Westoak

PLANNED UNIT DEVELOPMENT

AMENDMENT ORDINANCE

Ordinance No.: 04-40

Adoption Date: November 8, 2004

Instrument No.: 200400080809

AMENDMENT APPLIES TO: The Real Estate as described in the PUD Ordinance.

DESCRIPTION OF AMENDMENT: This amendment generally increased the allowable agreage for residential development in the PUD District.

RELATED ORDINANCES[1]: 04-01

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

215.00 (104)

200400080809
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
12-01-2004 At 09:33 am.
ORDINANCE 215.00

ORDINANCE NO. 04-40

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

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

WHEREAS, the Westfield-Washington Township Advisory Plan Commission ("Commission") considered a petition (docket 0408-PUD-06) filed with the Commission to rezone certain lands; and

WHEREAS, the Westfield Washington Township Advisory 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 26, 2004; and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-608(f) or IC 36-7-4-608 (g) depending on the recommendation from the Advisory Plan Commission concerning any action on this request.

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

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

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the real estate described in the Exhibit "A" as the WestOak PUD.

BEST POSSIBLE IMAGE
ALL PAGES

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

ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF WESTFIELD, HAMITON COUNTY, INDIANA THIS 8 DAY OF Nov ,2004

WESTFIELD TOWN COUNCIL

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

ATTEST:

Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Jerry Rosenberger, Town Manager

11/2/2004

Ordinance 04-33

WESTOAK PUD AMENDMENT

WESTFIELD, INDIANA

PUD ORDINANCE NO. 04-40

AN ORDINANCE TO AMEND
WESTOAK INDUSTRIAL PARK
PLANNED UNIT DEVELOPMENT (PUD)
DISTRICT ORDINANCE NO. 04-01

Petitioner: C & R Custom Homes

Prepared By: Bingham • McHale LLP
attorneys at law

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SCHEDULE OF EXHIBITS

1. Real Estate - legal description
2. Concept Plan
2B. Concept Plan – Residential Area
3. Enclosed Industrial (EI) provisions of the Zoning Ordinance
4. Local Business (LB) provisions of the Zoning Ordinance
5. Multi-Family Two (MF2) provisions of the Zoning Ordinance
6. Schedule of Uses Permitted in the Northern Industrial Area
7. Schedule of Uses Permitted in the Local Business Area
8. Development Plan Review (DPR) provisions of the Zoning Ordinance
9. Landscaping Standards of the Zoning Ordinance
10. Lighting Standards of the Zoning Ordinance
11. Sign Standards of the Zoning Ordinance
12. Building Materials provisions of the Zoning Ordinance

ORDINANCE NO. 04-40

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

This PUD Ordinance (the "Westoak PUD") amends PUD Ordinance 04-01 and 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 an amendment to PUD Ordinance No. 04-01 filed by C & R Custom Homes for the real estate containing approximately 35.13 acres, legally described on Exhibit 1 hereto, and located in Washington Township, Westfield, Indiana (the "Real Estate");

WHEREAS, the Commission has sent to the Town Council of the Town of Westfield, Indiana (the "Town Council") its favorable recommendation adopted on the 25th day of October, 2004; and

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

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and uses in the Real Estate, (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values throughout the Town of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the 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 2. EFFECT. The development standards created by this Westoak PUD supersede the development standards of the Zoning Ordinance. Unless otherwise specified herein, the owner(s) of the Real Estate shall otherwise comply with the terms, conditions, and procedures of PUD Ordinance 02-01 (WC 16.04.190).

SECTION 3. DEFINITIONS. The following definitions shall apply in this Westoak PUD:

A. Local Business Area: The area of the Real Estate identified on Exhibit 2 as the Local Business Area ("Local Business Area").

B. Residential Area: The area of the Real Estate identified on Exhibit 2 as the Residential Area ("Residential Area"), also identified in Exhibit 2B.

C. Northern Industrial Area: The area of the Real Estate identified on Exhibit 2 as the Northern Industrial Area ("Northern Industrial Area").

D. EI Provisions: Attached hereto and incorporated herein by reference as Exhibit 3 are the Enclosed Industrial provisions (the "EI Provisions") of the Zoning

Ordinance, which were in force and effect at the time of the enactment of this Westoak PUD.

E. LB Provisions: Attached hereto and incorporated herein by reference as Exhibit 4 are the Local Business provisions (the "LB Provisions") of the Zoning Ordinance, which were in force and effect at the time of the enactment of this Westoak PUD.

F. MF2 Provisions: Attached hereto and incorporated herein by reference as Exhibit 5 are the Multi Family Two provisions (the "MF2 Provisions") of the Zoning Ordinance, which were in force and effect at the time of the enactment of this Westoak PUD.

G. Northern Industrial Area Uses: The uses specified as permitted uses in the Northern Industrial Area are listed under the column entitled "Northern" and indicated by an "X" in what is attached hereto and incorporated herein by reference as Exhibit 6 (collectively the "Northern Industrial Area Uses").

H. Local Business Area Uses: The uses specified as permitted uses in the Local Business Area are listed on what is attached hereto and incorporated herein by reference as Exhibit 7 (collectively the "Local Business Area Uses").

I. DPR Provisions: Attached hereto and incorporated herein by reference as Exhibit 8 are the Development Plan Review provisions (the "DPR Provisions") of the Zoning Ordinance, which were in force and effect at the time of the enactment of this Westoak PUD.

J. Landscape Standards: Attached hereto and incorporated herein by reference as Exhibit 9 are the Landscaping Standards (the "Landscape Standards") of the

Zoning Ordinance which were in force and effect at the time of the enactment of this Westoak PUD.

K. Lighting Standards: Attached hereto and incorporated herein by reference as Exhibit 10 are the Lighting Standards (the "Lighting Standards") of the Zoning Ordinance which were in force and effect at the time of the enactment of this Westoak PUD.

L. Sign Standards: Attached hereto and incorporated herein by reference as Exhibit 11 are the Sign Standards (the "Sign Standards") of the Zoning Ordinance which were in force and effect at the time of the enactment of this Westoak PUD.

M. Plot: A discrete parcel of Real Estate, possessing a separate and distinct legal description, per a deed of record recorded in the Office of the Recorder of Hamilton County, Indiana.

N. Initial Owner: The owner of any portion of the Real Estate at the time of the enactment this Westoak PUD.

O. Initial Sales: The transfer of ownership of a Plot from an Initial Owner to a third party.

SECTION 4. RECLASSIFICATION OF ZONING. The zoning classification of the Real Estate is reclassified on the Zone Map from AG-SF1 to the Planned Unit Development District classification – Westoak PUD, the underlying zoning classification of which shall be as follows:

A. Local Business Area: The underlying zoning classification of the Local Business Area shall be the LB District of the Zoning Ordinance in force at the time of the enactment of this Westoak PUD.

B. Residential Area: The underlying zoning classification of the Residential Area shall be the MF2 District of the Zoning Ordinance in force at the time of the enactment of this Westoak PUD.

C. Northern Industrial Area: The underlying zoning classification of the Northern Industrial Area shall be the EI District of the Zoning Ordinance in force at the time of the enactment of this Westoak PUD.

SECTION 5. MODIFICATIONS TO UNDERLYING ZONING. Subject to the following changes and modifications, the applicable provisions of the Zoning Ordinance in force and effect at the time of the enactment of this Westoak PUD including, without limitation, the LB Provisions, the MF2 Provisions, the EI Provisions, the DPR Provisions, the Landscaping Standards, the Lighting Standards, and the Sign Standards, shall apply to the Real Estate:

A. The additional provisions applicable only to the Local Business Area are as follows:

1. The LB Provisions shall apply to the Local Business Area; provided, however, the minimum tract requirement of five (5) acres specified in the LB Provisions shall not apply to the Local Business Area but, instead, the minimum tract requirement applicable to the Local Business Area shall be 2.5 acres.

2. Those uses permitted in the Local Business Area include only the Local Business Area Uses.

B. The additional provisions applicable only to the Residential Area are as follows:

1. The MF2 Provisions shall apply to the Residential Area; provided, however, that (i) Manufactured Home Parks as specified in the MF2

Provisions shall not be a permitted special exception in the Residential Area and (ii) no building constructed in the Residential Area shall contain more than two floors intended for human occupancy, excluding walkout basements and underground basements.

2. Buffer Along Southern Property Line:

   a. On the north side of the existing forty (40) foot wide utility easement which runs parallel and adjacent to the southern boundary line of the Residential Area, the lot owner shall create an additional twenty (20) foot wide landscape buffer parallel and adjacent to the existing forty (40) foot wide utility easement, which landscape buffer shall include an earthen berm three feet in height, constructed with a slope ratio of three (3) feet horizontal to one (1) foot vertical. The twenty (20) foot wide landscape buffer shall also include the following per thirty (30) lineal feet: (i) two (2) Evergreen Trees ten to twelve (10-12) feet in height (of the Blue Spruce or Norway Spruce variety only), (ii) one (1) Evergreen Tree which shall be a minimum of six (6) feet in height (of the Blue Spruce or Norway Spruce variety only), and (iii) two (2) evergreen shrubs.

   b. On the north side of the existing fifty (50) foot wide utility easement which runs parallel and adjacent to the southern boundary line of the Residential Area, the lot owner shall create an additional fifteen (15) foot wide landscape buffer parallel and

adjacent to the existing fifty (50) foot wide utility easement. The fifteen (15) foot wide landscape buffer shall include the following per thirty (30) lineal feet: (i) two (2) Evergreen Trees ten to twelve (10-12) feet in height (of the Blue Spruce or Norway Spruce variety only), (ii) one (1) Evergreen Tree which shall be a minimum of six (6) feet in height (of the Blue Spruce or Norway Spruce variety only), and (iii) two (2) evergreen shrubs. A six (6) foot tall shadow box fence shall also be installed between the north side of the fifteen (15) foot wide landscape buffer identified in this paragraph and the southern boundary line of the Residential Area adjacent to the existing fifty (50) foot wide utility easement identified in this paragraph.

