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HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
03-04-2005 At 10:44 am.
ORDINANCE 221.00

ORDINANCE NO. 05-04

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

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

WHEREAS, the Westfield-Washington Township Plan Commission ("Commission") considered a petition (docket 0410-PUD-08) filed with the Commission to rezone certain lands; and

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

WHEREAS, the Secretary of the Commission certified the action of the commission to the Town Council on January 25, 2005; and

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

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

SECTION 1. WC-16-04.

The Zoning Ordinance and the Zone Map of the Zoning Ordinance are hereby amended as described in the attached "Oak Manor North PUD" document including Article 1, Article II, and nine exhibits. This rezone was petition 0410-PUD-08. See attached Exhibit 1 for legal description.

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 14 DAY OF

Feb, 2005

WESTFIELD TOWN COUNCIL

Voting For
Teresa Otis Skelton
Teresa Otis Skelton

Voting Against
Teresa Otis Skelton

Abstain
Teresa Otis Skelton

Jack Hart
Jack Hart

Jack Hart

Jack Hart

David Mikesell
David Mikesell

David Mikesell

David Mikesell

Bob Smith
Bob Smith

Bob Smith

Bob Smith

Ronald W. Thomas
Ron Thomas

Ron Thomas

Ron Thomas

ATTEST:
Cindy Gossard
Cindy Gossard
Clerk-Treasurer
This ordinance prepared by
Jerry Rossberger, Town Manager
WESTFIELD CORP
SEAL
WESTFIELD

**WESTFIELD WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield Washington Township Advisory Plan Commission met in regular session on Monday, January 24, 2005, to consider an amendment of the Comprehensive Zoning Ordinance of Westfield-Washington Township 1977, as amended. Notice of public hearing on January 24, 2005, was presented to the Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed amendment is as follows:

A change in zoning classification from GB-PD to PUD
on the north side of the 3500 block of SR 32, generally
(WWTAPC petition 0410-PUD-08).

A motion was approved to forward this request to the Westfield Town Council with a recommendation to approve (8-0-0).

I, Kevin G. Buchheit, AICP, being the Secretary of the Westfield Washington Township Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield Washington Township Plan Commission held on January 24, 2005.



Kevin G. Buchheit, AICP, Secretary

January 25, 2005

Date

EXHIBIT "1"

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

Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 89 degrees 14 minutes 34 seconds East along the South line thereof a distance of 662.75 feet to a "Mag" nail marking the Southwest corner of the East Half of the West Half of said Southwest Quarter; said point also being the Point of Beginning of this description; thence North 0 degrees 02 minutes 39 seconds West along the West line thereof a distance of 687.00 feet to a 5/8 inch capped rebar marked "C2LS Firm #0035"; thence North 89 degrees 14 minutes 34 seconds East parallel with the South line of said Southwest Quarter a distance of 685.00 feet to a 5/8 inch capped rebar marked "C2LS Firm #0035"; thence South 00 degrees 02 minutes 39 seconds East parallel with the West line of the East Half of the West Half of said Southwest Quarter a distance of 687.00 feet to a "Mag" nail on the South line of said Southwest Quarter; thence South 89 degrees 14 minutes 34 seconds West along the South line thereof a distance of 685.00 feet to the Point of Beginning. Containing 10.803 acres, more or less.

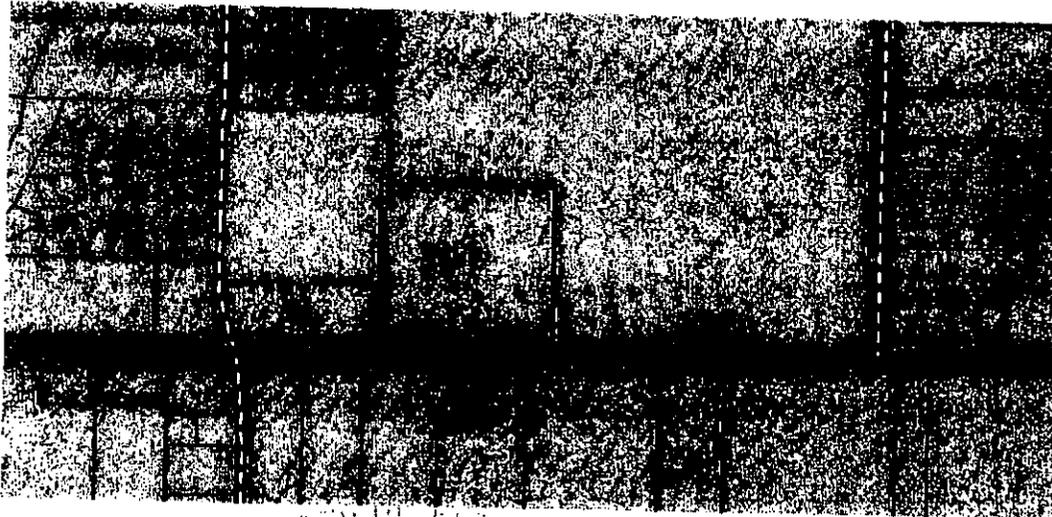
0410-PUD-08 **3500 Block of SR 32, 850 feet east of Carey Road. Rezone from GB-PD to PUD, 10.8 acres, by Flynn & Zinkan & Barker Holdings, LLC.**

EXHIBITS

1. Staff report, 02/14/05
2. Petitioner's proposal, received 02/09/05

PROJECT OVERVIEW

This rezone request concerns a parcel of land generally located on the north side of State Road 32, approximately 850 feet east of Carey Road.



The petitioner is proposing to amend the existing Oak Manor PUD to include this ten-acre parcel. The petitioner plans to develop this new acreage in a similar manner as the existing Westfield Marketplace (as a part of Oak Manor PUD 0207-PUD-02), located on the south side of SR 32.

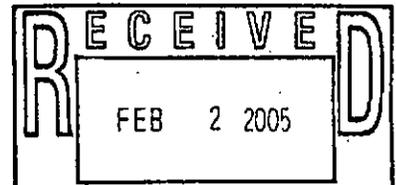
This site is zoned GB-PD and is currently vacant. The property is adjacent to Hamilton Memorial Garden on the east and north, and Westfield Lighting on the west. Across State Road 32 is the existing Westfield Marketplace, currently under construction. Land uses surrounding the site are businesses.

The Westfield Washington Township 2020 Comprehensive Plan (Plan) includes this property under the proposed land use classification of "low density (1-2 du/ac.) single family." Current zoning, however, is General Business-Planned Development. The zoning classification would allow this property to develop a strip center.

WESTFIELD, INDIANA

PUD ORDINANCE NO. 05-04

OAK MANOR NORTH
PLANNED UNIT DEVELOPMENT DISTRICT



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AND SCHEDULE OF EXHIBITS**

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SCHEDULE OF EXHIBITS

1. Legal Description
2. Definitions
3. WC 16.04.050 Underlying General Business-Planned Development Standards
4. WC 16.04.165 Development Plan Review
5. Concept Plan
6. Permitted Uses
7. Overall Landscape Plan
8. WC 16.06.010 Landscaping Standards
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ARTICLE I.
OAK MANOR NORTH PUD
ORDINANCE NO. _____

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

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

WITNESSETH:

WHEREAS, the Plan Commission of the Town of Westfield and Washington Township (the "Commission") has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by Flynn & Zinkan & Barker Holdings, LLC for the real estate containing approximately 10.803 acres, legally described in Exhibit "1" attached hereto, and incorporation herein by this reference, and located in Washington Township, Westfield, Hamilton County, Indiana (the "Real Estate");

WHEREAS, the Commission has sent to the Town Council of the Town of Westfield, Indiana (the "Town Council") its favorable recommendation adopted on the _____ day of _____, 2005; and

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

ARTICLE I.

OAK MANOR NORTH PUD

SECTION 1.1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and uses in the Real Estate, (iii) the most desirable use for which the Real Estate is adapted, (iv)

conservation of property values throughout the Town of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the Plan Commission in recommending, and the Council in adopting, to:

- A. Encourage flexibility in the development of land in order to promote its most appropriate use;
- B. Improve the design, character and quality of new development;
- C. Encourage a harmonious and appropriate mixture of uses;
- D. Facilitate the adequate and economic provisions of streets, utilities, and municipal services;
- E. Preserve the natural environmental and scenic features of the Real Estate;
- F. Encourage and provide a mechanism for arranging improvement on-site so as to preserve desirable features; and
- G. Mitigate the problems which may be presented by specific site conditions.

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

SECTION 1.3. DEFINITIONS. Unless otherwise specified in (i) this Oak Manor North PUD or (ii) what is attached hereto and incorporated herein by reference as Exhibit "2," the definitions of the Zoning Ordinance shall apply to words and terms set forth in this Oak Manor North PUD.

