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257.<sup>00</sup>  
124 +16

Richard J. Hayden PUD  
is add

200600056149  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
JENNIFER J HAYDEN  
09-21-2006 At 10:53 am.  
ORDINANCE 257.00

**ORDINANCE NO. 06-37**

**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 0603-PUD-05) 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 July 24, 2006; and

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

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

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

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the Real Estate located at 17021 Towne Road from AG-SF-1 to Westgate PUD. See attached Maps and zoning commitments described in the attached booklet identified as Exhibit A.

9/11/2006

BEST POSSIBLE IMAGE  
ALL PAGES

Ordinance 06-37  
Rezone Westgate

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04/03/2007 11:51:24A 101 PGS  
Jennifer J Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

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

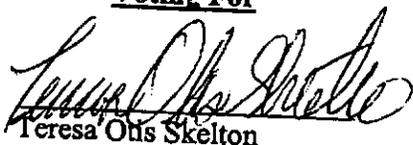
ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF

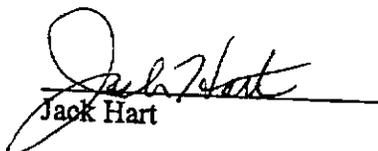
WESTFIELD, HAMILTON COUNTY, INDIANA THIS 14 DAY OF

Sept, 2006.

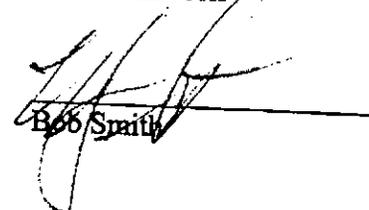
**WESTFIELD TOWN COUNCIL**

Voting For

  
Teresa Otis Skelton

  
Jack Hart

  
David Mikesell

  
Bob Smith

\_\_\_\_\_  
Ron Thomas

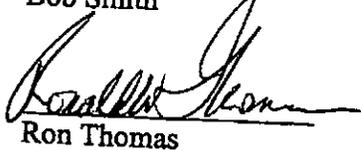
Voting Against

\_\_\_\_\_  
Teresa Otis Skelton

\_\_\_\_\_  
Jack Hart

\_\_\_\_\_  
David Mikesell

\_\_\_\_\_  
Bob Smith

  
Ron Thomas

Abstain

\_\_\_\_\_  
Teresa Otis Skelton

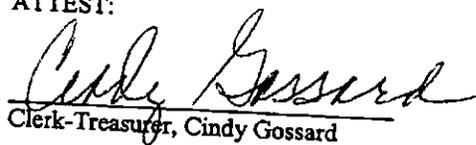
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Jack Hart

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David Mikesell

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Bob Smith

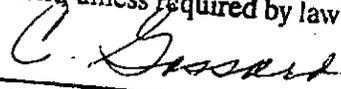
\_\_\_\_\_  
Ron Thomas

ATTEST:

  
Clerk-Treasurer, Cindy Gossard

This ordinance prepared by  
Jerry Rosenberger, Town Manager

"I affirm, under the penalties for perjury,  
that I have taken reasonable care to redact  
each Social Security Number in this  
document, unless required by law"

  
Signed

9/11/2006

Ordinance 06-37  
Rezone Westgate

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

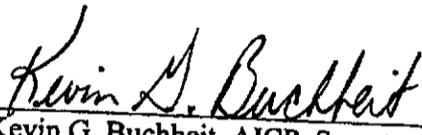
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The Westfield-Washington Township Advisory Plan Commission met on Monday, July 24, 2006, to consider proposed change in zoning of approximately 258 acres, from the AG-SF-1 District to the Westgate PUD District, 0603-PUD-05. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed text amendment is as follows:

0603-PUD-05 17021 Towne Road. Drees Homes requests  
a change in zoning for approximately 258 acres,  
from the AG-SF1 District to the Westgate PUD District

A motion was made and passed to send a positive recommendation to Town Council to approve the rezone request for 0603-PUD-05 (7-0-0).

I, Kevin G. Buchheit, AICP, being the Secretary of the Westfield-Washington Township Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Township Advisory Plan Commission held on July 24, 2006.

  
\_\_\_\_\_  
Kevin G. Buchheit, AICP, Secretary

July 24, 2006  
Date

**WESTGATE PUD**

**ORDINANCE NO. \_\_\_\_\_**

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

This PUD Ordinance (the "Westgate 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 Drees Premier Homes, Inc. (the "Developer") for the real estate containing approximately 258 acres, legally described on Exhibit "1," attached hereto, and incorporated herein by this reference, and located in Washington Township, 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 recommendation adopted on the \_\_\_ day of \_\_\_\_\_, 2006; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council meeting in regular session, that the Westfield Washington Township Zoning Ordinance and the Westfield Washington Township Zone Map are hereby amended as follows:

## ARTICLE I.

### WESTGATE 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 and other standards created by this Westgate PUD supersede the standards of the Westfield Washington Township Zoning Ordinance (the "Zoning Ordinance"). Unless otherwise specified herein, the owner(s) of the Real Estate shall comply with the terms, conditions, and procedures of PUD Ordinance 02-01 (WC 16.04.190) as they existed and were in force on the date of filing of this Westgate PUD (the "PUD Ordinance") attached hereto as Exhibit "16".

**SECTION 1.3. DEFINITIONS.** Unless otherwise specified in (i) this Westgate 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 Westgate PUD.

## ARTICLE II.

### WESTGATE PUD STANDARDS

**SECTION 2.1.** The Real Estate is reclassified on the Westfield Washington Township Zone Map (the "Zone Map") from the AG-SF1 District Classification to the Planned Unit Development District (PUD) Classification, the underlying zoning classification of which shall be the SF3 District of the Zoning Ordinance in force at the time of the filing of this Westgate PUD. A copy of the SF3 District development standards and a copy of WC 16.04.165 Development Plan Review provisions, which were in force at the time of the filing of this Westgate PUD and which apply to the Real Estate, except as modified in this Westgate PUD, have been attached hereto and made a part hereof as Exhibit "3" and Exhibit "4" respectively.

**SECTION 2.2. USES.** The Real Estate shall be developed for residential and institutional uses as more particularly shown on the concept plan attached hereto as Exhibit "5" (the "Concept Plan") and Exhibit "6" (the "Master Plan"). The total number of residential units on the Real Estate shall not exceed 748<sup>1</sup> units and the maximum number of attached residential units shall not exceed 264.

Permitted uses are as follows:

- A. Permitted Uses in the residential areas of Westgate PUD, identified as "Crestside," "Gardenside," "Parkside," "Villas" and "Commons" on the Concept Plan, shall include the following:
- (1) Single-family attached and detached residential and accessory uses, together with model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons;

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<sup>1</sup> 748 Total Maximum Dwelling Units if developed without a school; 715 Total Maximum Dwelling Units if developed with a school.

- (2) Residential common areas and Home Owners Association owned amenity areas along with accessory uses, structures, and improvements located thereon; and
- (3) Home Occupations shall be permitted per the terms and conditions of the SF3 District in force at the time of the filing of this Westgate PUD.
- (4) Public or private schools along with accessory uses, sports and recreation facilities, structures and related school improvements (permitted only in the Crestside area identified on the concept plan as "Possible Future School Site").

**SECTION 2.3. DEVELOPMENT STANDARDS AND ARCHITECTURAL GUIDELINES.** The Residential Development Standards and Residential Architectural Guidelines for the Real Estate shall be as set forth in what is attached hereto and incorporated herein by reference as Exhibits "7" and "8" and replace and supercede the otherwise applicable provisions set forth in Exhibit "3," Exhibit "4," and other provisions of the Zoning Ordinance and amendments thereto.

**SECTION 2.4. STREETSCAPE STANDARDS.** The Streetscape Standards for the Real Estate shall be set forth in what is attached hereto and incorporated herein by reference as Exhibit "9" and to the extent they conflict with those set forth in Exhibits "3," "4," and other provisions of the Zoning Ordinance and amendments thereto, they shall replace and supercede those Ordinances and amendments thereto.

**SECTION 2.5. STREET STANDARDS.** The street standards pertaining to streets, private drives, driveway locations, paths, gates, road cuts, etc. for the Real Estate shall comply with the Westfield Washington Township Subdivision Control Ordinance, the Westfield Utility and Infrastructure Construction Standards and amendments thereto unless otherwise provided herein and/or in Exhibit "10" attached hereto.

**SECTION 2.6. LANDSCAPING STANDARDS.** A copy of Section WC 16.06 of the Zoning Ordinance (the "Landscaping Standards"), which were in force at the time of the filing of this Westgate PUD and which apply to the Real Estate, except as modified in this Westgate PUD, have been attached hereto and made a part hereof as Exhibit "11". Attached hereto and

incorporated herein by reference as Exhibit "12" are the landscaping standards for the Real Estate (the "Westgate Landscaping Standards"). To the extent the Westgate Landscaping Standards conflict with those set forth in the Landscaping Standards or any other Zoning Ordinance in force at the date of the filing of the Westgate PUD they shall replace and supercede those standards.

**SECTION 2.7. AMENITIES AND MEMBERSHIPS.**

A. **Amenities.** The following amenities shall be provided on the Real Estate:

- (1) Recreational Trails and Pathway System;
- (2) Focal Parks (to highlight focal points and view sheds);
- (3) Outdoor Plaza;
- (4) Decorative Benches;
- (5) Playground Area
  - a. 1,200 minimum square feet and equipment as shown on Exhibit "15"
- (6) Gazebo and Pedestrian Bridge;
- (7) Lake Pavilion Poolhouse Facility;
- (8) Adult Swimming Pool;
- (9) Activity Pool; and
- (10) Basketball Court

The Westgate Commons Area as shown on the Concept Plan will include the lake pavilion poolhouse facility, outdoor plaza, decorative benches, adult swimming pool, activity pool, parking area and pathway system, and it shall be as shown on the Westgate Commons Conceptual Plan, attached as Exhibit "16". For Amenity Improvement Procedures, see Exhibit "17".

B. **Membership.** All property owners within the residential areas of the Real Estate shall automatically, upon taking title to the property, become a member of a Property Owners Association.

**SECTION 2.8. SIGNAGE.** The Sign Standards are attached hereto and incorporated herein as Exhibit "18".

**SECTION 2.9. OUTDOOR LIGHTING.** The Real Estate shall be developed in compliance with Exhibit "19", the Town's "Lighting Standards" set forth in Section WC 16.07 of the Zoning Ordinance in effect at the date of filing of this Westgate PUD.

Upon motion duly made and seconded, this Westgate PUD was fully passed by the members of the Westfield Town Council this \_\_\_ day of \_\_\_\_\_, 2006.

TOWN COUNCIL, TOWN OF WESTFIELD

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\_\_\_\_\_

John Hart  
Ron Thomas  
Bob Smith  
David Mikesell  
Teresa Skelton

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\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer  
Town of Westfield, Indiana

Prepared by: Steven D. Hardin, Attorney at Law, BAKER & DANIELS, LLP, 970 Logan Street, Noblesville, Indiana, 46060, (317) 569-4833

**WESTGATE PUD**

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## EXHIBIT 1

### LAND DESCRIPTION

A part of Section 4 and part of the Southeast Quarter of Section 5 both in Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 4; thence North along the West line thereof 1,320 feet, more or less, to the Northwest corner of said Quarter, Quarter Section; thence South 89 degrees 20 minutes 05 seconds West along a fence line and extension thereof 1,329.94 feet to a point on the West line of the East Half of the Southeast Quarter of Section 5; thence North 00 degrees 00 minutes 00 seconds East along said West line 435.51 feet; thence North 35 degrees 06 minutes 00 seconds East on and along the centerline of Little Eagle Creek Avenue and a prolongation thereof 95.45 feet; thence South 89 degrees 10 minutes 53 seconds East 383.81 feet; thence North 01 degrees 48 minutes 00 seconds West 143.10 feet to a point which is South 77 degrees 48 minutes 00 seconds East 251.00 feet from the centerline of Little Eagle Creek Avenue; thence North 00 degrees 14 minutes 00 seconds West 304.07 feet to a point being South 00 degrees 06 minutes 20 seconds East 367.70 feet from the North line of the aforesaid Half Quarter of Section 5; thence North 89 degrees 30 minutes 00 seconds East parallel with said North line 895.19 feet to a point on the East line of said Half Quarter Section, said point also being on the West line of the Southwest Quarter of the aforesaid Section 4; thence North along said West line 367.70 feet to the Northwest corner of said Southwest Quarter Section; thence North along the West line of the Northwest Quarter of Section 4 a distance of 642.75 feet to the centerline of Little Eagle Creek Avenue; thence along said centerline by the following five (5) courses; 1) North 54 degrees 10 minutes 48 seconds East 174.80 feet; 2) North 59 degrees 25 minutes 28 seconds East 326.81 feet; 3) North 52 degrees 38 minutes 37 seconds East 271.97 feet; 4) North 44 degrees 51 minutes 10 seconds East 250.15 feet; 5) North 42 degrees 48 minutes 32 seconds East 90.07 feet to a point on the North line of the South Half of the Southwest Quarter of Section 4; thence East along said North line to the Northeast corner thereof; thence North along the West line of the Northeast Quarter of Section 4 to a point on the centerline of the Midland Railroad; thence East along said centerline 906.84 feet; thence South parallel with the West line of the Northeast Quarter of said Section 4 a distance of 1,153.68 feet to a point on the North line of the South Half of the Southwest Quarter of the Northeast Quarter of Section 4; thence East along said North line to the Northeast corner of said Half Quarter, Quarter; thence South along the East line thereof the Southeast corner of said Half Quarter, Quarter; thence West along the South line of said Half Quarter, Quarter to a point being 326.32 feet East of the Southwest corner thereof; thence North parallel with the West line of said Half Quarter, Quarter 400.47 feet; thence West parallel with the South line thereof 326.32 feet to a point on the West line of said Half Quarter, Quarter; thence South along said West line 136.47 feet; thence West parallel with the South line of the Northwest Quarter of Section 4 a distance of 380 feet; thence South 370 feet to a point 380 feet West of the East line of the Southwest Quarter of said Section 4; thence East parallel with the North line of said Southwest Quarter 380 feet to a point on the East line thereof; thence South along said East line to the Southeast corner of the North Half of the Southwest Quarter of said Section 4; thence West along the South line thereof 1,320 feet, more or less, to the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 4; thence South along the East line thereof 1,320 feet, more or less, to the Southeast corner of said Quarter, Quarter Section; thence West along the South line thereof 1,320 feet, more or less, to the place of beginning.