3. A single access road connecting the Residential Area to Southpark Drive shall be required.
4. Each building constructed in the Residential Area shall be oriented in such a manner that the elevation with the lesser mass shall be substantially parallel with the southern boundary line of the Real Estate, and the elevation with the greater mass shall be substantially perpendicular to the southern boundary line of the Real Estate.
5. Each dwelling unit constructed within the Residential Area shall include at least 1200 square feet of living area (excluding porches, terraces, carports and garages).

D. The provisions applicable only to the Northern Industrial Area are as follows:

1. Those uses permitted in the Northern Industrial Area include only the Northern Industrial Area Uses.

2. The EI Provisions shall apply to the Northern Industrial Area; provided, however, the minimum tract requirement of three (3) acres specified in the EI Provisions shall not apply to the Northern Industrial Area but, instead, the minimum tract requirement applicable to the Northern Industrial Area shall be 1.3 acres.

3. With respect to the Northern Industrial Area, Section 16.04.165(D)(4)(f) of the DPR provisions is hereby replaced and superceded by what is attached hereto and incorporated herein by reference as Exhibit 12.

4. With respect to the Northern Industrial Area, outdoor sales and storage are prohibited, and all Northern Industrial Area Uses shall be conducted only inside buildings constructed upon the Northern Industrial Area.

5. For each lot within the Northern Industrial Area upon which a building is constructed, the maximum building height shall be forty (40) feet. The term "building height" shall be as described by the Zoning Ordinance.

6. Chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, power transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to a height not to exceed fifteen (15) feet above the highest point of the roof.

7. In the event there are Initial Sales greater than one (1) Plot in the Northern Industrial Area, a stub road connecting Southpark Drive to the northern boundary of the Northern Industrial Area shall be constructed.

SECTION 6. OTHER APPLICABLE PROVISIONS. The following shall also apply to the Real Estate:

A. Southpark Drive, now existing to the east of the Real Estate, shall be extended west to the western boundary of the Real Estate so that it accesses Oakridge Road directly opposite the entrance to Oak Trace Elementary School, at an exact location later to be determined by the Owner of the Real Estate and approved by the Town of Westfield.

B. The Owner of the Real Estate shall establish a second curb inlet on Oakridge Road, allowing access into the Residential Area from Oakridge Road, at a point later to be determined by the Owner of the Real Estate and approved by the Town of Westfield.

C. Access to Oakridge Road for occupants of the Local Business Area and the Northern Industrial Area shall be from Southpark Drive only. Access to Oakridge Road for occupants of the Residential Area shall be from drives internal to the Residential Area.

SECTION 7. CONCEPT PLAN AND PHASING OF DEVELOPMENT PLANS. The Concept Plan for the Real Estate is attached hereto and incorporated herein by reference as Exhibit 2. The Development Plans for portions of the Real Estate shall be submitted and approved in phases, with each phase representing a portion of the Concept Plan. Development Plans for any portion or phase of the Real Estate may be submitted at any time within ten (10) years from the enactment of this Westoak PUD, without the need for an extension of time from the Plan Commission; however, Development Plans for any phase representing a portion of the

Concept Plan may not be submitted more than ten (10) years after the date of the enactment of this PUD Ordinance without an extension of time from the Plan Commission.

Upon motion duly made and seconded, this Westoak PUD was fully passed by the members of the Council this _____ day of _____, 2004.

TOWN COUNCIL, TOWN OF WESTFIELD

BY: AYE		NAY
_____	Teresa Otis Skelton	_____
_____	John Hart	_____
_____	Bob Smith	_____
_____	Ron Thomas	_____
_____	David Mikesell	_____

EXHIBIT 1

WESTOAK PARK PHASE TWO

LEGAL DESCRIPTION

A part of the Northwest Quarter of Section 12, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the northwest corner of the Northwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence South 00 degrees 03 minutes 25 seconds West (assumed bearing) on the west line of said Northwest Quarter 620.99 feet to the northwest quarter of the real estate described in Instrument No. 2001-9484; thence the following three calls on the perimeter of said real estate: 1.) North 87 degrees 59 minutes 45 seconds East 517.24 feet; 2.) South 00 degrees 03 minutes 25 seconds West 168.73 feet; 3.) South 87 degrees 59 minutes 45 seconds West 517.24 feet to the west line of said Northwest Quarter; thence South 00 degrees 03 minutes 25 seconds West on said west line 62.03 feet to the northwest corner of the real estate described in Instrument No. 2001-9151; thence North 87 degrees 41 minutes 43 seconds East on the north line of said real estate 1291.00 feet; thence North 00 degrees 11 minutes 26 seconds East 857.16 feet to a point on the north line of said Northwest Quarter; thence South 87 degrees 27 minutes 34 seconds West on the north line of said Northwest Quarter 1293.23 feet to the Point of Beginning, containing 23.32 acres, more or less.

Also including the following described real estate:

Part of the Northwest Quarter of Section 12 North, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the northwest corner of the Northwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence South 00 degrees 03 minutes 25 seconds West (assumed bearing) on the west line of said Northwest Quarter 851.75 feet to the POINT OF BEGINNING of the herein described real estate, said point also being the northwest corner of the real estate described in Instrument No. 2001-9151 in the Office of the Recorder of Hamilton County, Indiana; thence continuing South 00 degrees 03 minutes 25 seconds West on said west line 331.29 feet to the northwest corner of Ridgewood Section Two, as recorded in Plat Book 6, Pages 75-77; thence North 87 degrees 41 minutes 43 seconds East on the north line of said Subdivision 1290.23 feet; thence North 00 degrees 11 minutes 26 seconds East 331.32 feet to a point on the north line of said Instrument No. 2001-9151; thence South 87 decrees 41 minutes 43 seconds West 1291.00 feet to the Point of Beginning, containing 9.81 acres, more or less.

Also including the following described real estate:

Part of the Northwest Quarter of Section 12 North, Township 18 North, Range 3 East of the Second Principal Meridian in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Northwest Quarter of Section 12, Township 18 North, Range 3 East, in Washington Township, Hamilton County, Indiana; thence South 00 degrees 00 minutes 08 seconds West (assumed bearing) on the West line of said Northwest Quarter 620.99 feet to the northwest corner of the real estate described in Instrument No. 97-18412 in the Office of the Recorder, Hamilton County, Indiana, said corner being the POINT OF BEGINNING of the herein described real estate; thence North 87 degrees 56 minutes 28 seconds East 517.24 feet; thence South 00 degrees 00 minutes 08 seconds West parallel with the west line of said Northwest Quarter 168.72 feet to a point on the south line of said Instrument No. 97-18412; thence south 87 degrees 56 minutes 28 seconds West on said south line 517.24 feet to said west line of said Northwest Quarter; thence North 00 degrees 00 minutes 08 seconds East on said west line 168.72 feet to the Point of Beginning, containing 2.00 acres, more or less.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD.