ARTICLE II

USES, STANDARDS AND DEVELOPMENT

SECTION 2.1. REAL ESTATE. The Real Estate is reclassified on the Zone Map from the GB-PD District Classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the GB-PD District of the Zoning Ordinance in force at the time of the filing of this Oak Manor North PUD. A copy of the GB-PD District development standards and a copy of WC 16.04.165 Development Plan

Review, which were in force at the time of the filing of this Oak Manor North PUD and which apply to the Real Estate, except as modified by this Oak Manor North PUD, have been attached hereto and made a part hereof as Exhibit "3" and Exhibit "4" respectively. The Real Estate is an integrated commercial development which will comprise multiple buildings and out lots, each of which may contain more than one (1) business, as conceptually shown on the concept plan attached hereto as Exhibit "5" (the "Plan"). The Plan conceptually represents the proposed layout of the Real Estate; however, the size, location and number of buildings, parking, and roadways within the Real Estate may be modified provided such modifications are in compliance with the requirements set forth in this Oak Manor North PUD and are granted approval by the Town Planning Staff prior to issuance of a building permit.

SECTION 2.2. USES. The Real Estate shall be developed for general retail, office and other commercial uses. Permitted uses for the Real Estate are set forth on Exhibit "6" attached hereto and incorporated herein by this reference.

SECTION 2.3. DEVELOPMENT AND ARCHITECTURAL STANDARDS. The Development Standards, Streetscape Standards, and Architectural Guidelines standards for the Real Estate shall be as set forth below and shall replace and supersede those standards and guidelines set forth in WC § 16.04.050 Business Districts of the Zoning Ordinance, or the Subdivision Control Ordinance, and other provisions of the Zoning Ordinance, and shall be administered, monitored for compliance and granted approval by the Town Planning Staff.

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

B. **Building Setback Requirements.**

Side yard (each side): Internal - No minimum

Along East Perimeter Boundary Line of the Real Estate: A minimum of ten (10) feet. Landscaping

may be placed within this setback area, as conceptually depicted on the Landscape Plan attached hereto as Exhibit "7."

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

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

C. Parking Standards. The following parking ratios shall apply to the Real Estate:

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

Restaurant A minimum of 1 space for every 3 seats

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

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

1. To allow for pedestrian circulation, a minimum of five (5) feet of unobstructed sidewalk area along the front of the building and leading to the entrance to the establishment shall be maintained free of tables and other encumbrances.
2. Planters, posts with ropes, railings, changes in elevation or texture, other removable or permanent enclosures are required as a way of defining the area occupied by the seasonal outdoor seating areas.
3. Fixtures such as extended awnings, canopies or large umbrellas shall be permitted to provide shade. Fixture colors shall complement building colors.
4. Seasonal outdoor seating areas shall be required to provide appropriate outdoor trash receptacles.
5. Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
6. The outdoor seating area of a restaurant shall be included in the calculation of the parking requirements set forth in Section 2.3.C. above.

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

1. The parking area may contain corrals for the storage of shopping carts (a/k/a bascarts) that are typical and customary at a full service grocery store with all typical services or a discount department store with all typical services.
2. Permanent outdoor sales are permitted directly in front of a building provided (i) all merchandise is surrounded by masonry wall(s), constructed of materials compatible to the exterior walls of the building, (ii) the masonry wall(s) shall be of a sufficient height to screen all pallets and merchandise from horizontal view, (iii) a minimum of five (5) feet of unobstructed sidewalk area along the front of the building leading to the storefront entrance is maintained free of

display, and (iv) the display area does not exceed seventy-five (75) percent of the length of the building storefront. Openings in the parking lot side of the screening masonry wall are allowed so long as merchandise enclosed within the outdoor sales area is not directly visible.

3. Sidewalk displays are permitted, during normal business hours only, directly in front of all other establishments within Area C other than the anchor user building, provided that (i) a minimum of five (5) feet of unobstructed sidewalk area along the front of the building and leading to the storefront entrance is maintained free of display, (ii) the display area does not exceed seventy-five (75) percent of the length of the storefront, and (iii) all sidewalk displays are removed at the end of each business day. Cardboard boxes or pallets shall not be used for sidewalk displays, and all sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times.

F. **Drive-Thru Facilities.** Drive-thru facilities are permitted within the Real Estate, provided any canopies over the drive-thru's and associated columns are constructed of the same or compatible building materials or awnings as on the exterior of the building served by such drive-thru. Each drive-thru shall be designed in conjunction with the immediately surrounding parking areas and driveways to allow a minimum stacking of three (3) cars per drive-thru lane, such that the stacking of at least three (3) cars per drive-thru lane will not obstruct the free-flow of other traffic throughout the Real Estate.

G. **Architectural Standards.**

1. **Design.** All buildings must have compatible architectural designs and designs which are compatible with those of the commercial development commonly known as Westfield Marketplace situated at the southeast corner of S.R. 32 and Carey Road.
2. **Materials and Colors.**
 - a. Predominant exterior building materials shall be high quality materials, including but not limited to, glass, brick, Quik-Brik,

EFIS, limestone, other native stone and tinted/textured concrete masonry units.

- b. The primary building material to be used on the rear and/or sides of the small "B" shops (a/k/a a "multi-tenant building") and any anchor user building on the Real Estate may be Quik-Brik, 3-1/2 inch by 15-1/2 inch masonry bricks or their equivalent in a color aesthetically compatible with the brick used on the sides and front of the commercial structures.
 - c. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels, except decorative accent metal panels are permissible.
 - d. Roof material used on pitched roofs of any building in excess of 25,000 square feet shall be synthetic slate style or an architectural, dimensional roof shingle.
 - e. Façade colors shall be low reflectance, subtle, neutral or earth tone colors.
 - f. Building trim, awnings, canopies, and accent areas may feature brighter colors, including primary colors.
3. **Screening.** The exterior rear wall of the small "B" shops building and the anchor user building shall contain a parapet wall to screen roof-mounted equipment from ground view. The parapet wall shall vary in height and shall be 4 to 5 feet above the roof line in areas located adjacent to any roof mounted equipment, decreasing in height in other locations to incorporate varying heights across the top of the back wall of the small "B" shops building and the anchor user building. Such parapet wall shall be made of EFIS or its equivalent, Quik-Brik, brick or any other material used on the exterior of the building. Ground mounted equipment behind any anchor user building shall be enclosed by screening elements comprised of a metal enclosure.
4. **Façade Changes.** Facades that have greater than two hundred (200) feet in length, measured horizontally, shall incorporate either awnings,

wall plane projections or recesses of no less than twelve (12) inches in depth per Section 2.3.G.5.d. below.

5. **Repeating Patterns.** Building facades must include a repeating pattern that includes no less than two (2) of the following elements:
 - a. color change;
 - b. texture change;
 - c. material change;
 - d. an expression of architectural interest through a change in plane no less than twelve (12) inches in width, such as an offset, cornice, awnings, canopies, columns, reveal or projecting rib.
6. **Entryways.** Each retail establishment greater than 25,000 square feet shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
 1. canopies or porticos;
 2. overhangs or canopies;
 3. recesses/projections;
 4. arcades;
 5. raised corniced parapets over the door;
 6. peaked roof forms;
 7. arches;
 8. outdoor patios;
 9. display windows;
 10. architectural details such as tile work or moldings which are integrated into the building structure and design;
 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
7. **Anchor User Loading Dock; Other Loading Docks.** The open side of an anchor user's loading dock shall be on the east or west side of

such recessed loading dock, such that the tractor of an unloading truck will be facing east or west, respectively, depending on the location of the anchor user building. Loading docks shall be permitted on the north side of any building within the Real Estate

SECTION 2.4. LANDSCAPING. The Real Estate will feature many diverse forms of landscaping, some of which are unique to a commercial development of this nature, together with traditional perimeter and interior landscaping around this commercial project and interspersed in parking lot islands and perimeter parking islands, as more particularly described below:

- A. **Landscaping Standards.** The landscaping requirements for the Real Estate shall be substantially as set forth in the Overall Landscape Plan attached hereto as Exhibit "7" and incorporated herein by this reference (the "Landscape Plan"). The landscaping standards set forth on the Landscape Plan shall supersede and replace those standards set forth in Section WC 16.04.077 of the Zoning Code ("State Highway 32 Landscape Overlay Zone"). In the event that the landscaping standards set forth on the Landscape Plan conflict with those set forth in WC 16.06 of the Zoning Code attached hereto as Exhibit "8" (the "Landscaping Standards") in force at the date of the filing of the Oak Manor North PUD, then the standards set forth on the Landscape Plan shall replace and supersede those standards set forth in Exhibit "8". More specifically, no additional landscaping shall be required within the Real Estate except as set forth on the Landscape Plan; however, other provisions and standards of the Landscaping Standards shall apply to the Real Estate, to the extent the same do not conflict with this Section 2.4, such as, but not limited to, substitutions permitted under the Landscaping Standards shall apply in addition to the substitutions set forth in this Section 2.4. The perimeter landscaping along State Road 32 shall be installed, in general accordance with Exhibit "7", in phases on each outlot (as defined in Section 2.5.D.2.) as the outlots are developed with buildings; provided, however, all perimeter landscaping along State Road 32, including such landscaping on any undeveloped outlots, must be installed, in general

accordance with Exhibit "7", no later than three (3) years after the adoption of this Oak Manor North PUD.