**EXHIBIT 2**  
**DEFINITIONS**

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

1. Area. Residential Area, and/or Institutional Area as identified in the Westgate PUD.
2. Building Height. Building height shall be measured (i) from the average ground level at the foundation of the residence and/or structure facing the street (ii) to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Chimneys, elevators, tanks, and other similar structures shall not be included in calculating height.
3. Concrete Fiber. Concrete reinforced by plastic or wood fiber to increase durability.
4. Declaration. A Declaration of Covenants, Conditions and Restrictions for one (1) or more Areas of the Real Estate which shall be recorded in the office of the Recorder of Hamilton County, Indiana, and which may be from time to time amended.
5. Developer. The Developer shall be the entities engaged in the development of the Areas within the Real Estate, and the successors or assigns of such entities.
6. Dormer. Projecting framed structure set vertically on the rafters of a pitched roof, with its own roof (pitched or flat), sides (dormer cheeks), and a window set vertically in front.
7. DPR. The process of Development Plan Review as specified in Section 16.04.165 of the Zoning Ordinance at the date of the Westgate PUD filing attached hereto as Exhibit 4.
8. External Street. 166<sup>th</sup> Street, Town Road, Little Eagle Creek Avenue and Eagletown Road.
9. Front Load Garage. Garages which (i) are not at an angle from the primary residence to which they are attached, but, instead, (ii) are parallel with the front elevation of the primary residence to which they are attached.
10. Gable. That part of the end wall of a building between the eaves and a pitched or gambrel roof.
11. Hip Roof. Roof with all sides sloping and meeting at hips.

12. Internal Street. Any Public Street, Private Street, or Shared Drive other than an External Street.
13. Masonry. Wall building material, such as brick or stone which is laid up in small units or blocks.
14. Model Home. Dwelling temporarily used in the connection with the sales of similarly built residential dwellings that will eventually be sold as a residential dwelling.
15. 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 and recreation areas. Open Space shall not include land within a platted building lot nor required retention ponds. Open Space shall be located generally in the areas as denoted on the Concept Plan, which supercedes the Green Belt Space, Secondary Green Space, and all other Open Space requirements set forth in the Zoning Ordinance. Any of the area of this Westgate PUD (except for required retention ponds) that is dedicated to a Home Owners Association, the public, or whose ownership is transferred to a municipal entity for public use, including rail rights-of way, shall be factored into the total amount of Open Space.
16. Preserved Woodland Area. The areas of land within the Westgate PUD preserved in its natural state containing mature trees.
17. Rakes. The inclined edge of a sloped roof over a wall from the eave to the ridge.
18. Shed Roof. A roof shape having only one sloping plane.
19. Sign Ordinance. The Sign Ordinance of Westfield and Washington Township in force on the date of the filing of this Westgate PUD.
20. Subdivision Control Ordinance. The Subdivision Control Ordinance of the Town of Westfield and Washington Township in force at the time of the filing of this Westgate PUD.
21. Water Table. Inclined surface on a projection, such as a plinth, or a buttress offset.
22. Zoning Ordinance. The Town of Westfield and Washington Township Zoning Ordinance.

WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

WC § 16.04.030 Residential Districts

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

1. Partial use of alley for yard: One-half of an alley abutting the rear or the side of a lot may be included in the required rear yard or side yard, respectively, if the alley has not been developed for the carrying of traffic.
2. Accessory buildings and uses:
  - a) Accessory buildings are permitted in all districts, but not prior to the erection of the principal building
  - b) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard, and without the issuance of any permit.
  - c) Accessories such as large ground microwave antenna dishes are not permitted in front or side yards; however, a satellite receiver antenna which is two feet in diameter or less may be installed in any location in accordance with the provisions of IC 36-7-4-201.1.
  - d) Windmills for the generating of electric power are not permitted in any residential district except AG-SF 1 without receiving approval as a special exception.
3. Building Lines:
  - a) Where 25 percent or more of the lots in a block frontage are occupied by buildings the average setback of such buildings determine the location of the building line for the block frontage in lieu of the setback lines contained in this chapter.
  - b) Building lines established in a recorded subdivision shall establish the setback of buildings in such subdivisions, except when such building lines may be less restrictive than provided in this chapter.
  - c) On through lots a front building setback line is required on each street.
4. Building Height: In the single family districts limiting building height to 25 feet, a dwelling may be increased in height not to exceed 35 feet, provided that both side yards are increased an additional foot for each foot such building exceeds 25 feet in height.

B. AG-SF1 - Agriculture/Single-Family 1 - The purposes of this district are to accommodate agricultural land uses and large-lot single-family residential land uses.

1. Permitted Uses -

- Accessory buildings as related to agriculture or large lot single family residential use
- Cemeteries
- Churches
- Child care home - In accordance with IC 36-7-4-1108
- Farms and farm buildings for livestock and crops

WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

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

4. Minimum lot area -
    - Subdivisions - not less than 15,000 square feet
    - Individual lots not located in approved subdivisions - not less than 3 acres
  5. Minimum lot frontage on road -
    - Subdivisions - not less than 50 feet
    - Three acre lots - a minimum of 250 feet
  6. Minimum setback lines - all construction -
    - Front yard - Three acre lots - not less than 100 feet on  
expressways, primary arterials, and  
secondary arterials  
- not less than 80 feet on all other  
streets.  
Subdivisions - not less than 30 feet
    - Side yard - Subdivision - 12 feet except corner lots when 30 feet will  
apply also to side yards on a corner lot.  
Three acre lots - 30 feet
    - Rear yard - Subdivision - 30 feet  
Three acre lots - 30 feet
    - Minimum lot width at building line - Subdivisions - 100 feet  
Three acre lots - N/A
  7. Maximum building height - Not to exceed two and one-half stories or 35 feet whichever is lower
  8. Minimum ground level square footage, exclusive of porches, terraces and garages - Single family -
    - Single story - 1200 square feet
    - Two story - 800 square feet
    - Tri-level - 800 square feet (basement & 1st level)
    - Story and one-half - 800 square feet
  9. Parking - Off-street parking shall be provided in accordance with provisions set forth in this ordinance
- E. SF\_3 - This district is established for residential homes medium density, single family with available public water and sewer facilities.

WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

1. Permitted Uses -

- Single family dwellings
- Churches
- Public or private schools without dormitory accommodations
- Public parks - not to exceed five acres
- Fire station
- Accessory buildings as they relate to above uses
- Utilities - All utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body
- Child care home - in accordance with IC 36-7-4-1108
- Residential facility for mentally ill - in accordance with IC 12-28-4-7

2. Special Exceptions -

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

3. Permitted Home Occupations -

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

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

4. Minimum Lot Area -

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

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

6. Minimum Setback Lines -

- Front yard - 20 feet
- Side yard - 10 feet except corner lots when 20 feet will also apply to side yard on road.

WESTFIELD - WASHINGTON TOWNSHIP ZONING ORDINANCE

- Rear Yard - 30 feet
  - Minimum lot width a building line - Single family - 80 feet  
Duplexes on corner lots - 90 feet
7. Maximum building height - Not to exceed 25 feet
  8. Minimum ground level square footage, exclusive of porches, terraces and garages - Single Family -
    - Single Story - 1200 square feet
    - Two Story - 800 square feet
    - Tri-level - 800 square feet (basement & 1st level)
    - Story and one-half - 800 square feet
  9. Parking - Off-street parking shall be provided in accordance with the provisions in this ordinance.
- F. SF 4 - This district is established for higher density single family residential homes in residential areas with available state approved water and sewer facilities and such lands must be at least one-eighth (1/8) of its perimeter adjacent to the corporate limits of the town
1. Permitted Uses -
    - Single Family Dwellings
    - Churches
    - Schools - Public and private with dormitory accommodations
    - Fire stations
    - Accessory buildings as they relate to above uses
    - Utilities - All utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body
    - Child care home - in accordance with IC 36-7-4-1108
    - Residential facility for mentally ill - in accordance with IC 12-28-4-7
  2. Special Exceptions -
    - Convents, monasteries, theological schools, rectories and parish houses
  3. Permitted Home Occupations -
    - Art studio
    - Dressmaking
    - Professional office of a clergyman, lawyer architect, accountant, or counselor
    - Typing or other office services
    - Teaching musical instruments or dancing
    - A business conducted entirely by mail
    - Beauty shop - one chair operated by a resident
    - Home garage sales not to exceed 7 days per year
    - Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling
    - Homebound schools for 12 or less full-time or part-time children including residents of the home
    - Personal motor vehicle sales not to exceed 2 vehicles per year

WC § 16.04.165 Development Plan Review.

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

**A. Districts Designated for Development Plan Review.**

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

**B. Development Plan Authority.**

**1. Development Plan Authority Delegated to the Plan Commission.**

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

- a. any development for a use *other than* a Single Family Residential Use in a Residential District (AG-SF1, AG-SF-I, SF1, [REDACTED] SF2, SF3, SF4, SF5);
- b. any proposed development in any Multi-Family District (MF-1, MF-2);
- c. any proposed development in any Business District (GO, GO-PD, LB, LB-H, LB-PD, GB, GB-PD, SB, SB-PD);
- d. any proposed development in any Industrial District (EI, EI-PD, OI, OI-PD);
- e. any proposed development of a Single Family Subdivision (AG-SF1, AG-SF-I, SF1, [REDACTED] 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.

**WC § 16.04.165 Development Plan Review**

**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, SF1, SF2, SF3, SF4, SF5).

- a. Site Access and Site Circulation:

- (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
- (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
- (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.

Where site access has been officially approved by an agency other than the Town of Westfield, the Westfield – Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

- b. Landscaping – See WC 16.06 et seq.

- c. Lighting – See WC 16.07 et seq.

- d. Signs – See WC 16.08 et seq.

- e. Building Orientation.

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

- f. Building Materials.

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

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

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

a. Site Access and Site Circulation:

- (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
- (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
- (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the project. Multi-family projects shall be provided with internal sidewalks or pathways along all internal streets as well as sidewalks or pathways along perimeter streets. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network.

Where site access has been officially approved by an agency other than the Town of Westfield, the Westfield - Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

- b. Landscaping - See WC 16.06 et seq.
- c. Green Space Areas - See WC 16.04.040 Multi-Family Districts.
- d. Lighting - See WC 16.07 et seq.
- e. Signs - See WC 16.08 et seq.
- f. Building Materials.

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

3. Any Business District (GO, GO-PD, LB, LB-H, LB-PD, GB, GB-PD, SB, SB-PD).
- a. Site Access and Site Circulation:
- (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
  - (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
  - (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.

Where site access has been officially approved by an agency other than the Town of Westfield, the Westfield – Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

- b. Landscaping – See WC 16.06 et seq.
- c. Lighting – See WC 16.07 et seq.
- d. Signs – See WC 16.08 et seq.
- e. Building Orientation.
- (1) Each building façade visible from a public street or oriented to an adjoining Residential District shall be a finished façade.
  - (2) No loading spaces or loading docks shall be permitted to face a public street or an adjoining Residential District.
  - (3) No outside storage shall be permitted between an established building line and the right-of-way of a public street or an adjoining Residential District.
  - (4) All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.
- f. Building Materials.

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

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

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

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

a. Site Access and Site Circulation:

- (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
- (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
- (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.

Where site access has been officially approved by an agency other than the Town of Westfield, the Westfield – Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

b. Landscaping – See WC 16.06 et seq.

c. Lighting – See WC 16.07 et seq.

d. Signs – See WC 16.08 et seq.

e. Building Orientation.

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

f. Building Materials.

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

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

**WC § 16.04.165 Development Plan Review**

**5. Any Single Family Subdivision Development in a Residential District (AG-SF1, AG-SF-1, SF1, SF2, SF3, SF4, SF5).**

**a. Site Access and Site Circulation:**

- (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, *Driveway Permit Manual* (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference;
- (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; and,
- (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the subdivision. Subdivisions shall be provided with internal sidewalks or pathways along all internal streets as well as sidewalks or pathways along perimeter streets. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network.

Where site access has been officially approved by an agency other than the Town of Westfield, the Westfield – Washington Township Plan Commission shall not be compelled to include such approved access in the approval of the Development Plan.