EXHIBIT 2

CONCEPT PLAN

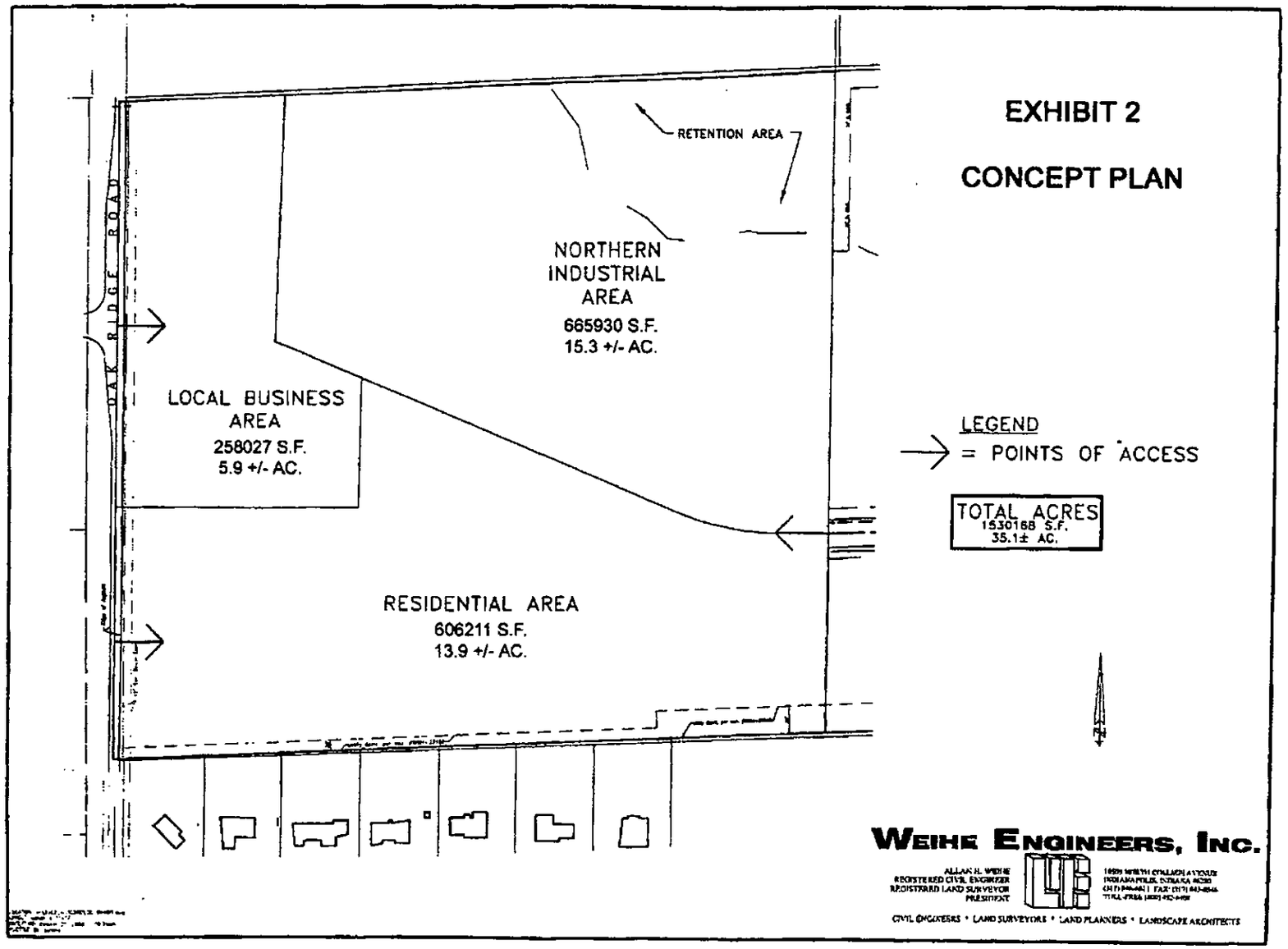


EXHIBIT 2
CONCEPT PLAN
RETENTION AREA
NORTHERN INDUSTRIAL AREA
665930 S.F.
15.3 +/- AC.
OAK RIDGE ROAD
LOCAL BUSINESS AREA
258027 S.F.
5.9 +/- AC.
RESIDENTIAL AREA
606211 S.F.
13.9 +/- AC.
LEGEND
= POINTS OF ACCESS
TOTAL ACRES
1530168 S.F.
35.1± AC.
WEIHE ENGINEERS, INC.
CIVIL ENGINEERS • LAND SURVEYORS • LAND PLANNERS • LANDSCAPE ARCHITECTS

EXHIBIT 2B

CONCEPT PLAN – RESIDENTIAL AREA

City fo Westfield

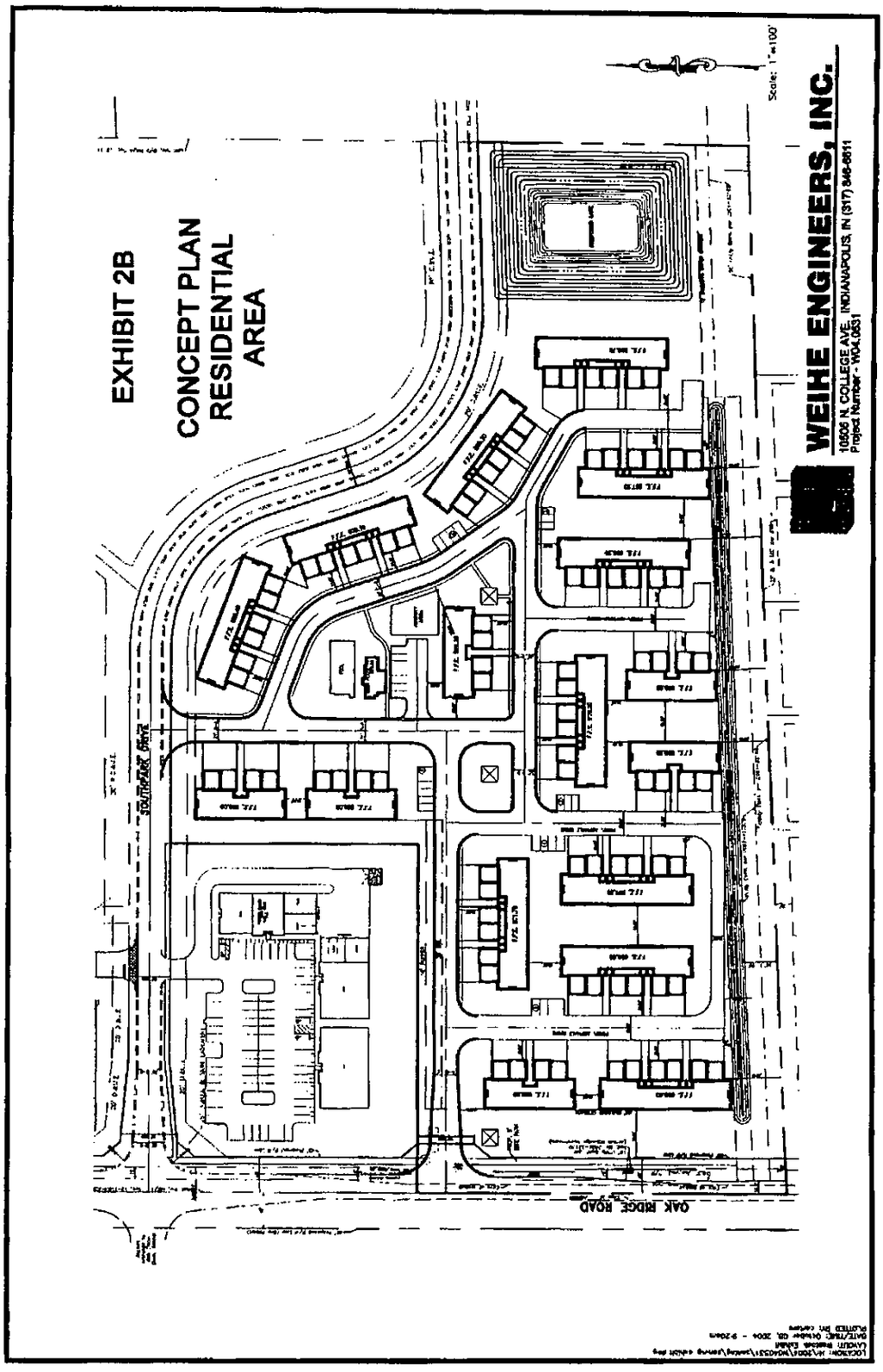


EXHIBIT 3

ENCLOSED INDUSTRIAL (EI) PROVISIONS OF THE ZONING ORDINANCE

- In all districts permitting enclosed industrial districts or open industrial districts, it is permissible to erect more than one principal building devoted to enclosed industrial or open industrial use on a lot.

- Buildings may be erected higher than the normal maximum height of 60 feet in the enclosed industrial, open industrial, and general business districts, provided that buildings shall be set back from the required side yard lines and rear yard lines one foot for each two feet of height above 45 feet.

- Chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, power transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

- The Plan Commission shall review and approve plans to assure adherence to developmental standards and overall conformity to the master plan and Zoning Ordinance.

B. EI - Enclosed Industry District -

1. Permitted Uses -

   - All industrial uses as outlined in Figure 2 are permitted in this district provided the use conforms with the applicable requirements set forth in the General Requirements and Standards of this section.

   - All businesses listed under "Enclosed Industrial" as contained in Figure 2.

2. Special Exceptions -

   - General construction companies
   - Painting and decorating contractors - heavy commercial
   - Electrical contractors - heavy commercial
   - Plumbing contractors - heavy commercial
   - Concrete contractors - heavy commercial
   - Roofing contractors - heavy commercial
   - Sheet metal contractors - heavy commercial
   - Septic system contractors
   - Ice and coal stations
   - Coal yards
   - Salt storage - outside
   - Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
   - Kennels

- Lumber yards - including millwork
- Liquor stores
- Taverns
- Amusement parks
- Manufactured home parks - in accordance with the provisions of WC 16.04.090
- Convents, monasteries, theological schools, rectories, parish houses

Planned Business Developments for 5 or 10 acres or more for all classes of Local and General Businesses contained in Figure 2 do not require an approval as a special exception.

3. Minimum Tract Requirement - 3 Acres

4. Lot Frontage on Road - Not less than 70 feet

5. Minimum Setback Lines -

   - Front Yard - Not less than 100 feet on expressways, primary arterials, and secondary arterials. Not less than 40 feet on all other streets.

   - Side Yard - Not less than 20 feet in width except a side yard abutting a street or road shall be not less than 40 feet in width

   - Rear Yard - Not less than 20 feet in depth

   - Minimum Lot Width at Building Line - None

6. Maximum Building Height - Shall not exceed 60 feet

7. Minimum Gross Ground Level Space - None

8. Parking - Off-street parking shall be provided in accordance with the provisions in this chapter.

9. Loading and Unloading Berths - Loading and unloading berths shall be provided in accordance with the provisions of this chapter.