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

- 1) Similar species may be substituted for any particular plant and/or tree species identified on the Landscape Plan in the event the identified species is not readily available.
- 2) One evergreen tree can be substituted for three evergreen shrubs up to 60% of the required shrubs;
- 3) Shade trees can be substituted one for one for evergreen trees and one for two for ornamental trees on up to 60% of the required evergreen trees and ornamental trees, and ornamental trees can be substituted one for one for evergreen trees on up to 60% of the required evergreen trees;
- 4) Throughout the Real Estate, deciduous shrubs maybe substituted one for one for evergreen shrubs up to 60% of the required evergreen shrubs; and
- 5) In substitution of the evergreen tree landscaping along the north perimeter line of the Real Estate behind the building(s) as depicted on the Landscape Plan, a mound may be installed by the Developer of the Real Estate, which mound will be no less than the same lineal length as the building in closest proximity to the north perimeter line and may be up to eight (8) feet but not less than three (3) feet tall, so as to further provide a visual and noise barrier behind the such building.

C. **Buffer Yards.** No buffer yards shall be required within the Real Estate, except as set forth in Section 2.4.B.5. above.

D. **Open Space.** A minimum of ten percent (10%) of the gross area of the Real Estate shall be dedicated Open Space which shall supersede the Green Belt

Space and other Open Space Requirements set forth in WC 16.04.230 in the Westfield – Washington Township Zoning Ordinance. Two (2) picnic tables shall be placed at the northern terminus of the internal sidewalk running north and south along the eastern perimeter of the Real Estate, as such internal sidewalk is depicted on Exhibit “5.”

SECTION 2.5. SIGNAGE. The following provisions shall govern signage located upon and within the Real Estate, and to the extent they conflict with the provisions of the Town of Westfield – Washington Township Sign Ordinance, the following provisions and standards shall control:

- A. **Construction Signs.** A maximum of three (3) construction signs which identify the architects, engineers, contractors, financial institutions and other individuals or firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the commercial development or the purpose for which any building is intended, shall be permitted during the construction period and shall be required to have a permit for a temporary sign, which permit shall require the Westfield Community Development Department review and approval only. Each construction sign shall be limited to a maximum sign surface of thirty-two (32) square feet and a maximum height of ten (10) feet above grade/ground level.
- B. **Real Estate Signs.** A maximum of five (5) real estate signs advertising the sale, rental or lease of premises within the Real Estate are permitted, without the requirement of a permit. Each real estate sign shall be limited to a maximum of thirty-two (32) square feet. Additional real estate signs advertising the sale, rental or lease of premises within the Real Estate are permitted, but shall require a permit if such additional real estate signs exceed six (6) square feet.
- C. **Private Traffic Direction.** Signs directing traffic movement into the Real Estate or within the Real Estate not exceeding four (4) square feet in sign surface area for each sign and not exceeding four (4) feet in height above grade/ground level are permitted without the requirement of a permit. Internal illumination of these

signs shall be permitted, as regulated by the Outdoor Lighting Standards set forth in Section WC 16.07.010 attached hereto as Exhibit "9." Such signs may include the identification, including but not limited to its company logo, of any tenant, occupant or other user of all or any portion of a building within the Real Estate. Such traffic direction signs are exempt from all provisions of the Town of Westfield – Washington Township Sign Ordinance, except for construction and safety regulations.

D. **Business and Commercial District Signs.** The following types of signs are permitted within the Real Estate:

1. **Ground Signs**

- a. One ground sign shall be permitted for each free-standing building.
- b. A ground sign structure shall be no greater than seven (7) feet in height and fourteen (14) feet in length if it contains a brick base and side columns, and in any event, regardless whether it contains a brick base and side columns or not, the sign surface area of a ground sign shall be no greater than six (6) feet in height and twelve (12) feet in length.
- c. Ground signs shall be located on the same parcel where the business operates.
- d. Ground signs shall be placed a minimum of ten (10) feet from the right-of-way of the adjacent public road, and in a location that will facilitate traffic recognition, provide general identification of the establishment and not obstruct vehicular lines of sight.
- e. All ground signs shall be of the same general design.
- f. Ground signs may be internally, but not externally, illuminated, as regulated by the Outdoor Lighting Standards set forth in Section WC 16.07.010 attached hereto as Exhibit "9".

2. **Wall Signs.** For purposes of this Section 2.5.D.2., the term "outlot" shall mean a lot within the Real Estate which is adjacent to a (public or private) street, roadway or frontage road and is intended for an additional and separate building or buildings.

- a. Wall signs for each outlot are limited to four (4) square feet of sign area for each one (1) linear foot of the outlot building façade fronting a public road. Outlot buildings shall be permitted to place wall signs on any or all sides of the building, provided a minimum of one-quarter (1/4) of the total sign allotment for such outlot shall be placed on the wall fronting a public road and the aggregate area of all wall signs for such outlot shall not exceed the total sign allotment for such outlot. With respect to any building situated on a corner outlot fronting on two public roads, such building shall be limited to four (4) square feet of sign area for each one (1) linear foot of the longest building façade fronting a public road of such building. A corner outlot building shall be permitted to place wall signs on all sides of the building, provided a minimum of one-quarter (1/4) of the total sign allotment for such corner outlot building shall be placed on each wall fronting a public road and the aggregate area of all wall signs for such corner outlot building shall not exceed the total allotment for such building.
- b. Wall signs located on any building within the Real Estate that is not on an outlot shall be a maximum size of two (2) square feet for each one (1) lineal foot of building frontage, with a minimum of fifty-six (56) square feet for any business whose lineal footage of building frontage is twenty (20) feet or less, and a maximum size of three hundred (300) square feet per each wall sign.
- c. Wall signs may be either mounted on a building or painted or stenciled on a permanent or retractable awning. All wall signs

mounted on any building may be comprised of individual letters which are internally illuminated, and such letters may either be mounted on the wall directly or on a raceway. All wall signs shall be mounted a minimum of ten (10) feet above the sidewalk. Where there is no sidewalk below the proposed mounting of a wall sign, then the wall sign shall be mounted at least ten (10) feet above the base of the building.

3. **Shopping Center Identification Sign (a/k/a a Pylon Sign).** One shopping center identification sign shall be permitted, which sign shall be located adjacent to SR 32, immediately east or west of the main entrance into the Real Estate. The base and side columns of this shopping center identification sign may be constructed of either brick, E. F. I. S., stone or a combination of these building materials. The shopping center identification sign may extend to a maximum height of thirty-five (35) feet above grade level, and shall have a maximum sign panel surface size of not more than four hundred (400) square feet per side. Such sign may be internally or externally illuminated, as regulated by the Outdoor Lighting Standards set forth in Section WC 16.07.010 attached hereto as Exhibit "9". No part of such sign shall be located closer to the right-of-way of SR 32 than twenty (20) feet.
4. **Under Canopy Signs.** Under canopy signs may not project below a canopy more than twelve (12) inches. The bottom of such sign shall not be lower than ten (10) feet from a walk or walkway.

SECTION 2.6. OUTDOOR LIGHTING. Attached hereto and incorporated herein by reference as Exhibit "9" are Outdoor Lighting Standards, set forth in Section WC 16.07.010. Those Lighting Standards shall apply to the Real Estate, with the following exceptions:

- a. All lights along the outside perimeter property lines of the Real Estate shall be limited to 0.5 foot candle, except in those areas containing an ingress/egress to an adjoining public road.

- b. All exterior lighting shall have a maximum illumination at ground level of a 14 foot-candle level, except underneath of any fueling station canopy for which the maximum permitted foot-candle level at ground level shall be sixty (60).
- c. Light poles shall be limited to thirty (30) feet in height, exclusive of their concrete bases.
- d. Light fixtures along the entrance drives and the public rights of way shall be decorative and shall be compatible with the overall architecture of the Real Estate, but overall site illumination into the atmosphere shall be restricted through the use of shields on the fixture to include a horizontal lamp and no more than a 180 degree angle of light.
- e. Light fixtures underneath of any fueling station canopy shall be flush mounted, such that the actual light fixtures do not protrude below the underneath side of the canopy.
- f. Mercury vapor lights are prohibited.

SECTION 2.7. TRASH REMOVAL AND DELIVERIES; ACCESSORY STRUCTURES.

- a. One (1) trash removal contractor shall service all tenants and occupants within the small "B" shops building that abuts any anchor user building. All Trash removal, compaction, service vehicles, deliveries, and parking lot sweeping, with the exception of snow removal, shall be prohibited between the hours of midnight and 6:00 a.m.
- b. Dumpsters and trash compactors shall be enclosed by a masonry enclosure and gated.

