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Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NO. 07-26

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

This PUD Ordinance (the "Towne Road Crossing PUD") amends the Zoning Map of the Town of Westfield-Washington Township, Hamilton County, Indiana;

WITNESSETH:

WHEREAS, the Plan Commission conducted a public hearing, as required by law, in regard to the application for a change of zoning filed by Wilfong & Kreutz Land Development, LLC with respect to the Real Estate; and

WHEREAS, under Docket Number 0706-PUD-03, on the 22nd day of October, 2007, the Plan Commission, by a vote of 8-0, forwarded this matter to the Town Council with no recommendation.

WHEREAS, words and terms used throughout this Towne Road Crossing PUD shall have the meanings ascribed to them in Article 1, which follows.

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

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and used in the Real Estate, (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values through out the Town of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the Town Council in adopting, to:

A. Encourage flexibility in the development of land in order to promote its most appropriate use;

B. Improve the design, character and quality of new development;

C. Encourage a harmonious and appropriate mixture of uses;

D. Facilitate the adequate and economic provisions of streets, utilities, and municipal services;

E. Preserve the natural environmental and scenic features of the Real Estate;

F. Encourage and provide a mechanism for arranging improvement on-site so as to preserve desirable features; and

G. Mitigate the problems which may be presented by specific site conditions.

SECTION 2. EFFECT. As specified in the Table of Contents which follows on the next page, attached hereto and incorporated herein by reference are (i) Articles 1 thru 18 and (ii) Exhibits A thru F. The Zoning District Map, which is attached hereto and labeled as Exhibit B, allocates the Real Estate into the Neighborhood Commercial District, the Airport Hospitality District, the Multi-Use District, the Single Family Attached District, and the Rural Southwest District (collectively the "Districts"). It is the intention of this Towne Road Crossing PUD that the Zoning Ordinance, as modified by revisions, additions, and deletions, specified in the Articles 1 - 18 and Exhibits A - F which follow, shall govern the use and development of the Districts.

SECTION 3. SIZE OF DISTRICT – The size and configuration of any District north of the Midland Trace Trail may be increased or decreased by up to 15%, so long as there is no increase in permitted densities and the Airport Hospitality District is not decreased by more than 5%.

Upon motion duly made and seconded, this Towne Road Crossing PUD was fully passed by the members of the Council this 10th day of December, 2007.

TOWN COUNCIL, TOWN OF WESTFIELD

BY:

AYE		NAY
	Andy Cook	
	John Dippel	
	John Hart	
	Robert L. Horkay	
	Joe Plankis	
	Robert Smith	
	Ronald Thomas	

Attests: _____
Cindy Gossard
Clerk Treasurer

This Ordinance prepared by: Jon C. Dobosiewicz
Wilfong & Kreutz Land Development, LLC
17830 Casey Road
Westfield, In 46074

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

_____
Signed

Memorandum

Date: **November 1, 2007**

To: **Westfield Town Council Members**

From: **Jon Dobosiewicz, Wilfong Kreutz Land Development**

Re: **Towne Road Crossing PUD: 0706-PUD-03**

Town Council Members,

Please find the following information included with this transmittal:

1. A digital copy of the overall Towne Road Crossing PUD (including Exhibits A-E),
2. A digital red line copy of the PUD ordinance illustrating all changes made to the Towne Road Crossing as originally filed,
3. A detailed list of the amendments made to the PUD as part of the Plan Commission review process after our presentation to the Town Council on May 14, 2007 (included under separate memorandum), and
4. A digital copy of Zoning Commitments being made in connection with this proposal.

As requested five hard copies of the Eagletown PUD ordinance have been provided to the Office of the Town Manager for signature and recording purposes.

The proposed Towne Road Crossing PUD was forwarded to the Town Council by the Plan Commission on October 22, 2007 with no recommendation (without a recommendation). The vote was eight in favor and none opposed.

In addition the Comprehensive Plan Committee reviewed the proposal and voted to forward a favorable recommendation to the Plan Commission. The vote was three in favor and two opposed. Likewise an ad hoc committee established to review the Conservation Subdivision component of the plan voted unanimously to forward a favorable recommendation to the Plan Commission on that aspect of the PUD.

We plan to appear at the November 12th Town Council meeting for consideration of the proposed Towne Road Crossing PUD. It you have any questions prior to the meeting or need any additional information please do not hesitate to contact me at 428-8393 (mobile) or 867-0033 (office).

Memorandum

Date: **November 1, 2007**

To: **Westfield Town Council Members**

From: **Jon Dobosiewicz, Wilfong Kreutz Land Development**

Re: **Towne Road Crossing PUD - 0706-PUD-03:**
List of amendments made during the Plan Commission review process

Town Council Members,

The following list of amendments was generated as a result of public comments, interaction with Town Staff and the Comprehensive Plan Committee (CPC) of the Plan Commission. We are providing the Town Council with a comparison ("red line") copy of the amended PUD for review. Updated Exhibits have also been provided.

It you have any questions prior to the meeting or need any additional information please do not hesitate to contact me at 428-8393 (mobile) or 867-0033 (office).

Neighborhood Commercial District:

1. Article 5.3: Change the underlying zoning district to LB (Local Business) to better reflect the neighborhood serving nature of the District.
2. Article 5.3.I: Establish the following building standards:
   a. Set a maximum business size of 50,000 square feet for one user or two. This would permit the aggregate of two uses to be 50,000 square feet in area as opposed to just one business.
   b. Limit all other businesses to a maximum of 12,000 square feet. It is likely that most uses will be much smaller than the proposed maximums but 2 businesses that could be a combined 50,000 and all others at 12,000 provides a guarantee that no big box uses are allowed.
3. Article 5.3.J: Require a minimum of one hundred and fifty (150) feet of the building façades adjacent to the Midland Trail east of Towne Road be designed with customer entrances and/or outdoor dining/seating areas.
4. Article 5.3.J.3: Require all residential uses within the district within 100' of the Midland Trail to present a front façade to the trail. This would apply to the proposed townhomes at the southwest corner of the district.
5. Article 5.3.J: All non-residential building on the west side of Towne Road within 100' of the Midland Trail shall provide a customer entrance and/or outdoor dining/seating area along the building façade adjacent to the Midland Trail.
6. Article 5.3.O: Add a twenty (20) percent open space requirement for Single Family Attached development within the Neighborhood Commercial District.
7. Article 5.3.J.4: Add text to the Neighborhood Commercial District requiring the construction of one single larger multi-tenant building along the SR 32 frontage. Require

the single building to be designed with outdoor dining/seating areas a minimum of one side of the building. This building would have a minimum of 8,000 square feet as opposed to allowing small (auto-oriented) outlots. The single larger building will further establish a feeling of enclosure along the SR 32 corridor and provide for a friendlier pedestrian environment as was provided on the north side of SR 32.