C. ~~OI - Open Industrial District -~~

1. ~~Permitted Uses - The uses as outlined in Figure 2 are permitted in this district provided the use conforms with the applicable requirements set forth in the General Requirements and the Performance Standards of this section.~~

EXHIBIT 4

LOCAL BUSINESS (LB) PROVISIONS OF THE ZONING ORDINANCE

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

1. Special Requirements

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

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

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

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

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

3. Special Exception Uses – None.

4. Minimum Lot Area – Five (5) acres.

5. Minimum Lot Frontage - 50 Feet.

6. Minimum Setback Requirements:

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

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

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

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

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

7. Use of Required Yards

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

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

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

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

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

8. Maximum Building Height

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

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

9. Square Footage Requirements

   a. Minimum Business Size – 800 square feet.

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

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

10. Parking

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

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

11. Loading – See WC 16.04.120.

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

13. Landscaping – See WC 16.06, et seq.

14. Lighting – See WC 16.07.010.

15. Development Plans

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

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

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

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

d. Development Pattern:

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

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

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

e. Signs:

(1) Freestanding Signs:

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

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

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

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

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

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

(2) Wall Signs:

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

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

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

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

f. Outside Storage or Display:

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

(2) No outside vending machines shall be permitted.

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

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

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

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

2. Special Exceptions -

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

EXHIBIT 5

MULTI-FAMILY TWO (MF2) PROVISIONS OF THE ZONING ORDINANCE

B. MF2 – Multi-Family 2 -This district is established for medium density multi-family housing units. The purpose of the MF2 district is to provide affordable rental housing alternatives within the community.

1. Permitted Uses -

- Accessory buildings related to uses listed below
- Assisted living facilities
- Churches
- Day care centers
- Fire Stations
- Hospices
- Nursing homes
- Public parks
- Schools - public and private with or without dormitories
- Temporary buildings for construction purposes for a period of time not to exceed time of construction
- Utilities - all utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body

2. Special Exceptions -

- Convents, monasteries, theological schools, rectories and parish houses
- Manufactured home parks (in accordance with the provisions of the WC 16.04.090)
- Sanitariums

3. Permitted Home Occupations -

- Art studio
- Beauty shop - one chair operated by resident
- Business conducted entirely by mail
- Dressmaking
- Home garage sales not to exceed 7 days per year
- Professional office of a clergyman, lawyer, architect, accountant, or counselor
- Repairing, servicing, or refurbishing equipment or parts, excluding motor vehicles, as long as the work is performed entirely within the home located in this district and performed by a member of the household living in the dwelling
- Teaching – such as musical instruments or dancing
- Typing and other office services

Permitted home occupations shall not include the employment of persons in addition to occupants of the dwelling unit in performance of such services, and shall not include exterior display of signs, except as permitted by the sign regulations for residential

districts as outlined in the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Location – The following criteria shall be met for a rezone to MF2 to be granted:

   a. MF2 districts shall be located within the corporate limits of the Town of Westfield.

   b. MF2 districts shall not be located within three-quarters (.75) of a mile of another MF1 or MF2 district.

   c. MF2 districts shall utilize water and sewer facilities of adequate capacity, connected to a public utility.

   d. MF2 districts shall be contiguous to an existing developed parcel.

5. Maximum Dwelling Density - ten (10) dwelling units per acre

6. Maximum Number of Dwelling Units Per Structure - ten (10) units

7. Maximum Number of Dwelling Units Per MF2 District - one hundred fifty (150) units

8. Minimum Square Footage Per Dwelling Unit (excluding porches, terraces, carports, and garages) - six hundred fifty (650) square feet

9. Minimum Road Frontage - seventy (70) feet

10. Minimum Setback Requirements

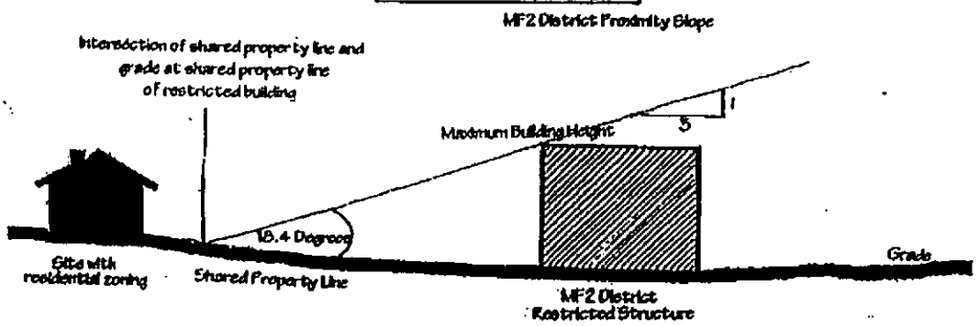
    a. Front Yard - thirty (30) feet

    b. Side Yard - twelve (12) feet

    c. Rear Yard - twenty (20) feet

11. Proximity Slope - The angle of projection of the proximity slope for multi-family developments under this Section shall be at 18.4 degrees or a 1:3 slope, as illustrated in the following figure:

1:3 Proximity Slope



No MF2 structure shall be erected above the projected 1:3 proximity slope line. The maximum height of any structure will be thirty-five (35) feet.

12. Minimum Distance Between Structures - twenty (20) feet

Development Amenities - MF2 districts shall be provided with development amenities in accordance with the following requirements:

a. At least twenty (20) percent of the gross land area within each MF2 district shall be designated as secondary green space areas. The ownership of green space, how it will be protected from future development and responsibility for future maintenance must be documented and recorded with the plat.

b. In accordance with Table 16.04.040-1 below, MF2 districts shall be provided with the following number of amenities within their secondary green space.

c. The number of amenities required shall be proportional to the size of MF2 developments and may include, but is not limited to, clubhouses, gymnasiums, swimming pools, tennis courts, basketball courts, ball-fields (soccer, baseball, etc.), walking/jogging/biking trails, volleyball courts, and racquetball courts. Picnic/barbecue areas and playgrounds are permitted as amenities in accordance with the following standards:

1.) One picnic/barbecue area, that shall include at least one barbecue grill and one picnic table, per 50 dwelling units

2.) One large playground at least 5,000 square feet in area per 150 units. The amount of square feet required is the total play area including safe fall zones. Play equipment should include a variety of elements within a designated area mulched

with ADA and CPSC approved safety surfacing. The play elements shall include at least the following numbers and types:

- Six (6) swings
- Three (3) detached/freestanding play elements
- Three (3) sliding elements
- Six (6) climbing elements
- One (1) overhead element
- Panels featuring play elements
- Decks, bridges, tunnels as required to attach various play elements to each other.

All play area surfacing must comply with Americans with Disabilities Act and Consumer Product Safety Commission requirements for fall heights and accessibility.

3.) One small playground at least 2,000 square feet in area per 50 dwelling units. The amount of square feet required is the total play area including safe fall zones. Play equipment should include a variety of elements with a designated area mulched with ADA and CPSC approved safety surfacing. The play elements shall include at least the following numbers and types:

- Three (3) detached/freestanding play elements
- Three (3) sliding elements
- Three (3) climbing elements
- One (1) overhead element
- Panels featuring play elements
- Decks, bridges, tunnels as required to attach various play elements to each other.

All play area surfacing must comply with Americans with Disabilities Act and Consumer Product Safety Commission requirements for fall heights and accessibility.

d. Each type of amenity shall counts as one amenity, regardless of the quantity of the amenity that is provided (i.e., if two basketball courts are provided, they count as only one amenity).

Table 16.04.040-1

Number of Units in Development	Minimum Number of Amenities Provided
1-60	2
61-90	3
91-120	4
121-150	5

14. Parking - In addition to the off-street parking requirements in WC 16.04.120, the following provisions shall apply:

    a. Parking lots and spaces exposed to public streets or adjacent to one and two-family neighborhoods shall be screened by walls or other solid materials in addition to landscaping required in WC 16.06.

    b. Solid screens or landscape materials shall be installed to protect the privacy of residents when parking spaces are located within ten (10) feet of residential units and to prevent headlights from shining directly into windows.

15. Building Materials - At least seventy-five (75) percent of building exteriors shall be covered with masonry materials, excluding all windows and doorways.

16. Transportation Accessibility -

    a. Street infrastructure within MF2 developments may be developed as public streets or private streets. Such infrastructure shall be perpetually accessible to residents and emergency vehicles.

    b. Streets within MF2 developments shall align and connect with existing streets outside such developments and provide for connections with future adjacent developments.

    c. At least two street accesses shall be provided for each MF2 development and adequate accessibility for emergency vehicles and school buses shall be ensured.

    d. MF2 developments shall possess primary accesses off of primary arterials or secondary arterials.

    e. Developers of MF2 projects may be required to construct turn lanes or acceleration/deceleration lanes on adjacent streets to maintain traffic service levels.

    f. If shared access roads are constructed to serve multiple developments or multiple owners, appropriate dedication or easement documents must be submitted to ensure perpetual access to emergency vehicles and affected residents.

17. Landscaping and Buffering - MF2 developments shall comply with the landscaping requirements in WC 16.06, Landscaping and Tree Preservation.