EXHIBIT "1"

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

Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 89 degrees 14 minutes 34 seconds East along the South line thereof a distance of 662.75 feet to a "Mag" nail marking the Southwest corner of the East Half of the West Half of said Southwest Quarter, said point also being the Point of Beginning of this description; thence North 0 degrees 02 minutes 39 seconds West along the West line thereof a distance of 687.00 feet to a 5/8 inch capped rebar marked "C2LS Firm #0035"; thence North 89 degrees 14 minutes 34 seconds East parallel with the South line of said Southwest Quarter a distance of 685.00 feet to a 5/8 inch capped rebar marked "C2LS Firm #0035"; thence South 00 degrees 02 minutes 39 seconds East parallel with the West line of the East Half of the West Half of said Southwest Quarter a distance of 687.00 feet to a "Mag" nail on the South line of said Southwest Quarter; thence South 89 degrees 14 minutes 34 seconds West along the South line thereof a distance of 685.00 feet to the Point of Beginning. Containing 10.803 acres, more or less.

EXHIBIT "2"
DEFINITIONS

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

1. Architectural Break. An offset from an exterior wall of a minimum of two (2) feet that continues a minimum of four (4) feet.
2. Architectural Review Board. The Board established by a Declaration of the Developer for the purpose of reviewing the design of all structures to be constructed in a particular Parcel.
3. Blank Wall. An exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane.
4. Brick Wainscot. - Brick veneer a minimum of 36" in height from foundation topped with a masonry cap or sill.
5. Cornice. The top part of an entablature, usually molded and projecting.
6. Cupola. A small roof tower, usually rising from the roof ridge.
7. Declaration. A Declaration of Covenants, Conditions, and Restrictions for one or more parcels of the development which shall be recorded in the office of the Recorder of Hamilton County, Indiana, and which may be from time to time amended.
8. Department. The Department of Community Development of the Town of Westfield, Indiana.
9. Design Vocabulary. A code of architectural style and massing recommendations, building detail guidelines, listing of acceptable materials and colors, and landscape and streetscape details adopted by a Developer and applied by an Architectural Review Board in considering plans for structures to be constructed in the Primary Area.
10. Developer. The Developer shall be Flynn & Zinkan & Barker Holdings, LLC, and its successors or assigns.
11. DPR Process. The process of Development Plan Review as specified in Section 16.04.165 of the Zoning Ordinance at the date of the Oak Manor North PUD filing attached hereto as Exhibit "4".

12. Elevation. An exterior facade of a structure, or its head-on view, or representation drawn with no vanishing point, and used primarily for construction.
13. External Street. State Road 32.
14. Frontage Line. The property line adjacent to the street. In the case of a corner lot, that part of the lot in which the front of the building is oriented to the street shall be considered the frontage line unless otherwise indicated on a plat.
15. Frontage Place. A permanent public or private way situated parallel to a village street or a boulevard in order to provide access to one or more lots.
16. Internal Street. Any Public Street, Private Street, or Shared Drive other than an External Street.
17. Quik-Brik. A new technology of masonry units manufactured to give the high profile look of brick, but with better functionality and quicker availability than brick. This material may also be used for coined corners and/or soldier coursing to add variation interest in its installation.
18. Masonry. Wall building material, such as brick or stone which is laid up in small units or blocks.
19. Maximum Parcel Coverage. The maximum amount of any Parcel which may be covered by a building or, stated differently, the maximum building "footprint" for any Parcel.
20. Open Space. Any part of the real estate not covered by public streets, private streets, buildings, or parking lots. Open Space may include, but shall not be limited to, preserved wetlands, preserved woodland areas, trails, parks, plazas, courtyards, gardens, landscaped and screening areas, yards, rights-of-way not paved, ponds, retention/detention areas with common access, recreation areas, parking lot islands, and sidewalks.
21. Parcel. Portion of land within the Real Estate as shown on the Concept Plan.
22. Parcels. A combination of two or more parcels.

23. Projecting Sign. A sign attached to and projecting from a structure, building or wall greater than 12 inches and is perpendicular or nearly perpendicular to the building or wall to which it is attached.
24. Sign. A sign that illustrates, by its shape and graphics, the nature of the business conducted within.
25. Sign, Traffic. A sign directing traffic movement into or within the Real Estate.
26. Sign Fascia. The vertical surface of a lintel over a storefront which is suitable for sign attachment.
27. Sign Ordinance. The Sign Ordinance of Westfield/Washington Township is in force on the date of the filing of this Oak Manor North PUD.
28. Subdivision Control Ordinance. The Subdivision Control Ordinance for the Town of Westfield and Washington Township in force at the time of the filing of this Oak Manor North PUD.
29. Zoning Ordinance. The Town of Westfield and Washington Township Zoning Ordinance.

EXHIBIT "3"

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

WC § 16.04.050 Business Districts

A. General Requirements (other than historical district) -

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

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- Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
- Lumber yards - including millwork
- Liquor stores and taverns
- Restaurants - drive-in and carry-out food and beverage stores
- Industrial schools or training facilities
- Amusement parks
- Convents, monasteries, theological schools, rectories, parish houses
- Large animal hospitals
- Manufactured home parks (in accordance with provisions of WC 16.04.090)
- Outdoor theaters
- Material recycling facilities (MRFs)

3. ^{2c} Minimum Lot Area - As required under Planned Business Development district.
4. Minimum Lot Frontage on Road - As required under Planned Business Development district.
5. Minimum Setback Lines - As required under Planned Business Development district.
6. Maximum Building Height - As required under Planned Business Development district.
7. Minimum Ground Level Square Footage - As required under Planned Business Development district.
8. Parking - Off-street and/or private parking shall be provided in accordance with the provisions of this ordinance.
9. Loading and Unloading Berths - Loading and unloading berths shall be provided as identified in this ordinance.

H. LB-PD and GB-PD - Local Business - Planned Development and General Business - Planned Development - The purpose of these districts is to allow commercial development of such a nature that the areas will be developed in a compatible design and that overall supporting services including roads and utilities can be provided in a proper manner to accommodate the needs of business in these districts. Outlot development should be compatible in general exterior design, coloration, and use of materials to that of the primary development structure or structures.

1. General Requirements - The general requirements for obtaining a building permit for a planned business development in any district shall be in accordance with the following procedures. In any district in which rezoning of land, or a special exception, or an exemption from special exception restrictions, or a variance from the ordinance requirements is requested in connection with the development of land or buildings subject to the provisions, requirements, and standards of this ordinance governing

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

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

2. Minimum Tract Requirements -

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

3. Permitted Uses -

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

4. Special Exceptions -

a) Planned Business Development - Local Business -

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

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

- 10 acre minimum - 660 feet
- 5 acre minimum - 330 feet

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6. Minimum Setback Lines -

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

7. Minimum Number of Structures - None

8. Minimum Size of Structures - None

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

a) Preliminary plans presented to the Building Commissioner must:

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

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

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

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

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

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

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

EXHIBIT "4"

WESTFIELD-WASHINGTON TOWNSHIP 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-SP-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 (BI, EI-PD, OI, OI-PD);
- e. any proposed development of a Single Family Subdivision (AG-SF1, AG-SP-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.

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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 (I1, I1-PD, O1, O1-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-1, 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

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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 L, 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.

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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,

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5. The proposed development is consistent with the intent and purpose of the Westfield - Washington Township Comprehensive Plan.

H. Plan Documentation and Supporting Information.

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

1. Site Plan. *
2. Site Plan (for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).
3. Overall Plan. *
4. Landscape Plan. *
5. Building Elevations.
6. Lighting Plan. *
7. Sign Plan. *
8. Site Access and Site Circulation Plan. *
9. A Traffic Impact Study (when a proposed development meets or exceeds the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) 150 or more dwelling units; (ii) 15,000 square feet or more of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more square feet of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or, (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction).
10. Statement of Development Build-out. *
11. Green Space Provisions. *
- * Items not required for an individual single family dwelling or accessory residential structure on an individual lot in a Residential District.

I. Procedures.

1. Application for Development Plan Approval by the Plan Commission shall be in compliance with the following procedures:

- a. Pre-Filing Conference.

A pre-filing conference with Staff is required prior to the filing of any Development Plan for public hearing before the Plan Commission. At the pre-filing conference, the petitioner shall provide three (3) copies of a preliminary sketch plan capable of depicting the proposed development. Staff may take up to ten (10) business days to review the proposed sketch plan and provide comments back to the petitioner. The petitioner is encouraged to incorporate the comments received from Staff into the design of the project prior to filing for Development Plan approval.

Notwithstanding anything contained in this Ordinance to the contrary, neither the Staff's conceptual review of the sketch plan nor Staff's comments to the petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed Development Plan.

b. Who May File.

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

c. Filing Deadline.

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

d. Forms of Filing.

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

e. Findings of Fact.

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

f. Specifying Request.

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

g. Docketing by Community Services Department.

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

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

h. Investigation of Petitions.

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

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

i. Notice Requirements.

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

- (1) Due and proper notice shall be served according to the provisions of Indiana law IC 5-3-1-2.
- (2) Petitioners shall notify all contiguous property owners of public hearings via certified mail, which shall be received by the contiguous property owners at least ten (10) days prior to the date of public hearing.
- (3) The petitioner must present a copy of public notice, proof of publication, and copies of certified mail receipts to the Community Services Department Staff at least five (5) days prior to the time of public hearing as proof of fulfilling due and proper notice requirements.

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

j. Conduct of Public Hearings.

