pear

Evergreens - must be a minimum of six feet in height

- Blackhill Spruce
- Colorado Blue Spruce
- Serbian Spruce
- Austrian Spruce

Other species may be substituted only with the explicit permission of the Plan Commission.

WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

The following list of tree species shall not be permitted to be used to meet the minimum landscaping requirements of the State Highway 32 Landscape Overlay Zone; however, they may be used in addition to the trees required to meet State Highway 32 Landscape Overlay Zone landscaping standards, with the same maintenance requirements as established in 16.04.077, 3d:

- Box Elder
- Silver Maple
- Tree of Heaven
- Paper Birch
- European White Birch
- Southern Catalpa
- Mulberry
- American Sycamore
- Lombardy Poplar
- Cottonwood
- Carolina Poplar
- Pin Oak
- Willows
- Siberian Elm

- d) Maintenance - All plantings required by this section shall be owned and maintained by the owner of the property on which they exist. Each owner shall be required to maintain such plantings in a reasonable manner, replacing damaged or dead plantings, and not allowing such plantings to pose health and/or safety risks to vehicular traffic.
4. Landscaping Plans - Landscaping plans for all lots within the State Highway 32 Landscape Overlay Zone, on which any building is to be constructed shall be designed in accordance with the provisions of this section in order to receive site development plan approval from the Plan Commission.
5. Disclaimer on Rezoning - The State Highway 32 Landscape Overlay Zone does not rezone any land for any purpose.
6. Board of Zoning Appeals - All uses and standards of this section may be subject to variances as approved by the Board of Zoning Appeals pursuant to section WC 16.04.170 of the Westfield - Washington Township Comprehensive Zoning Ordinance.