18. Lighting - see WC 16.07, Lighting

19. Other Requirements - see WC 16.04.100, Multi-Family Development Plans, Fencing, and Accessory Building Requirements.

EXHIBIT 6

SCHEDULE OF USES PERMITTED IN NORTHERN INDUSTRIAL AREA

TYPE OF BUSINESS	NORTHERN
Advertising & business signs (including fabrication)	x
Antiques-Wholesale	x
Art School	x
Assembly operations of pre-manufactured parts,components	x
Assembly repair & manufacture of light component parts	x
Auction Rooms-Inside	x
Auto parts sales inside	x
Auto Rental-Inside	x
Auto repair Garages	x
Auto rustproofing	x
Auto Sales, new & used, service and repair-Inside	x
Auto Storage-inside	x
Mobile home rental/sales/service/repair-Inside	x
Truck cleaning, service, rental & repair-Inside	x
Bakeries-Wholesale	x
Banks & Savings & loan Assoc.	x
Barber & Beauty Schools	x
Bicycle sales, rental & Service	x
Blueprinting, Photocopying job printing	x
Boat & Trailer Sales and Service-inside storage	x
Book Stores-Wholesale	x
Bottling of Alcoholic & Non-Alcoholic Beverages	x
Camera Stores-Wholesale	x
Car Wash-Indoor	x
Caskets & Casket Supplies	x
Cemetery Monument Sales	x
Cemeteries-Pet	x
China & Glassware Shops-Wholesale	x
Civic Clubs	x
Coffee Roasting-wholesale	x
Coin Shops-Wholesale	x
Commissary, food, catering service	x
Concrete contractors	x
Consumer Service Offices	x
Crating & Packaging Service	x
Credit Union offices	x
Custard Stands	x
Dancing Schools	x
Data Processing	x

TYPE OF BUSINESS	NORTHERN
Delicatessen	x
Dental Lab.	x
Distributors-inside storage	x
Education Institutions Public and Private	x
Electrical Contractors	x
Electrical Supply Store-wholesale	x
Engineering & Research Labs	x
Exterminators	x
Fabric Shops-wholesale	x
Farm implement sales and service-inside	x
Fire Stations	x
Floor Covering-Wholesale	x
Florist-wholesale	x
Frozen food stores and lockers	x
Furniture Stores-wholesale	x
Furrier Shops-Wholesale	x
Galleries-Wholesale	x
Garden & lawn materials & supply stores-wholesale	x
General construction company	x
Glass fabrication and installation	x
Government Offices-Universities	x
Greenhouses-wholesale	x
Gymnasiums	x
Health Fitness and Exercise Center	x
Hobby Shops-Wholesale	x
Home remodeling company	x
Home remodeling supplies and materials-wholesale	x
Hospitals (Minor) Medical & Dental clinics & Labs	x
Indoor Sports and Recreational Facilities	x
Industrial Schools & Training Facilities	x
Interior Decorating	x
Jewelry Stores-Wholesale	x
Language Schools	x
Laundromats & dry cleaning pick up & drop off only	x
Lawyers	x
Locksmith	x
Luggage Stores-Wholesale	x
Lumber/building materials-Inside	x
Lunch Counters	x
Mail Order	x

TYPE OF BUSINESS	NORTHERN
achine welding tool & die shops	x
Major appliance store-wholesale	x
Manufacture & assembly Communications equipment	x
Manufacture & assembly of Major Household appliances	x
Manufacture & assembly of marine equipment	x
Manufacture & assembly of office equipment	x
Manufacture of cabinets	x
Manufacture of cans & containers	x
Manufacture of cloth products from finished material	x
Manufacture of furniture	x
Manufacture of instruments	x
Manufacture of Jewelry	x
Manufacture of Musical Instruments	x
Manufacture of non-alcoholic beverage	x
Manufacture of office machinery	x
Manufacture of Optical Goods	x
Manufacture of paper boxes & paper products from finished paper	x
Manufacture of portable household appliances, electric hand tools	x
Manufacture of Recording Instruments, Phonograph Records, etc.	x
anufacture tools, implements, machinery	x
attress manufacture & upholstering	x
Millinery-wholesale	x
Miniature Golf, Archery, Driving Range, Trampoline Centers-Inside	x
Milk Processing, Bottling & Mfg. Of Milk Products	x
Motorcycle Sales, Service & Repair-Wholesale-Inside	x
Music, Records, Instruments-wholesale	x
Newspaper distribution station	x
Newspaper Publishing	x
Office Buildings-General Purpose	x
Paint, contractor supply and wallpaper stores-Wholesale	x
Painting and decorating contractors	x
Pet Grooming	x
Pharmaceutical, Medicine & Cosmetic Mfg.	x
Philanthropic Institutions	x
Photography School	x
Photography Studio	x
Photography Supplies-wholesale	x
Picture Framing-wholesale	x
Plumbing contractors	x
umbing showrooms & shop	x

TYPE OF BUSINESS	NORTHERN
Police Station	x
Post Office	x
Printing and Photocopies	x
Private Clubs and lodges	x
Professional & Technical Schools	x
Radio & TV Service	x
Real Estate offices	x
Roller and Ice Skating rinks-Inside	x
Roofing contractors	x
Schools & Kindergartens	x
Secondary food processing & packaging (initially processed off the premises)	x
Self Storage facilities-Inside	x
Septic System Contractors	x
Sewing Machine Sales & Service-wholesale	x
Sheet metal shop/contractors	x
Shoe Repair-wholesale	x
Stamping & fabricating metal shops	x
Storage & transfer of Household Goods-Inside	x
Storm doors, windows, awnings, siding contractors-manufacture	x
Tailor or Seamstress	x
Taxidermist	x
Tennis-Indoor	x
Testing laboratories	x
Tire & Auto Service Center	x
Toy wholesale store	x
Tool & light equipment rental-Inside	x
Travel Business office	x
Typewriter/copy machine, Sales, Rental & Service	x
Upholsters	x
Utilities-Regulated by Indiana Utility Regulatory Commission	x
Warehouses-inside storage	x
Wearing Apparel & Accessory-wholesale	x
Wholesalers-inside storage	x
Wireless Communication Service Facilities	x

EXHIBIT 7

SCHEDULE OF USES PERMITTED IN LOCAL BUSINESS AREA

The following uses are the only uses permitted in the Local Business area:

Community Center
Cultural Facility
Day Care Facility
Office
Postsecondary Educational Institution
Professional/Technical Training/Ed. Institution
Religious Facilities
Retirement Center
School (K-12)
Caterer (off-site service only)
Copy and other Administrative Business Services
Dry Cleaning and Laundry Pickup
Electrical Repair
Estate Services
Financial Service
Insurance Agency
Interior Decorating
Legal Service
Locksmith
Personal Grooming Services
Camera and Photographic Supply
Nonprofit
Leather goods and Luggage stores
Used Merchandise (General)
Accessory Uses directly related to the above

Real Estate Agency
Shoe Repair
Tailoring
Tanning Salon
Travel Agency
Bakery (retail)
Bookstore
Confectionery
Drapery Sales
Florist (retail)
Flooring, General sales
Gallery
Gift Shop
Handicrafts
Jewelry
Optical Goods
Restaurant
Sporting goods
Photographic Service
Used Merchandise (Antiques)
Park & Recreation Svc,

EXHIBIT 8

DEVELOPMENT PLAN REVIEW (DPR) PROVISIONS OF THE ZONING ORDINANCE

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-I, 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 (EI, EI-PD, OI, OI-PD);

e. any proposed development of a Single Family Subdivision (AG-SF1, AG-SF-I, 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.

Not withstanding anything contained in this Ordinance to the contrary, neither the Staff's conceptual review of the sketch plan nor Staff's comments to the petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed Development Plan.

b. Who May File.

Development Plans may be initiated by a petition signed by the owners of the land involved in the petition, or the owner's authorized agent. If an authorized agent files a petition, a signed and notarized consent form must accompany the application.

c. Filing Deadline.

All Development Plans shall be filed at least forty (40) days prior to the initial public meeting at which they are to be considered by the Plan Commission.

d. Forms of Filing.

All Development Plans for public hearing by the Plan Commission shall be on forms provided by Community Services Department. In addition, Site Plans, Overall Plans, Landscape Plans, Building Elevations, Lighting Plans, Sign Plans, Site Access and Site Circulation Plans, surveys, legal descriptions, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality. The number of copies of all petitions and supporting documentation required to be filed shall be as established by the Community Services Department.

e. Findings of Fact.

The petitioner shall, at the time of filing of the petition, file proposed detailed written findings of fact.

f. Specifying Request.

All Development Plans shall specify the approvals or waivers requested. Any items, even if indicated on the proposed Site Plan, Overall Plan, Building Elevations or Site Access and Site Circulation Plan, shall not be considered a part of the request presented to the Plan Commission for its consideration unless specified in the Development Plan.

g. Docketing by Community Services Department.

Each Development Plan filed shall be reviewed for completeness. All Development Plans which are determined to be in proper form pursuant to

the guidelines established by the Community Services Department shall, within ten (10) days of filing, be numbered and docketed by the Staff for an initial hearing by the Plan Commission.

h. Investigation of Petitions.

Upon assignment of a number and hearing date, a copy of the Development Plan and relevant supporting documentation shall be distributed to members of Staff and the members of the Technical Advisory Committee for review and comment.

The Director may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Staff concerning the proposal contained in the Development Plan and a report from members of the Technical Advisory Committee. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.

i. Notice Requirements.