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

- (1) Staff of the Plan Commission shall be given a reasonable time to introduce the matter being considered and for the presentation of evidence or statements regarding the petition being considered.
- (2) Petitioners shall be allotted a reasonable time to present evidence, statements and arguments in support of the petition being considered.
- (3) Plan Commission members shall be afforded the opportunity to ask questions about the petition of either Staff or the Petitioner.
- (4) Members of the public interested in the petition, whether for or against the petition, shall be allotted a reasonable time to present evidence, statements and arguments related to the petition being considered.
- (5) The Petitioner shall have a reasonable opportunity for rebuttal, which shall include only evidence, statements and argument in rebuttal of or in response to comments of Staff, the Plan Commission or members of the public, and a brief closing statement.

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

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

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

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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 L.C. 5-3-1 can be provided.

2. Fees.

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

- a. Development Plans filed for Plan Commission approval - \$330.00 plus \$15 per acre or portion thereof; or,
- b. Development Plans filed for Director's approval - included in the building permit fee.

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

3. Hearings.

All public hearing regarding a Development Plan before the Plan Commission shall be conducted in accordance with the procedures set forth in the Rules of Procedure of the Plan Commission and in this Subsection I.

4. Amendments.

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

(1) Amendments Proposed At A Public Hearing.

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

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

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

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

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

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

Advisory Committee, the Director may continue the public hearing of the Development Plan before the Westfield - Washington Township Plan Commission and require the re-submittal of the amended plans for review by Staff and members of the Technical Advisory Committee.

b. Amendments To Development Plans Pending Determination By The Director.

The applicant may make amendments to Development Plans pending determination by the Director at any time prior to a determination being made by the Director. If, in the sole discretion of the Director, the proposed amendment is of such a nature that additional time is needed for review, the amended Development Plan shall be deemed a new filing and shall be reviewed within the time frames set forth in WC 16.04.165, L, 2., above for the initial review of Development Plans by the Director.

c. Amendments to Approved Development Plans.

Minor amendments to Development Plans which have already received approval from the Plan Commission or the Director and which do not involve: (a) an increase in height, area, bulk or intensity of land uses; (b) the designation of additional land uses; (c) the reduction in perimeter yards; (d) the addition of driveways or access points; or, (e) reduction in the amount of parking for any use, may be authorized by the Director without a public hearing in its continuing administration of the Development Plan if, in the determination of the Director, the requested minor amendments do not adversely impact the purpose or intent of the overall development.

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

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

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

5. Signature for Findings.

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

J. Plan Documentation.

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

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

- a. North arrow;
- b. Graphic scale;
- c. Address of the site;
- d. Proposed name of the development;
- e. Area map inset 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);

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- 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;

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

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

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

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

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

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

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

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

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

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

or more in caliper, areas of dense trees or shrubs, and other natural areas which are to be preserved or removed; and,

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

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

5. Building Elevations.

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

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

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

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

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

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

- a. North arrow;
- b. Graphic scale;

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- c. Address of the site;
- d. Proposed name of the development;
- e. Boundary lines of the site including all dimensions of the site;
- f. Location and dimensions of all existing structures, parking areas and walkways;
- g. Type and location of all exterior of lighting fixtures, including, wattage and type of light;
- h. Intensity of lighting at base of light structure and at the lot line measured in foot candles;
- i. If architectural building lighting is proposed, indicate the location, type and intensity of lighting on each building façade. (If architectural building lighting is proposed, the photometric plan required in item h. above, shall include the architectural building lighting in the measurement of overall light intensity at the lot line.);
- j. Timing of lighting and method of control of lighting; and,
- k. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

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

Sign Plans filed in connection with the submission of a Development Plan shall indicate compliance with the requirements of WC 16.08 et seq. - Sign Standards; be drawn to scale; and, include the following items:

- a. Address of the site;
- b. Proposed name of the development;
- c. Graphic scale;
- d. A site plan indicating the location of any existing or proposed freestanding signs;
- e. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
- f. Elevation of proposed signs including size, materials and color;
- g. A true color rendering of the proposed signs;
- h. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination; and,
- i. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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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.

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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.

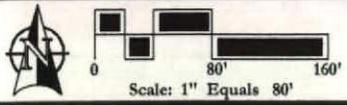
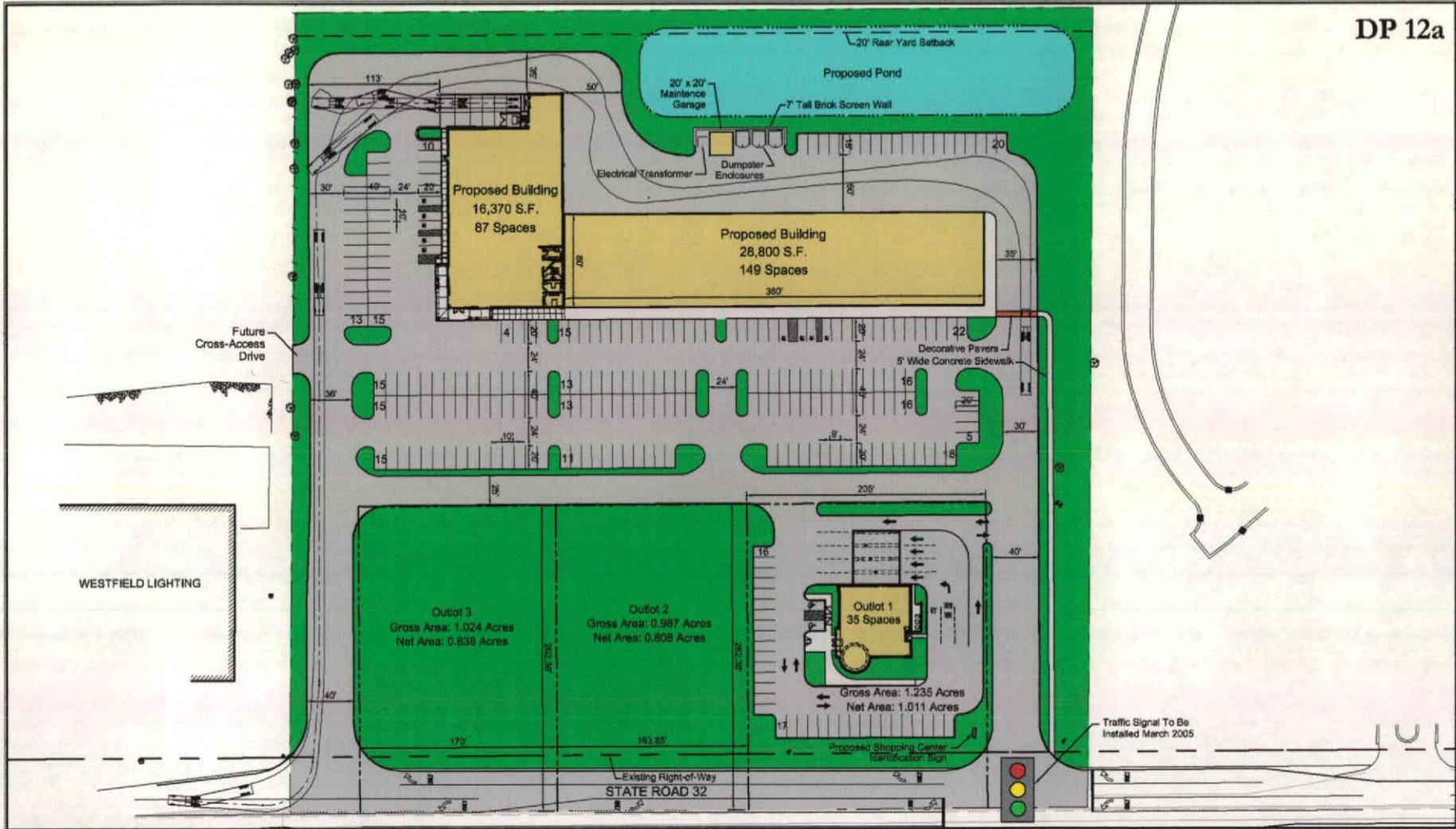
In the case of a Development Plan subject to these Transitional Rules, substantial completion shall occur within two (2) years of the date of approval by the Plan

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 "5"

DP 12a



Development Plan 12a - Oak Manor North

Westfield, Indiana

OCTOBER 22, 2004

FLYNN & ZINKAN
REALTY COMPANY
5332 N. Temple Avenue
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2417 LINDLETONS ROW, SUITE 100
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EXHIBIT "6"

PUBLIC, SEMIPUBLIC, AND OFFICE FACILITIES

Accessory Use

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

Assisted Living Facilities

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

Day Care Facility

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

Funeral Home

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

Governmental Facility

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

Hospital

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

Medical Clinic

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

Nursing Home

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

Office

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

Office Showroom

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

Postsecondary Educational Institution

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

Professional/Technical Training/Educational Institution

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

Temporary Care Facility

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

BUSINESS AND PERSONAL SERVICES

Accessory Use

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

Appliance Repair

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

Auction House

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

Cargo and Package Service

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

Catalog and Mail-Order Sales

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

Caterer

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

Coin-Operated Laundry and Dry Cleaning

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

Copy and Other Administrative Business Services

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

Dry Cleaning and Laundry Pickup

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

Dry Cleaning and Laundry Service

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

Electrical Repair

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

Employment Agency

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

Equipment Rental, Light

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

Estate Services

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

Financial Service

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

Insurance Agency

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

Interior Decorating

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

Legal Service

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

Locksmith

An establishment engaged in making or repairing locks.