Figure WC 16.04.077 A

Washington Township
Hamilton County, IN

State Highway 32
Landscape Overlay
Zone

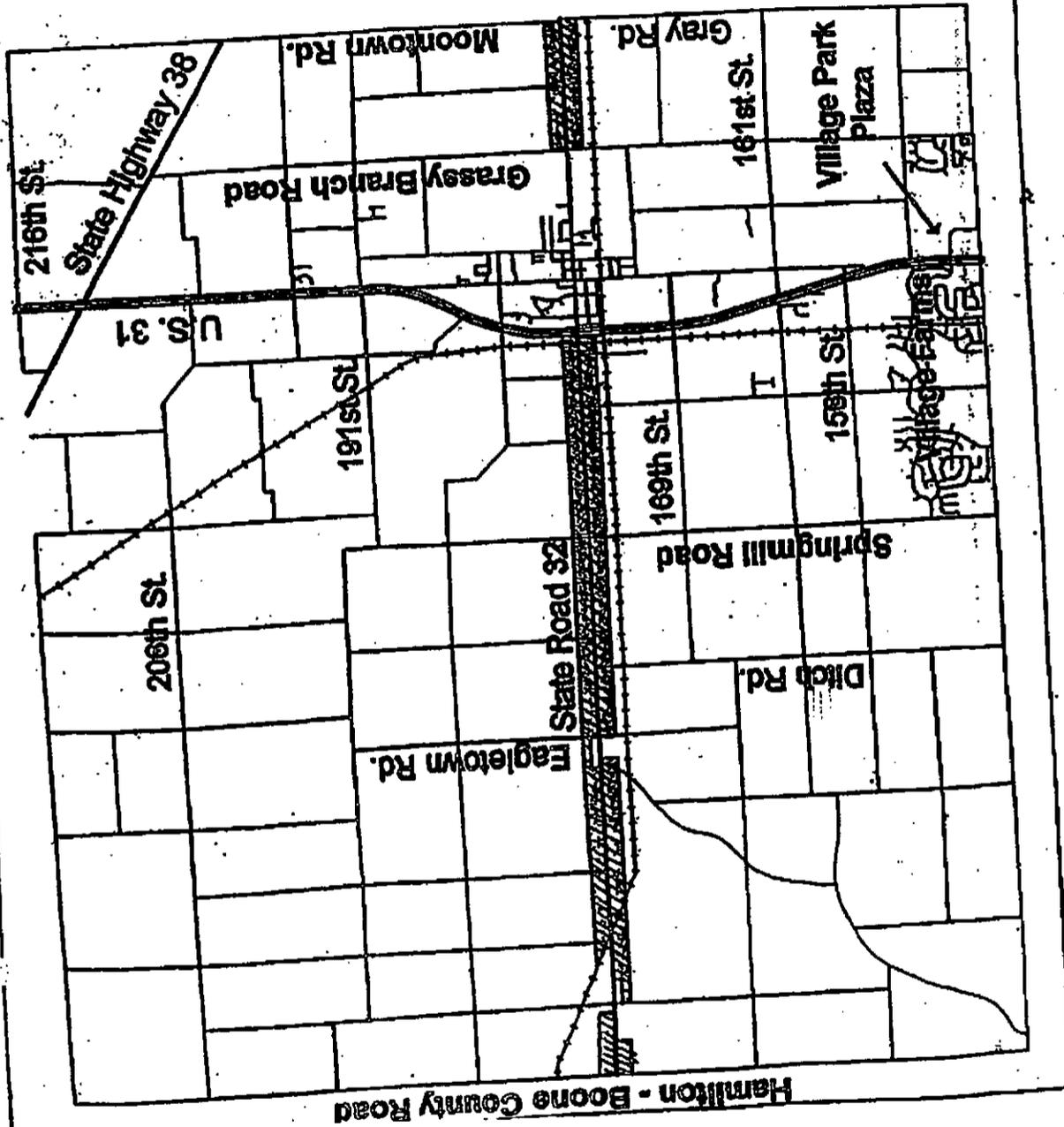


Figure WC 16.04.077 B
Frontage Along State Highway 32

State Highway 32 Landscape Overlay Zone

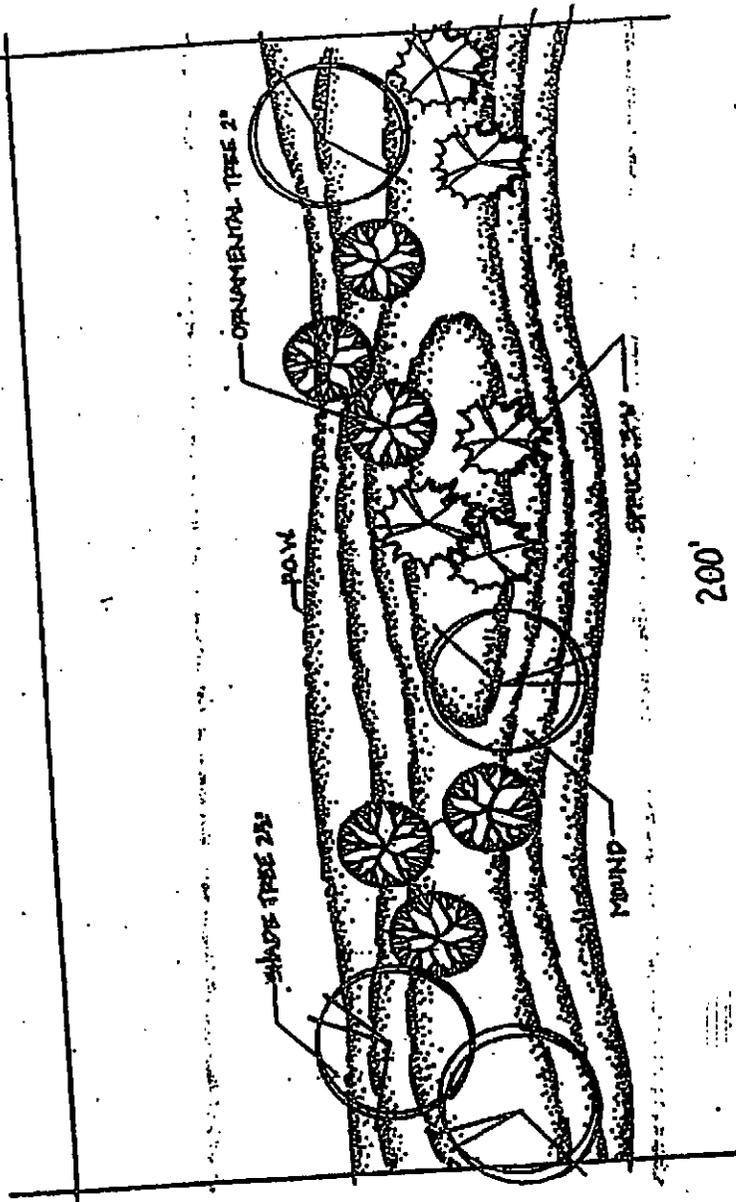
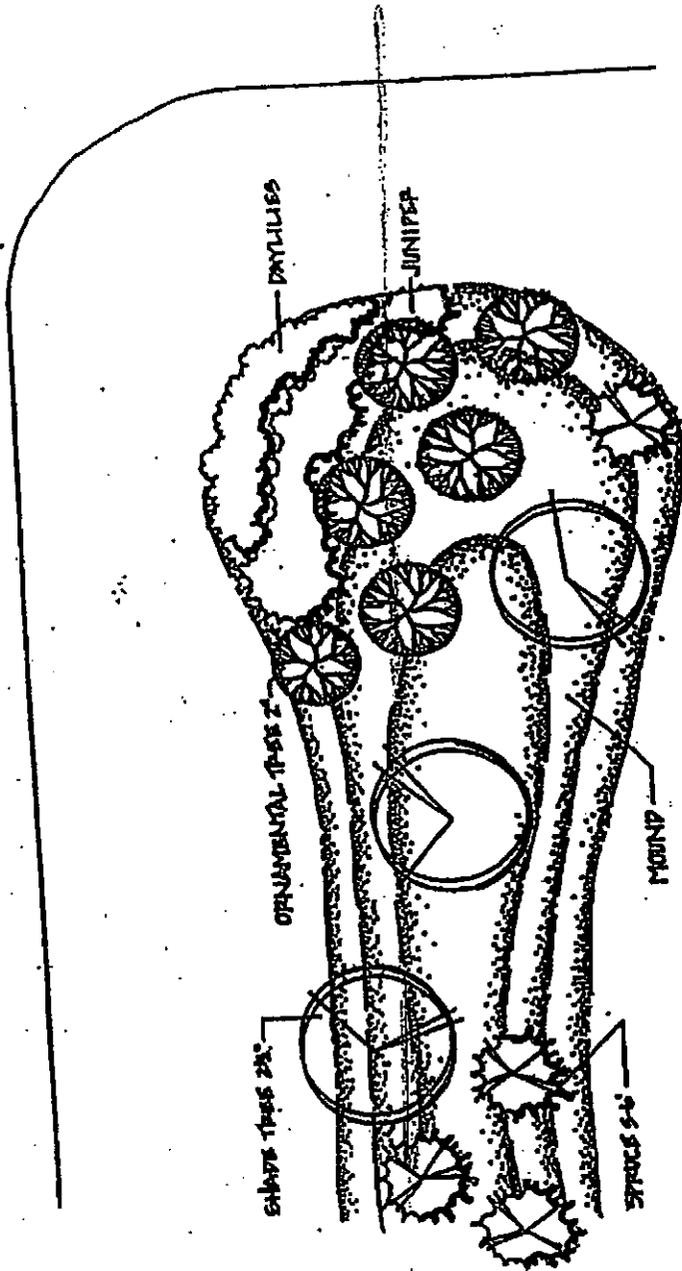


Figure WC 16.04.077 C
Intersections Along State Highway 32

State Highway 32 Landscape Overlay Zone



Chapter 7. Lighting Standards

WC 16.07.010 General Lighting Standards

A. Applicability

The standards of this chapter shall apply to all zoning districts.

B. General Standards

1. Light sources shall be located and installed in such a way that minimizes light spilling over onto contiguous properties.
2. On-site lighting of buildings, lawns, and parking areas shall be designed so as not to shine or cause glare in excess of one-half (.5) footcandle onto adjacent buildings, properties, public streets, or vehicles thereon.
3. Lighting shall be installed so as to reflect away from adjoining properties. Covers shall be installed on lighting fixtures. Lamps shall not extend below the bottom of such covers.
4. Light poles within one hundred (100) feet of residential districts shall not exceed twelve (12) feet in height.
5. Special attention shall be given to the intensity, function, and appearance of lighting to be installed. Lighting installed shall be consistent with other lighting in the surrounding area.
6. Reflected glare on nearby buildings, streets, or pedestrian areas shall be mitigated by utilizing overhangs and awnings; using non-reflective building materials for exterior walls and roof surfaces; controlling angles of reflection; and placing landscaping and screening in appropriate locations.

EXHIBIT 9

AREA A LEGAL DESCRIPTION

A part of the Southeast Quarter of Section 6, Township 18 North, Range 4 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest Corner of said Quarter; thence North 00 degrees 17 minutes 27 seconds East along the west line thereof a distance of 1179.83 feet to the southwesterly corner of a Parcel of Land as described in Instrument Number 2002-7514 in the Office of the Recorder of Hamilton County; (the following eleven courses being along the boundary of said Parcel of Land) (1) thence South 89 degrees 42 minutes 32 seconds East a distance of 16.50 feet; (2) thence North 00 degrees 17 minutes 28 seconds East a distance of 25.00 feet; (3) thence South 89 degrees 42 minutes 32 seconds East a distance of 2.50 feet; (4) thence North 00 degrees 17 minutes 28 seconds East a distance of 90.00 feet; (5) thence South 89 degrees 42 minutes 32 seconds East a distance of 11.00 feet; (6) thence North 03 degrees 52 minutes 03 seconds East a distance of 160.31 feet; (7) thence North 00 degrees 17 minutes 28 seconds East a distance of 150.00 feet; (8) thence North 03 degrees 59 minutes 53 seconds West a distance of 200.56 feet; (9) thence North 09 degrees 21 minutes 25 seconds West a distance of 50.72 feet; (10) thence North 00 degrees 17 minutes 28 seconds East a distance of 50.00 feet; (11) thence North 89 degrees 42 minutes 32 seconds West a distance of 16.50 feet to the aforesaid west line; thence North 00 degrees 17 minutes 27 seconds East along said west line a distance of 743.12 feet to the Northwest Corner of said Quarter; thence North 89 degrees 35 minutes 25 seconds East along the north line thereof a distance of 2644.43 feet to the Northeast Corner thereof, thence South 00 degrees 04 minutes 06 seconds East along the east line thereof a distance of 2658.67 feet to the Southeast Corner thereof, thence South 89 degrees 49 minutes 29 seconds West along the south line thereof a distance of 2661.00 feet to the Point of Beginning. Containing 161.069 acres, more or less.

EXHIBIT 10

AREA B LEGAL DESCRIPTION

A part of the West half of Section 5, Township 18 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being bounded as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 5, Township 18 North, Range 4 East; thence South 00 degrees 06 minutes 29 seconds East (assumed bearing) 917.53 feet along the West line of said Northwest Quarter to the Northwest corner of the South half of said Northwest Quarter and the Point of Beginning of this description; thence South 89 degrees 03 minutes 38 seconds East 2666.27 feet along the North line of the South half of said Northwest Quarter to the Northeast corner of the South half of said Northwest Quarter; thence South 00 degrees 06 minutes 41 seconds East 1321.20 feet along the East line of said Northwest Quarter to the Southeast corner of said Northwest Quarter; thence North 88 degrees 50 minutes 11 seconds West 1333.28 feet along the South line of said Northwest Quarter to the Northeast corner of the Northwest Quarter of the Southwest Quarter; thence South 00 degrees 04 minutes 00 seconds East 1321.64 feet along the East line of the Northwest Quarter of said Southwest Quarter to the Southeast corner of the Northwest Quarter of said Southwest Quarter; thence North 89 degrees 09 minutes 34 seconds West 1331.92 feet along the South line of the Northwest Quarter of said Southwest Quarter to the Southwest corner of the Northwest Quarter of said Southwest Quarter said corner being North 00 degrees 07 minutes 09 seconds West 1329.17 feet from the Southwest corner of said Southwest Quarter; thence North 00 degrees 07 minutes 09 seconds West 1329.17 feet along the West line of said Southwest Quarter to the Northwest corner of said Southwest Quarter said corner also being the Southwest corner of said Northwest Quarter; thence North 00 degrees 06 minutes 29 seconds West 1310.76 feet along the West line of said Northwest Quarter to the Point of Beginning. Containing 121.08 acres, more or less.