8. Add section 12.8: Access to adjacent parcels along SR 32. Access to Towne Road shall be provided through the real estate to parcels both east and west of the real estate. The location of said access shall be identified on the plans submitted at the time of Development Plan review.
9. Article 14.6.A: Specify that buffer yard requirements apply along Towne Road internal to the District.
10. Article 5.3.J.5: Require a minimum of one (1) building separation (with a minimum width of 20') along the building(s) that are within 100' of the Midland Trail.
11. Restrict access as noted in the access management section of this memo.

Single Family Attached District:

12. Article 3.3.M: Require all dwellings to present either a front or side elevation to the Midland Trail. No rear elevations shall be permitted and front elevations shall be encouraged.
13. Article 3.3.E: Reduce the maximum building height from 45' to 35'
14. Article 3.3.H.: Increase the minimum open space from 30 to 35 percent.
15. Article 17.1: Reduce the allowable density from 6 to 4.5 units per acre.
16. Article 3.3.A.1: Permit maximum 4-unit buildings as opposed to 7-unit.
17. Article 3.3.F: Require a minimum 20' building separation as opposed to 15'.
18. Article 3.3.M.2: Permit a maximum of 25% of the units to be constructed in an in-line format as opposed to in a quad (back and side wall attached) format.
19. Restrict access as noted in the access management section of this memo.

Airport Hospitality District:

20. Rename District the "Airport Hospitality District" (formerly Airport Amenity District).
21. Article 5.2.B.3: Require a minimum of 30% of the (non-residential) square footage north of State Road 32 be composed of Office and Service Uses.
22. Article 5.2.J: Set the maximum retail business size at 100,000 square feet. No more than two businesses may occupy up to 100,000 square feet each. All other uses may be a maximum of 60,000 square feet in area. This will address the concern that a big box retail use might be permitted.
23. Article 5.2.B.1: Permit Multi-Family Dwellings within the Airport Amenity District.
24. Article4.3.C: Cap the overall number of apartments at 300 within the PUD.
25. Article 5.2.K: Replace two outlots east of Towne Road with a single larger multi-tenant building. Require the single building to be designed with outdoor dining/seating areas on both sides of the building. This building would have a minimum of 12,000 square feet as opposed to two small (auto-oriented) outlots. The single larger building will further establish a feeling of enclosure along the SR 32 corridor and provide for a friendlier pedestrian environment.
26. Article 5.2.K: Replace two outlots west of Towne Road with a single larger multi-tenant building. Require the single building to be designed with outdoor dining/seating areas on

both sides of the building. This building would have a minimum of 12,000 square feet as opposed to two smaller outlots.

27. Amend Article 5.2.K to require offsets in the roof line as well as a minimum of 4' building offsets every 70' of façade length for the larger proposed buildings along SR 32.
28. Article 5.2.L: Change either side to both sides of the buildings along SR 32 that would provide outdoor dining/seating.
29. Article 14.6.A: Add buffer yard requirement for the north perimeter of the District west of Towne Road and specify that the buffer yard is required along Towne Road internal to the District.
30. Article 5.1.K: Illustrate an area on Exhibit B "Zoning District Map" that permits non-residential uses to operate 24 hours a day. The "24 Hour Use Area" shall be the only area within the Real Estate that permits non-residential uses to operate 24 hours a day. All other non-residential uses within business districts shall be limited to operating between the hours of 5 A.M. and 11 P.M. The 24 Hour Use Area identified north or SR 32 and East of Towne Road shall be reduced to mirror the same area identified on the west side of Towne Road if a Hotel use is not included in a Development Plan for that area.
31. Article 5.2.G: Require all building within 100' of the north district boundary to be a maximum of 35' or two stories. This restriction addresses the need for a transition in building height consistent with the building height limitation on adjacent properties.
32. Restrict access as noted in the access management section of this memo.

Multi-Use District:

33. Rename this district "Multi-Use District" from Multi-Family and adjust the purpose and intent language.
34. Article 11: Add office uses to the list of permitted uses and remove Single-Family, Condominium, and Multi-family. The multi-family is now only located in the Airport Hospitality District.
35. Article 3.4: State that if office uses are developed that portion of the site will meet the development requirements of the Airport Hospitality District. No retail shall be permitted in this district.
36. Reduce the allowable density from 16 to 14 units per acre.
37. Article 4: The maximum building height is set a 45' which will limit structures to 3 stories.
38. Article 4.3.J: Require all building within 100' of the north district boundary to be a maximum of 35' or two stories. This restriction addresses the need for a transition in building height consistent with the building height limitation on adjacent properties.
39. Article 14.6.A: Add buffer yard requirement for the north and west perimeter of the District.
40. Restrict access as noted in the access management section of this memo.

Access Management:

41. We have been asked to reduce the number of entrances and align them. In addition to the PUD standards contained within Section 10.2 the Concept Plan has been modified and the following modifications are proposed to illustrate compliance with this request:
    a. Provide right-in/right-outs with a median on Towne at frontage drives, full access cut into LC District as shown currently, full access into MU District and LC District as

shown, removal of northern/eastern most cut on Towne Road into MU and LC Districts.

b. Make the first cut into the NC District a right-in/right-out with a median in Towne Road, then make the east side only full cut an entrance for the west side as well.
c. Align one access point into the Rural Southwest (RS) with the Single Family Attached (SFA) District access points and provides adequate separation for the other.
d. Add access/continuation point to Centennial Road at the frontage drive and between the two longer in line buildings. Provide a round-a-bout at the intersection of our access drive and Centennial. Propose closing the access from Centennial onto SR 32 and taking that traffic through our site.

42. Zoning Commitment: Provide a commitment addressing the reservation of a half right-of-way to accommodate the construction of a roadway along the section line consistent with the current alignment of Towne Road.

Items similar to the changes made for the Eagletown PUD:

43. Zoning Commitment: Add commitment requiring petition for annexation to be filed with the Town prior to or at the time of Development Plan submittal.
44. Zoning Commitment: Add the following commitment concerning the Midland Trace Trail: The Developer shall take one of the following actions relative the Midland Trace Trail at the election of the Town:
    a. Build the Midland Trace Trail across that portion of the real estate formerly part of the railroad right-of-way and dedicate said former right-of-way to the town of Westfield. Construction and dedication of the former right-of-way under this option would occur after the approval of a development plan application including any area of the real estate south of State Road 32.
    b. Pay an amount of money equal to the pro rata share of construction cost associated with trail construction across the real estate for a trail construction project undertaken by the town or Washington Township and dedicate former right-of-way to the Town. Payment and dedication of former right-of-way under this option would occur prior to application for development plan approval for real estate south of State Road 32 and after approval of funding for said trail construction project.
    c. Agree to pay an amount of money equal to the pro rata share of construction cost associated with trail construction across the real estate for a trail construction project undertaken by the town or Washington Township and dedicate former right-of-way to the Town. Payment under this option would occur after approval of a development plan for real estate south of State Road 32 and after approval of funding for said trail construction project. Dedication of former right-of-way would be made as part of the development plan approval.
45. Add Article 18.8 addressing Federal, State and Local requirements to read as follows: "Section 18.8. <u>Other Local, State and Federal Requirements</u>. The Towne Road Crossing PUD shall not exempt development of the real estate from compliance with all applicable local, state, and federal requirements and standards including but not limited to Wellhead Protection and regulations for property in proximity to public-use airports." This section

does not apply to local zoning ordinance requirements which are superseded and replaced by the terms stated in the Towne Road Crossing PUD."