**b. Landscaping – See WC 16.06 et seq.**

**c. Lighting – See WC 16.07 et seq.**

**d. Signs – See WC 16.08 et seq.**

**e. Building Orientation.**

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

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

- (1) Development of single family subdivisions in which single family lots are so laid out that dwellings are located with the front of the dwelling oriented toward the perimeter street of the subdivision. This design

objective may be accomplished through the utilization of frontage road in those instances where the classification of the perimeter street would prohibit individual lots from gaining direct access to the perimeter street; or,

- (2) Single family dwellings located on lots adjacent to a perimeter street of a subdivision and located so as to have a rear or side façade oriented to said perimeter street shall utilize multiple textures (e.g., rough, smooth, striated, etc.) or multiple architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each façade visible from the perimeter street; and,

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

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

f. **Building Materials. WC § 16.04.165 Development Plan Review**

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

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

**g. Development Plan as Requirement for Primary Plat Approval.**

Approval shall not be granted to any primary plat unless a development plan shall have been approved prior to or contemporaneous with the primary plat.

**E. Findings Required for Approval of a Development Plan.**

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

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

**F. Development Requirements Which May Be Waived.**

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

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

**G. Conditions for Waiver of Development Requirements.**

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

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

4. The proposed development is consistent with and compatible with other development located in the area; and,
5. The proposed development is consistent with the intent and purpose of the Westfield – Washington Township Comprehensive Plan.

H. Plan Documentation and Supporting Information.

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

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

I. Procedures.

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

- a. Pre-Filing Conference.

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

encouraged to incorporate the comments received from Staff into the design of the project prior to filing for Development Plan approval.

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

b. Who May File.

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

c. Filing Deadline.

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

d. Forms of Filing.

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

e. Findings of Fact.

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

f. Specifying Request.

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

g. Docketing by Community Services Department.

Each Development Plan filed shall be reviewed for completeness. All Development Plans which are determined to be in proper form pursuant to the guidelines established by the Community Services Department shall, within ten (10) days of filing, be numbered and docketed by the Staff for an initial hearing by the Plan Commission.

**h. Investigation of Petitions.**

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

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

**i. Notice Requirements.**

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

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

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

j. **Conduct of Public Hearings.**

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

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

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

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

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

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

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

3. Fees.

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

- a. Development Plans filed for Plan Commission approval – See WC 16.04.180 Figures; or,
- b. Development Plans filed for Director's approval – included in the building permit fee.

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

**4. Hearings.**

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

**5. Amendments.**

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

**(1) Amendments Proposed at a Public Hearing.**

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

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

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

**(2) Amendments To Development Plans Prior To Preparation of a Staff Report.**

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

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

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

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

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

c. **Amendments to Approved Development Plans.**

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

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

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

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

6. Signature for Findings.

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

J. Plan Documentation.

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

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

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

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

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

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

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

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

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

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

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

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

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

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

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

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

5. Building Elevations.

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Site Access and Site Circulation Plan (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

A Site Access and Site Circulation Plan shall be required all development, except individual single family homes. The Site Access and Site Circulation Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

- a. North arrow;
- b. Graphic scale;
- c. Address of site;
- d. Proposed name of the development;
- e. Area map insert showing the general location of the site referenced to major streets, section lines and Alternate Transportation System;
- f. Names, centerlines and right-of-way widths of all streets, alleys and easements;
- g. Location and name of all existing and proposed public or private streets, access easements and rights-of-way within two-hundred (200) feet of the site;
- h. Location of any proposed or existing driveway onto a street or alley and its width at the lot line;
- i. Depictions of all travel lanes, turning movements, vehicle storage areas and tapers, including dimensions, at all driveways;
- j. All improvements to the street system on-site and off site;
- k. Centerline measurements between all existing and proposed driveways within two-hundred (200) feet of the site;
- l. Measurement of curb radius and/or taper;
- m. Location and dimensions of primary vehicular ways in and around the proposed development;
- n. Location of any proposed or existing sidewalk or pathway;
- j. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

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

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

9. Traffic Impact Study (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

A Traffic Impact Study shall be required when a proposed development will meet or exceed the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) 150 or more dwelling units; (ii) 15,000 square feet or more of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more square feet of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or, (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction). A registered professional engineer shall prepare the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, an applicant shall meet with the Staff of the Community Development Department to determine an appropriate scope for the Traffic Impact Study.

10. Statement of Development Build-Out (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

Petitioner shall indicate, either on the submitted site plan, overall plan or in writing, a statement of: (i) the order of development of the major infrastructure elements of the project; (ii) project phase boundaries, if any; (iii) the order and content of each phase; and, (iv) an estimate the time frame for build-out of the project.

11. Green Space Provisions (Not required for individual single family dwellings or accessory residential structure on an individual lot in a Residential District).

Petitioner shall indicate, either on the submitted landscape plan or in writing, along with any necessary explanatory materials or graphics, a statement of the nature and extent of all existing and proposed green space on the real estate.

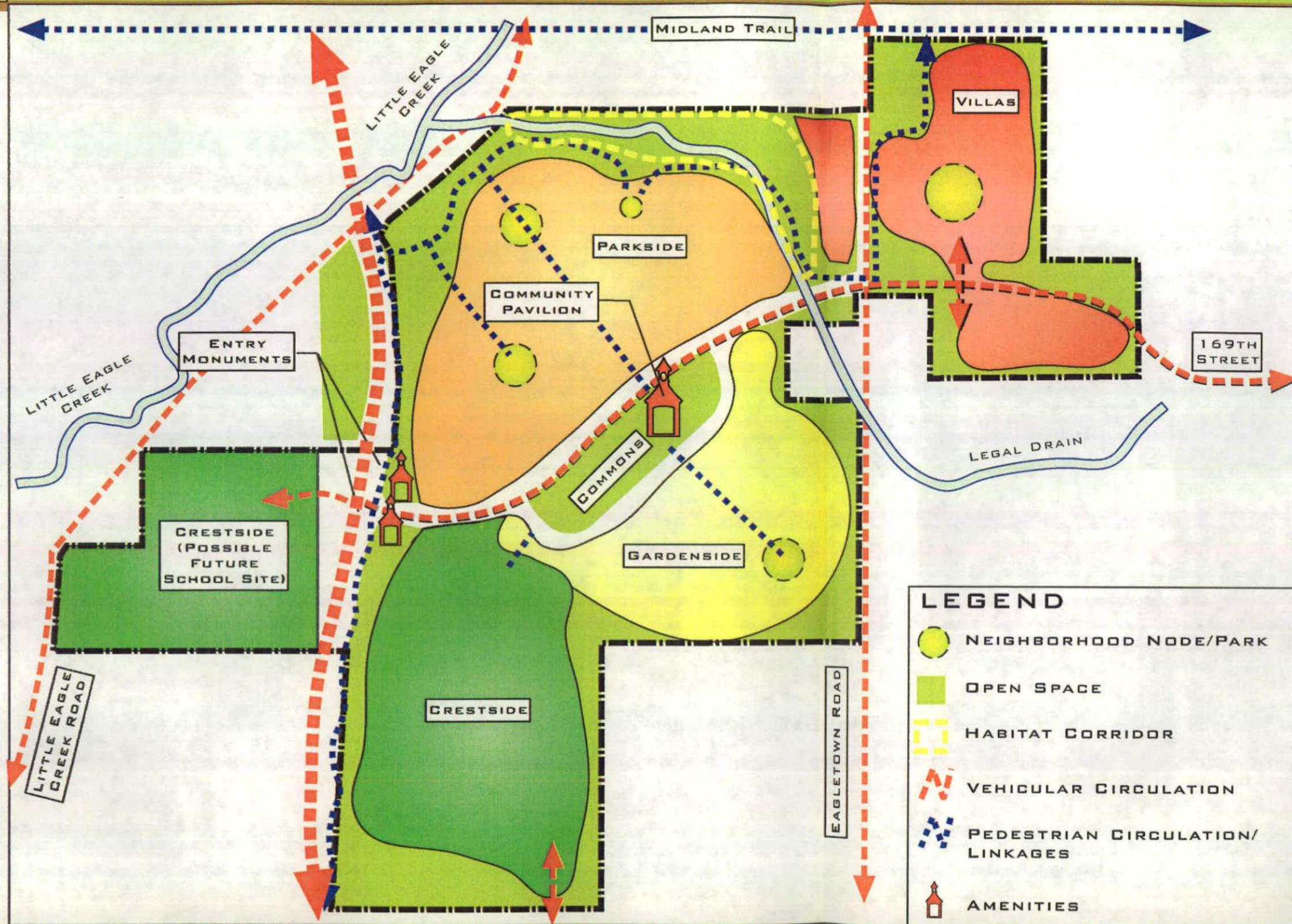
K. Transitional Rules.

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

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

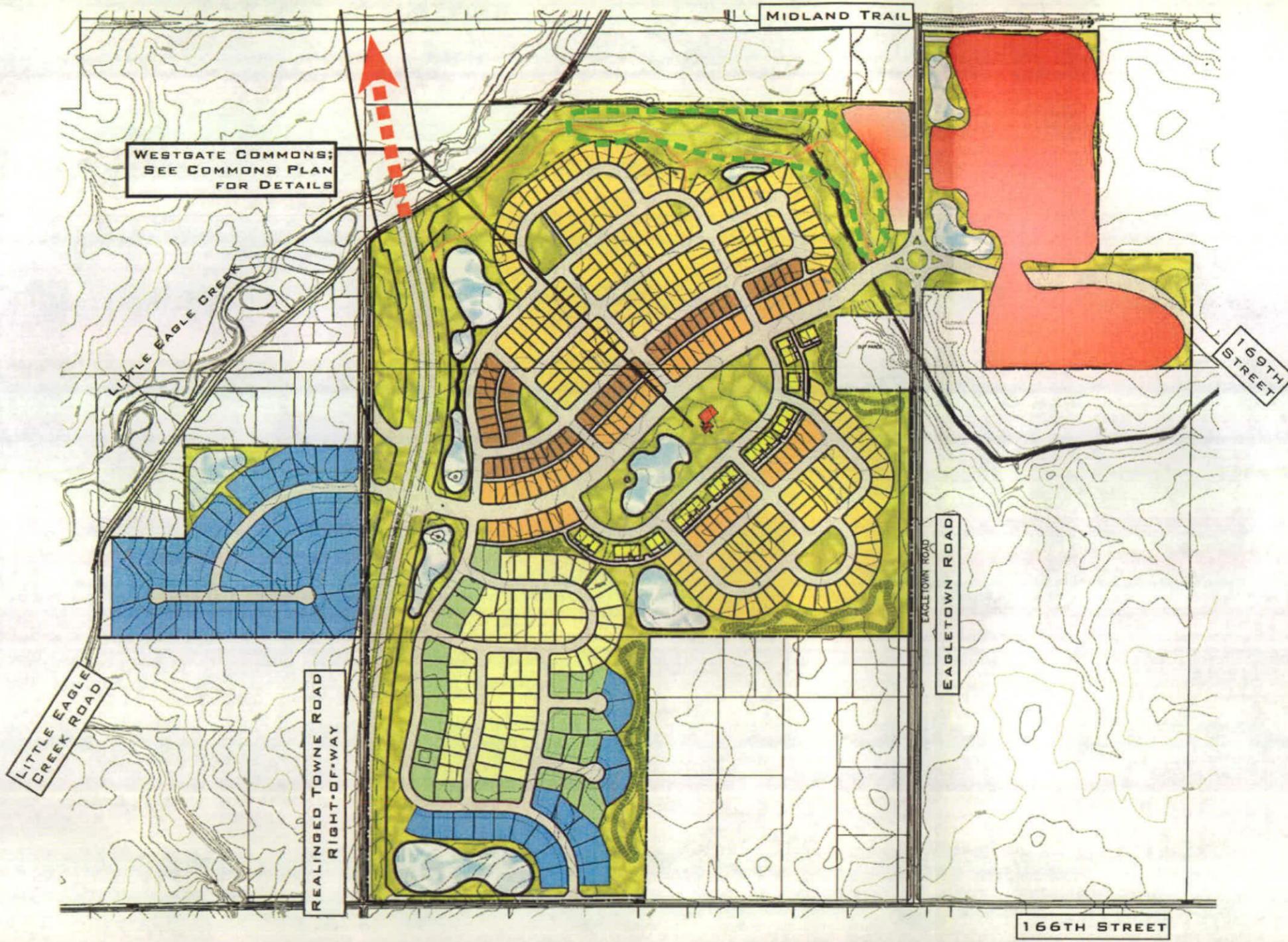
Commission. The Director may, for good cause shown, grant a one-time extension of up to one (1) year in duration to obtain substantial completion. If substantial completion has not occurred within two (2) years of the date of approval, or by the end of the one (1) year extension period if granted by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

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



**WESTGATE CONCEPT PLAN**  
 The concept for Westgate integrates several different land uses into a cohesive planned community. The larger community is comprised of smaller identifiable neighborhoods featuring a mix of housing types and unique open spaces to strengthen the sense of place. The heart of the community is a centrally located 8 acre park that serves as a walkable recreation and social destination for all residents of Westgate. A pavilion and plaza area will function as the main civic space for the community, while an extensive pedestrian network will connect each of the homes to the Westgate commons as well as smaller more intimate neighborhood parks.