EXHIBIT 11
AREA A DEVELOPMENT STANDARDS

	Parcel A-1	Parcel A-2	Parcel A-3
Minimum Lot Width at Building Line (1)	100' for all lots	80' for all lots	100' for all lots
Minimum Lot Frontage on Street	50'	30' (2)	10' (2)
Minimum Lot Area	15,000 SF	12,000 SF	30,000 SF
Minimum Front Yard Setback (3)	25'	15'(3)	20'
Minimum Side Yard Setback	8' 16' Aggregate	8' 16' Aggregate	8' 16' Aggregate
Minimum Rear Yard Setback	30'	30'	30'
Maximum Building Height	35'	35'	35'
Minimum Gross Floor Areas for Ground Levels:	1 Story: 1700 SF 2 Story: 1000 SF 1 ½ Story: 1100 SF	1 Story: 1800 SF 2 Story: 1000 SF 1 ½ Story: 1200 SF	1 Story: 2000 SF 2 Story: 1000 SF 1 ½ Story: 1500 SF

Above requirements may be decreased a maximum of 10% on up to 10% of the residences.

Note: Provisions in the Zoning Ordinance pertaining to proximity slope shall be inapplicable to detached single family residences.

"SF" = square feet

- (1) Building Line widths on cul-de-sacs shall be exempt from this requirement, but shall be a minimum of sixty (60) feet.
- (2) Lot frontage may be located on Public Street or Private Drive.
- (3) Front yard setbacks less than 20' shall only be permitted in circumstances relating to tree preservation provided that all front load garages shall have a minimum set back of 20'.

EXHIBIT 12

AREA A ARCHITECTURAL GUIDELINES

1. Design Elements. Design elements and detailing shall be continued completely around the structure. Such design elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials. The use of long, massive, unbroken, exterior blank walls shall be avoided.
2. Exterior Colors. As part of the application for a plan approval, exterior color selection shall be submitted and approved by the Architectural Review Board.
3. Exterior Surfaces. Aluminum and vinyl siding are prohibited, but vinyl or aluminum clad windows and soffits shall be permitted. Permitted exterior surfaces shall include EIFS, synthetic stucco, cultured stone, brick, stone, wood, and concrete fiber (Hardy-Plank or similar) or equivalents as determined by the Developer.
4. Roof Form. Roof form and design will include, where appropriate, varied pitches and ridge levels.
5. Roof Overhangs. Each single-family residence shall have eaves of a minimum 8" overhang.
6. Windows and Architectural Breaks. Residences shall have windows on at least three (3) sides; provided, however, that in the event a side of a residential dwelling does not have a window, it shall have at least one (1) architectural break such as a chimney or other corner break. The outermost corners of a dwelling unit shall not be considered architectural breaks.
7. Garages. No more than twenty-five percent (25%) of the garage doors of the residences located in Parcel A shall face or be parallel to the abutting Internal Street. At least seventy-five percent (75%) of the garages within Parcel A shall be side load, angled, or rear loaded. Residences having at least 50% of the garages side load shall be deemed to have met the side load, angled, or rear load requirement.
8. Design Objectives. Dwellings shall be required to meet the following:
 - A. Dwellings located adjacent to a External Street and located so as to have a rear or side façade oriented to said External Street shall utilize multiple textures or multiple architectural elements on each façade visible from the perimeter street.
 - B. No two dwellings located on side to side adjacent lots shall have to the same combination or proportion or roofing or siding materials on each façade visible from any public street.

EXHIBIT 13

AREA B DEVELOPMENT STANDARDS DETACHED RESIDENTIAL

	Parcel B-4	Parcel B-5
Minimum Lot Width at Building Line (1)	65' for all lots	70' for all lots
Minimum Lot Frontage on Street (2)	50'	25'
Minimum Lot Area (3)	7,800 SF	8,400 SF
Minimum Front Yard Setback	15'	15'
Minimum Side Yard Setback (4)	5'	5'
Minimum Rear Yard Setback	20'	20'
Maximum Building Height	35'	35'
Minimum Gross Floor Areas for Ground Levels:	1 Story: 1200 SF 2 Story: 800 SF 1 ½ Story: 800 SF	1 Story: 1200 SF 2 Story: 800 SF 1 ½ Story: 800 SF

Above requirements may be decreased a maximum of 10% on up to 10% of the residencies with the exception of lot width in which the minimum width shall not be less than 65 feet .

Note: Only the development standards set forth above shall apply to the detached single family residences and, as such, provisions in the Zoning Ordinance pertaining to proximity slope shall be inapplicable to detached single family residences.

"SF" = square feet

- (1) Building Line widths on cul-de-sacs shall be exempt from this requirement, but shall be a minimum of fifty (50) feet.
- (2) Minimum lot width may be reduced to fifty (50) feet for residences with rear load garages accessed via a lane or alley.
- (3) Lot frontage may be located on Public Street or Private Drive.
- (4) Minimum lot area may be reduced to 6,000 square feet for residences with rear load garages accessed via a lane or alley.
- (4) In circumstances where distance between two residential structures is less than 15 feet than the external materials on the portion of the structures located within 15 feet shall consist of fire-retardant materials.

**EXHIBIT 13
DEVELOPMENT STANDARDS ATTACHED RESIDENTIAL**

Parcel Size*	21 AC Parcel B-1	16 AC Parcel B-2	11 AC Parcel B-3
Minimum residence set back from Internal Street	10'	10'	10'
Minimum set back from Internal Street for garages facing Internal Street	20'	20'	20'
Minimum building separation	12'	12'	12'
Minimum building set back from right-of-way of public street	15'	15'	15'
Permitted density	10 units per acre	5.5 units per acre	5 units per acre
Maximum dwelling units*	150	85	55

* Parcels may vary in size and/or maximum number of dwelling so long as the maximum number of attached units does not exceed 290 units.

1. Maximum building height:
 - (a) Primary - 50'
 - (b) Accessory, including clubhouse - 55'

2. Minimum set back from External Street: This provision shall supercede any provisions of the Zoning Ordinance pertaining to proximity slope. The required set back from External Streets shall be based upon and determined by a 1:2 proximity slope requirement. In no case shall the set back be less than thirty (30) feet. The set back area shall be landscaped according to standards set forth in Section 2.9 of this Oak Manor PUD entitled "Landscaping".