46. Add the following to Section 12.2.T: Individual access driveways within 600' of State Road 32 will be permitted only with a right-in configuration and only where a center median separates opposing traffic lanes. No full access shall be permitted between State Road 32 and an interior frontage drive at entrance locations along State Road 32.

47. Update Section 12.2.U. Specifically calling out the streets that coincide with the appropriate roadway classifications as follows:

    1. Primary Arterial 1- (State Road 32) - varies, minimum of seventy-five (75) feet of' half right-of-way

    2. Primary Arterial 2 - (Towne Road) - One hundred thirty (130) feet; One hundred fifty (150) feet intersections.

    3. Secondary Arterials (None) – One hundred twenty (120) feet; One hundred fifty (150) feet intersections.

    4. Collectors – (Centennial Road) - One hundred (100) feet; One hundred thirty (130) feet intersections.

    5. Local Roads and Streets – forth (40) feet

48. Add Article 12.2.X. as follows: "Full cut access to frontage roads at Towne Road should be a minimum of 600' from the State Road 32 right-of-way."

49. Add Section 12.2.Y as follows: Right-of-way necessary for the future construction of roundabouts shall be provided at the intersection of all Arterial and Collector roadways. Parking and building setbacks including landscaping requirements shall still be measured from the right-of-way widths prescribed under Section 12.2.U of this ordinance in these cases.

50. Add Article 12.2.Z. as follows: "Roundabouts and the approaches should be designed for 40 mph for arterials and 30 mph for local and collector roadways. On Collectors and arterials roundabouts shall be designed to accommodate a WB-67 design vehicle."

51. Article 12.3.A: Changes text to read, "Block lengths should be at least two lot depths in length or approximately 300 feet".

Miscellaneous changes:

52. Article 1: Qualify the definition of Corner Break by adding that the depth of an extension shall be a minimum of two (2) feet in depth.

53. Article 1: Explicitly state that Open/Green Space does not include the area of individual residential lots occupied by Single Family Detached dwellings.

54. Article 1: Add the following text to the definition of Density in Article 1: "Within the Rural Southwest and Single Family Attached districts the acreage devoted to any non-residential use such as a church shall be removed from the gross acreage when computing the density of the District. For instance if a church is developed on 15 of the 74 acres of the Rural Southwest District the density would be computed by dividing the total number

of dwelling units by 59 acres.

55. Add the following definition to Article 1: "Retail Sales, General" shall mean and refer to enclosed establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

56. Add the following definition to Article 1: "Office, General" shall mean and refer to a place of business used exclusively for office purposes where no product of commodity for retail sales is located or sold, including but not limited to sales offices, real estate offices, financial offices and Professional Offices.

57. Add the following definition to Article 1: "Office Professional" shall mean and refer to the office of a recognized professional maintained fro the conduct of the profession. A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or a combination thereof, requiring advances study in a specialized field; any occupation requiring licensing by the State and maintenance of professional standards applicable to the field.

58. Add the following definition to Article 1: "Services, General Personal" shall mean and refer to an establishment or place of business primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to; beauty and barber shops, shoe repair shops, and tailor shops.

59. Add the following definition to Article 1: "Franchise Architecture" shall mean and refer to building design that is trademarked or identified with a particular chain or corporation and is generic in nature.

60. Add the following definition to Article 1: "Elevation" shall mean and refer to the front architectural façade of a dwelling.

61. Article 11 (Use Table): The above definitions have been added and the use table has been separated into groups by use type in order to regulate the amount of retail uses within the Airport Hospitality District.

62. Article 9.3: Add <u>Bicycle Parking</u>. To read as follows: In connection with any building or structure or structure which is to be erected or substantially altered, and which requires off-street vehicular parking spaces, there shall be provided such bicycle parking in accordance with regulations set forth hereinafter:

    A. Location. Bicycle parking must be provided within one hundred (100) feet from the main entrance to the building served.

    B. Required Number. Bicycle parking shall be provided to meet the following minimum requirements:

        1. Residential Uses.

            a. Bicycle parking shall not be required for Single family detached and attached dwellings.

            b. Facilities designed to accommodate one (1) bicycle parking space per three (3) dwelling units shall be provided for multi-family dwellings

        2. Non-Residential Uses.

            a. Facilities designed to accommodate five (5) bicycle parking spaces per one hundred (100) required vehicular parking spaces shall be provided for all non-residential uses.

3. The required bicycle parking facilities noted in this section shall be designed to accommodate a minimum of four (4) bicycles.
4. The maximum number of bicycle parking spaces required for a use under this section shall be forty (40).

63. Article 14.4.I: Add the following to address dumpster enclosures: "Trash Dumpsters enclosures shall be required to have a secondary means of access including a solid door or gate or be screened by other appropriate means such as by the positioning of the access across from an adjacent building wall." This requirement should serve to limit the time the primary gate is open to pick up times.
64. Correct the typo in Article 10.8.J flipping the words "of "and "the" in the last sentence so it reads "an estimate of the time frame for"
65. Update Section 12.3.A. to conform replace the text of that section (There shall be no minimum block length) with the following text: "Block lengths should be at least two lot depths in length or approximately 300 feet."
66. Article 5.1.E: Set an absolute building height maximum of 50' or 4-stories, whichever is less.
67. Article 5.1.F: Allow items noted to exceed height of building by maximum of 15'.
68. Amend text in the proposed commitment to read as follows: The Developer shall reserve an area for dedication of future right-of-way to accommodate the construction of a roadway along the section line which is the eastern most property line of the real estate. Said reservation shall not extend more than 200' into the real estate from said section line. Future dedication of right-of-way shall not be wider than 75' at its northern most point then shall gradually become wider to allow for the connection of roadway to the proposed extension of Towne Road identified on Exhibit C of the Towne Road Crossing PUD. The portion of the reserved area necessary to construct the roadway as described above shall be dedicated to the Town within 60 days of receiving a written request for dedication.
69. Article 18.5: Provide for the option to plat multi-family uses under the subdivision control ordinance the same way we address business uses currently.
70. Article 14.5.B.1: State that if trees are not permitted in the right-of-way they shall be planted just outside the right-of-way.
71. Article 1, #86: Qualify that Stucco and EFIS shall be used for accent purposes only and limited to fifteen (15) percent of the building façade.
72. Article 14.6.A.1.b: Add the following text. A fence (minimum of welded wire) shall be installed along the north and west perimeter of the Mixed-Use District, and the north perimeter of the Airport Hospitality District west of Towne Road in addition to the buffer yard plantings.