All notices for public hearings regarding a Development Plan Approval before the Plan Commission shall be provided in accordance with the following requirements:

(1) Due and proper notice shall be served according to the provisions of Indiana law IC 5-3-1-2.

(2) Petitioners shall notify all contiguous property owners of public hearings via certified mail, which shall be received by the contiguous property owners at least ten (10) days prior to the date of public hearing.

(3) The petitioner must present a copy of public notice, proof of publication, and copies of certified mail receipts to the Community Services Department Staff at least five (5) days prior to the time of public hearing as proof of fulfilling due and proper notice requirements.

Any Development Plan, which has been delegated to Director for approval, may occur without public notice and without a public hearing.

j. Conduct of Public Hearings.

In order to provide all interested parties with a fair hearing, Petitioners and remonstrators shall be afforded a reasonable amount of time for the presentation of evidence, statements and argument at the public hearing of every Petition before the Plan Commission. The order of the presentation of evidence, statements and arguments shall be as follows:

(1) Staff of the Plan Commission shall be given a reasonable time to introduce the matter being considered and for the presentation of evidence or statements regarding the petition being considered.

(2) Petitioners shall be allotted a reasonable time to present evidence, statements and arguments in support of the petition being considered.

(3) Plan Commission members shall be afforded the opportunity to ask questions about the petition of either Staff or the Petitioner.

(4) Members of the public interested in the petition, whether for or against the petition, shall be allotted a reasonable time to present evidence, statements and arguments related to the petition being considered.

(5) The Petitioner shall have a reasonable opportunity for rebuttal, which shall include only evidence, statements and argument in rebuttal of or in response to comments of Staff, the Plan Commission or members of the public, and a brief closing statement.

At the conclusion of remarks by any party, the Plan Commission shall have the right to ask questions pertaining to the evidence, statements and argument presented

The presiding officer shall have authority to cut off repetitious and irrelevant testimony and shall make reasonable efforts to allow equal time for Petitioners and remonstrators.

All persons appearing at a public hearing shall act in an orderly and courteous manner. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges extended by the Plan Commission and shall be dealt with by the presiding officer as is deemed fair and proper.

2. Application for Development Plan Approval by the Director shall be accomplished in compliance with the following procedures:

   a. All Development Plans for approval by the Director shall be on forms provided by Community Services Department. In addition, Site Plans, Building Elevations, surveys, legal descriptions, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality. The number of copies of a Development Plan and supporting documentation required to be filed shall be as established by the Community Services Department.

   b. Contact the Director to make an appointment to deliver the Development Plan and provide a brief explanation of the proposed development.

   c. Director shall have a period of not more than fifteen (15) days in which to review the proposed Development Plan and either make a decision concerning the Development Plan or request, in writing, additional information from the applicant.

   d. Director may seek the advice and comment of members of Staff or the Technical Advisory Committee prior to making a decision.

   e. Any Development Plan, which has been delegated to the Director, may occur without public notice and without a public hearing.

   f. Appeals of Determinations by Director.

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

3. Fees.

   In order to defray administrative costs, the following fees shall be applicable:

   a. Development Plans filed for Plan Commission approval - See WC 16.04.180 Figures; or,

   b. Development Plans filed for Director's approval – included in the building permit fee.

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

4. Hearings.

All public 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.

5. Amendments.

a. Amendments to Development Plans pending determination by the Plan Commission.

(1) Amendments Proposed At A Public Hearing.

The applicant may make amendments to Development Plans pending determination by the Plan Commission at any time prior to a vote being called for by the Plan Commission. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the consideration of such amended Development Plan to the next meeting of the Plan Commission.

The Plan Commission, in its sole discretion, may assign a continued Development Plan to a committee of the Plan Commission for further review and evaluation prior to the next meeting of the Plan Commission.

If amendments are presented by the Petitioner and agreed to by the Plan Commission at the public hearing, revised plans indicating all amendments, as approved by the Plan Commission, shall be filed with the Community Services Department within thirty (30) days of the Plan Commission hearing or prior to the issuance of an Improvement Location Permit, whichever is earlier.

(2) Amendments To Development Plans Prior To Preparation Of A Staff Report.

In order for the written Staff Report regarding a Development Plan to include comments and recommendations related to plans amended in response to comments provided by Staff or members of the Technical Advisory Committee, any such amendments must be received by Staff at least two (2) weeks prior to the scheduled public hearing by the Plan Commission.

If the Director determines that additional changes have been made to the Development Plan beyond those necessary to comply with the recommendations of Staff or members of the Technical

Advisory Committee, the Director may continue the public hearing of the Development Plan before the Westfield – Washington Township Plan Commission and require the 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.

6. Signature for Findings.

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

J. Plan Documentation.

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

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

a. North arrow;
b. Graphic scale;
c. Address of the site;
d. Proposed name of the development;
e. Area map insert showing the general location of the site referenced to major streets, section lines and Alternative Transportation System, as well as the zoning and land use of adjacent property;
f. Legal description of the site;
g. Boundary lines of the site including all dimensions of the site;
h. Names, centerlines and right-of-way widths of all streets, alleys and easements;
i. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines or building setback lines;
j. Location and dimensions of all existing structures, including paved areas;
k. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;
l. Location and name of all existing and proposed public or private streets, access easements, Alternative Transportation System, and rights-of-way within two-hundred (200) feet of the site;
m. Location of all floodway and floodway fringe areas within the boundaries of the site;
n. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
o. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - # of parking spaces required and provided, residence - # of dwelling units per net acre, office - gross floor area);

p. Structures proposed for demolition should be indicated as such;
q. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);
r. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);
s. All improvements to street system on-site and off-site;
t. Plan for sidewalks or Alternate Transportation System;
u. Measurement of curb radius and/or taper;
v. Names of legal ditches and streams on or adjacent to the site;
w. Location and type (e.g. ground, pole, wall) of all signs on the site;
x. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails or other similar uses;
y. Existing zoning and land use of all adjoining real estate; and,
z. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

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

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

a. North arrow;
b. Graphic scale;
c. Address of the site;
d. Legal description of the site;
e. Boundary lines of the site including all dimensions of the site;
f. Names, centerlines and right-of-way widths of all streets, alleys and easements;
g. Location and dimensions of all existing structures, including paved areas;
h. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;
i. Location of all floodway and floodway fringe areas within the boundaries of the site;
j. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
k. Use of each structure by labeling and size (e.g. one story house – 1,200 sq. ft., detached garage – 576 sq. ft., storage shed – 120 sq. ft.);
l. Structures proposed for demolition should be indicated as such;

m. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);
n. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);
o. Measurement of curb radius and/or taper;
p. Names of legal ditches and streams on or adjacent to the site; and,
q. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

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

An Overall Plan (if applicable, indicates the nature of the subject project and its relationship to the major features of the larger integrated center of which the project is a part) filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

a. North arrow;
b. Graphic scale;
c. Address of the site;
d. Proposed name of the development;
e. Area map insert showing the general location of the site referenced to major streets, section lines and Alternative Transportation System, as well as the zoning and land use of adjacent property;
f. Legal description of the site;
g. Boundary lines of the site including all dimensions of the site;
h. Names, centerlines and right-of-way widths of all streets, alleys and easements;
i. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines and/or building setback lines;
j. Location and name of all existing and proposed public or private streets, access easements, Alternative Transportation System, and rights-of-way within two-hundred (200) feet of the site;
k. Location of all floodway and floodway fringe areas within the boundaries of the site;
l. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
m. All improvements to street system on-site and off-site;
n. Plan for sidewalks or Alternate Transportation System;

o. Location, dimensions, and type (e.g. ground, pole, wall) of all signs on the site. Include separate elevations of proposed sign structures with all dimensions drawn to scale;

p. Areas reserved for park, recreation, conservation, wetland, common area, lake or other similar uses;

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

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

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

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

a. Names and addresses of owners, developers, plan preparers, plan preparation dates, graphic scale of drawings, and north arrow;

b. Address of the site;

c. Proposed name of the development;

d. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;

e. Locations, quantities, sizes and names (botanical names and common names) – of planting materials;

f. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;

g. Locations of barriers to be placed at or beyond the 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,

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

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

5. Building Elevations.

Building Elevations filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:

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

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

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

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

Lighting Plans filed in connection with the submission of a Development Plan shall: indicate compliance with the requirements of WC 16.07 et seq. - Lighting Standards, be drawn to scale of not more than 1"=100', and, include the following items:

a. North arrow;
b. Graphic scale;

c. Address of the site;
d. Proposed name of the development;
e. Boundary lines of the site including all dimensions of the site;
f. Location and dimensions of all existing structures, parking areas and walkways;
g. Type and location of all exterior 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

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.

EXHIBIT 9

LANDSCAPING STANDARDS OF THE ZONING ORDINANCE

Chapter 6. Landscaping Standards

WC 16.06.010 - General Landscaping Provisions

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

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

B. Applicability

1. This Chapter shall apply to all zoning districts and all public, private, and institutional developments, except those approved prior to the enactment of this Chapter and those that have fulfilled filing requirements at the time of the enactment of this Chapter.
2. This Chapter shall apply to nonresidential uses, residential subdivisions, or other residential developments that require site development plan approval or a special exception.
3. This Chapter shall not apply to previously-authorized building permits, a previously-approved site development plans, or previously-approved subdivision plats.
4. This Chapter shall not apply to detached single-family residences not located within subdivisions.