3. Parcels B-1, B-2, and B-3 may be developed under the Horizontal Property Regime.

EXHIBIT 14

AREA B ARCHITECTURAL GUIDELINES

A. Architectural Guidelines (Parcels B-1 and B-2)

1. Design Elements. Design elements and detailing shall be continued completely around the structure. Such design elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials. The use of long, massive, unbroken exterior building walls shall be avoided.
2. Exterior Surfaces. Aluminum and vinyl siding are prohibited, but vinyl clad windows and soffits shall be permitted. Permitted exterior surfaces shall include masonry or equivalents, EIFS, stucco, wood, concrete fiber (Hardy-Plank or similar) or equivalent materials. Thirty percent (30%) of the total façade of all structures shall incorporate masonry or equivalent, stucco, EIFS, or equivalent material excluding roofs, doors, and windows.
3. Roof Form. Roof form and design will include, where appropriate, varied pitches and ridge levels.
4. Roof Overhang. Each single-family residence shall have eaves of a minimum 8" overhang.
5. Windows and Architectural Breaks. Attached single-family buildings shall have windows on at least three (3) sides; provided, however, that in the event a side of an attached single-family building does not have a window, it shall have an architectural break, such as a chimney or other corner break. The outermost corners of an attached building shall not be considered architectural breaks.
6. Detached Garages. Detached garage structures, not to exceed ten (10) car bays per detached garage structure, shall be permitted, but must comply with the Architectural Guidelines in this Exhibit 14.
7. Front Façade Architectural Elements. Each dwelling shall utilize a minimum of two of the following architectural elements on the front façade;
 - a. Minimum of 50% masonry or equivalent, EIFS, stucco, or equivalent material on façades facing external streets, exclusive of doors and windows.

- b. Rear load, side load, or angled garage.
- c. Roof with dormers (minimum 2 dormers).
- d. Shutters.
- e. Covered Porch (minimum of 6' in width and four feet in depth).
- f. Roof line direction or elevation change.
- g. Shed Roof accent at front entry (min. size 4' X 10').
- h. Gable accent.
- i. Decorative trim molding.
- j. Architectural elements (e.g. quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.).
- k. Keystone (over all first floor, front façade windows and doors).

B. Architectural Guidelines (Parcels B-3, B-4, and B-5)

1. Design Elements. Design elements and detailing shall be continued completely around the structure. Such design elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials. The use of long, massive, unbroken, exterior blank walls shall be avoided.
2. Exterior Colors. As part of the application for a plan approval, exterior color selection shall be submitted and approved by the Architectural Review Board.
3. Roof Form. Roof form and design will include, where appropriate, varied pitches and ridge levels.
4. Roof Overhangs. Each single-family residence shall have eaves of a minimum 8" overhang.
5. Design Objectives. Dwellings shall be required to meet the following:
 - A. Dwellings located adjacent to an External Street and located so as to have a rear or side façade oriented to the External 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, architectural breaks, etc.) on each façade visible from the external street.
 - B. No two dwellings located on side-to-side adjacent lots shall have substantially similar front elevations.
 - C. Dwellings with front load 2 car garages shall be designed such that the garage width is not greater than 60% of the total width of the dwelling.
6. Exterior Surfaces. Permitted exterior surfaces shall include; vinyl, EIFS, stucco, masonry or equivalent, wood, and concrete fiber (Hardy-Plank or similar), or equivalent materials as determined by the Developer. Vinyl or aluminum clad windows, and soffits shall be permitted.
 - A. Generally all homes shall have masonry or equivalent, EIFS, stucco, or equivalent material on the first floor of the front and a minimum of 5' returns on the sides of the home or equivalent percentages thereof exclusive of windows and doors unless architectural style does not warrant.

B. Each dwelling using vinyl siding on the front façade shall utilize a minimum of three of the following architectural elements on the front façade;

1. Side load or angled garage.
2. Covered Porch (minimum of 6' in width and 4' in depth based on foundation dimensions).
3. Roofline direction, or height change greater than sixteen (16) inches.
4. Wood, Hardi-plank, or equivalent trim at corners, frieze boards, window and door wraps, and as transitional material between to different exterior materials or Shutters on all windows, where feasible (a minimum of three windows with shutters are required to meet this provision).
5. Architectural Break, including cantilevered offsets (Homes incorporating two or more architectural breaks shall be deemed to have met two of the element requirements.)
6. Primary roof pitches of 8/12 or greater and secondary roof pitches of 10/12 or greater.
7. Masonry or equivalent, EIFS, stucco, or equivalent material on a minimum of the first floor or 25% of the total façade, exclusive of windows and doors.

C. Each dwelling using vinyl siding on the sides of the dwelling shall utilize a minimum of one of the following architectural elements on each side façade. Side facades which face internal streets on corner lots shall utilize a minimum of two of the following architectural elements on said side façade;

1. Side load or angled garage.
2. Hip Roof
3. Roofline direction, or height change greater than sixteen (16) inches.
4. Architectural Break, including cantilevered offsets.

5. Masonry or equivalent, EIFS, stucco or equivalent material a minimum of 18" in height the entire length of the façade or 5' return on the first floor.
6. 3 or more windows on the façade.
7. Side Yard landscaping to include at least one tree a minimum of 6' in height at time of planting and 3 bushes 3' in height at time of planting.

D. Each dwelling using vinyl siding and located adjacent to an External Street which is oriented as to have the rear and/or side façade of the home predominately visible from an external street shall have masonry or equivalent, EIFS, stucco, or equivalent material on the first floor for rear façades facing External Streets and 5' returns for side facades facing External Streets or a minimum of two of the following design features on said façade(s);

1. Covered open or screened in porch (minimum size 10'X10', porches with arbor or similar roof treatments shall be deemed to meet this element requirement.)
2. Shutters on all windows, where feasible (a minimum of three windows with shutters are required to meet this provision).
3. Architectural Break. (Homes incorporating two architectural breaks shall be deemed as meeting this requirement.)
4. Masonry, EIFS, cultured stone or equivalent material wrap a minimum of 5' for side facades facing External Streets.
5. Masonry or equivalent, EIFS, stucco, or equivalent material a minimum of 18" in height the entire length of the façade.
6. Hip Roof, only for side facades facing External Streets.
7. Elevated deck with decorative rail minimum of 12' in width.
8. Roofline direction, or height change greater than sixteen (16) inches.

EXHIBIT 15

RESIDENTIAL STREETSCAPE STANDARDS

A. Streetscape Standards

1. Dusk to Dawn Lights. The builder on each lot shall supply and install a light on such lot at a location, having a height and of a type, style and manufacturer 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. Each light shall be maintained in proper working order by the owner of each lot or unit. Illumination intensity for fixtures without shielding shall be limited to 120 watts for incandescent bulbs or an equivalent illumination for other types of bulbs.
2. Street Lights. Street lights will 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 Subdivision Control Ordinance of the Town of Westfield, Indiana. All street lights shall be installed at the developer's expense and maintained by the owners of the parcel in which they exist or by the not-for-profit association for the parcel in which they exist. Street lights may be permitted to be 16 feet tall.
3. Street Number. The number of the street address of each single-family 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 other decorative plate.
4. Street Signage. In the Developer's discretion, the Developer shall be permitted to substitute custom signage for standard street signage specified in the Subdivision Control Ordinance for the Town of Westfield, Indiana. Such custom signage shall be installed at the developer's expense and maintained by the owner of the area in which they exist or by the not-for-profit association for the area in which they exist.
5. Gas Lights. Gas lights may be used without shielding.

EXHIBIT 16
RESIDENTIAL STREET STANDARDS

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LIGHTING STANDARDS

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Chapter 7
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.