Trail Related Items:

73. Article 9.3 shall be amended to require all non-residential uses larger than 12,000 square feet to provide for shower facilities for employees. This is intended to address the needs of persons riding bikes to work.
74. Article 9.3 shall be amended to require all non-residential uses to provide enclosed bicycle parking either within the primary structure or within accessory structures designed for such purpose. Enclosed bicycle shall be provided at a rate of one (1) enclosed bicycle parking space per one hundred (100) required vehicular parking spaces.

75. Require multiple connection point from the Midland Trail into the Neighborhood Commercial District. Currently this is shown on the Concept plan in one location west of Towne Road. The text of Article 13.7.I shall be amended to require a minimum of two connection points (in addition to the trails intersection with Towne Road along the Midland Trace Trail into the Neighborhood Commercial District. Signage at these access points shall be as approved by the Westfield Parks Department.
76. Bike Lanes were requested along Towne Road. We agreed that when the Town amends its Thoroughfare Plan to include bike lanes and provides a specification for that type of roadway the road would be constructed to that standard if not already designed.
77. Attached Commitment: The Developer shall dedicate, free of charge, an easement for the portion of the Town/Westfield Washington School fiber optic line that is to run adjacent to the Midland Trial across the Real Estate.
78. Several other adjustments have been made within Article 12 and 13 to address WPDP comments. All WPWD comments have been fully addressed.

Rural Southwest District:

Rural Southwest District - Uses and Lot Development Standards:

79. Remove Article 3.1.B.1. There are no existing building lines in a recorded subdivision that apply to the real estate.
80. Amend the text of Article 3.2.A to remove swimming pools and parks from the list of permitted uses under Rural Southwest District Common Areas. It is not intended that a swimming pool facility would be constructed within the Rural Southwest District.
81. Amend the text of Article 3.2.A to allow three playgrounds with a maximum aggregate of 10,000 square feet in area as permitted within common areas.
82. Article 3.2.B: change the minimum lots size from 17,000 to 8,000 square feet in area within 600 feet of the Midland Trace Trail and 12,000 square feet for all other lots.
83. Article 3.2.D: change the side yard setback from 10' to 6' and remove the 30' aggregate.
84. Article 3.2.D: Change the rear yard setback from 20' to 15'.
85. Article 3.2.D: Change the minimum lot width at the building line from 110' to 70' for lots within 600 feet of the Midland Trace Trail and 90' for lots in excess of 600 feet. In addition there shall be a minimum of 30 lots with a minimum of 100' at the building line.
86. Article 3.2.F.1: Change the minimum single story home size from 2,800 to 2,400 square feet.
87. Article 3.2.F.2: Change the minimum two-story ground level square footage from 1,600 to 1,400 s.f.
88. Article 3.2.g: Change the maximum parcel coverage to 65 percent.
89. Article 3.2.J.11: Explicitly state that a deviation may not allow the use of vinyl or aluminum siding.

Rural Southwest District - Open Space and Conservation Subdivision Design:

90. Article 3.2.H: A minimum of 50% of the open space shall be forested. Where woodlands do not exist reforestation shall be employed to meet this requirement.
91. Article 14.9: Add Reforestation Areas: The Westgate PUD text was used as a guide in developing this section. This text has been added to the PUD under Article 14.9.
92. Article 14.9: Add language addressing the provision of a maintenance plan for plantings within the reforested areas.

93. Article 3.2.H: Add clarification to the text "open space shall be an integrated part of the Conservation Design" provided to preserve unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitats.
94. Article 3.2.H: Add: Common open space areas shall be interconnected throughout the district to promote the interconnection of open space corridors on adjacent parcels and throughout the community.
95. Article 3.2.H: Reduce 20% open space allowable on private lots down to 5%.
96. Article 3.2.H: Require that the minimum 50' perimeter open space area be reforested and that the average buffer width be 100'. Amend this section to include the entire perimeter of the Rural Southwest District. Long strips of open space (less than 100' wide) shall occur only when necessary for access, as vegetated buffers on the perimeter of the site, or as connections between open space areas.
97. Article 3.2.H: Remove active recreation from activities within Open Space so that <u>only</u> passive recreation may be provided in those areas. Also see Exhibit D of the PUD illustrating the use of trails within the Open Space.
98. Article 3.2.H: Add, "Subdivision of the floodplain into individual building lots shall be prohibited." This requirement will guarantee the preservation of the floodplain area adjacent to Little Eagle Creek.
99. Article 3.2.H: Add a requirement that dwelling lots shall be sited to preserve important environmental resources such as hedgerows (including perimeter buffers), woodlands, and floodplains.
100. Article 3.2.I & J: address ownership and management of common open space. This section lays out the options for the conveyance of the common areas and the provisions for perpetual maintenance. This section was most recently updated based on the discussion of the Comprehensive Plan Committee on October 3.
101. Article 3.2.K: Add permitted uses of Open Space:
    a. Conservation and protection of identified natural areas where development might threaten water quality.
    b. Provision of passive outdoor recreation including a maximum 10,000 aggregate of playground area.
    c. Conservation and protection of forested areas.
    d. Landscaped storm water detention and retention areas including swales, wetlands, and other storm water management facilities. Wet ponds are excluded.
    e. Creation of forested and prairie areas where none exist.
    f. Other uses found by the Commission to be compatible with the proposed design and consistent with the purposes of this Towne Road Crossing PUD.

Rural Southwest District - Individual residential lots:

102. Article 3.2.N.1: Reduce the number of front yard plantings (trees and shrubs) from 4 and 15 to 3 and 10 due to the reduced lot widths.
103. Article 3.2.N.5: Change text in item #5 to identify a "Landscape Preservation Easement" a minimum 15' in width along the rear lot line on the lot and/or within common open space in order to define the transition between public or "Common Areas" and individual "private" lots.

104. Article 3.2.M.1.c: Remove the text, "subject to any exception permitted in this article." There are not exceptions so there is no need for the citation.
105. Article 3.2.M.8: Add the following text, All vents will be positioned to be minimally visible from the street and shall be painted to match the roofing material, black, or for those made of metal, left natural.
106. Article 3.2.M.10: Remove restriction prohibiting front loaded garages and require a minimum of 40% side, courtyard or rear load garages for lots within 600' of the Midland Trace Trail and prohibiting front load garages on lots in excess of 600'.
107. Article 3.2.M.10: Add the following text to this requirement. "Where front load garages are constructed a minimum of two overhead doors will be provided and the garage may be offset forward of the primary building plane/façade a maximum of twelve (12) feet.
108. Article 3.1.F.6: Add the following requirement. "Fence standards for the Rural Southwest District shall be unique to that district and may be more restrictive than the standards contained in this section. The Developer shall provide standards for this district at the time of Development Plan review.