The higher density land-uses are focused closest to US 32 and occur in the villas neighborhood and as a defining element for the southern edge of Westgate Commons. Parkside and Gardenside neighborhoods feature a range of single family uses organized around smaller neighborhood nodes. The lowest density single family uses are located along the southern and western edges of the property to ease the transition to adjacent land uses.



| LEGEND |                               |
|--------|-------------------------------|
|        | ATTACHED HOMES                |
|        | ATTACHED HOMES                |
|        | 45' X 100' LOTS (REAR ENTRY)  |
|        | 50' X 110' LOTS (REAR ENTRY)  |
|        | 50' X 110' LOTS (FRONT ENTRY) |
|        | 70' X 130' LOTS               |
|        | 85' X 130' LOTS               |
|        | 100' X 180' LOTS              |
|        | HABITAT CORRIDOR              |
|        | OPEN SPACE                    |
|        | TRAILS                        |
|        | WATER FEATURES                |

**EXHIBIT 7**  
**Residential Development Standards**

|   | Crestside Neighborhood                |                        |                        | Gardenside Neighborhood |                        |                | Parkside Neighborhood  |                        |                        | Villas Neighborhood    |                        |                |
|---|---------------------------------------|------------------------|------------------------|-------------------------|------------------------|----------------|------------------------|------------------------|------------------------|------------------------|------------------------|----------------|
| Land Use                                    | Single-Family Detached <sup>1,2</sup> | Single-Family Detached | Single-Family Detached | Single-Family Detached  | Single-Family Detached | Attached Homes | Single-Family Detached | Attached Homes |
| Garage Orientation                          | Side Load                             | Side Load              | Front Load             | Front Load              | Rear Load              | Rear Load      | Front Load             | Rear Load              | Rear Load              | Front Load             | Rear Load              | Rear Load      |
| Min. SF/Unit                                | 3,000                                 | 2,350                  | 2,250                  | 1,850                   | 1,850                  | 1,600          | 1,850                  | 1,850                  | 1,500                  | 1,850                  | 1,850                  | 1,200          |
| Min. Lot Width <sup>3</sup> (ft.)           | 100'                                  | 85'                    | 70'                    | 50'                     | 50'                    | N/A            | 50'                    | 50'                    | 45'                    | 50'                    | 50'                    | N/A            |
| Min. Lot Depth (ft.)                        | 180'                                  | 130'                   | 130'                   | 110'                    | 100'                   | N/A            | 110'                   | 100'                   | 100'                   | 110'                   | 100'                   | N/A            |
| Min. Road Frontage <sup>4</sup>             | 30'                                   | 30'                    | 30'                    | 30'                     | 30'                    | N/A            | 30'                    | 30'                    | 30'                    | 30'                    | 30'                    | N/A            |
| Min. Lot Area (SF) <sup>5</sup>             | 18,000                                | 11,000                 | 9,100                  | 5,500                   | 5,500                  | N/A            | 5,500                  | 5,500                  | 4,500                  | 5,500                  | 5,500                  | N/A            |
| Max. Lot Coverage (%)                       | 15                                    | 25                     | 28                     | 35                      | 41                     | N/A            | 35                     | 41                     | 42                     | 35                     | 41                     | N/A            |
| Min. Front Yard (ft.)                       | 35'                                   | 25'                    | 25'                    | 15'                     | 15'                    | 10'            | 15'                    | 15'                    | 10'                    | 15'                    | 15'                    | 10'            |
| Min. Rear Yard (ft.)                        | 30'                                   | 30'                    | 30'                    | 20'                     | 20'                    | 20'            | 20'                    | 20'                    | 20'                    | 20'                    | 20'                    | 20'            |
| Min. Side Yard (ft.)                        | 10'                                   | 6'                     | 6'                     | 6'                      | 6'                     | 6'             | 6'                     | 6'                     | 6'                     | 6'                     | 6'                     | 6'             |
| Min. Building Separation (ft.) <sup>6</sup> | 20'                                   | 12'                    | 12'                    | 12'                     | 12'                    | 12'            | 12'                    | 12'                    | 12'                    | 12'                    | 12'                    | 12'            |
| Max. Building Height                        | 35'                                   | 35'                    | 35'                    | 35'                     | 35'                    | 35'            | 35'                    | 35'                    | 35'                    | 35'                    | 35'                    | 45'            |
| Appx. Acreage <sup>7</sup>                  |                                       | 72.7                   |                        |                         | 41.9                   |                |                        | 81.0                   |                        |                        | 36.3                   |                |
| Max. Dwelling Units                         | N/A                                   | N/A                    | 60                     | 77                      | 26                     | 80             | 168                    | 41                     | 60                     | 24                     | 20                     | 190            |

**Total Maximum Dwelling Units: 748<sup>8</sup>**

**Total Maximum Attached Units: 264**

<sup>1</sup> If the portion of Crestside that is west of Towne Road is developed residentially, then the standards for 100' wide lots shall apply.

<sup>2</sup> In the portion of Crestside that is east of Towne Road, the standards for 100' wide lots shall apply to a minimum of 18 lots.

<sup>3</sup> Lot Width refers to minimum lot width at the building line for single-family detached homes. This standard does not apply to single-family attached homes.

<sup>4</sup> Road frontage refers to lineal feet of lot frontage abutting a right-of-way as measured at the right-of-way line. On curves and cul-de-sacs, this standard may be reduced to 20'. This standard does not apply to single-family attached homes.

<sup>5</sup> Minimum Lot Area refers to minimum lot area for single-family detached homes. This standard does not apply to single-family attached homes.

<sup>6</sup> One-Hour Firewall required if building separation is 12 feet.

<sup>7</sup> Variations of up to 15% shall be permitted; however, the total number of residential dwelling units shall not exceed 748.

<sup>8</sup> 748 Total Maximum Dwelling Units if developed without a school; 715 Total Maximum Dwelling Units if developed with a school.

## EXHIBIT 8

### Residential Architectural Guidelines

A. All residential dwellings shall comply with the following standards:

(1) Exterior Surfaces:

- a. Brick, stone, stucco, concrete fiber board siding and shakes are all permitted materials on front facades, as well as rear and side elevations.
- b. No vinyl or aluminum siding will be permitted on any elevation.

(2) Roof Overhangs:

- a. Gables facing streets and roof soffits must be a minimum of 8" overhang.
- b. Rakes and eaves on sides and rear are permitted to be flush.

(3) Roof Slopes:

- a. All single-family residences shall have a minimum roof pitch of 7:12 on the primary structure.
- b. Multifamily residences are permitted to have a 5:12 pitch (as required due to depth of structure).

(4) Square Footage:

- a. All single-family residences shall be a minimum of 1,500 square feet (see residential development standards chart, Exhibit "7").
- b. All attached residences shall be a minimum of 1,200 square feet (see residential development standards chart, Exhibit "7").

(5) Driveways:

- a. All driveways to be concrete

(6) Garages:

- a. 100' wide lots: side entry
- b. 85' wide lots: side entry
- c. 70' wide lots: front entry permitted
- d. 50' wide lots: rear entry and front entry permitted, but any front entry garage must be recessed a minimum of 10' from the primary front elevation or front porch
- e. 45' wide lots: rear entry
- f. Attached Residential: rear entry

(7) Corner Lots:

- a. All residences that are on corner lots are to have at least one of the following features on the side elevation that faces the 2<sup>nd</sup> street (within the first 15' of the structure):

- Wrap-around porch
- Bay windows or box-bay window
- Brick fireplace chimney
- Shutters

(8) Front Elevation Variation:

- a. Front elevations on the same plan may not be duplicated for two home sites on each side of the residence on the same side of the street. Also, elevations for the same plan may not be duplicated for three houses across the street from the residence (Please refer to the illustration below).



B. Design Requirements:

- (1) All single-family detached residences shall have architectural styles that fall into one of the three listed categories
- (2) Two (2) items from the below list must be included in addition to the required features, marked with an asterisk:

a. **TRADITIONAL (an illustrative elevation is attached as Exhibit A)**

Required Elements:

- \* Roof features such as roof returns, dormers, reverse gables, roof accent or covered entry
- \* Architecturally enhanced trim moldings (i.e. door and window header pieces, gable louvers, brick soldier courses, etc.)
- \* Higher pitched front gables facing street (typically 10:12 or 12:12)

Additional Elements (include at least two):

- Front porch
- Bay windows and/or turrets
- Panel or louvered shutters
- Concrete fiberboard siding or brick or mixed elevations
- Metal or shingle porch roofs, bays and roof returns
- Mixed materials on elevations (i.e. brick/stone/siding/stucco)

**b. TIMELESS GEORGIAN (an illustrative elevation is attached as Exhibit B)**

Required Elements:

- \* Formalized elevations with symmetrical and some asymmetrical components
- \* Classically enriched architectural detailing/trim mouldings (i.e. door and window header pieces, gable louvers, brick soldier courses, etc.)
- \* Higher pitched front gables facing street (typically 10:12 or 12:12)

Additional Elements (include at least two):

- Dormers
- Bay windows
- All brick elevations, all concrete fiber board siding elevations or mixed brick/siding elevations
- Porches, covered entry or flush entry with heavy pediment
- Palladian or Venetian style windows over entry
- Square or round columns on front porches
- Metal or shingle porch roofs, bays and roof returns
- Brick quoins and/or other brick detailing
- Dentil molding, crown molding, or other frieze trim
- Panel or louvered shutters

**c. CRAFTSMAN (an illustrative elevation is attached as Exhibit C)**

Required Elements:

- \* Exposed structural detailing (i.e. gable brackets and/or other gable detailing features)
- \* Lower pitched front gables facing street (typically 7:12 or greater than 9:12)

Additional Elements (include at least two):

- Brick detailing (i.e. soldier courses, header courses, etc.)
- Board & Batton or louvered shutters
- Mixed materials on elevations (i.e. brick/stone/siding/shakes/stucco)
- Tapered columns, box columns on front porches
- Shed, hip or gabled dormers
- Stone water tables, columns, and façade features
- Bay windows
- Front porch

**C. Illustrative Elevations**

- (1) Conceptual illustrative elevations of homes that could be built within Westgate are attached at Exhibit D.

EXHIBIT A

# Architectural Styles



## *Traditional*



EXHIBIT B

# Architectural Styles



## *Timeless Georgian*

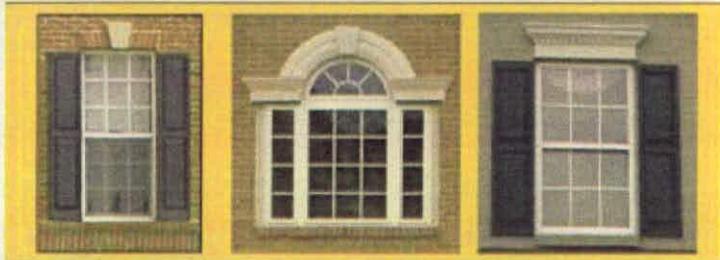


EXHIBIT C

# Architectural Styles



## *Craftsman*



EXHIBIT D

# Home Styles



*Village Homes*



Townhomes

Carriage Homes



# Home Styles



## *Garden Homes*



# Home Styles



## *Garden Homes*



# Home Styles



## *Cottage Homes*



# Home Styles



## *Estate Homes*



# Home Styles



## *Estate Homes*



EXHIBIT 9

STREETSCAPE STANDARDS

- A. Dusk to Dawn Lights. The builder on each lot shall supply and install a light on such lot at a location, having a height and of a type, style and manufacturer approved by the Developer or Home Owners Association. Each such light shall either be pole mounted in the front yard of a lot or attached as a carriage light to the residence, and shall be equipped with a photo electrical cell or similar device to ensure automatic illumination from dusk to dawn. Each light shall be maintained in proper working order by the owner of each lot or unit. Illumination intensity for fixtures without full shielding shall be limited to 120 watts for incandescent bulbs or an equivalent illumination for other types of bulbs.
- B. Street Lights. At the Developer's discretion, custom and/or architectural streetlights may be substituted for standard streetlights specified in the Subdivision Control Ordinance. Such custom and/or architectural streetlights shall be installed at the developer's expense and maintained by the Home Owners Association for the area in which they exist. Streetlights may be permitted to be 16 feet tall and must comply with the full shielding requirements of Westfield's Lighting Standards.
- C. Street Signage. At the Developer's discretion, the Developer shall be permitted to substitute custom signage for standard street signage specified in the Subdivision Control Ordinance. Such custom signage shall be installed at the developer's expense and maintained by the Home Owners Association for the area in which they exist.
- D. Gas Lights. Gas lights may be used without shielding.

**EXHIBIT 10**

**STREET STANDARDS**

- A. A roundabout at the intersection of 169<sup>th</sup> Street and Eagletown Road shall be designed for a speed less than 30 MPH.
- (1) Approaches shall be designed at a speed of 30 MPH.
- B. Local public street rights-of-way within the development shall be permitted to be 50' in width.
- C. Local public streets with on-street parking on one side of the road shall be permitted to be 28' in width back of curb to back of curb.
- (1) On-street parking shall be limited to one side of the road.
- (2) Parking along 169<sup>th</sup> Street shall be agreed upon by the Westfield Public Works Department and the developer.
- D. Local public streets without on-street parking shall be permitted to be 24' in width back of curb to back of curb.
- E. Planting strips a minimum of 6' in width between curbs and sidewalks and as illustrated in Exhibit "21" shall be permitted.
- (1) Plantings shall be located a minimum of 4' from the curb.
- (2) Plantings shall be located a minimum of 2' from the sidewalk.
- (3) Plantings in the right-of-way shall be selected from the Westfield Public Works Department's list of allowable species.
- F. Curvature measured along the centerline of local streets on the Real Estate shall have a minimum radius of 150', unless otherwise agreed upon by the Westfield Public Works Department or the developer.
- G. Horizontal visibility on curved streets and vertical visibility on all streets must be

maintained at a minimum of 150' along the centerline of local streets on the Real Estate.

- (1) Any horizontal curve radius less than 150 feet shall be signed with warning signs for slower speeds and sharp turns ahead.