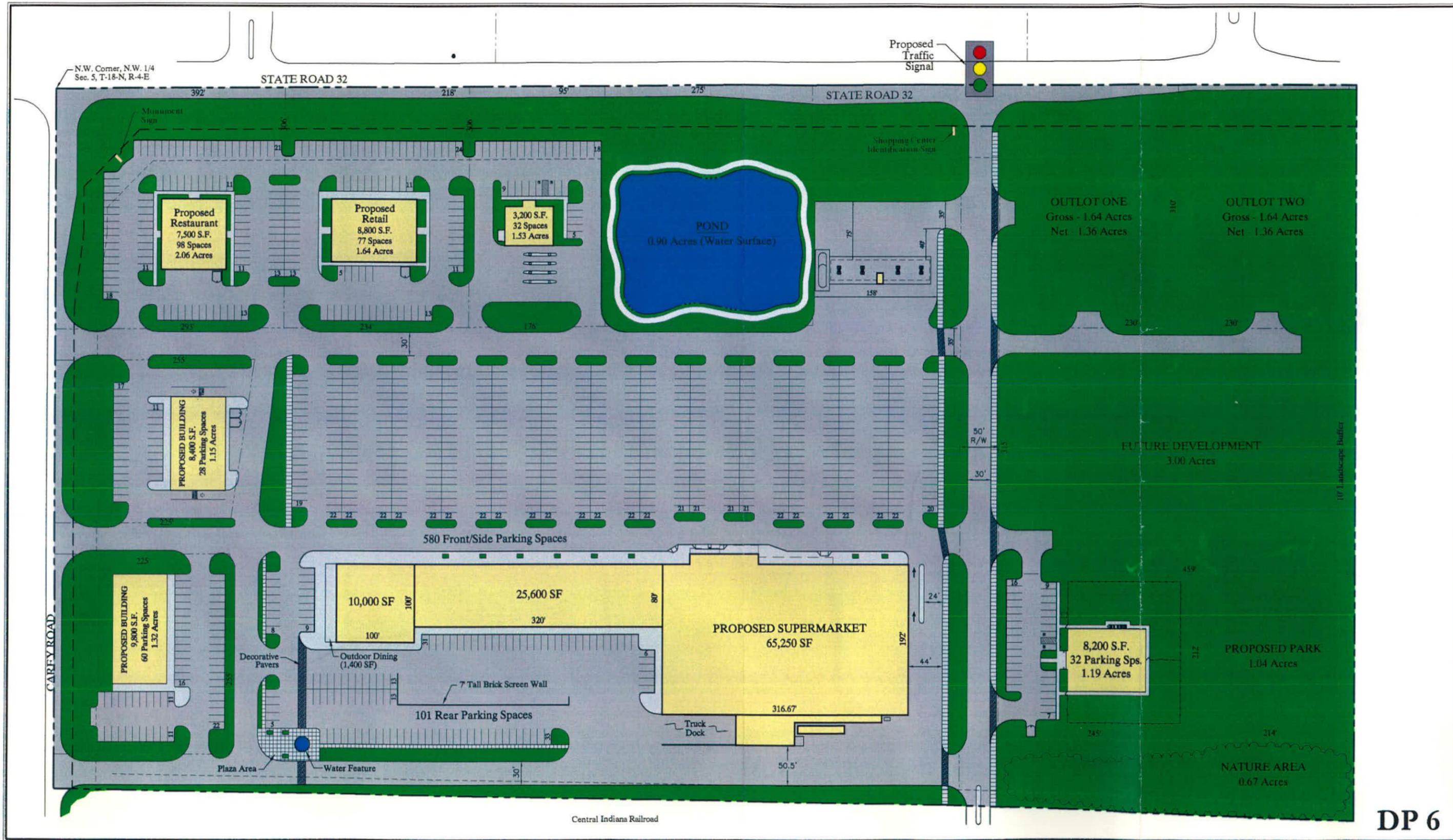
These regulations shall be applicable to all outdoor lighting sources within Westfield-Washington Township, which:

1. Are newly designed, constructed, erected or placed into operation after the effective date of this chapter; and
2. 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;

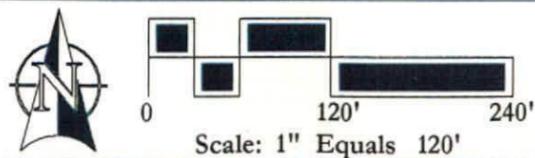


Development Plan 6 - S.R. 32 & Carey Road
 Westfield, Indiana

JUNE 17, 2003

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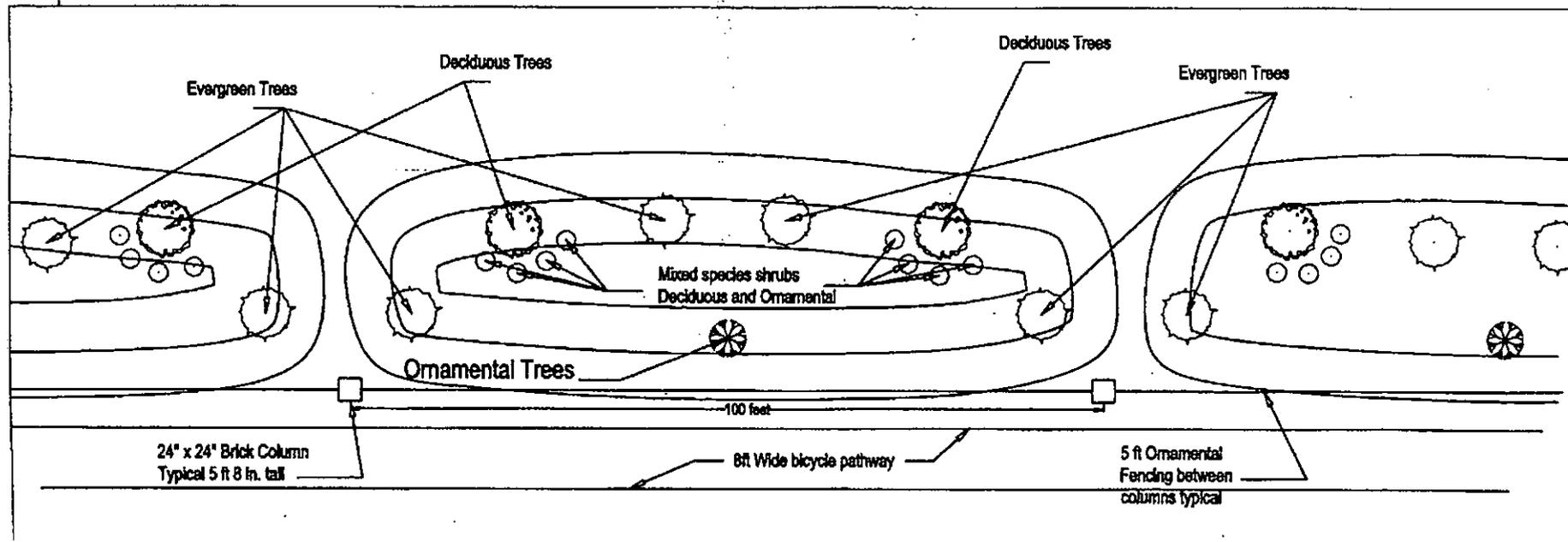
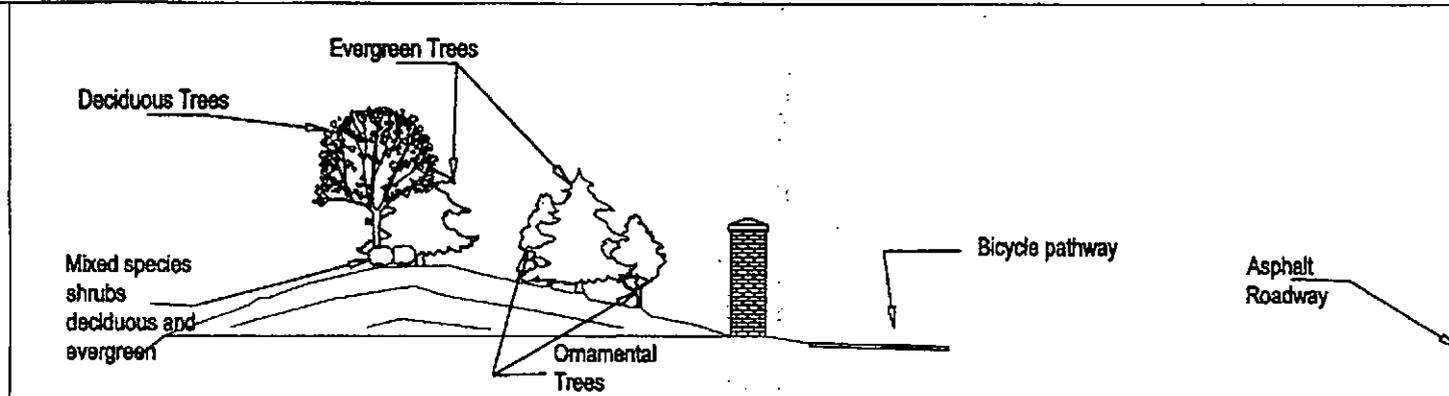
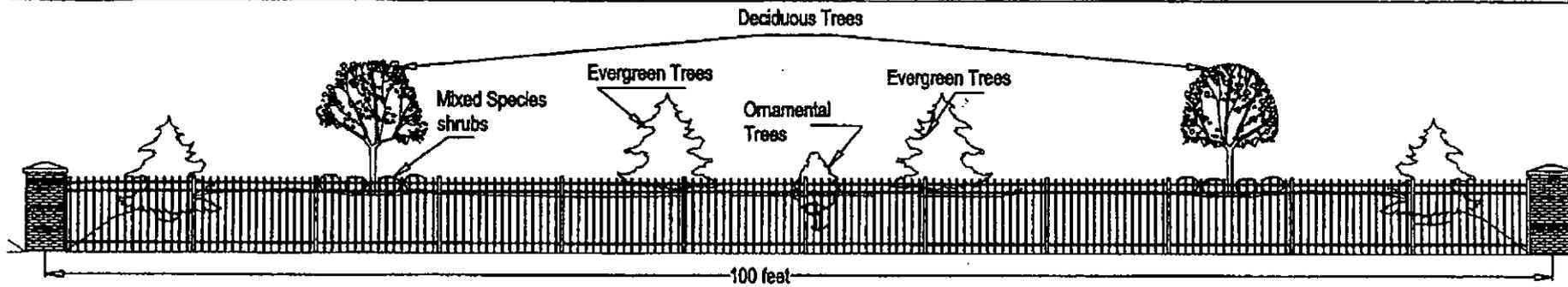