Rural Southwest District - Street and Sidewalk Standards:

109. Change 3.2.Q Street and Sidewalk Standards: Notwithstanding the standards contained in Article 12 and 13 of the Towne Road Crossing PUD streets and paths within the Rural Southwest District may conform to the following:
    a. Interior residential streets may be private.
    b. Interior streets shall not require curbs (if private).
    c. Interior residential streets may be designed with 11' travel lanes (if private).
    d. Interior residential streets shall require a 150 foot centerline radius and a horizontal and vertical sight distance of 150 feet. Any horizontal curve radius of less than 150 feet shall be signed with warning signs for slower speeds ad sharp turns ahead.
    e. All streets shall be constructed according to Town of Westfield Standards and Specifications detail P-1 for Local Streets.
    f. Sidewalks along interior residential streets shall not be required (if private).
    g. Construction of paths out of alternate materials such as mulch and crushed stone shall be permitted within common areas. The path along Towne Road shall meet all applicable WPWD standards.
    h. Gated entry system(s) shall be permitted provided they meet the standards set forth for gated entry systems previously approved by the Town.

Rural Southwest District - Additional Site Design Standards:

110. Article 3.2.R: Add the following requirement: Low-impact development strategies including a variety of small-scale site design techniques (such as rain gardens, vegetated swales, filter strips, wet ponds, and wetands) will be distributed throughout the district to control runoff discharge and quality.
111. Article 3.2.R: Add the following requirement: Single loaded streets shall be encouraged to maximize open space visibility. A maximum of 50% of all lots shall be permitted directly across a street from another lot without the provision of common area open space between the lots.
112. Article 3.2.R: Add the following requirement: All lots within 150' of the proposed Midland Trace Trail shall be oriented such that the front and/or side yard face the trail.

113. Article 3.2.R: Add the following requirement: No mass grading shall be incorporated into the site design. Where possible grading shall only be done to accommodate the construction of roadways and installation of public infrastructure.

114. Article 3.4: Restrict this section to the standards for just the Rural Southwest District and the Single-family Attached district. The existing text is an accounting of all residential areas within the PUD and is not necessary as standards apply to the Multi-family use. Those standards are contained in Article 4.3.M.

Rural Southwest District - Additional Procedural Requirements:

115. Article 3.2.S Process (additional information that shall be provided and steps that shall be taken as part of the Development Plan application and review process):
    a. Site Analysis Map
    b. Site Inspection
    c. Conservation and Development Areas Map
    d. Conservation Plan

    The assembly of information and conduct of inspections shall be in accordance with the Westfield and Washington Township Comprehensive Plan. The proposed layout of the conservation subdivision shall be at the discretion of the applicant provided that the plan meets the requirements of this Towne Road Crossing PUD.

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ARTICLE 1. DEFINITIONS.

1. "Accessory Building" shall mean and refer to a subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use and is under the same ownership. Accessory buildings must be subordinate in height, width, length, and bulk to the principal building. Buildings which are portable and do not have permanent foundations are also classified as Accessory Buildings but are not subject to improvement location permits.

2. "Advisory Plan Commission" shall mean and refer to the Westfield-Washington Township Advisory Plan Commission.

3. "Aggregate Lot Area" shall mean and refer to the sum of all land acreage within a given development (i.e. planned developments, planned business districts, local retail districts) including outlots.

4. "Agriculture" shall mean and refer to the art or science of cultivating the ground, and raising and harvesting crops, also often including feeding, breeding and management of livestock; tillage, husbandry, farming; in a broader sense, the science and art of the production of plants and animals useful to man. In this broad use it includes farming, horticulture, forestry, dairy farming, etc.

5. "Airport Hospitality District" shall mean and refer to what is identified on the Zoning District Map as the Airport Hospitality District.

6. "Alley" shall mean and refer to any private drive, with the exception of private streets, open for the purpose of affording a secondary means of vehicular access to abutting property which otherwise abuts upon a street and which is not intended for traffic other than public services and circulation to and from said property.

7. "Alternative Transportation Plan" shall mean and refer to a plan which illustrates bicycle paths, walking paths, and sidewalks throughout and around a geographic area.

8. "Apartment" shall mean and refer to a building or portion thereof designed for or occupied by more than two families. Also a multi-family dwelling.

9. "Art Studio" shall mean and refer to the conducting of one or more of the following activities: painting, sculpturing, jewelry making, weaving or other similar function defined as a fine are

10. "Assisted Living Facility" shall mean and refer to a facility for persons having such disabilities as to require assistance with daily living tasks. Such facilities contain four or more dwelling units and/or rooming units; provide a combination of housing, support services, personalized assistance, and healthcare; and respond to the individual needs of persons who need assistance with the activities of daily living, but do not require 24-hour skilled medical care.

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

12. "Beauty Shop" shall mean and refer to the providing of beauty culture services to members of the general public as the result of being properly licensed and inspected.

13. "Block" shall mean and refer to a unit or property bounded by streets, or by streets and/'or railroad right-of-way, waterways, or other barriers.

14. "Buffer Yard" shall mean and refer to a unit of yard together with the planting thereon.

15. "Building" shall mean and refer to a structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or other property. When separated by party walls, without opening through such walls, each portion of such building shall be considered a separate structure.

16. "Building Area" shall mean and refer to the maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, porches without roofs not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

17. "Building Commissioner" shall mean and refer to the official designated by the Westfield Town Council, authorized to enforce the Westfield -Washington Township Comprehensive Zoning Ordinance and the Westfield -Washington Township Building Code.

18. "Building, Detached" shall mean and refer to a building having no structural connection with another building.

19. "Building, Front Line of" shall mean and refer to the line of the face of the building nearest the front lot line.

20. "Building Height" shall mean the vertical distance from the grade level at the main entrance to the top of the parapet that comprises the majority of the perimeter of the building 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.

21. "Building Line (Building Setback Line)" shall mean and refer to the line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line as defined by the legal description.

22. "Building, Principal" shall mean and refer to a building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

23. "Business" shall mean and refer to the engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

24. "BZA" shall mean and refer to the Westfield-Washington Township Board of Zoning Appeals.

25. "Caliper" shall mean and refer to a standard trunk diameter measurement for trees. Caliper measurements are taken twelve inches above the finished grade.

26. "Church" shall mean and refer to a building and property used for public worship. A Church may include a daycare and meeting space facilities open to the general public at the election of the owner.

27. "Community Garden" shall mean and refer to a designated area within a subdivision common area set aside for use by residents for the growing of plants including fruits, vegetables and flowers. These areas may be segmented off for use by individual owners of lots within the subdivision.

28. "Concession / Mobility Rental Stand" shall mean and refer to a business use engaged in the sale of refreshments and rental of equipment such as bicycles.

29. "Conservation Subdivision" shall mean and refer to a residential development designed to maximize open space conservation and create an interconnected network of permanent open space.

30. "Construction Phasing Schedule" shall mean and refer to the Construction Phasing Schedule attached hereto and incorporated herein by reference as Exhibit E.