Lodging

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

Office Equipment Repair

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

Personal Grooming Services

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

Pet Services

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

Photographic Service

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

Real Estate Agency

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

Security Systems Services

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

Shoe Repair

A place of business primarily engaged in repairing footwear.

Tailoring

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

Tanning Salons

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

Travel Agency

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

Upholstery Service

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

Veterinary Service (Indoor)

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

RETAIL AND WHOLESALE TRADE

Accessory Use

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

Apparel Shop

An establishment involved in selling clothing and clothing accessories.

Appliance Sales

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

Audio/Video Store

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

Automotive Supply

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

Bakery (Retail)

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

Bookstore

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

Building Materials

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

Camera and Photographic Supply

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

Confectionery

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

Convenience Store

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

Coffee Shop

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

Department Store

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

Drapery Sales

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

Drugstore

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

Electronic Devices

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

Florist (Retail)

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

Flooring, General Sales

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

Framing Shop

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

Furniture Sales

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

Gallery

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

Garden Centers

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

Gift Shop

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

Grocery Store

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

Handicrafts

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

Hardware

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

Hobby, Toy, and Game Shops

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

Housewares and Home Furnishings

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

Jewelry

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

Leather Goods and Luggage Stores

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

Liquor Store

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

Marine Supply

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

Meat Market

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

Motorcycle Sales

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

Music Store

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

Office Supplies

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

Optical Goods

Establishments involved in selling visual devices or products.

Pet Shop

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

Restaurant

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

Restaurant (Drive-in)

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

Sporting Goods

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

Tobacco Shops, Specialty

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

Used Merchandise (Antiques)

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

Used Merchandise (General)

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

Vitamin/Supplement Sales

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

AUTOMOTIVE AND TRANSPORTATION SERVICES

Accessory Use

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

Automotive Rentals

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

Automotive/Boat Repair/Service Shop

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

Automotive Tire Sales/Repair

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

Car Wash

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

Refuelling Center

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

AMUSEMENT AND RECREATIONAL SERVICES

Accessory Use

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

Park and Recreational Services, For Profit

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

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

Park and Recreational Services, Not For Profit

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

MANUFACTURING, MINING, CONSTRUCTION, AND INDUSTRIAL USES

Accessory Use

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

Signs and Advertising Displays

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

EXHIBIT "7"

EXHIBIT "8"

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

LANDSCAPING STANDARDS

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

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

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)

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

inches shall not qualify for credit. Preserved trees between eight (8) and sixteen (16) inches in caliper shall be credited at the rate of two (2) times the caliper measure of such trees. If preserved trees possess caliper measures of sixteen (16) inches or greater, credit shall be calculated at the rate of four (4) times the caliper measure of such trees. A qualifying six (6) inch caliper preserved tree shall be credited as three (3) required two (2) inch caliper trees. A qualifying fourteen (14) inch caliper preserved tree shall be credited as fourteen (14) required two (2) inch caliper trees. And, a qualifying eighteen (18) inch caliper preserved tree shall be credited as thirty-six (36) required two (2) inch caliper trees.

- G. Barriers shall be used to protect trees during site development. Barriers shall be specified on landscape plans and shall be placed at or beyond the driplines of trees to be preserved. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.
- H. Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve identified tree specimens.

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

A. Selection

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

B. Installation

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

C. Maintenance

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

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

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.

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

- 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

	Minimum Number of Trees	Minimum Number of Evergreen Trees	Minimum Number of Ornamental Trees
Residential	4 per dwelling unit	2 per dwelling unit	4 per dwelling unit
Institutional Uses	2 per acre	3 per acre	10 per acre
Business Uses	10 per acre	10 per acre	25 per acre
Industrial Uses	5 per acre	5 per acre	25 per acre

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

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3. Institutional uses include, without limitation, schools, churches and government offices.
4. For Institutional uses:
 - o Trees required to be planted in interior parking lot landscaping areas may be counted toward meeting on-site landscaping requirements as set forth in the table above.
 - o Identified acreage for constructed athletic fields and courts (including the adjacent perimeter for coaching and spectator viewing), and constructed playgrounds with equipment may be subtracted from the total acreage before computing on-site requirements.
5. Trees should be grouped together whenever possible to simulate natural tree stands, versus trees being planted in straight rows.
6. Required trees and plantings within residential land uses must be planted somewhere within such residential land uses. Required trees and plantings within such land uses are not intended to be requirements per each lot, but are intended to be aggregate requirements per subdivision section or per multi-family development.
7. Required trees and plantings within non-residential land uses must be planted per each lot requirement. Trees and plantings are not credited to overall development requirements.
8. Existing trees or woodlands that are preserved may be counted toward minimum planting requirements.

B. Road Frontage Standards

1. In residential developments, where property abuts primary arterials; secondary arterials, or collector roads not internal to subdivisions, at least one shade tree per thirty (30) linear feet of road frontage shall be planted adjacent to road rights-of-way. Trees planted along road frontage in residential developments may be credited toward overall on-site landscaping requirements set forth in Table 16.06.050-01..
2. In non-residential developments where property abuts any public right-of-way, at least one shade tree per forty (40) linear feet of road frontage shall be planted adjacent to road rights-of-way. Trees planted along road frontage in non-residential developments may be credited toward overall on-site landscaping requirements set forth in Table 16.06.050-01.
3. Shade trees required to be planted along road frontage shall be located outside drainage and utility easements, shall be located in a manner that mitigates interference with infrastructure located within such easements and may be clustered or grouped in order to attain creative site design.

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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.

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Table 16.06.060 - 01 : Minimum Required Buffer Yard

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

1. Institutional uses include, without limitation, schools, churches and government offices.
2. For primary institutional structures on lots of record (as of December 10, 2001, when Ordinance 01-16 was adopted) less than ten (10) acres in size adjacent to residential uses, the Plan Commission may approve a buffer yard width of less than 40 feet (but no less than 15 feet) provided that:
 - The proposed structure shall be finished in a manner that is in character with the adjacent neighborhood.

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- The buffer yard landscaping may be required to be supplemented with a fence or masonry wall to assist in addressing the impact of the proposed use on adjacent existing uses.
No drives or parking areas shall be permitted in the reduced buffer yard area.
- C. Within buffer yards, at least one (1) evergreen tree per thirty (30) linear feet and five (5) evergreen shrubs per thirty (30) linear feet shall be planted. Such plantings should be arranged in a manner that creates a visual barrier between uses without precluding connectivity between uses. In order to create a more effective buffer, the Plan Commission may approve evergreen trees to be substituted in lieu of evergreen shrubbery on a 1:3 basis (tree:shrub). Up to 60% of shrubbery may be substituted for trees. (Staff note: Additional trees may be substituted to lessen required shrubbery planting, but additional shrubbery may not be substituted to reduce required tree plantings).
- D. If woodlands are located within buffer yards, preserved trees may be substituted for required plants in buffer yards (see WC 16.06.030, Selection, Installation, and Maintenance of Plant Materials for substitution guidelines).
- E. In residential districts, plantings required to be placed in buffer yards shall not be credited toward total on-site landscaping requirements set forth in Table 16.06.050-01.
- F. In non-residential districts, trees required to be planted in buffer yards shall be credited toward total on-site landscaping requirements set forth in Table 16.06.050-01.
- G. Buffer yards shall not be required between uses within planned developments or within subdivisions.

WC 16.06.070 - Parking Area Landscaping

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

A. Interior Parking Lot Landscaping

- I. 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 Area to be Landscaped
0 to 4	0%

Number of parking spaces

Percentage of vehicular use area to be landscaped

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5 to 24	5 %
25 to 49	7.5 %
50 or more	10 %

2. Parking Lot Islands

- a. Parking lot islands shall be dispersed throughout parking lots in a design and configuration that aesthetically corresponds to the size and shape of parking lots. Combining or placing parking lot islands together such that more than one tree may be planted in the island shall be considered when possible.
- b. Parking lot islands shall be constructed at least six (6) inches above the surface of parking lots; they shall be a minimum of one hundred twenty (120) square feet in area; and they shall be a minimum of seven (7) feet in width, measured from back of curb to back of curb.
- c. Interior landscaped areas shall be curbed in a manner that restricts vehicles from driving over landscaped areas.
- d. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking spaces to a maximum of two hundred (200) feet in length.
- e. Parking lot islands shall include at least one (1) tree and four (4) shrubs per parking lot island. One hundred (100) percent of every parking island shall be covered with permitted groundcover material to achieve complete coverage.
- f. No landscaping within parking lot islands may unreasonably obstruct visibility for vehicles entering, maneuvering in, or exiting parking areas. Such landscaping shall be constructed in compliance with visibility standards set forth in WC 16.04.230 2.v).