- H. Driveways shall be permitted to be located closer than 75' from the intersection of two street lines, provided that they are located on the furthest side of the lot from said intersection.
- I. Utility easements adjacent to rights-of-way shall be permitted to be a minimum of 10' in width.
- J. Utility easements not adjacent to rights-of-way must be determined based upon size and depth of pipe and agreed upon by the Westfield Public Works Department.
- K. Private alleys shall have a minimum ingress/egress easement of 20' in width.
  - (1) Alleys shall have a minimum width of pavement of 14'.
  - (2) Alleys shall be posted with a 10 MPH speed limit.
  - (3) Curbs shall not be required in alleys.
- L. In order to maintain design flexibility within the Westgate PUD, the specifications of public streets on the Real Estate may vary from the otherwise applicable street standards and construction standards of the Town of Westfield. Any variations must be approved by the Director of the Department of Public Works.

Chapter 6. Landscaping Standards

WC 16.06.010 - General Landscaping Provisions

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

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

B. Applicability

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

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

1. Landscape plans shall be submitted for all required green belt buffer areas, buffer yards, conservation easements, landscape easements, and areas owned in common within proposed developments. It is recommended that landscape plans be prepared by licensed landscape architects, nurserymen, or other professionals experienced in landscape design, installation, and maintenance. A narrative describing ownership, use, and maintenance responsibilities of these areas should be specified in the submittal.
2. Landscape plans shall show the entire project drawn to scale on standard sized sheets (minimum 24" x 36") and shall contain the following information:
  - a. Names and addresses of owners, developers, plan preparers, plan preparation dates, scale of drawings, and north arrows;
  - b. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;

- c. Locations, quantities, sizes, and names (botanical names and common names) – of planting materials;
  - d. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;
  - e. Locations of barriers to be placed at or beyond drip lines of trees to be preserved and types of materials to be used for barriers;
  - f. Planting and installation details as necessary to ensure conformance with required standards;
  - g. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill; and
  - h. Tables clearly displaying relevant statistical information, including numbers of existing trees and numbers of trees preserved, for example.
3. Standard size sheets at the same scale as landscape plans that display locations, sizes, and common names of existing individual trees that measure twelve (12) inches or more in caliper, areas of dense trees or shrubs, and other natural areas.
- D. Modifications - When a change in use occurs, or when modifications that require a building permit are made to existing structures, landscaping shall be required to be installed in a manner that is comparable in nature and extent to the impact of the proposed change or modification.

**WC 16.06.020 - Preservation and Replacement of Trees**

- A. Developers shall take reasonable measures to design and locate proposed structures in a manner that minimizes the destruction of significant tree specimens.
- B. Prior to site development plan approval or the issuance of a building permit, developers shall inventory all trees which possess a caliper measure of at least twelve (12) inches. Tree inventories shall depict locations, sizes, and common names of existing trees and individual shrubs; areas containing dense trees or shrubs; and other natural site features. Existing trees that are to be preserved shall be credited toward required landscaping requirements based on the sizes of such preserved trees.
- C. The following considerations shall be made in regard to tree preservation efforts:
  1. The practicability of arranging site plan components around existing features.- Plans for groups of structures should be designed so as to preserve areas of high tree concentrations, desirable individual tree specimens, and desirable stands of trees and shrubs;
  2. The condition of vegetation with respect to continued vitality;
  3. The possibility of preserving vegetation through pruning rather than removal.
  4. The desirability of a particular tree or species by reason of its appearance; historic or ecological significance; botanical characteristics; and the function the vegetation would fulfill as a site plan component;
  5. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation; and
  6. The potential for interference with utility services along the use of roads and walkways.

- D. Tree preservation plans shall be submitted with site plans that detail locations, sizes, and common names of preserved trees; individual shrubs; areas of dense tree or shrub concentrations, and other natural features which are to be preserved or removed. No disturbance shall be permitted in the critical root zones of preserved trees. Disturbances include trenching, backfilling, driving or parking equipment, and dumping trash, oil, paint, or other materials detrimental to plant health.
- E. Should any tree designated for preservation die within five (5) years of project completion, the owner shall replace such tree with a tree (or trees) of equal tree preservation value within 180 days (see following paragraph for value calculation).
- F. Incentives to Preserve Trees – Existing trees that are preserved shall contribute to required on-site landscaping, based proportionally on their caliper measure. Certain "cull" species and deformed trees may not be permitted to be credited. Preserved trees under eight (8) inches in caliper shall be credited at the rate of one (1) times the caliper measure of such trees. However, trees with a caliper of less than two (2) inches shall not qualify for credit. Preserved trees between eight (8) and sixteen (16) inches in caliper shall be credited at the rate of two (2) times the caliper measure of such trees. If preserved trees possess caliper measures of sixteen (16) inches or greater, credit shall be calculated at the rate of four (4) times the caliper measure of such trees. A qualifying six (6) inch caliper preserved tree shall be credited as three (3) required two (2) inch caliper trees. A qualifying fourteen (14) inch caliper preserved tree shall be credited as twenty-eight (28) required two (2) inch caliper trees. And, a qualifying eighteen (18) inch caliper preserved tree shall be credited as thirty-six (36) required two (2) inch caliper trees.
- G. Barriers shall be used to protect trees during site development. Barriers shall be specified on landscape plans and shall be placed at or beyond the drip lines of trees to be preserved. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.
- H. Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve identified tree specimens.

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

**A. Selection**

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

**B. Installation**

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

**C. Maintenance**

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

**WC 16.06.040 - General Landscape Design Standards**

- A. Consultation - A landscape architect, nurseryman, or other professional experienced in the installation and care of plant materials shall be consulted to ensure that proposed plants are appropriate and will survive.
- B. Scale and Nature of Landscaping - The scale and nature of landscaping materials shall be appropriate to the size of proposed structures. Large-scale buildings should be complemented by large-scale plants. Form, texture, color, pattern of growth, and adaptability to local conditions shall be considered when selecting plant materials.
- C. Clearance - Trees shall be planted so that when they reach maturity, there will be a minimum of ten (10) feet of clearance between tree trunks and structures, building overhangs, walls, fences, and other trees.

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

**WC 16.06.050 - On-Site and Street Frontage Landscaping Requirements**

**A. On-Site Standards**

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

The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted are set forth in Table 16.06.050-01.

**Table 16.06.050-01: Minimum On-Site Requirements**

| Land Use Type | Plant Materials |                               |        |
|---------------|-----------------|-------------------------------|--------|
|               | Shade Trees     | Ornamental or Evergreen Trees | Shrubs |
|               |                 |                               |        |

|                                       |                     |                     |                     |
|---------------------------------------|---------------------|---------------------|---------------------|
| Single-Family Residential             | 4 per dwelling unit | 2 per dwelling unit | 4 per dwelling unit |
| Multi-Family in MF 1&2 districts only | 1 per dwelling unit | 1 per dwelling unit | 4 per dwelling unit |
| Institutional Uses                    | 2 per acre          | 3 per acre          | 10 per acre         |
| Business Uses                         | 10 per acre         | 10 per acre         | 25 per acre         |
| Industrial Uses                       | 5 per acre          | 5 per acre          | 25 per acre         |

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

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

Trees required to be planted in interior parking lot landscaping areas may be counted toward meeting on-site landscaping requirements as set forth in the table above. Identified acreage for constructed athletic fields and courts (including the adjacent perimeter for coaching and spectator viewing), and constructed playgrounds with equipment may be subtracted from the total acreage before computing on-site requirements.

5. Trees should be grouped together whenever possible to simulate natural tree stands, versus trees being planted in straight rows.
6. Required trees and plantings within residential land uses must be planted somewhere within such residential land uses. Required trees and plantings within such land uses are not intended to be requirements per each lot, but are intended to be aggregate requirements per subdivision section or per multi-family development.
7. Required trees and plantings within non-residential land uses must be planted per each lot requirement. Trees and plantings are not credited to overall development requirements.
8. Existing trees or woodlands that are preserved may be counted toward minimum planting requirements.

**B. Road Frontage Standards**

1. In residential developments, where property abuts primary arterials, secondary arterials, or collector roads not internal to subdivisions, at least one shade tree per thirty (30) linear feet of road frontage shall be planted adjacent to road rights-of-way. Trees planted along road frontage in residential developments may be credited toward overall on-site landscaping requirements set forth in Table 16.06.050-01.
2. In non-residential developments where property abuts any public right-of-way, at least one shade tree per forty (40) linear feet of road frontage shall be planted adjacent to road

rights-of-way. Trees planted along road frontage in non-residential developments may be credited toward overall on-site landscaping requirements set forth in Table 16.06.050-01.

3. Shade trees required to be planted along road frontage shall be located outside drainage and utility easements, shall be located in a manner that mitigates interference with infrastructure located within such easements and may be clustered or grouped in order to attain creative site design.
4. When evergreen and/or ornamental trees are preserved along road frontage and qualify for preservation credit, they may count 1:1 toward road frontage requirements.

**WC 16.06.060 - Buffer Yard Requirements**

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

Table 16.06.060 - 01 : Minimum Required Buffer Yard

| Land Uses  | Adjoining |                          |                  |           |                  |    |   |            |                  |                  |
|--|-----------|--------------------------|------------------|-----------|------------------|----|---|------------|------------------|------------------|
|  | AG        | SF<br>AG-SF1<br>AG-SF1-I | SF<br>SF1<br>SF2 | SF<br>SF3 | SF<br>SF4<br>SF5 | MF | Institutional<br>Churches<br>Schools<br>Gov't Offices | Commercial | Industrial<br>EI | Industrial<br>OI |
| <b>AG</b>  | -         | 40                       | 40               | 40        | 40               | 40 | 15  | 15         | 15               | 15               |
| <b>SF</b><br>AG-SF1<br>AG-SF1-I                              | 40        | -                        | 20               | 20        | 20               | 20 | 40  | 40         | 40               | 40               |
| <b>SF</b><br>SF1<br>SF2                                      | 40        | 20                       | -                | 20        | 20               | 20 | 40  | 40         | 40               | 40               |
| <b>SF</b><br>SF3   | 40        | 20                       | 20               | -         | 20               | 20 | 40  | 40         | 40               | 40               |
| <b>SF</b><br>SF4<br>SF5                                      | 40        | 20                       | 20               | 20        | -                | 20 | 40  | 40         | 40               | 40               |
| <b>MF</b>  | 40        | 20                       | 20               | 20        | 20               | -  | 40  | 40         | 40               | 40               |
| <b>Institutional</b><br>Churches<br>Schools<br>Gov't Offices | 15        | 40                       | 40               | 40        | 40               | 40 | -   | 15         | 40               | 40               |
| <b>Commercial</b>  | 15        | 40                       | 40               | 40        | 40               | 40 | 15  | -          | 15               | 15               |
| <b>Industrial</b><br>EI                                      | 15        | 40                       | 40               | 40        | 40               | 40 | 40  | 15         | -                | 15               |
| <b>Industrial</b><br>OI                                      | 15        | 40                       | 40               | 40        | 40               | 40 | 40  | 15         | 15               | -                |

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

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

**WC 16.06.070 - Parking Area Landscaping**

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

**A. Interior Parking Lot Landscaping**

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

Table 16.06.070 - 01 : Percentage of Parking Lot Landscaping

| Number of Proposed Parking Spaces | Percentage of Area to be Landscaped |
|-----------------------------------|-------------------------------------|
| 0 to 4                            | 0 %                                 |
| 5 to 24                           | 5 %                                 |
| 25 to 49                          | 7.5 %                               |
| 50 or more                        | 10 %                                |

**2. Parking Lot Islands**

- a. Parking lot islands shall be dispersed throughout parking lots in a design and configuration that aesthetically corresponds to the size and shape of parking lots. Combining or placing parking lot islands together such that more than one tree may be planted in the island shall be considered when possible.

- b. Parking lot islands shall be constructed at least six (6) inches above the surface of parking lots; they shall be a minimum of one hundred twenty (120) square feet in area; and they shall be a minimum of seven (7) feet in width, measured from back of curb to back of curb.
  - c. Interior landscaped areas shall be curbed in a manner that restricts vehicles from driving over landscaped areas.
  - d. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking spaces to a maximum of two hundred (200) feet in length.
  - e. Parking lot islands shall include at least one (1) tree and four (4) shrubs per parking lot island. One hundred (100) percent of every parking island shall be covered with permitted groundcover material to achieve complete coverage.
  - f. No landscaping within parking lot islands may unreasonably obstruct visibility for vehicles entering, maneuvering in, or exiting parking areas. Such landscaping shall be constructed in compliance with visibility standards set forth in WC 16.04.230 2.v).
- B. Perimeter Parking Lot Landscaping
- 1. Application
    - a. Perimeter landscaping is required for parking lots with ten (10) or more spaces where:
      - 1.) the parking lot is located within a required yard; or
      - 2.) the parking lot is located within twenty (20) feet of a lot line or right-of-way line.
    - b. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings should be grouped in an aesthetically pleasing manner.
    - c. Trees required to be planted in perimeter parking lot landscape areas may be counted toward meeting total on-site landscaping requirements as set forth in Table 16.06.050-01.
  - 2. Requirements - Perimeter parking lot landscape areas shall include the following landscape improvements:
    - a. There shall be one tree per thirty (30) linear feet of parking lot length. Trees may be clustered.
    - b. There shall be one shrub per three (3) feet of parking lot length. Shrubs may be clustered.

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

## 16.06.080 - 01 Plant Characteristics Tables

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The physical and environmental characteristics for a number of landscape plants are given here. Unless otherwise noted, plants on this list are hardy in Central Indiana, tolerant of the built environment, easily

maintained, and commercially available. Other suitable plants may be commercially available as new cultivars are developed.