EXHIBIT 20

AREA C LEGAL DESCRIPTION

A part of the Northwest Quarter of Section 5, Township 18 North, Range 4 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of North 89 degrees 40 minutes 33 seconds East along the North line thereof a distance of 1674.38 feet to a "Mag" nail with washer marking the Northwest corner of a tract of land described in Instrument Number 200000009978 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 03 minutes 28 seconds East along the West line of said tract and along the West line of a tract of land described in 200000018471 in said Recorder's Office a distance of 930.94 feet to a rebar marking the Southwest corner of said tract described in 200000018471, said point also being on the North line of a tract of land described in Instrument Number 9116724 in said Recorder's Office (being the North Right-of-Way line of the former Central Indiana Railroad); thence North 89 degrees 00 minutes 37 seconds West along the North line thereof a distance of 1674.64 feet to a "Mag" nail with washer marking the intersection of said North Right-of-Way line and the West line of said Northwest Quarter; thence North 00 degrees 03 minutes 28 seconds West along the West line thereof a distance of 892.53 feet to the Point of Beginning. Containing 35.045 acres, more or less.

PUBLIC, SEMIPUBLIC, AND OFFICE FACILITIES

Accessory Use

A use which is customarily accessory, and clearly incidental and subordinate or ancillary, to the principal public, semipublic, or office facility use on the same lot.

Assisted Living Facilities

Establishments primarily engaged in the provision of residential social and personal care for individuals or groups of individuals, but where medical care is not a major element.

Day Care Facility

A facility, or use of a building or portion thereof, for daytime care of individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses, but excludes public and private primary or secondary educational facilities and child care homes as defined by the State of Indiana Code.

Funeral Home

An establishment engaged in undertaking services, such as preparing the human dead for burial, and arranging and managing funerals.

Governmental Facility

A government owned or operated building, structure, or land used for public purpose.

Hospital

A facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research and administration, and services to patients, employees, and visitors.

Medical Clinic

An establishment providing medical, psychiatric or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services.

Nursing Home

A privately operated establishment providing long-term personal and nursing care for the elderly, or for other individuals incapacitated in some manner for medical reasons.

Office

An establishment primarily engaged in providing professional, financial, administrative, clerical and other similar services.

Office Showroom

An establishment where office merchandise is exhibited for sale or where sample office supply items are displayed, including incidental storage, provided that a minimum of twenty (20) percent of the building is comprised of finished office space.

Postsecondary Educational Institution

A school offering educational instruction beyond the secondary level leading to academic degrees, having regular sessions with regularly employed instructors, which is licensed by the Indiana Department of Education.

Professional/Technical Training/Educational Institution

An establishment engaged in providing training or education in the arts, business and clerical operations or other specialized professional or technical field, having regular sessions with regularly employed instructors, where academic degrees or certificates are not necessarily issued and where licensing by the Indiana Department of Education may not be required.

Temporary Care Facility

A facility designed to allow persons needing temporary special supervision or care to live together in a homelike, noninstitutional setting in order to conduct their lives in the least restrictive environment possible in a manner most like that of persons not needing special supervision or care.

BUSINESS AND PERSONAL SERVICES

Accessory Use

A use which is customarily accessory, and clearly incidental and subordinate or ancillary, to the principal business or personal service use on the same lot.

Appliance Repair

An establishment involved in repairing instruments or devices designed for a particular use, such as stoves, fans, or refrigerators, that are operated by gas or electric current.

Auction House

A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Cargo and Package Service

An establishment primarily engaged in the hauling and delivery of cargo and packages between persons, companies, and corporations, while acting as a distinct party to the transaction.

Catalog and Mail-Order Sales

Establishments primarily engaged in the retail sale of products by television, catalog, and mail-order. These establishments do not ordinarily maintain stock for sale on the premises.

Caterer

A place of business whose employees provide food and service for various functions, such as banquets, private parties, weddings, and so forth.

Coin-Operated Laundry and Dry Cleaning

An establishment providing coin-operated or similar self-service laundry and dry cleaning equipment for use on the premises.

Copy and Other Administrative Business Services

A place of business providing duplication services, on-site computer use, mail/packaging services and/or other similar administrative business services.

Dry Cleaning and Laundry Pickup

An establishment providing dry cleaning and laundry pickup services, but where no dry cleaning and laundering are done on the premises.

Dry Cleaning and Laundry Service

An establishment providing dry cleaning and laundering services where dry cleaning and laundering are done on the premises with chemical containment equipment.

Electrical Repair

An establishment primarily engaged in repairing electrical and electronic equipment, such as electrical household appliances and equipment.

Employment Agency

An agency whose business is to find jobs for people seeking employment or to find people to fill jobs that are available.

Equipment Rental, Light

An establishment involved in renting furniture and appliances, such as baby beds, chairs and tables, televisions and videocassette recorders, videodiscs, and medical equipment and so forth.

Estate Services

A business which provides estate planning and financial services, and organizes and conducts estate sales and management services, under contract.

Financial Service

An establishment primarily engaged in providing financial and banking services. Typical uses include banks, savings and loan institutions, securities brokers, loan and lending activities and similar services. Vehicular drive-thru facilities and/or exterior automatic teller machines (a/k/a ATM's) are included as permitted uses of a financial service.

Insurance Agency

An agency whose business is to underwrite, sell or broker insurance policies.

Interior Decorating

An establishment involved in the art or practice of planning and supervising the design and implementation of architectural interiors and their furnishings.

Legal Service

An establishment engaged in offering legal advice or legal services, the head or heads of which are members of the bar.

Locksmith

An establishment engaged in making or repairing locks.

Lodging

A facility that offers transient lodging accommodations to the general public for compensation and may also provide additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

Office Equipment Repair

An establishment involved in repairing office equipment, such as typewriters, copying machines, computers, calculators, and so forth.

Personal Grooming Services

An establishment providing human personal grooming services including, but not limited to, cutting and styling hair, shaving and trimming beards, hairdressing/styling, facials, manicures, spa and other related services.

Pet Services

Establishments engaged in grooming and boarding, totally within a building, of dogs, cats, birds, fish, or similar small animals customarily used as household pets. Typical uses include dog bathing and clipping salons, pet grooming shops and obedience schools, but not pet cemeteries.