B. Perimeter Parking Lot Landscaping

1. Application

- a. Perimeter landscaping is required for parking lots with ten (10) or more spaces where:
 - 1.) the parking lot is located within a required yard; or
 - 2.) the parking lot is located within twenty (20) feet of a lot line or right-of-way line.
- b. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings should be grouped in an aesthetically pleasing manner.

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- c. Trees required to be planted in perimeter parking lot landscape areas may be counted toward meeting total on-site landscaping requirements as set forth in Table 16.06.050-01.
2. Requirements - Perimeter parking lot landscape areas shall include the following landscape improvements:
 - a. There shall be one tree per thirty (30) linear feet of parking lot length. Trees may be clustered.
 - b. There shall be one shrub per three (3) feet of parking lot length. Shrubs may be clustered.
 - c. Perimeter parking lot landscape areas not planted with trees or shrubs shall be covered with grass or other permitted groundcover or mulch.

WC 16.06.080 - Recommended Plant Materials

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

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WC 16.04.077 State Highway 32 Landscape Overlay Zone

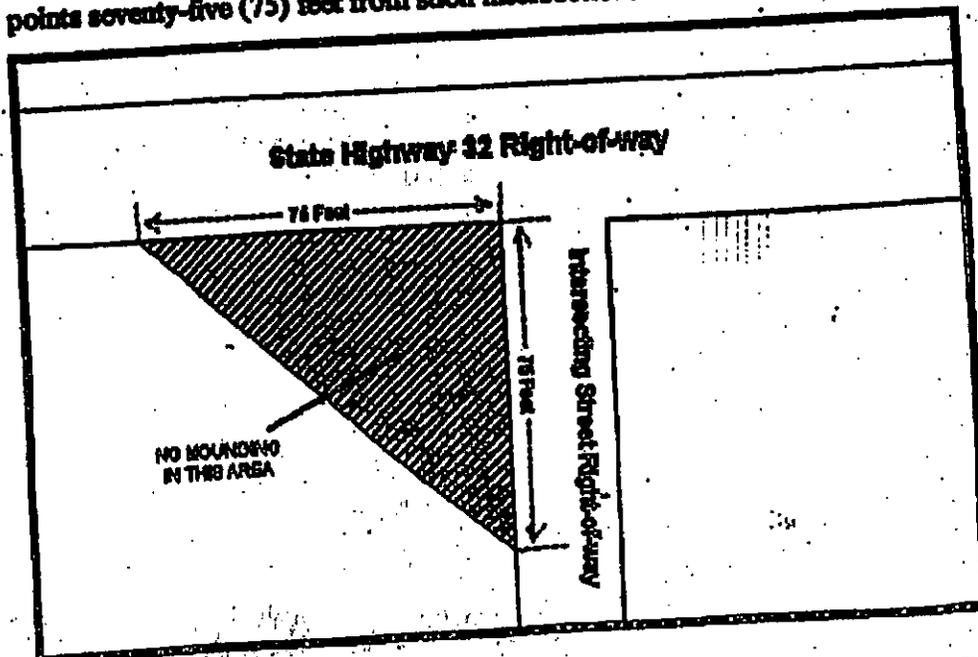
It is the purpose of the State Highway 32 Landscape Overlay Zone to promote the public health, safety, comfort, and general welfare by providing for consistent and coordinated landscaping of the properties bordering State Highway 32 in Washington Township, Hamilton County.

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

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- Any partial section of the two hundred foot frontage landscaping depicted in Figure WC 16.04.077 B shall be landscaped in a manner which is proportionate to its size (i.e., a one hundred foot section of road frontage would be planted with half the number of trees as a two hundred foot section).
 - When calculating the number of trees to be planted along such frontage results in a fraction, the number of trees required shall be rounded up to the nearest whole number (i.e., a calculation of 2.3 trees results in 3 trees being required).
 - It is not necessary for such plantings to be placed identically to those illustrated in Figure WC 16.04.077 B; however, the Plan Commission shall have full authority to require any plans which differ from Figure WC 16.04.077 B to be changed in a way which is more consistent with Figure WC 16.04.077 B.
- b) Intersections Along State Highway 32

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



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

c) Approved Tree Species

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

- Purple Ash
- Honey Locust
- Red Maple

Ornamental Trees - must be at least two inches in diameter

- Winterking Hawthorn
- Crabapple
- Pear

Evergreens - must be a minimum of six feet in height

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

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

WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

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

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

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

Figure WC 16.04.077 A

Washington Township
Hamilton County, IN

State Highway 32
Landscape Overlay
Zone

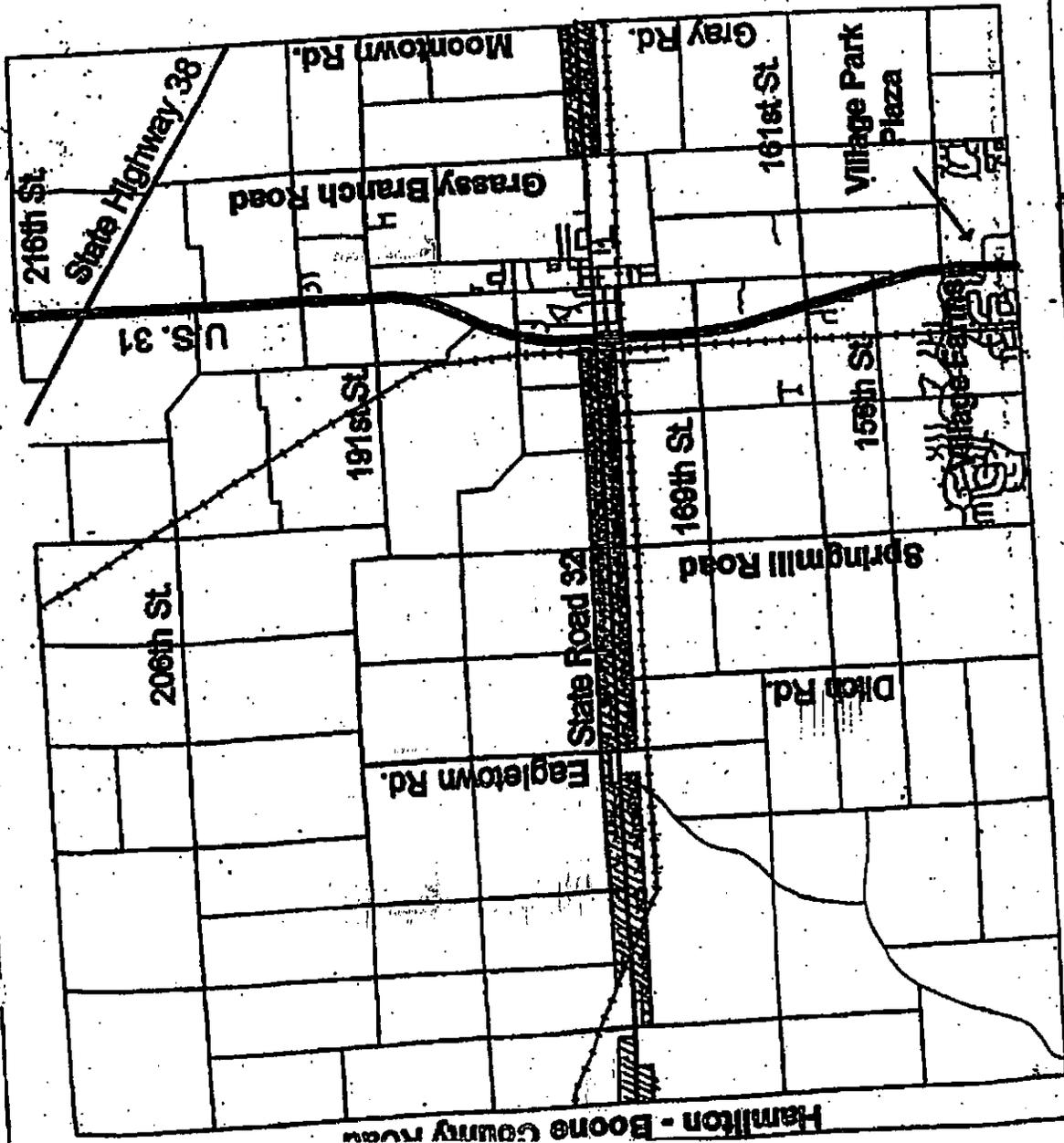
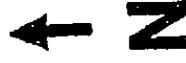