The tables are arranged by plant size (largest to smallest), and they specify the following characteristics:

- Evergreen Plant – useful if you want year-round interest or if you need a screen to block a view.
- Average Spread – denotes the average diameter of a plant's foliage so that you will have some idea of the mature size of a plant.
- Growth Rate – denotes the speed at which a plant will grow given typical growing conditions. (Slow = 12" or less in one year. Moderate = 12"-24" in one year. Fast = more than 24" in one year.)
- Density – denotes how easy it is to see through a plant's foliage.
- Form – denotes the shape of the plant's foliage and limbs.
- Sunlight Requirement – denotes the amount of sunlight required by a plant.
- Soil Moisture Requirement – denotes the amount of soil moisture required by a plant. (Wet = 9"-12" of water available in the soil. Moderate = 6"-9" of water available in the soil. Dry = 3"-6" of water available in the soil.)
- Comments – lists any special attributes and/or requirements for a plant. It also lists available and proven cultivars.

**EXHIBIT 12**

**WESTGATE LANDSCAPING STANDARDS**

- A. **Buffer Yards.** A forty foot (40') buffer yard, except as otherwise shown in Exhibit "13", shall be required around the perimeter of each Area except as follows:
- (1) No buffer yards shall be required:
    - a. between Areas within the Westgate PUD;
    - b. adjacent to proposed greenways and park areas; and
    - c. within easements prohibiting landscaping.
  - (2) Buffer Yards that are not additionally road frontage shall be landscaped per WC 16.06.060 paragraph C, with the exception of areas encompassed by easements prohibiting landscaping, where no landscaping shall be required.
  - (3) All buffer yards shall be within common area.
- B. **Internal Road Frontage Landscaping Standards.** Internal streets within the Real Estate shall be lined with trees, of the types determined by the Developer, and shall be spaced approximately every forty (40) to sixty (60) feet. Trees shall be located on the inside of sidewalks at locations determined by the Developer. Within 100' of an intersection, trees may be planted back of sidewalk in order to maintain vision clearance of traffic control signs. All road frontage trees shall be credited towards onsite minimum requirements.
- C. **Open Space.**
- (1) A minimum of 65 acres, approximately twenty-five percent (25%) of the gross area of the Real Estate, shall be dedicated Open Space and shall be located generally in the areas as denoted on the Concept Plan, which shall supercede the Green Belt Space, Secondary Green Space, and all other Open Space requirements set forth in the Zoning Ordinance.
    - a. If the portion of Crestside that is west of Towne Road is developed as a school site, then no more than six (6) acres may count as open space.
  - (2) Any of the area of this Westgate PUD (except for required retention ponds) that is dedicated to the Home Owners Association, the public, or whose ownership is

transferred to a municipal entity for public use, including rail rights-of way, shall be factored into the total amount of Open Space.

**D. Reforestation Buffer Yards.**

- (1) Two rows of container trees with one row of shrubs intermingled all on a standard reforestation 10 foot by 11 foot spacing will be planted as shown in Exhibit "13".
- (2) Whips (nursery stock, approximately 12 inches tall) and some container trees will be planted in the remainder of the reforestation buffer yards; whips will be planted in areas that are adjacent to existing woodlands. All reforestation planting will be on a standard reforestation 10 foot by 11 foot spacing.
- (3) Where easements are required and trees are not permitted, native grasses will be planted.
- (4) Along the Reforestation Buffer Yard exterior, as shown in Exhibit "13", one (1) sign that reads "Reforestation Area", shall be installed every four hundred (400) linear feet.
- (5) Once the construction of a section begins, all Reforestation Buffer Yard plantings within that section shall be installed within 18 months.
- (6) The trees within the Reforestation Buffer area, as identified on Exhibit "13", shall be preserved within a tree preservation easement ("Easement"), which shall be recorded. Within the Easement, no whips and trees planted pursuant to this PUD ordinance shall be removed unless the tree is damaged, diseased or dead, or required to be removed in order to comply with safety requirements of any governmental agency. If a Protected Tree is damaged or otherwise removed, except as permitted to be removed as listed above, then the responsible party shall replant the impacted area subject to the availability of space for healthy growth in the Easement.
- (7) The reforestation planting plan should be designed by a Registered Consulting Forester, Registered Consulting Arborist, Registered Landscape Architect, or the Department of Natural Resources District Forester.
- (8) The total planting should include 25% container plants of 3 gallon size or greater

with primarily native trees and shrubs of good quality and grown in the "forced air root system."

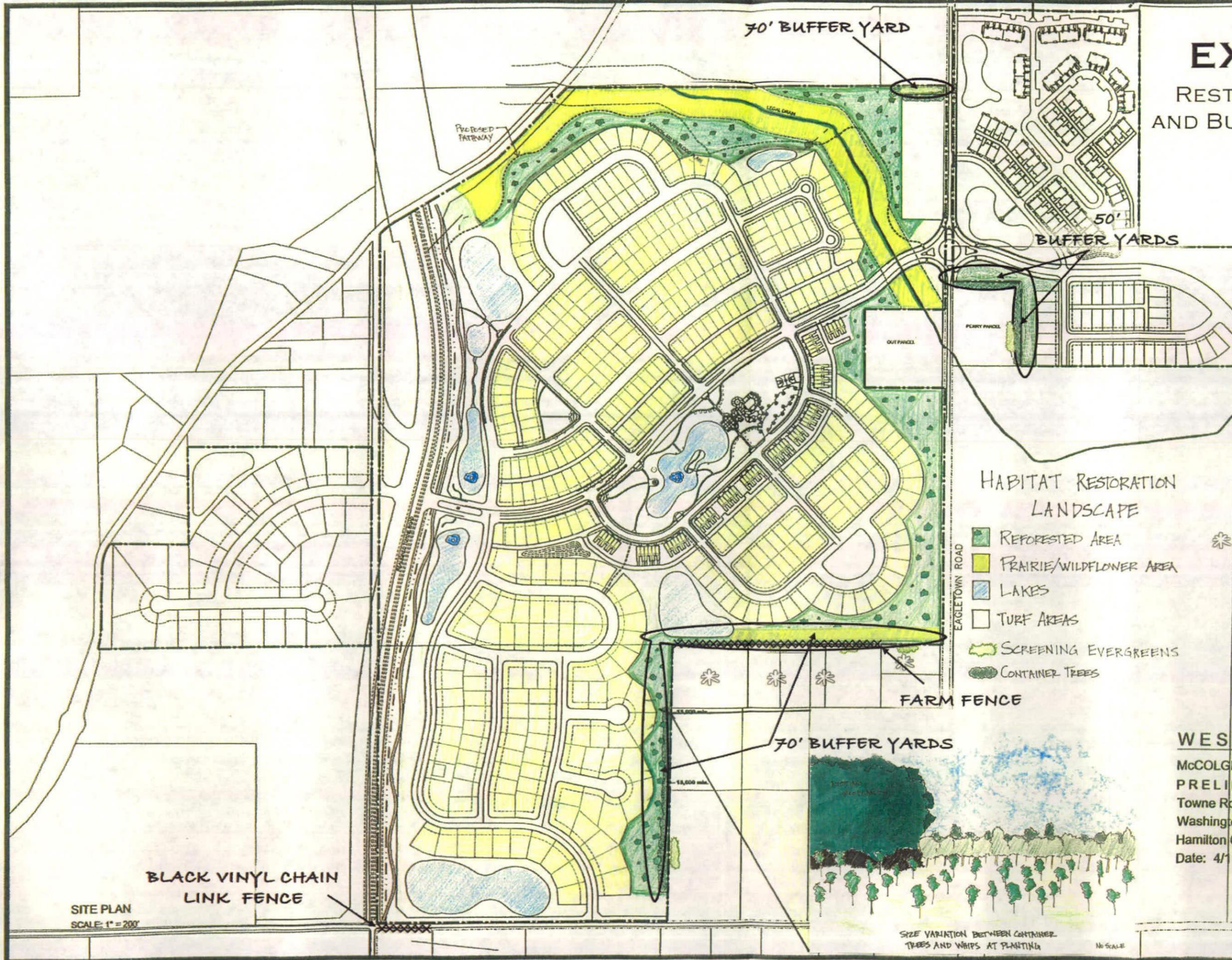
(9) Maintenance Plan

a. For a period of five years the project should receive:

- Observation
  - Trees should be observed two – three times per summer.
  - Particular attention should be paid at these observations to insure
    - ◆ That the ground cover crop is doing a good job keeping weeds at bay and that weeds are not taking over- especially thistle
    - ◆ To determine need for watering during drought periods, need for mowing between tree rows, and to look for dead trees that will need to be replaced.
    - ◆ Monitor animal damage.
    - ◆ Monitor for tree and pest damage.
- Herbicide applications
  - Overhead spray with Oust (or similar product) as needed.
- Mowing at least once per year between the rows.
- Replacement of any container trees that die and any whips (over the standard 10% mortality rate that is to be expected for this project)

# EXHIBIT 13

## RESTORATION BUFFER AND BUFFER YARD EXHIBIT



### HABITAT RESTORATION LANDSCAPE

- REFORESTED AREA
- PRAIRIE/WILDFLOWER AREA
- LAKES
- TURF AREAS
- SCREENING EVERGREENS
- CONTAINER TREES

\* Drees commits to hooking properties into regulated drain on Westgate property.

FARM FENCE

70' BUFFER YARDS



SIZE VARIATION BETWEEN CONTAINER TREES AND WHIPS AT PLANTING

NO SCALE

BLACK VINYL CHAIN LINK FENCE

SITE PLAN  
SCALE: 1" = 200'

**WESTGATE**  
 McCOLGIN PROPERTY  
 PRELIMINARY CONCEPT PLAN  
 Towne Road  
 Washington Township  
 Hamilton County, Indiana  
 Date: 4/11/06

165th street

## EXHIBIT 13

### NEIGHBOR COMMITMENTS

- A. There shall be a minimum seventy-foot (70') wide buffer yard along the southeastern property lines of the development as shown on the attached Reforestation Buffer and Buffer Yard Exhibit ("Buffer Yard Exhibit").
- B. There shall be a minimum seventy-foot (70') wide buffer yard along the northern property line of the development, west of Eagletown Road, as shown on the Buffer Yard Exhibit.
- C. There shall be a minimum fifty-foot (50') wide buffer yard along the northern and eastern property lines of the Perry Parcel, as shown on the Buffer Yard Exhibit.
- D. Developer agrees to install a farm-style fence on the northern property lines of the Bluck and Douglas Parcels, as shown on the Buffer Yard Exhibit.
- E. Developer agrees to install a black vinyl coated chain link fence on the northern property line of the Cortesi Parcel, as shown on the Buffer Yard Exhibit.
- F. Developer agrees to install a drainage tile on the properties as shown on the Buffer Yard Exhibit to connect said properties to the regulated drain located on the Westgate property.
- G. A double row of evergreens 6-7 feet in height and spaced 10-12 feet apart will be planted near existing homes that face the development as shown in Exhibit "13".



**PHASING PLAN**

Subject to market conditions, the expected buildout is as follows:

Phase 1  
Fourth quarter 2007

Phase 2  
Fourth quarter 2009

Westgate Commons  
Fourth quarter 2010

Phase 3  
Fourth quarter 2011

Phases 4-5  
Fourth quarter 2013



# EXHIBIT 15: ILLUSTRATIVE PLAYGROUND EXHIBITS

## Model PC-8165-R3.5

5  
3  
Shown



Back View



**WARNING:** An impact absorbing safety surface is essential under and around all playground equipment.

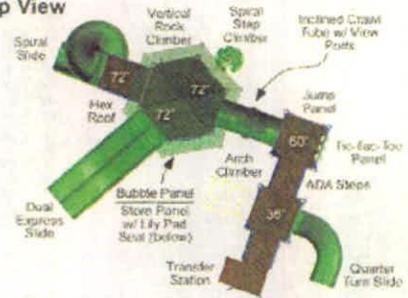
## Model PC-8165-R3.5

Designed for children: 5 to 12 years  
 Accommodates: 44 to 48 children  
 Structure Size: 27' x 19' (8.2m x 5.8m)  
 Use Zone: 39' x 31' (11.9m x 9.4m)

| ADA: | Elevated | Accessible | Ground | Types |
|------|----------|------------|--------|-------|
|      | 9        | 9/5*       | 3/3*   | 3/3*  |

Estimated Price: \$17,178.00 \* ADA Requirement

Top View



For Kids  
 AGES  
 5-12



This playground system design meets the requirements for access under the Accessibility Guidelines for Play Areas developed by the Federal Access Board when properly installed over accessible surfacing.