31. "Corner Break" shall mean and refer to the exterior corner along the facade of a home. The "exterior" corners of a covered porch, the outermost corners of the residence, and a projection with a height of no less than six (6) feet and depth of no less than two (2) feet shall count as a corner break.

32. "Cut-off fixtures, eighty-five degree. Eighty-five (85)" shall mean and refer to the degree cutoff fixtures means those fixtures that do not allow light to escape above an eight-five (85) degree angle measured from a vertical line from the center of the lamp extended to the ground.

33. "Cut-off fixtures, full" shall mean and refer to the full cut-off fixtures means those fixtures that are designed or shielded in such a manner that all light emitted by a fixture is projected

below a horizontal plane running through the lowest point on the fixture where light is emitted.

34. "Declaration" shall mean and refer to any Declaration of Covenants, Conditions, or Restrictions prepared by the Developer with respect to all or any portion of the Real Estate, and recorded with the Recorder of Hamilton County, Indiana.

35. "Density" shall mean and refer to the total number of dwelling units within a District divided by the gross acreage of that District. Within the Rural Southwest and Single Family Attached districts the acreage devoted to any non-residential use such as a church shall be removed from the gross acreage when computing the density of the District. For instance if a church is developed on 15 of the 74 acres of the Rural Southwest District the density would be computed by dividing the total number of dwelling units by 59 acres.

36. "Department" shall mean and refer to Westfield Community Development Department or its successors.

37. "Developer" shall mean and refer to Wilfong & Kreutz Land Development, LLC and its successors, assigns, and designees.

38. "Development Amenities" shall mean and refer to neighborhood features that provide comfort, convenience, pleasure, and increased quality of life within developments. Development amenities may include, but are not limited to clubhouses, gyms, swimming pools, tennis courts, basketball courts, ball-fields (soccer, football, etc.), walking/jogging/biking trails, picnic/barbecue group areas, playgrounds, volleyball courts, and racquetball courts.

39. "Director" shall mean and refer to the Director of the Westfield Community Development Department.

40. "District" shall mean and refer to any of the 5 Districts within the Towne Road Crossing PUD.

41. "Driveway" shall mean and refer to a private road which provides access to a lot, or to a use located on such lot, from a public way.

42. "Dwelling" shall mean and refer to a building or portion thereof on a permanent foundation, used primarily as a place of abode for one or more human beings, but not any facility normally providing housing for a period of under 30 days.

43. "Dwelling, Duplex" shall mean and refer to a building designed for or occupied by two family units, living independently of each other in individual dwelling units.

44. "Dwelling, Single Family Detached" shall mean and refer to a dwelling unit which does not share a common wall with any other dwelling and is surrounded on all sides by open space located on the same lot.

45. "Dwelling, Multi-family" shall mean and refer to a building designed for or occupied by three or more family units, living independently of each other in individual dwelling units. Multi-family dwellings include apartments, townhomes, group homes, dormitories, etc.

46. "Dwelling, Quadraplex" shall mean and refer to a building designed for or occupied by four family units, living independently of each other in individual dwelling units.

47. "Dwelling, Single-family" shall mean and refer to a building designed for or occupied by one family unit.

48. "Dwelling, Single Family Attached" shall mean and refer to two through seven unit attached dwellings including but not limited to Quadplex Dwellings, Triplex Dwellings, Duplex Dwellings, and Townhouse Dwellings.

49. "Dwelling, Triplex" shall mean and refer to a building designed for or occupied by three family units, living independently of each other in individual dwelling units.

50. "Dwelling, Townhouse" shall mean and refer to a one-family dwelling unit with a private entrance, which is part of a larger structure whose dwelling units are attached in a linear arrangement. Townhomes possess totally exposed front and rear walls, used for access, light, and ventilation.

51. "Dwelling Unit" shall mean and refer to any room or group of rooms located within a dwelling, which forms a single habitable unit for occupancy by one (1) family unit. Dwelling units include facilities that are used, or intended for use as living, sleeping, cooking, and eating accommodations.

52. "Easement" shall mean and refer to land which has been designated by lawful agreement between the owner or owners of land and a person or persons for a specified use only by such person or persons.

53. "Educational Institution" shall mean and refer to public or parochial preprimary, primary, grade, junior high, high, preparatory school or academy; junior college, college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

54. "Elevation" shall mean and refer to the front architectural façade of a dwelling.

55. "Evergreen" shall mean and refer to coniferous or broad-leaved plants whose leaves remain throughout the year and are continually dropping and being replaced by new springtime growth.

56. "Family" shall mean and refer to one or more persons occupying a building and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nurses

home, fraternity or sorority house.

57. "Fiber Cement Siding" shall mean and refer to a substance that is not a Masonry product, but is a mix of Portland cement, ground sand, cellulose fiber, and various additives mixed with water and manufactured into a siding material.

58. "Fishing Pond" shall mean and refer to a storm water management pond that is stocked with fish for the purpose of providing recreational fishing opportunities for the residents of a District(s).

59. "Floor Area, Gross Ground" shall mean and refer to the square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level exclusive of open porches, breezeways, terraces, garages and exterior stairways.

60. "Foot-candle" shall mean and refer to a unit of illumination produced on a surface, all points which are one foot from a uniform point source of one candle.

61. "Franchise Architecture" shall mean and refer to building design that is trademarked or identified with a particular chain or corporation and is generic in nature.

62. "Frontage" shall mean and refer to all the property on one side of a street between two intersecting streets measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

63. "Front Facing Garage Doors" A garage door that is parallel to the front elevation of the home.

64. "Grade" shall mean and refer to the average level of the finished surface of ground adjacent to the exterior walls of the building.

65. "Herein" shall mean and refer to the entirety of, and anywhere within, this Towne Road Crossing PUD, and shall not be restricted to a particular paragraph or section in which the word "herein" appears.

66. "Home Occupations Permitted" shall mean and refer to a gainful occupation or profession conducted by a member of a family residing on the premises and where the business or profession is conducted within the building and is listed as a permitted home occupation in the district involved.

67. "Hospice" shall mean and refer to a facility that provides inpatient support care and attends to the emotional, spiritual, social, and financial needs of terminally ill patients and their families.

68. "Hotel" shall mean and refer to a building in which lodging is provided and offered to the public for compensation and which is open to transient guests in contradistinction to a

boarding or lodging house.

69. "Illustrative Site Development Plan" shall mean and refer to the Illustrative Site Development Plan attached hereto and incorporated herein by reference as Exhibit C.

70. "In-line Tenant" shall mean and refer to any tenant within a multi-tenant building where each individual tenant has an exterior store front and patron entrance.

71. "Landscaping" shall mean and refer to the improvement of a lot, parcel, or tract of land with a combination of living plants such as grasses, shrubs, trees, and/or other plant materials and nonliving materials such as rocks, mulch, walls, fences, and/or ornamental objects designed and arranged to produce an aesthetically pleasing effect.