Figure WC 16.04.077 B
Frontage Along State Highway 32

State Highway 32 Landscape Overlay Zone

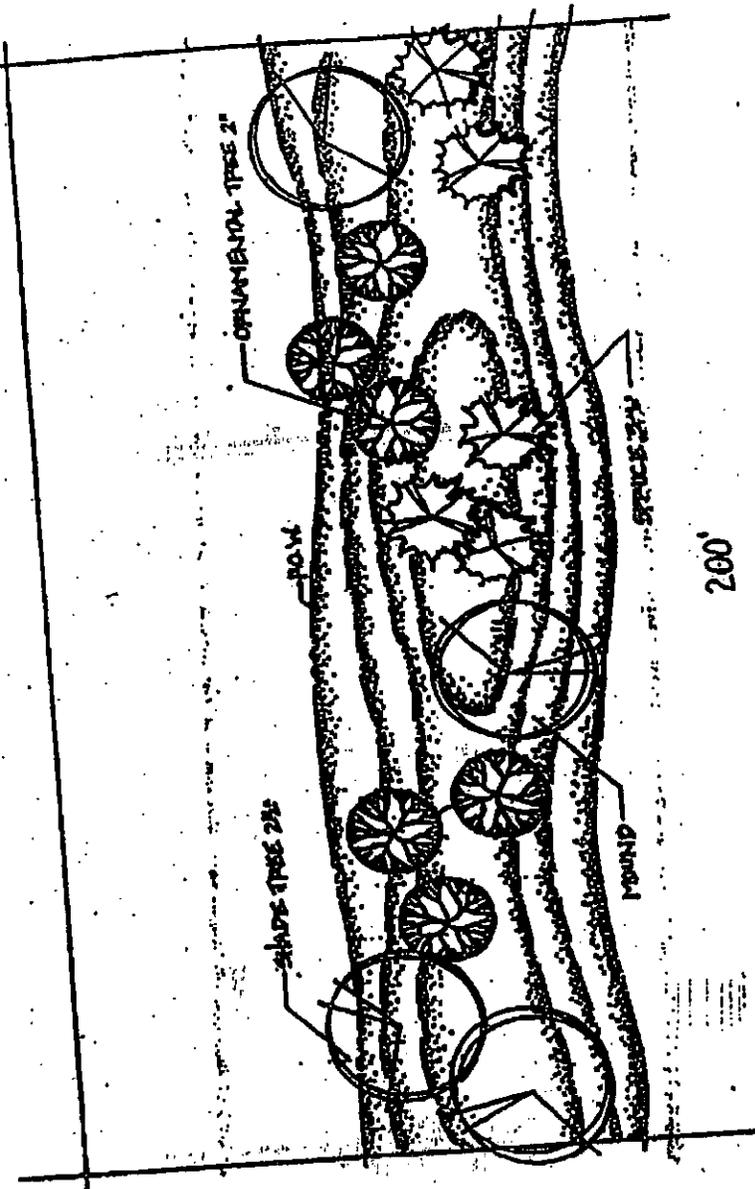


Figure WC 16.04.077 C

Intersections Along State Highway 32

State Highway 32 Landscape Overlay Zone

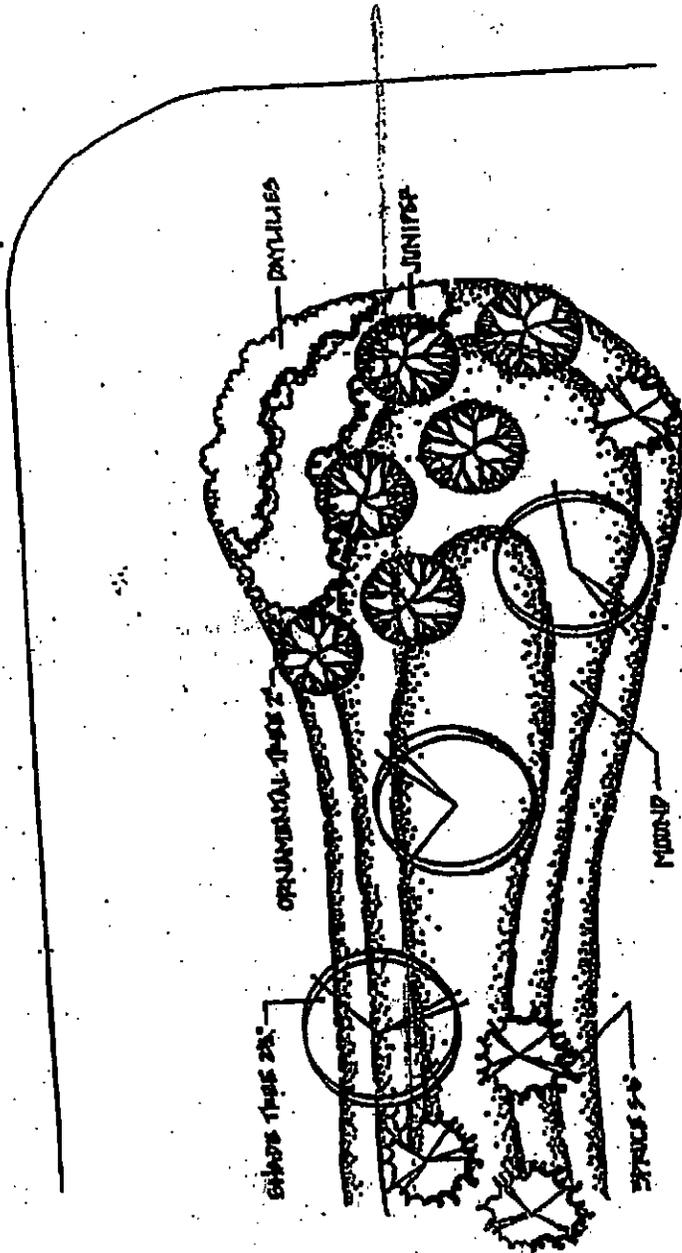


EXHIBIT "9"

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

LIGHTING STANDARDS

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Chapter 7
Outdoor Lighting Standards

WC 16.07.010 General Provisions

A. Purpose and Intent.

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

B. Applicability.

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

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

C. Exceptions.

Exceptions to these lighting standards shall include the following:

1. All outdoor light fixtures permitted prior to the adoption of these regulations (Ord. 02-39, December 9, 2002) shall be exempt from the shielding requirements of this chapter, except that when an outdoor light fixture becomes inoperable, the replacement light fixture shall comply with the standards of this chapter;
2. All hazard warning lighting required by Federal and State regulatory agencies shall be exempt from the requirements of this chapter;
3. All temporary emergency lighting required by local law enforcement, emergency service and utility department(s), shall be exempt from the requirements of this chapter;
4. All traffic control and directional lighting shall be exempt from the requirements of this chapter;

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

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;

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

4. Light pole height shall not exceed twenty-five feet (25'). All parking area light fixtures shall be designed and located to confine emitted light to the parking area; and
5. All lighting fixtures must meet building code requirements for their appropriate construction class;

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

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

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

G. Sign Lighting.

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on top of or above the sign structure and shall comply with the shielding requirements of this chapter;

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

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.

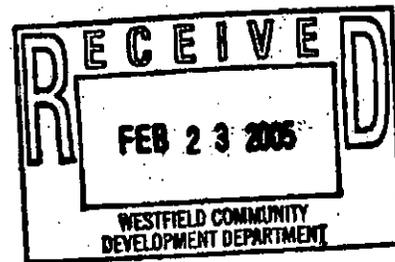
The applicant for any permit required by Westfield-Washington Township that proposes outdoor lighting shall submit a lighting plan set which includes:

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.

VIA FAX / U.S. MAIL

FLYNN & ZINKAN
REALTY COMPANY

February 15, 2004



Mr. Kevin Buchheit
Town of Westfield
130 Penn Street
Westfield, Indiana 46074

Re: Oak Manor North PUD
Ordinance 05-04
3500 Block at S.R. 32

Dear Kevin,

As directed by the Town Council I am writing this letter to formalize the Commitment that I offered as a part of the re-zoning for Oak Manor North (Ordinance 05-04), which was approved at last evening's Town Council Meeting.

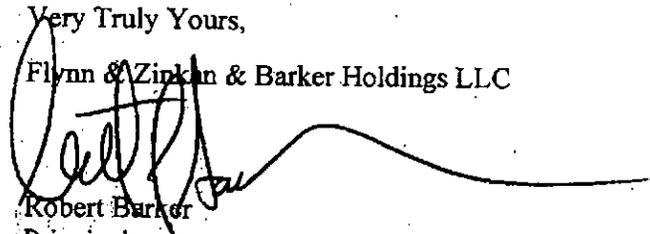
Specifically, we agree as follows:

- (1) The rezoning is approved based on two, fully operational (ie. both left and right-hand movements) curb cuts from the site onto S.R. 32, as reflected on the concept Plan included in the approved PUD.
- (2) The non-signalized curb cut, located on the western end of the development, will be converted to a "right in/right out" configuration at the expense of the Developer/Owner at any time if so requested in writing by the Town of Westfield. The Town will make such request based on its sole judgment that the fully operational curb cut represents an unsafe condition, exercised in good faith.

We are pleased to make this commitment as a part of the Re-zoning and ask that you include this letter as part of this approved re-zoning. Thank you for your assistance.

Very Truly Yours,

Flynn & Zinkan & Barker Holdings LLC



Robert Barker
Principal

Cc: Town Council Members: Jack Hart, David Mikesell, Teresa Otis Skelton,
Bob Smith & Ron Thomas
Roger Kilmer (B & D)

INIMAN2 878195v1

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