## EXHIBIT 15: ILLUSTRATIVE PLAYGROUND EXHIBITS

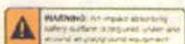
### Featuring

- Modular add-a-bay design allows for unlimited bays and positions
- Extra heavy-duty 5" diameter powder-coated steel swing beam(s) and arches
- Durable, slash-proof belt seats included
- Galvanized swing chains (Vinyl-coated chain available)

### Popular Swing Seat Options

| Part # | Description       | Upcharge |
|--------|-------------------|----------|
| 31101  | Full bucket seats | \$ 65.00 |
| 31201  | Half bucket seats | \$ 26.00 |

See page 129 for additional swing parts & accessories



Note: Belt seats come standard with Arch Swings

### Arch Swings

| Model      | Description    | Dimensions                   | Minimum Use Zone            | Height    | Price      |
|------------|----------------|------------------------------|-----------------------------|-----------|------------|
| PC 2120    | 2-Swing Unit   | 4½' W x 12' L (1.4m x 3.7m)  | 32' W x 24' L (9.8m x 7.4m) | 8' (2.4m) | \$1,625.00 |
| PC 2120-AB | Add-A-Bay Unit | 4½' W x 11½' L (1.4m x 3.5m) | + 11' 7" in length (+ 3.6m) | 8' (2.4m) | \$1,139.00 |

NOTE: According to safety guidelines, bucket (tot) seats should be in a bay separate from belt seats

### Arch Tire Swings

#### Featuring

- Accommodates up to three children per tire for interactive play opportunities
- Modular add-a-bay design allows for unlimited bays and positions
- Extra heavy-duty 5" diameter powder-coated steel swing beam(s) and arches
- Vinyl-coated chains (Available in yellow, green or blue)
- Durable, roto-molded tire(s) included. Tires available in a variety of colors

See page 129 for additional swing parts & accessories



### Arch Tire Swings

| Model      | Description     | Dimensions                   | Minimum Use Zone            | Height    | Price      |
|------------|-----------------|------------------------------|-----------------------------|-----------|------------|
| PC 2010    | Arch Tire Swing | 4½' W x 17' L (1.4m x 5.2m)  | 22' W x 29' L (6.8m x 8.8m) | 7' (2.1m) | \$1,915.00 |
| PC 2010-AB | Add-A-Bay Unit  | 4½' W x 16½' L (1.4m x 5.0m) | + 16' 7" in length (+ 5.1m) | 7' (2.1m) | \$1,418.00 |



Located at the heart of Westgate is a nearly eight acre park providing residents with access to a full range of amenities within walking distance of the various neighborhoods. A community building is situated centrally in the site to serve as a gathering place and features swimming areas. A large open lawn in front of the community building accommodates active play, while a picturesque lake offers opportunities for reflection and exploration. The lake is designed as both an aesthetic feature and to allow for storm water management on the site. The termination of key streets from each neighborhood align with focal points within the park allowing for sweeping views into the park.

LEGEND

-  SHADE TREE
-  EVERGREEN TREES
-  FLOWERING TREES
-  FOCAL PLANTING
-  BENCH
-  SIDEWALKS/TRAILS



**EXHIBIT 17**

**AMENITY IMPROVEMENT PROCEDURES**

- A. The Westfield DPR shall apply to amenity improvements, except that approval for the construction of said amenity improvements shall be approved by the Community Development Department Director and shall not require an additional DPR.

## EXHIBIT 18

### SIGN STANDARDS

Sign permits shall not be required for all non-exempt signs and signs listed in Paragraph A, below. The following provisions shall govern signage located upon and within the Real Estate and to the extent they conflict with the provisions of the Westfield and Washington Township Sign Ordinance (the "Sign Ordinance") and other provisions of the Zoning Ordinance, the following provisions and standards shall control:

- A. The following signs shall be exempt from permits and fees and shall be permitted in locations outside of right of ways:
- (1) All signs designated as exempt in Section 16.08.050 of the Sign Ordinance; and
  - (2) Sales signs used in connection with the sale of Real Estate within the Westgate PUD that are nine (9) square feet in size per side or smaller; and
  - (3) Builder and contractor signs used to denote the contractor constructing a residence or owning a lot within the Westgate PUD that are six (6) square feet in size or smaller; and
  - (4) Event signs and banners up to thirty-two (32) square feet in area and seven (7) feet in height used to promote a special event such as a home show which shall be displayed no longer than thirty (30) days. Special event signs may be banners or free standing signs and shall be displayed no longer than twenty-one (21) days prior to and seven (7) days after the event; and
  - (5) Flags mounted on a pole and installed in the ground or on a building are exempt provided that the pole and flag do not exceed maximum height allowed. No more than two flags shall be mounted on a pole; and
  - (6) Interior building signs that are not intended to be legible from outside a building; and
  - (7) Lot identification signs no larger than six (6) square feet in size and common area identification monuments and signs.

- B. **Prohibited signs:** Signs prohibited by the Sign Ordinance, except as otherwise permitted hereunder.
- C. **Temporary Signs Permitted with permits which require Westfield staff approval only and shall be permitted in locations outside rights-of-way:**
- (1) Signs depicting the site plan of an Area assuming completion of development in accordance with the development plan and indicating the location within the Real Estate of the person viewing the sign, shall be permitted without a sign permit provided the following standards are met:
    - a. The maximum sign area per Area shall be ninety-six (96) square feet.
    - b. The maximum height shall be ten (10) feet.
    - c. Site plan signage may be illuminated.
    - d. Site plan signage shall be removed when 95% of the lots have been sold.
  - (2) Real estate sales, model home signs, shall be permitted provided the following standards are met:
    - a. The maximum sign area shall be 32 square feet.
    - b. The maximum height of the sign shall be eight feet.
    - c. Limited to one sign for each street frontage of the lot, with no more than two sign faces per sign. The sign may be illuminated.
    - d. Signs for detached dwellings shall be removed within seven days after the date the unit is sold or occupied.
    - e. With respect to attached dwellings, when 95% of the dwellings are sold or occupied, real estate signs are limited to a ground sign, a wall sign or a window sign of eight square feet or less.
- D. **Permitted Other Signs:**
- (1) Signs permitted under Section 16.08.080 of the Sign Ordinance.
  - (2) Development identification signs at street entrances into and within the Real Estate provided the following standards are met:

- a. The design of the sign shall be consistent with the Design Vocabulary.
- b. The maximum sign area per sign shall not exceed 80 square feet per side. Matching signs which are installed on both sides of a street entrance shall be treated as one sign.
- c. The area surrounding the sign(s) shall be appropriately landscaped.
- d. The sign may be illuminated; provided, however, that such signs shall not be internally lit.
- e. The sign shall not exceed fifteen (15) feet in height.
- f. The sign shall be removed when 95% of all lots have been sold.
- g. The sign shall not be located within the right-of-way.
- h. All light fixtures for the sign shall be fully shielded and light downward toward the earth's surface.

## 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:

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

#### C. Exceptions.

Exceptions to these lighting standards shall include the following:

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

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7. All low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100 watt incandescent light) per fixture shall be exempt from the requirements of this chapter.

D. Prohibitions.

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

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

E. General Lighting Standards.

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

1. All light fixtures shall be fully shielded and direct light downward toward the earth's surface;
2. All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way;
3. All lighting sources shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way;
4. Light pole height shall not exceed twenty-five feet (25'). All parking area light fixtures shall be designed and located to confine emitted light to the parking area; and
5. All lighting fixtures must meet building code requirements for their appropriate construction class;

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

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

1. All light fixtures shall be positioned in such a manner so that no light-emitting surface is visible from a residential area or public right-of-way when viewed at ground level;
2. Light meter readings shall not exceed: one-half (0.5) foot-candles at a single-family residential property line, or one-half a (0.5) foot-candle at a multi-family residential property line or one (1.0) foot-candle at all other non-residential property lines. (It

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should be understood that, with all of these measurements, light will still be visible at or beyond property lines.)

3. All lights on poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser;
4. All canopy structures shall have lights with diffusers which are recessed, and which do not extend below the surface of the canopy as measured on a plane parallel to the earth's surface;
5. Lighting under awnings and canopies shall only illuminate a building front, a sign under an awning or canopy, or the sidewalk, but shall not illuminate the awning or canopy itself;
6. Thirty (30) percent of all parking area lighting shall be turned off within 30 minutes of closing of the last business or no later than 11:00 p.m.; and
7. No outdoor sports or recreational facilities shall be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.

G. Sign Lighting.

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

H. Lighting Plans.

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

1. A site plan indicating the location of all lighting structures, supports and fixtures, including those fixtures which presently exist on site and those which are proposed for the site;
2. A graphic and/or textual description of all lighting fixtures, both proposed and existing on-site. The description may include, but is not limited to cut sheets and illustrations by the manufacture, lamp types, wattages, and lumen outputs;
3. A site plan with illuminance levels superimposed on the site plan in the form of an iso foot-candle diagram or point-by-point grid diagram.
4. All plot lighting levels shall be depicted at 10-foot intervals or less.
5. The iso foot-candle diagram shall plot foot-candle increments of one-half (0.5) foot-candle or less;

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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.

**PLANNED UNIT DEVELOPMENT DISTRICT**

**WC 16.04.190**

**Planned Unit Development District**

**A. Purpose**

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

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

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

**B. Definition**

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

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

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

**C. General Development Requirements for All Planned Unit Developments**

1. It is anticipated that Planned Unit Developments will generally offer the following advantages:
  - a) Address the policies included in the Comprehensive Plan specific to the neighborhood in which the PUD is to be located so as to encourage consistency with the community development vision as presented in the Comprehensive Plan;
  - b) Use design to provide compatibility between areas of different land uses and development intensities within the PUD;
  - c) Buffer different types of land uses and development intensities outside of the PUD from those within the PUD so as to minimize any adverse impact which new development may have on existing or zoned development;
  - d) Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
  - e) Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area;
  - f) Promote architecture that complements the surroundings; and
  - g) Counteract urban monotony and congestion on streets.
2. The area designated in the PUD map must be a tract of land under single ownership or control. Single control of property under multiple ownerships may be accomplished through the use of enforceable commitments.
3. The concept plan shall indicate the land uses, development standards, and other applicable specifications which shall govern the development of the PUD site in lieu of the regulations for the non-planned unit development district. If the concept plan is silent on a particular land use, development standard, or other applicable specification, then the standards of the non-planned unit development district or the applicable regulations shall apply.
4. The PUD concept plan map shall show the general location of all improvements.
5. The PUD must comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Zoning Ordinance, other pertinent regulations, and

adopted standards and policies, except where modification is specifically authorized through the provisions of this Section of the Ordinance.

6. The PUD must include a statement of recreational amenities and how they benefit the PUD residents. The PUD must also designate and convey active and/or passive recreational areas in accordance with the following:
  - a. In the case of mixed uses, recreational amenities shall be allocated to the property in proportion to the uses assigned to the PUD and shall be located within reasonable walking distance to those uses. Provided, however, the recreational amenities need not be located in proximity to the use in the case of preservation of existing features.
  - b. If the Concept Plan provides for the PUD to be constructed in stages, recreational amenities must be provided for each stage of the PUD in proportion to that stage, unless otherwise indicated and approved through concept plan approval.
  - c. Conveyance. Recreational amenities shall be conveyed in one of the following forms:
    - i. To a municipal or public corporation; or
    - ii. To a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the PUD. All conveyances hereunder shall be structured to insure that the grantee has the obligation and the right to effect maintenance and improvement of the recreational amenities and that such duty of maintenance and improvement is enforced by the owners and tenants of the PUD; or
    - iii. To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the recreational amenities and its maintenance and improvement, running with the land for the benefit of residents of the PUD or adjoining property owners or the general community, or any combination of these.

**D. Procedure for Approval of Planned Unit Development**

1. Introduction. Applications shall be accompanied by all plans and documents required by Section E. A two (2) step application process shall be used, as follows:
  - a) Pre-Filing Conference; and
  - b) Concept Plan Approval.
2. Pre-Filing Conference. Prior to filing a formal application for approval of a PUD, the applicant shall schedule a pre-filing conference with the Community Development Department staff. The purpose of the pre-filing conference shall be to:

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- a. Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted Town policies; and
- b. Allow the Community Development Department staff to inform the applicant of applicable policies, standards and procedures for the PUD.

The pre-filing conference is intended only for the above purposes. Neither the developer nor the jurisdiction is bound by any suggestion or recommendation or statement made during a pre-filing conference.

3. Procedure for PUD District Ordinance and Concept Plan Approval:

- a) A PUD District Ordinance application shall include a Concept Plan and shall be submitted to the Community Development Department Staff. The Concept Plan shall specify all land uses and applicable development regulations of the PUD in general terms. After determining the application to be complete, Staff shall undertake a review of the submitted information.
- b) The initial staff review and the application shall be submitted for Land Use Committee consideration in advance of the Plan Commission consideration of the application.
- c) The application and such other documents as may be pertinent to the PUD along with a staff report (including comments from the Land Use Committee) shall then be forwarded to the Plan Commission for its consideration.
- d) The Plan Commission shall hold a public hearing in accordance with IC 5-3-1.
- e) Upon completion of its review, the Plan Commission shall certify the application to the Westfield Town Council with a recommendation for approval, or a recommendation for approval with conditions or commitments, or a recommendation for disapproval, or no recommendation. The Council may then exercise all the authority provided by IC 36-7-4-1512.
- f) The Westfield Town Council shall vote on the proposal within 90 days after the Plan Commission certifies the proposal. The Council may adopt or reject the proposal. If the Plan Commission has given the proposal a favorable recommendation and the Council fails to act on the proposal within 90 days, the Ordinance takes effect as if it had been adopted as certified 90 days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Council fails to act on the proposal within 90 days, the proposal is defeated.

4. Effect of Approvals of PUD District Ordinance and Concept Plan:

- a. When a PUD District Ordinance and Concept Plan for a PUD have been approved by the Westfield Town Council, the Concept Plan shall

become effective, shall be recorded in the Hamilton County Recorder's Office and the Zoning Map shall be amended to designate the site as a PUD.

- b. Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD District Ordinance and Concept Plan, subject to a secondary review conducted in accordance with the requirements of the Development Plan approval process and any other regulatory processes which may be required.
- c. No permit of any kind shall be issued until the secondary review by Development Plan has been approved and any other regulatory processes which may be required have been completed.