72. "Landscaping Plan" shall mean and refer to a plan which illustrates all details, cross-sections, rights-of-way, easements, property lines, plant materials and sizes, and slope information of all proposed mounds. (see Article 14 – Landscaping Standards)

73. "Lighting Plan" shall mean and refer to a plan depicting proposed design and materials of light fixtures, location of lighting, and directional focus of lights. (see Article 15 – Lighting Standards)

74. "Linear Footage, Wall" shall mean and refer to the horizontal length of a building wall. Linear footage shall be measured as the horizontal distance between building corners, regardless if the building wall is convex, concave, or has projecting or inset portions.

75. "Loading and Unloading Berths" shall mean and refer to the off-street area required for the receipt or distribution by vehicles of materials or merchandise, which in this Ordinance is held to be a 12 by 45 foot loading space with a 14 foot height clearance.

76. "Local Road or Street" shall mean and refer to local roads or streets accepting traffic from collector streets and distribute the traffic through subdivisions, neighborhoods and business areas to individual homes, apartments, business sites, and industrial sites.

77. "Lot" shall mean and refer to a land area with a properly recorded legal description, accessible by means of a street.

78. "Lot, Corner" shall mean and refer to a lot at the junction of and abutting two or more intersecting streets.

79. "Lot, Depth of" shall mean and refer to the mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

80. "Lot, Interior" shall mean and refer to a lot other than a corner lot or through lot.

81. "Lot Line, Front" shall mean and refer to, in the case of an interior lot, a line separating a lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of a

lot from the street, except in the case where deed restrictions specify another right-of-way line as the front lot line.

82. "Lot Line, Rear" shall mean and refer to a lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangle-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

83. "Lot Line, Side" shall mean and refer to any lot boundary line not a front lot line or a rear lot line.

84. "Lot of Record" shall mean and refer to a lot which is part of a subdivision, the map of which has been recorded in the office of the Hamilton County Recorder, or a parcel of land, the deed to which has been recorded in the office of the Hamilton County Recorder prior to the date of passage of this Ordinance.

85. "Lot, Width" shall mean and refer to the dimension of a lot, measured between side lot lines on the building line.

86. "Masonry" Brick, limestone, natural stone, cultural stone, stucco and EIFS or other similar building material or a combination of the same, bonded together with mortar to form a wall, buttress or similar mass. Stucco and EFIS shall be used for accent purposes only and limited to fifteen (15) percent of the building façade.

87. "Multi Use" District" shall mean and refer to what is identified on the Zoning District Map as the Multi Use District.

88. "Natural Materials" Brick, wood, limestone, fiber cement siding, or natural stone.

89. "Neighborhood Commercial District" shall mean and refer to what is identified on the Zoning District Map as the Neighborhood Commercial District.

90. "Nursing Home" shall mean and refer to a facility licensed by the State Board of Health, which (1) provides nursing services on a continuing basis; (2) admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; (3) provides for licensed physicians services or supervision; (4) maintains medical records. Such facility may also provide other and similar medical or health service provided that no occupant requires physical restraint within the facility. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

91. "Office, General" shall mean and refer to a place of business used exclusively for office purposes where no product of commodity for retail sales is located or sold, including but not limited to sales offices, real estate offices, financial offices and Professional Offices.

92. "Office Professional" shall mean and refer to the office of a recognized professional maintained fro the conduct of the profession. A profession is a vocation, calling, occupation,

or employment requiring training in the liberal arts or sciences, or a combination thereof, requiring advances study in a specialized field; any occupation requiring licensing by the State and maintenance of professional standards applicable to the field.

93. "Open/Green Space" shall mean and refer to any part of the Towne Road Crossing PUD not covered by public or private streets, alleys, non-residential buildings, parking areas, and individual residential lots. Open space includes but shall not be limited to areas of residential, commercial or institutional developments and/or uses such as: parks, playgrounds, wetlands, trails, water retention/detention areas, floodplains, screening buffers, yards, parking lot planting areas and other landscaped areas. Portions of private residential lots shall qualify as open space pursuant to the provisions of Article 3.2 of this Towne Road Crossing PUD.

94. "Open Space, Trails and Amenity Plan" shall mean and refer to the Open Space, Trails and Amenity Plan attached hereto and incorporated herein by references Exhibit D.

95. "Outside Sales Display, Permanent" shall mean and refer to merchandise placed outside of a commercial structure for purpose of sales.

96. "Outside Sales Display, Temporary" shall mean and refer to merchandise placed outside of commercial structures only during business hours for the purpose of temporary sales or special sales events.

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

98. "Overhang" The portion of the roof structure that extends beyond the exterior walls of a home offering it protection from the elements.

99. "Owner" shall mean and refer to any owner of any part of the Real Estate.

100. "Parcel" shall mean and refer to a land area with properly recorded legal description.

101. "Parcel Coverage" shall mean and refer to the total ground area, within any particular parcel, covered by the primary structures plus garages and carports and other accessory structures, which are greater than thirty-six inches above grade level, excluding fences and walls not attached in any way to the roof.

102. "Park" shall mean and refer to a public space and supporting facilities designed and used for a variety of recreational activities, a greater part of which take place outside of any structure.

103. "Parking Lot Planting Areas" shall mean and refer to areas within and adjacent to parking areas where trees, shrubs, and groundcovers are required to be planted in order to shade and improve the aesthetic qualities of parking facilities and to avoid the creation of large,

unbroken expanses of pavement.

104. "Parking Space" shall mean and refer to an area designed or used for parking a motor vehicle which complies with Article 9 of this Towne Road Crossing PUD.

105. "Plan Commission" shall mean and refer to the Westfield-Washington Township Advisory Plan Commission.

106. "Plat" shall mean and refer to a map or chart indicating the subdivision of land, intended to be filed for record.

107. "Primary Conservation or Natural Area" shall mean and refer to an area consisting of the following: Wetlands, Upland Woods, Orchards, Steep Slopes (>12%), Streams and creeks, Pastures and Prairies.

108. "Private School" shall mean and refer to a private, preschool, primary, grade, high or preparatory school or academy.

109. "Public gathering area" shall mean and refer to a space within a subdivision common area occupied by a structure and surrounding hardscape/landscape design including seating for a minimum of 10 persons.

110. "Public Utility Installations" shall mean and refer to the erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions, or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by public utility or municipal departments, commissions, or common carriers, for the public health or safety or general welfare.

111. "Real Estate" shall mean and refer to the real estate described in what is attached hereto and incorporated herein by references as Exhibit A-2.

112. "Retail Sales, General" shall mean and refer to enclosed establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

113. "Ridge line" The intersection of two horizontal roof planes, or the angle formed by them, which form the peak of a pitched area. A hip roof shall be the equivalent of only one ridge line.

114. "Right-Of-Way" shall mean and refer to a legally established property designated for transportation uses.