C. Content of Landscape Plan - Landscaping plans shall comply with the following standards:

1. Landscape plans shall be submitted for all required green belt buffer areas, buffer yards, conservation easements, landscape easements, and areas owned in common within proposed developments. It is recommended that landscape plans be

prepared by licensed landscape architects, nurserymen, or other professionals experienced in landscape design, installation, and maintenance. A narrative describing ownership, use, and maintenance responsibilities of these areas should be specified in the submittal.

2. Landscape plans shall show the entire project drawn to scale on standard sized sheets (minimum 24" x 36") and shall contain the following information:

   a. Names and addresses of owners, developers, plan preparers, plan preparation dates, scale of drawings, and north arrows;

   b. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;

   c. Locations, quantities, sizes, and names (botanical names and common names) – of planting materials;

   d. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;

   e. Locations of barriers to be placed at or beyond 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 twenty-eight (28) required two (2) inch caliper trees. And, a qualifying eighteen (18) inch caliper preserved tree shall be credited as thirty-six (36) required two (2) inch caliper trees.

G. Barriers shall be used to protect trees during site development. Barriers shall be specified on landscape plans and shall be placed at or beyond the 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

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

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

3. Institutional uses include, without limitation, schools, churches and government offices.
4. For Institutional uses:
   - Trees required to be planted in interior parking lot landscaping areas may be counted toward meeting on-site landscaping requirements as set forth in the table above.
   - Identified acreage for constructed athletic fields and courts (including the adjacent perimeter for coaching and spectator viewing), and constructed playgrounds with equipment may be subtracted from the total acreage before computing on-site requirements.

5. Trees should be grouped together whenever possible to simulate natural tree stands, versus trees being planted in straight rows.

6. Required trees and plantings within residential land uses must be planted somewhere within such residential land uses. Required trees and plantings within such land uses are not intended to be requirements per each lot, but are intended to be aggregate requirements per subdivision section or per multi-family development.

7. Required trees and plantings within non-residential land uses must be planted per each lot requirement. Trees and plantings are not credited to overall development requirements.

8. Existing trees or woodlands that are preserved may be counted toward minimum planting requirements.

B. Road Frontage Standards

1. In residential developments, where property abuts primary arterials, secondary arterials, or collector roads not internal to subdivisions, at least one shade tree per thirty (30) linear feet of road frontage shall be planted adjacent to road rights-of-way. Trees planted along road frontage in residential developments may be credited toward overall on-site landscaping requirements set forth in Table 16.06.050-01.

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.

Table 16.06.060 – 01 : Minimum Required Buffer Yard

Land Uses		Adjoining									
		AG	SF *AG-SF1 AG-SF1-I*	SF *SF2*	SF *SF3*	SF *SF4 SF5*	MF	Institutional *Churches Schools Gov't Offices*	Commercial	Industrial *EI*	Indistrial *OI*
Proposed	AG	-	40	40	40	40	40	15	15	15	15
	SF *AG-SF1 AG-SF1-I*	40	-	20	20	20	20	40	40	40	40
	SF *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	-

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.

- 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 %

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 an aesthetically pleasing manner.

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

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

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

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

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.

EXHIBIT 10

LIGHTING STANDARDS OF THE 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;

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 11

SIGN STANDARDS OF THE ZONING ORDINANCE

Chapter 8
Sign Standards

WC 16.08.010 General Provisions

A. Purpose and Intent.

Westfield-Washington Township wishes to establish sign regulations for the design, placement, and maintenance of signs in Washington Township which provide a reasonable and impartial means to permit communication, protect the public health, safety, and general welfare, minimize hazards to pedestrians and motorists along thoroughfares and at intersections, enhance the aesthetic environment of Westfield-Washington Township, safeguard property values, minimize possible adverse effects of signs on nearby property, protect public and private investment in buildings and open spaces and implement relevant provisions of the comprehensive plan as updated on an annual basis.

Westfield Washington Township wishes to balance the rights of businesses to identify themselves with the rights of the public to have uncluttered, safe and attractive public rights-of-way. The responsible regulation of signs will foster business opportunities and improve the quality of life in Westfield-Washington Township.

B. Applicability.

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

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

C. Exceptions.

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

1. All regulatory, informational, identification, or directional signs required by law or government entity;
2. Scoreboards for public and private recreational facilities and institutions that do not provide for commercial or business advertising displays;
3. Postal signs, historic site makers or plaques, flags of government or noncommercial institutions, gravestones, and address numbers;
4. Structures and/or containers intended for separate use such as phone booths, waste management containers, and point-of-purchase advertising displays;

5. Lettering or symbols placed directly onto a licensed and operable motor vehicle or trailer operating in the normal course of business provided that a vehicle or trailer is not parked or positioned solely for advertising purposes;
6. Private informational signs such as "no trespass," "private," "sale," etc. which do not exceed four (4) square feet in surface area;
7. Signs not more than two (2) square feet in area provided, that no more than one such sign shall be permitted per premises;
8. Signs offering residential property for sale, lease, or rent, provided that such signs shall not exceed eight (8) square feet per face, are placed wholly on the subject property and are limited to a maximum of one (1) sign per street frontage;
9. Signs offering commercial or industrial property for sale, lease, or rent, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, and are limited to a maximum of one (1) sign per street frontage;
10. Signs advertising construction projects, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, are limited to a maximum of one (1) sign per street frontage, and shall be removed at the end of construction;
11. Political signs which do not impair lines of sight for vehicles or pedestrians provided that the signs are removed within seven (7) days following the subject event; and
12. Seasonal decorations within the appropriate holiday season or civic festival season.

D. Prohibitions.

Prohibitions to these sign standards shall include the following:

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

E. General Sign Regulations.

All signs shall conform to the following regulations:

1. Signs must be kept clean, painted, in working operation and free of hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as not to be detrimental to the public health, safety or general welfare;
2. All monument signs shall be designed and located to maintain clear lines of sight along public rights-of-way;
3. Illumination of signs shall be regulated per Section WC 16.07 of the Westfield-Washington Township Zoning Ordinance;
4. Illuminated signs shall be setback a minimum distance of twenty-five (25) feet from any residential district;
5. Maximum sign height shall be measured from the ground upon which the sign is placed or crown height of the adjacent roadway whichever is higher;
6. Notwithstanding other provisions of these regulations, a single nonresidential use within a commercial or industrial zoning district may not be restricted to less than twenty-five (25) square feet of sign area nor shall any single nonresidential use be permitted to display more than five (500) hundred square feet of sign area;
7. Sign area shall be computed as the smallest continuous regular geometric figure needed to circumscribe a sign display including writing, representations, emblems, logos or other displays, exclusive of the supporting framework, base, or structural bracing clearly incidental to the sign display;
8. Abandoned sign copy shall be removed by the owner or lesses of a site upon which the sign is located within three (3) months after the business or service advertised by the sign ceases operations; and
9. Sign foundations and structures with copy removed may remain upon a site for twenty-four (24) months with the property owner's written consent provide that the foundations and structure are maintained pursuant to WC 16.08.010 E, 1.

F. Residential District Signs.

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

1. Residential complexes and subdivisions shall be permitted one (1) monument sign per residential complex or subdivision entrance, which shall not exceed nine (9) feet in height, and shall not exceed thirty-two (32) square feet per sign face;
2. Residential complex or subdivisions entrances shall be permitted a maximum of two (2) separate sign display areas provided that the sign display areas are directly incorporated into an entrance landscape feature, wall, or other decorative feature. In no instance shall the sign display area exceed fifteen (15) feet in height or total more than one hundred (100) square feet of sign area;
3. Home occupations shall be permitted one (1) sign per residence which shall not exceed 4 square feet in total sign area; and
4. Home occupation signs shall only be affixed to a wall or door of a residence.

G. Individual Nonresidential Signs.

1. A maximum of one (1) monument sign shall be permitted for each public street frontage per lot in all zoning districts;
2. Monument signs may have a maximum sign display area of sixty (60) square feet per sign face;
3. Monument sign display area may have a maximum height dimension of six (6) feet and a maximum width dimension of twelve (12) feet;
4. Monument signs may have a maximum sign height of nine (9) feet only when incorporating a sign base and sign cap features;
5. Monument signs incorporating a cap or base shall have a minimum base height of six (6) inches, a maximum base height of twenty-four (24) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed three (3) feet;
6. Sign caps and bases shall not be used for sign display or advertising purposes;
7. In all nonresidential zoning districts, total sign area allocation permitted for any commercial or industrial property shall be one (1) square foot of sign area for each one linear foot of building fronting on a public street;
8. The total sign area allocation may then be divided between monument, wall, and awning signs permitted by Chapter 16.08;
9. Walls signs located on a side wall are limited in size to one-half (0.5) square feet of sign area for each one (1) linear foot of building frontage on a public street and shall reduce the overall total sign area allocation by said amount;
10. All signs shall conform to the side and rear yard setback requirements for structures as set forth in Chapter 20.07 of this zoning ordinance; and
11. Signs shall have a minimum front yard or right-of-way setback requirement of five (5) feet from a property line or right-of-way.