Photographic Service

An establishment primarily engaged in photography, developing films, in making photographic prints and enlargements for the trade or for the general public, and in renting and/or selling photographic equipment.

Real Estate Agency

An agency primarily engaged in renting, buying, selling, managing and appraising real estate for others.

Security Systems Services

Establishments primarily engaged in monitoring and maintaining security systems devices, such as burglar and fire alarms, which may also sell or lease and install the security systems which they monitor and maintain.

Shoe Repair

A place of business primarily engaged in repairing footwear.

Tailoring

An establishment primarily engaged in making and selling men's and women's clothing to individual order.

Tanning Salons

Establishments primarily engaged in providing tanning services for individuals via tanning beds or booths.

Travel Agency

An agency engaged in selling and arranging personal transportation and accommodations for travelers.

Upholstery Service

An establishment offering reupholstery and repair services and specific upholstery materials for sale.

Veterinary Service (Indoor)

An establishment of licensed practitioners primarily engaged in practicing veterinary medicine, dentistry or surgery where all services are performed or provided indoors.

RETAIL AND WHOLESALE TRADE

Accessory Use

A use which is customarily accessory, and clearly incidental and subordinate or ancillary, to the principal retail or wholesale trade use on the same lot.

Apparel Shop

An establishment involved in selling clothing and clothing accessories.

Appliance Sales

Establishments involved in selling instruments or devices designed for a particular use, such as stoves, fans or refrigerators, which are operated by gas or electric current.

Audio/Video Store

An establishment primarily engaged in the rental or retail sale of prerecorded audio and/or video performances.

Automotive Supply

An establishment primarily engaged in the retail sale of automotive parts, tires, and accessories.

Bakery (Retail)

An establishment primarily engaged in the production and/or retail sale of bakery products.

Bookstore

A place of business where books and magazines are the main items offered for sale.

Building Materials

Establishments with 30,000 or fewer square feet of gross floor area involved in selling lumber, and a general line of building materials and supplies, to the general public, which may include roofing, siding, shingles, wallboard, paint, cement, and so forth, including incidental storage.

Camera and Photographic Supply

An establishment primarily engaged in selling cameras, film, and other photographic supplies and equipment.

Confectionery

An establishment primarily engaged in the retail sale of candy, chewing gum, nuts, sweetmeats, chips, popcorn and other confections. May also include the operation of a soda fountain or lunch counter.

Convenience Store

Any retail establishment up to 3,500 gross square feet in size offering for sale prepackaged food products, household items, gasoline sales, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

Coffee Shop

An establishment primarily engaged in the retail sale of coffee beans or grounds, and coffee drinks ready for consumption, with or without the ancillary sale of food products.

Department Store

A retail store carrying a general line of apparel, such as suits, coats, dresses and socks; home furnishings, such as furniture, floor coverings, curtains, draperies, linens and major household appliances; and housewares, such as kitchen appliances, dishes, and utensils. These and other merchandise lines are normally arranged in separate sections or departments with accounting on a departmentalized basis. The departments and functions are integrated under a single management. The stores may provide their own charge accounts, deliver merchandise and maintain open stocks.

Drapery Sales

Places of business where draperies are the main product offered for sale.

Drugstore

An establishment engaged in the retail sale of prescription drugs and patent medicines and which may carry a number of related product lines, such as cosmetics, toiletries, tobacco and novelty merchandise, and which may also operate a soda fountain or lunch counter.

Electronic Devices

Establishments primarily engaged in the retail sale or rental of consumer audio and video electronics equipment (including automotive), computers, computer peripheral equipment, and software. Such establishments may also sell prerecorded audio and/or video tapes and perform incidental installation and repair work.

Florist (Retail)

An establishment primarily engaged in the retail sale of cut flowers and/or growing plants.

Flooring, General Sales

Places of business where floor coverings or hard wood flooring are the main products offered for sale.

Framing Shop

An establishment primarily engaged in framing artwork and photographs and the sale of custom and prefabricated frames.

Furniture Sales

Establishments where furniture is the main item offered for sale; however, these places of business may also sell home furnishings, major appliances and floor coverings.

Gallery

An establishment primarily engaged in displaying and selling artistic work to the general public.

Garden Centers

Establishments primarily engaged in selling trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools and other garden supplies to the general public and where no trees, shrubs or plants are grown on the premises.

Gift Shop

An establishment primarily engaged in the retail sale of combined lines of gifts and miscellaneous small art goods, such as greeting cards and holiday decorations.

Grocery Store

A store primarily engaged in the retail sale of various canned foods and dry goods, either packaged or in bulk, such as tea, coffee, spices, sugar and flour; fresh fruits and vegetables; and, frequently, fresh, smoked and prepared meats, fish, and poultry.

Handicrafts

Places of business that sell articles fashioned by those engaged in handicrafts.

Hardware

An establishment primarily engaged in the retail sale or rental of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances and cutlery.

Hobby, Toy, and Game Shops

Establishments primarily engaged in the retail sale of toys, games, and hobby and craft kits and supplies.

Housewares and Home Furnishings

Establishments primarily engaged in the retail sale of miscellaneous housewares and home furnishings, such as china, glassware, and metalware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; Venetian blinds; and window shades.

Jewelry

An establishment primarily engaged in selling any combinations of lines of jewelry, such as diamonds and other precious stones mounted in precious metals such as rings, bracelets and brooches; sterling and plated silverware; and watches and clocks.

Leather Goods and Luggage Stores

Establishments primarily engaged in the retail sale of luggage, trunks, and leather goods, except clothing.

Liquor Store

An establishment primarily engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine and whiskey, for off-premises consumption.

Marine Supply

An establishment primarily engaged in the retail sale of motorboats and other watercraft, marine supplies, and outboard motors, including incidental storage.

Meat Market

A place of business where fresh, frozen or cured meats are sold and where no animals are butchered on the premises.

Motorcycle Sales

Establishments primarily engaged in the retail sale of new and used motorcycles, motor scooters, and personal watercraft, including incidental storage, maintenance and servicing.

Music Store

An establishment primarily engaged in selling musical instruments, phonograph records, compact discs, tapes, sheet music and similar musical supplies.

Office Supplies

Places of business where stationer and office supplies, such as envelopes, typewriter and mimeograph paper, file cards and folders, pens and pencils, and so forth, in addition to customary office equipment are offered for sale or lease. These businesses may also include repair and service for equipment sold or leased.

Optical Goods

Establishments involved in selling visual devices or products.

Pet Shop

A place of business where domestic animals, and products for the health and care of domestic animals, are sold.

Restaurant

An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carry-out. This use may include the retail sale of individual servings of alcoholic beverages for consumption on the premises only, a bar, billiard tables and/or live music that is incidental and subordinate to the sale of food.

Restaurant (Drive-in)

An establishment engaged in the retail sale of ready-to-consume food and drinks in disposable containers, for consumption on or off the premises, and with drive-in or drive-through facilities so that patrons may be served while remaining in their automobiles.

Sporting Goods

Establishments primarily engaged in selling or renting sporting goods, sporting equipment and accessories, which may also provide repair and service for items sold.

Tobacco Shops, Specialty

Establishments primarily engaged in the retail sale of specialty tobacco products and smokers' supplies, where some of the tobacco products may require storage in a humidor.

Used Merchandise (Antiques)

A place of business where works of art, pieces of furniture, or decorative objects, made during an earlier period, are the main items offered for sale.

Used Merchandise (General)

A store primarily engaged in the retail sale of used merchandise, antiques and secondhand goods, such as clothing, furniture, musical instruments, cameras, phonographs, and so forth, where the merchandise is stored, displayed and sold completely inside a building.

Vitamin/Supplement Sales

An establishment primary engaged in the sale of non-prescription vitamins, herbs and other supplements.