5. Secondary Review by Development Plan:

- a) Development Plan Review, as provided for in WC 16.04.165, shall be required as the secondary review for all PUDs. In addition to those requirements, the Development Plan shall include a designation of the specific internal use or range of uses to which each building shall be put.
- b) Where a Development Plan covers an entire PUD site, the Development Plan shall be submitted for approval not more than 18 months following Westfield Town Council's approval of the Concept Plan. The Plan Commission may extend the time for application for approval of Development Plan for good cause, consistent with the purposes of this Ordinance.
- c) Development Plans may be submitted and approved in phases, with each phase representing a portion of the Concept Plan, if phasing and the time limit for submitting each phase for approval was approved as a part of the Concept Plan approval. The timing for submitting phases shall be as set forth in the Concept Plan rather than the established time period for single-phase Development Plans mentioned in the above paragraph. The Plan Commission may extend the time for application for approval of Development Plan for good cause, consistent with the purposes of this Ordinance.
- d) Periodically, the Community Development Department staff shall report to the Plan Commission on PUDs whose time limits have expired. The applicants shall also be notified. The Plan Commission shall determine whether to consider extending the time or to initiate action to amend the Zoning Map so as to rescind the PUD designation and Concept Plan approval and return the property to the previous zoning district or another zoning district that is consistent with Comprehensive Plan policies.
- e) The Development Plan shall conform to the approved Concept Plan which has been presented in accordance with the requirements listed below and approved by the Westfield Town Council.

- f) No permit of any kind shall be issued for any purpose within a PUD except in accordance with the approved Development Plan, and after acceptance by the Town of Westfield of all required guarantees for improvements pursuant to Section E., 3.

**E. Specific Development Requirements for all Planned Unit Developments**

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

**1. Concept Plan Pre-Filing Conference Requirements**

- a) A written letter of intent describing the development intentions for the site.
- b) A scaled drawing of the site and its environs, in simple concept form, showing the proposed location and extent of land uses, major streets, and the approximate location of existing easements, natural features, and topographic or geologic constraints.

**2. Concept Plan Requirements**

- a) A drawing of the PUD shall be prepared at a scale not less 1"=100', or as considered appropriated by Community Development Department staff, and shall show, in general terms, the concept proposed for: major circulation; generalized location and dimensions of buildings, structures, and parking areas; open space areas; recreation facilities; and other details to indicate the character of the proposed development. The submitted drawing(s) shall include:
  - 1) A site location map showing the project location and other development projects in the vicinity.
  - 2) The name of the development, with the words "Concept Plan".
  - 3) Boundary lines and acreage of each land use component.
  - 4) Existing easements, including location, width and purpose.
  - 5) Existing land use on abutting properties.
  - 6) Other conditions on the site and adjoining land: topography (at 10-foot contours) including any embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision.

- 7) Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, pathways and bridges and other drainage structures.
  - 8) Proposed public improvements: collector and arterial streets and other major improvements planned by the public for future construction on or adjacent to the tract.
  - 9) Existing utilities on the tract.
  - 10) Any land on the tract within the floodplain as depicted on the Flood Insurance Rate Maps dated March 11, 1983, and as subsequently amended.
  - 11) Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, existing structures and other significant features such as significant isolated trees.
  - 12) Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.
  - 13) Map data such as north point, graphic scale and date of preparation.
- a) The Community Development Department staff shall inform the applicant of any additional documents or data requirements after the pre-filing conference.
  - b) A Written Statement of Character of the PUD shall provide an explanation of the character of the PUD and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement shall include:
    - 1) A specific explanation of how the proposed PUD meets the objectives of all adopted land use policies which affect the land in question.
    - 2) A statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
    - 3) Development scheduling indicating:
      - (A) Phases in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each phase. Each phase shall be described and mapped.
      - (B) Projected dates for beginning and completion of each phase.
    - 4) General details of the proposed uses:
      - (A) Residential Uses: gross area, architectural concepts (narrative, sketch, or representative photo), number of units for each residential component;
      - (B) Nonresidential Uses: specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.
    - 5) Preliminary concepts and reports for the following facilities:
      - (A) Streets
      - (B) Street lighting
      - (C) Sidewalks and pathways

- (D) Sanitary sewers
  - (E) Water supply system
  - (F) Other utilities
  - (G) Storm water management
  - (H) Schools
- d) A Traffic Impact Study (when a proposed development meets or exceeds the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) 150 or more dwelling units; (ii) 15,000 square feet or more of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more square feet of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or, (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction).
- e) A brief report of a neighborhood meeting to which the petitioner invited owners of property within 500 feet of the boundaries of the development to discuss the proposal. The report shall summarize the results of the meeting.

**F. Review Considerations**

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

- c. protection of designated permanent open space; and
  - d. furthering the amenities of light, air, recreation and visual appeal.
  - f) The relationship and compatibility of the proposed PUD District Ordinance and Concept Plan to the adjacent properties and neighborhood.
  - g) The desirability of the proposed PUD District Ordinance and Concept Plan in relation to the Town's physical development, tax base and economic well-being.
  - h) The development proposed by the PUD District Ordinance and Concept Plan will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services or improvements that are proposed by the developer as a part of the project approval.
  - i) The development proposed by the PUD District Ordinance and Concept Plan preserves significant ecological, natural, historical, and architectural resources to the extent possible.
- G. Guarantee of Performance for Completion of Improvements A bond or other guarantee acceptable to the Town of Westfield shall be provided for all required public improvements and shall be executed prior to the time of improvement location permit issuance for single site developments or prior to subdivision plat recording, whichever ever applies. Improvements that shall be guaranteed include facilities which shall become public, and may include other facilities or improvements as may be specified in the Concept or Development Plan approval. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements, and shall be in an amount of 110 percent of the estimated cost of the improvements.
- H. Changes in the Planned Unit Development
1. Changes that shall require a new Concept Plan approval include changes which alter the concept or intent of the PUD including but not limited to:
    - a) Increases in density or intensity;
    - b) Changes in the proportion or allocation of land uses;
    - c) Changes in the list of approved uses;
    - d) Changes in the locations of uses;
    - e) Changes in functional uses of open space, where such change constitutes an intensification of use of the open space; and/or
    - f) Changes in the final governing agreements where such changes conflict with the Concept Plan approval.

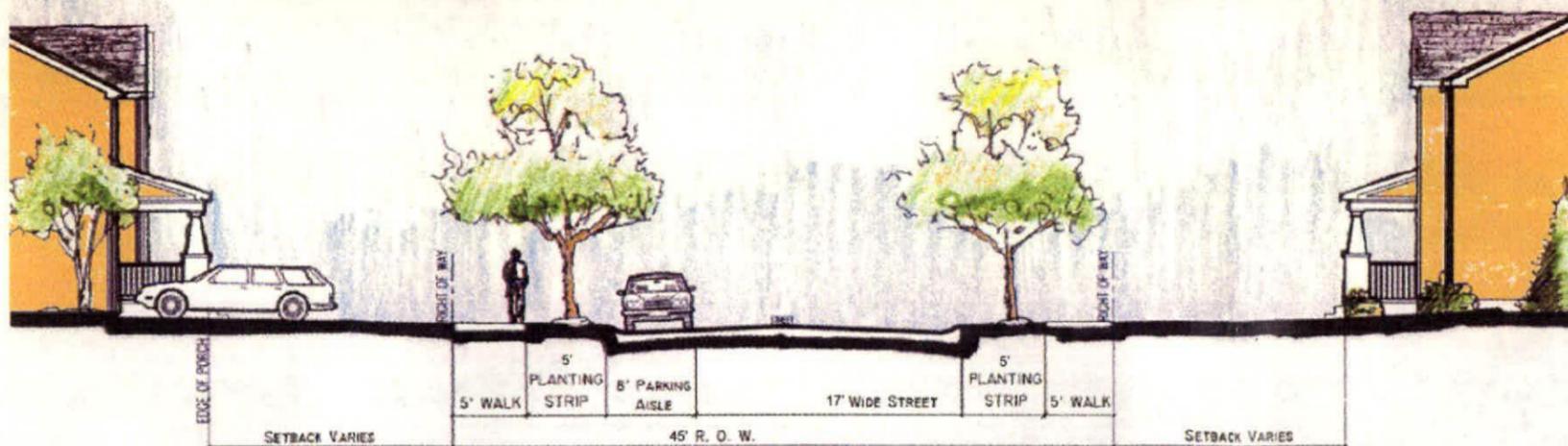
I. Procedure for Making Changes to an Approved Planned Unit Development

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

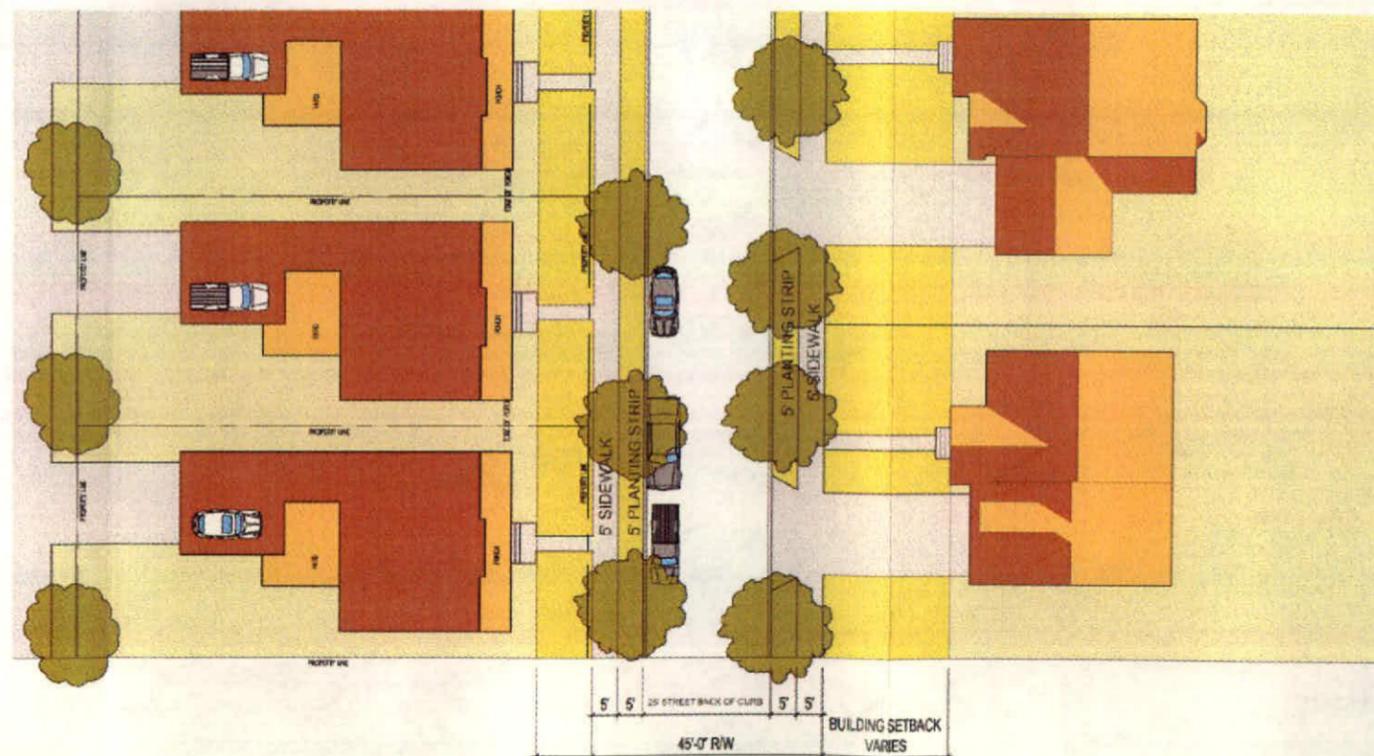
J. Sunset

1. **Timeline for Obtaining Approvals:** Within 18 months from the date of the approval of the PUD District Ordinance and Concept Plan by the Council, application for Development Plan approval, in total or in phases, shall be submitted for review. The Plan Commission or Director, as provided by WC 16.04.165 B, shall review the Development Plan for consistency with the approved PUD District Ordinance and Concept Plan. If a Development Plan is filed for in phases, each subsequent phase shall be filed for within 18 months of the approval of the prior phase.
2. **Expiration of PUD District Ordinance and Concept Plan.** In the event that Development Plan approval is not obtained for all or a portion of the PUD within the time frames outlined in 1. above, the PUD District Ordinance and Concept Plan shall be deemed to have expired for that portion of the PUD that has not received Development Plan approval, except for the location and density of the proposed land uses depicted on such PUD District Ordinance and Concept Plan. Once a PUD District Ordinance and Concept Plan have expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until:
  - a) a new PUD District Ordinance and Concept Plan are approved as set forth in WC 16.04.165 D, E and F; and
  - b) a Development Plan approval as required by this section has been obtained.
3. **Extensions of Time.** Extensions of time, in six (6) month increments not to exceed a total of 18 months, for obtaining Development Plan approval may be granted by the Director if requested in writing on or before the 18 month anniversary of approval of the PUD District Ordinance and Concept Plan and for good cause shown. In the event that the Director disallows a requested extension, the developer may appeal said determination regarding an extension of time to the Board of Zoning Appeals (as per IC 36-7-4-918.1) within 30 days of being notified of such determination.

[end]



LOCAL STREET; PARKING ONE SIDE SECTION



LOCAL STREET; PARKING ONE SIDE PLAN