H. Downtown Center.

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

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

I. Nonresidential Center Signs.

1. Nonresidential centers less than 25,000 square feet in size shall be permitted one monument sign per nonresidential center, which shall be no greater than nine (9) feet in height and have no more than sixty (60) square feet of sign area per face;
2. Nonresidential centers which range in size from 25,000 square feet to one hundred thousand (100,000) square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face;
3. Nonresidential centers greater than one hundred thousand (100,000) square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than

twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face;

4. Nonresidential center signs shall have a minimum base height of six (6) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed six (6) feet;
5. Sign caps and bases shall not be used for display or advertising purposes;
6. In addition to a nonresidential center sign, a nonresidential center shall be permitted one (1) entrance sign per point of ingress;
7. Nonresidential center entrance signs shall be limited to a maximum of six (6) feet in height, a sign area of thirty (30) square feet per sign face;
8. In all nonresidential zoning districts, total sign area allocation permitted for any commercial or industrial property shall be one (1) square foot of sign area for each one (1) linear foot of building on a front elevation;
9. The total sign area allocation may then be divided between monument, wall, and awning signs permitted by Chapter 16.08;
10. Walls signs in nonresidential centers shall be located on front building elevations except that those tenants with corner locations are permitted to place one sign on a side wall;
11. Any side wall sign shall be deducted from the total sign allocation for the tenant space and shall be limited to one-half (0.5) the total sign area permitted for the tenant space;
12. Outlots within a nonresidential center shall not be permitted monument signs; and
13. Outlot wall signs are limited to four (4) square feet of sign area for each one (1) linear foot on the longest building elevation.

SIGN DEVELOPMENT STANDARDS				
Land Use	Maximum Number of Signs per Street Front	Maximum Sign Area per Face	Maximum Sign Height	Total Sign Area Ratio
DISTRICTS				
Residential Complex & Subdivision	1	32	9	–
Individual Nonresidential Use	1	60	9	1:1 + Bonus
Downtown Center				
Small Nonresidential Center	1	60	9	1:1 + Bonus
Medium Nonresidential Center	1	120	15	1:1 + Bonus
Large Nonresidential Center	1	250	25	1:1 + Bonus

J. Sign Area Bonus.

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

1. Sign Number. A five (5%) percent area bonus shall be granted for limiting the total number of signs to three (3) or less;
2. Individual Letters. A ten (10%) percent area bonus shall be granted for wall signs which consist of individual letters mounted directly on a building surface;
3. Wall Signs. A ten (10%) percent area bonus shall be granted for not having a monument sign;
4. Monument Signs. A ten (10%) percent area bonus shall be granted for using brick, stone or equivalent substitute in the construction of a sign base, cap and supporting structure;
5. Landscaping. A ten (10%) percent area bonus shall be granted for landscaping the area around a base of a monument sign. Refer to Section 16.06.010 of the Zoning Ordinance for landscaping details;
6. Alternative Materials. A ten (10%) percent area bonus shall be granted for wall and ground signs which for using decorative wood, sculpted metal, or equivalent substitutes;
7. Matching Materials. A ten (10%) percent area bonus shall be granted if over fifty (50%) percent of the sign base, cap, and supporting structure matches building materials used on a front elevation of a building; and
8. Nonresidential Centers. A ten (10%) percent area bonus shall be granted if nonresidential center management mandates a uniform and complimentary sign color scheme so long as the color scheme has been approved by the Planning Director or designee.

K. Sandwich Board Signs.

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

1. The placement of sandwich board signs shall not impede pedestrian or vehicular traffic;
2. One (1) sandwich board sign shall be permitted per individual commercial or business use;
3. Sandwich board signs shall count toward the total sign allotment for a commercial use or business;
4. Sandwich board signs shall not exceed six (6) square feet per sign face;
5. Sandwich board sign faces shall be constructed of a chalk board type material or equivalent substitute which permit the application of any identification, message or information with a non-permanent type of text, design or logo;
6. Sandwich board sign width shall not exceed three and one-half (3.5) feet when measured from the outside of a sign support and/or sign face;
7. Sign height shall not exceed five (5) feet when measured from the ground to the top of a sign face or sign support structure;

8. Sandwich board signs shall have a base support and the base support shall be weighted with a minimum ten (10) pound ballast to ensure sign stability;
9. Sandwich board signs shall not be permanently affixed to any structure or sidewalk, and must be removed at the end of each business day;
10. Signs shall only be placed on sidewalks six (6) feet in width or greater;
11. Placement of sandwich board signs in a public right-of-way shall require approval by the Westfield Town Council, or designee; and
12. More than two (2) sign violations in one calendar year shall result in the termination of the sandwich board sign permit and require removal of the sandwich board for that calendar year.

L. Temporary and Special Event Signs.

Temporary and special event signs shall only be permitted in commercial zoning districts and shall conform to the following regulations.

1. New businesses, seasonal businesses, grand openings or special events may display signs prohibited in subsection 16.08.010 D, 6, after having applied for and received a sign permit;
2. All existing business shall be limited to one (1) temporary sign permit annually;
3. All temporary signs shall be placed on the property on which the commercial or industrial use or business is being conducted;
4. Temporary sign permits shall be limited to fifteen (15) calendar days per quarter; and
5. Temporary sign permits may be issued for a calendar year or renewed on a quarterly basis at the Community Development Department

M. Nonconforming Signs.

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

N. Permits.

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

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

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

O. Violations and Enforcement.

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

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

- Banner. Banner means any hanging sign possessing characters, letters, illustrations or ornamentations which are designed or intended to convey any identification, message or information other than an address number and which are applied to paper, plastic or fabric of any kind. This classification shall not include plastic or fabric signs which are permanently attached within a rigid frame which are intended to be used as a permanent sign. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of this chapter.

- Nonresidential Center, Large. Large nonresidential center means any building or combination of buildings with more than one occupant or business, in which the total gross square footage of floor area exceeds one hundred thousand (100,000) square feet of gross floor area. A large nonresidential center may include one or more outlots.

- Nonresidential Center, Medium. Medium nonresidential center means any building or combination of buildings with more than one occupant or a business, in which the total gross square footage of floor area is equal to or greater than twenty-five thousand (25,000) square feet but does not exceed one hundred (100,000) thousand square feet of gross floor area. A small nonresidential center may include one or more outlots.

- Nonresidential Center, Small. Small nonresidential center means any building or combination of buildings with more than one occupant or a business, in which the total gross square footage of floor area is less than twenty-five thousand (25,000) square feet. A small nonresidential center may include one or more outlots.

- Nonresidential Use, Individual. Individual nonresidential use means any building or combination of buildings with a single tenant or occupant. An individual nonresidential use shall not be considered a component of a large or small nonresidential center.

- Outlot. Outlot means a lot of record in a subdivision, nonresidential center or planned unit development which is adjacent to a (public or private) street, roadway or frontage road and is intended for an additional and separate building or buildings within a development.

- Premises. Premises means a lot, parcel, tract or plot of land together with the buildings and structures thereon.

- Sign. Sign means any display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number.

- Sign area. Sign area means the entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such

perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.

- Sign awning. Awning sign means any advertising or display located on any non-rigid material that extends from the exterior wall of a building and is supported by or attached to a frame.

- Sign, center. Center sign means advertising used to identify a nonresidential center, which may include individual tenant advertising.

- Sign, construction. Construction sign means a sign directing attention to construction upon a property where the sign is displayed, and bearing the name, address, or other identifier of the contractor, subcontractor, architect and/or development team.

- Sign, direction. Direction sign means a sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

- Sign entrance. Entrance sign means those signs located at nonresidential centers which identify points of ingress and egress into a nonresidential center.

- Sign, flashing. Flashing sign means any illuminated sign which exhibits changing light or color effects.

- Sign, illuminated. Illuminated sign means a sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

- Sign, lawful nonconforming. Lawful nonconforming sign means any sign lawfully existing at the time of the enactment of any provision of this zoning ordinance, or any amendment thereto, with which the sign does not comply.

- Sign, monument. Monument sign means a sign which is either supported by a base with an aggregate width of at least seventy-five (75) percent of the total horizontal width of the sign and is in excess of six (6) feet in height.

- Sign, off-premises. Off-premises sign means a sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

- Sign, pole. Pole sign means a sign which is supported by one or more poles, posts, or braces upon the ground, in excess of six (6) feet in height, not attached to or supported by any building.

- Sign, projecting. Projecting sign means any sign attached to a building or wall and extending laterally more than eighteen (18) inches from the face of a wall.

- Sign, real estate. Real estate sign means a sign announcing the sale, rental, or lease of real property on the lot, or within the development site on which the sign is displayed, and identifying the owner, realty agent, telephone numbers or "open house" information.

- Sign, residential complex or subdivision. Residential complex or subdivision sign means a sign containing the name of a residential complex or subdivision, with or without its accompanying address.

- Sign, sandwich board. Sandwich board sign means a portable sign for display in front of a business for the specific use of advertising that business.

- Sign, wall. Wall sign means a sign attached to and/or integral with an exterior wall or window surface of a building, the face of which is parallel to the surface.

EXHIBIT 12

BUILDING MATERIALS PROVISIONS OF THE ZONING ORDINANCE

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~~ the facade ~~visible from~~ of the building closest to 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 the ~~each~~ facade ~~visible from~~ of the building closest to a public street or an adjoining Residential District.