AUTOMOTIVE AND TRANSPORTATION SERVICES

Accessory Use

A use which is customarily accessory, and clearly incidental and subordinate or ancillary, to the principal automotive or transportation service use on the same lot.

Automotive Rentals

Establishments involved in renting passenger cars, noncommercial trucks, motor homes or recreational vehicles, including incidental parking and servicing of vehicles available for rent.

Automotive/Boat Repair/Service Shop

An establishment primarily engaged in general or specialized automotive, motorcycle, or watercraft repairs, including rust-, weather- and sound-proofing, as well as detailing and like services.

Automotive Tire Sales/Repair

An establishment primarily engaged in the retail sale and repair of automotive tires.

Car Wash

An area or structure equipped with automatic or self-service facilities for washing automobiles.

Refueling Center

An establishment engaged in selling automotive fuel. Such an establishment may be affiliated with a shopping center anchor tenant and may include sales of concession-type consumer goods from inside the kiosk only. There shall be no outdoor storage, display or sales, including vending machines.

AMUSEMENT AND RECREATIONAL SERVICES

Accessory Use

A use which is customarily accessory, and clearly incidental and subordinate or ancillary, to the principal amusement or recreational use on the same lot.

Park and Recreational Services, For Profit

Commercially-operated, for-profit, park and recreational uses which may include:

- establishments which group together and operate in whole or in part a number of attractions, such as mechanical rides, amusement devices, refreshment stands, and miniature golf;
- physical fitness facilities featuring exercise and other active physical fitness conditioning, and aerobic dance, exercise and/or wellness (e.g. weight control) classes, whether or not on a membership basis.

Park and Recreational Services, Not For Profit

Parks, playgrounds, swimming pools and other recreational facilities, and open spaces, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

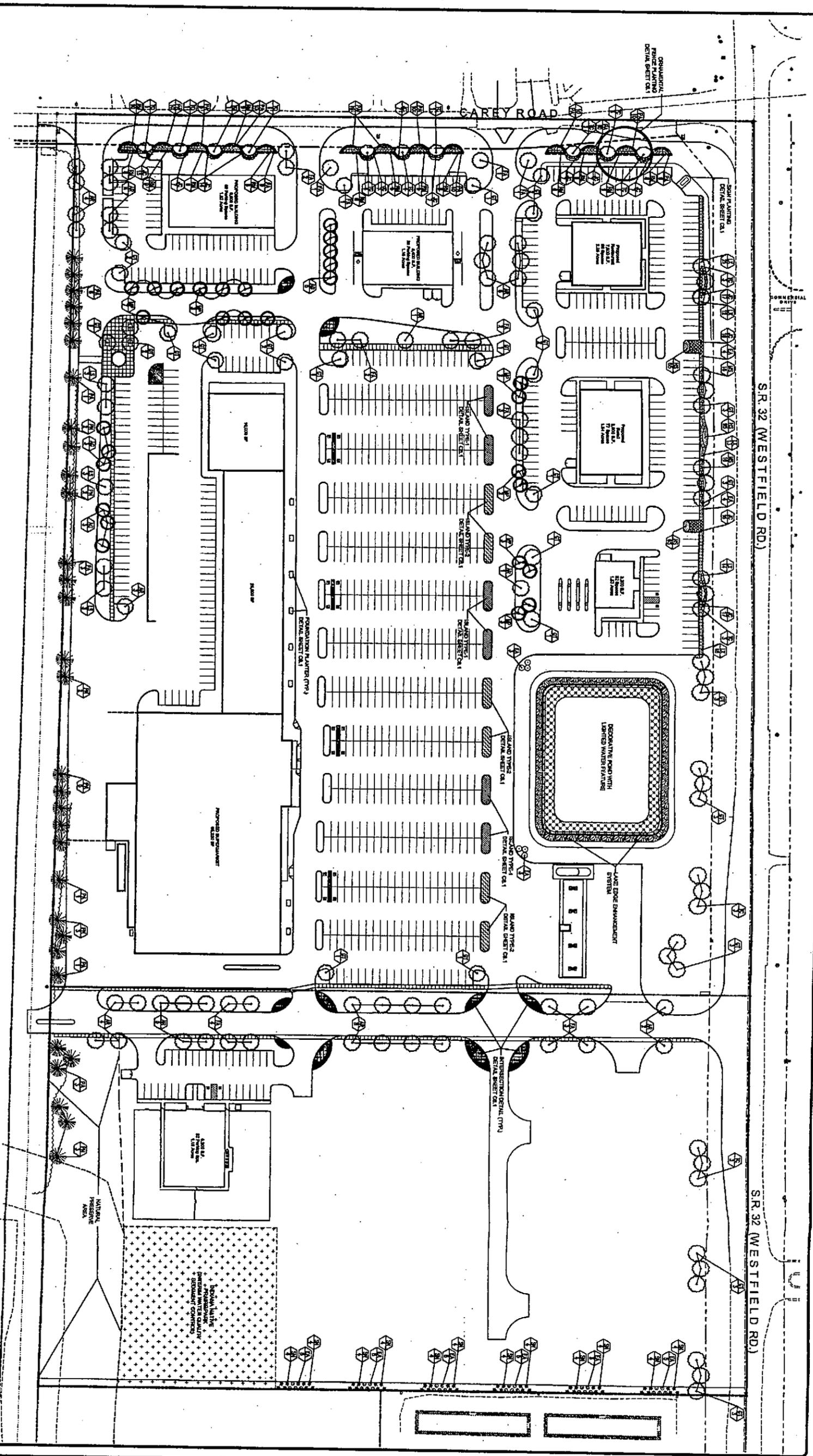
MANUFACTURING, MINING, CONSTRUCTION, AND INDUSTRIAL USES

Accessory Use

A use which is customarily accessory, and clearly incidental and subordinate or ancillary, to the principal manufacturing, mining, construction, or Industrial use on the same lot.

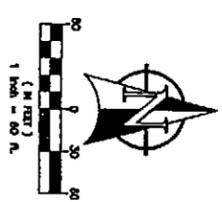
Signs and Advertising Displays

Establishments primarily engaged in manufacturing electrical, mechanical, cutout or plate signs and advertising displays, including neon signs and advertising novelties. (Development standard: Maximum business size of 3,000 square feet.)



EXISTING LEGEND:

DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL
EXISTING ASPHALT	▨	WATER VALVE	W
EXISTING CONCRETE	▩	THE LINDAN	L
TELEPHONE BENCH MARK	⊕	FIRE PUMP	F
SECTION CORNER	⊠	SEWER MANHOLE	S
SEWER PUMP	⊙	HEAD POST	H
R/W MONUMENT	⊞	GRID MARK	G
LAND MAIL PLANT	⊞	WELL	W
UTILITY POLE	⊞	POUNCE MANHOLE	P
OUT WING	⊞	WATER	W
ELECTRIC FEEDSTICK	⊞	DEBRIDING TREE	D
AREA LIGHT	⊞	GRASS	G
TRAP POLE	⊞	UNDERGROUND ELECTRIC	U
TRAP MANHOLE	⊞	UNDERGROUND TELEPHONE	T
TELEPHONE PEDestal	⊞	WATER LINE	W
MAIL BOX	⊞	CAST IRON	C
SIGN	⊞		



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DESIGN PHASE CONSTRUCTION PLAN NUMBER C8.0 SHEET OF	WESTFIELD MARKETPLACE STATE ROAD 32 & CAREY ROAD WESTFIELD, INDIANA OVERALL LANDSCAPE PLAN	DWN BY: BEE CHKD BY: ACH SCALE: 1" = 30' DATE: 10-13-03 PROJECT NUMBER 03-191	FLYNN & ZINKAN REALTY CO. 5332 N. TEMPLE AVENUE INDIANAPOLIS, INDIANA 46220 CIVIL DESIGNS, LLP 2415 DIRECTORS ROW, SUITE E INDIANAPOLIS, INDIANA 46241 PHONE: 317-244-1968 FAX: 317-244-1969
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