115. "Rural Southwest District" shall mean and refer to what is identified on the Zoning District Map as the Rural Southwest District.

116. "Services, General Personal" shall mean and refer to an establishment or place of business primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

117. "Shield" shall mean and refer to any attachment, which interrupts and blocks the path of light emitted from a luminaire or fixture.

118. "Shrub" shall mean and refer to a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

119. "Sign" shall mean and refer to any display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number.

120. "Sign area" shall mean and refer to the entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.

121. "Sign awning" shall mean and refer to any advertising or display located on any non-rigid material that extends from the exterior wall of a building and is supported by or attached to a frame.

122. "Sign, center" shall mean and refer to a means of advertising used to identify a nonresidential center, which may include individual tenant advertising.

123. "Sign, projecting" shall mean and refer to any sign attached to a building or wall and extending laterally more than eighteen (18) inches from the face of a wall.

124. "Sign, residential complex or subdivision" shall mean and refer to residential complex or subdivision sign means a sign containing the name of a residential complex or subdivision, with or without its accompanying address.

125. "Sign, Under Canopy" shall mean and refer to small signs placed under a canopy or roof overhang to direct patron traffic to the store entrance.

126. "Sign, wall" shall mean and refer to a sign attached to and/or integral with an exterior wall or window surface of a building, the face of which is parallel to the surface.

127. "Single Family Attached District" shall mean and refer to what is identified on the Zoning District Map as the Single Family Attached District.

128. "Street" shall mean and refer to a right-of-way designated for use by motor vehicles.

129. "Thoroughfare Plan" shall mean and refer to the Thoroughfare Plan adopted by the Town of Westfield which sets forth the location, classification, and other information pertaining to existing and proposed streets in Washington Township.

130. "Town Council" shall mean and refer to the Westfield Town Council.

131. "Tree" shall mean and refer to a large, woody plant having one or several self-supporting stems or trunks and numerous branches.

132. "Tree, Shade" shall mean and refer to a large tree growing to over forty (40) feet in height at maturity, usually deciduous and planted to provide canopy cover shade (see *Deciduous*).

133. "Tree, Street" shall mean and refer to a tree planted along the street right-of-way.

134. "Underlying Zoning Compendium" shall mean and refer to the Underline Zoning Compendium which is part of this Towne Road Crossing PUD but which was filed with the Westfield Community Development Department as a separate Underlying Zoning Compendium.

135. "Westfield Community Development Department" shall mean and refer to the Westfield Community Development Department or its successors.

136. "Wireless Communication Service Facilities" shall mean and refer to antennas or antenna support structures for private or commercial mobile radio communications, broadcast radio or television; and associated equipment buildings, broadcasting studios, or radio or television business offices.

137. "WPWD" shall mean and refer to the Westfield Public Works Department or its successors.

138. "Yard" shall mean and refer to a space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided by this ordinance.

139. "Yard, Front" shall mean and refer to a yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the front lot line and the building line

140. "Yard, Rear" shall mean and refer to a yard extending across the full width of the lot between the rear of the principal building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such principal building.

141. "Yard, Side" shall mean and refer to a yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally at 90 with the side lot line, from the nearest part of the principal building, except in cases where irregular or pie shaped lots are located, then the width of the required side yard shall be an average of the width of the area between the side lot line and the principal building measured

horizontally at 90 with the side lot line.

142. "Zoning District Map" shall mean and refer to the Zoning District Map attached hereto and incorporated herein by reference as Exhibit B.

143. "Zone Map" shall mean and refer to the official zone map corresponding to the Zoning Ordinance.

144. "Zoning Ordinance" shall mean and refer to the Zoning Ordinance of Westfield-Washington Township.

145. "24 Hour Use Area" shall mean and refer to the area identified on the Zoning District Map where uses are permitted to operate 24 hours a day.

ARTICLE 2. LAND USE CONTROLS. Section 16.04.010 of the Zoning Ordinance entitled "General Provisions", as contained in the Underlying Zoning Compendium, shall be inapplicable to the use and development of the Real Estate.

ARTICLE 3. SINGLE FAMILY RESIDENTIAL DISTRICTS. The terms, conditions, and provisions of this Article III shall apply to the use and development of the Rural Southwest District and the Single Family Attached District.

Section 3.1. General Requirements. Provisions for Residential Uses are as follows:

A. Accessory Buildings and Uses.

1. Accessory buildings and uses are permitted in all districts, but not prior to the erection of the principal building.

2. Accessory uses installed according to Developmental Standards and Architectural Guidelines, such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, and lamp posts, are permitted in any front, side or rear yard without the issuance of any permit.

3. 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 accordance with the provisions of IC 36-7-4-201.1.

B. Building Lines.

1. On through lots a front building setback line is required on each street.

2. On corner lots a front building setback is required on each street.

C. Building Height. All non-residential buildings are permitted to be a maximum of forty-five (45) feet in height.

D. Home Occupations.

1. The following uses shall be permitted as Home Occupations:

a. Art studio

b. Dressmaking or tailoring

c. Professional office of a clergyman, lawyer, architect, accountant, consultant, counselor, realtor, travel agent, or computer professional.

d. Typing or other office services.

e. Teaching musical instruments, tutoring, or dancing limited to a maximum of four (4) students at any one time.

f. A business conducted entirely by mail, internet or off-site delivery.

g. Beauty Shop – limited to one chair.

h. Home garage sale not to exceed two days per year.

i. 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.

j. Homebound schools for full-time or part-time children including residents of the home.

k. Personal motor vehicle sales not to exceed two vehicles per year. No advertising of vehicle sales will be permitted on a lot or on a vehicle on a lot.

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

E. Signs: See Article 16.6.B.

F. Fences. Fences located within any required front yard shall not exceed 42 inches in height, as measured from the topmost point thereof to the ground adjacent to the fence.

1. Fences located within any required side or rear yard of a residence must occur behind the front façade line of the building and shall not exceed six feet in height, as measured from the topmost point thereof to the ground adjacent to the fence.

2. Any fence placed upon an erected earth berm or masonry wall must govern its total height to the limitations herein.

3. Open wire mesh fences surrounding tennis courts may be erected to a height of 16 feet, if such fences shall only enclose a regulation court area and standard apron areas.

4. No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between three (3) and nine (9) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 40 feet

from the intersection of said street lines 40 feet for Collectors and Local Roads and Streets.

5. Fences constructed of wood for the purpose of obscuring view shall be installed so that the finished side of the fence is facing outward. Fences constructed of wood that are on a property line in which two or more land owners share in the expense are not subject to this provision.

6. Article 3.1.F.6: Add the following requirement. "Fence standards for the Rural Southwest District shall be unique to that district and may be more restrictive than the standards contained in this section. The Developer shall provide standards for this district at the time of Development Plan review.

G. Swimming Pools.

1. Applicability. The standards in this Article 3.1.G shall apply to all swimming pools within this Towne Road Crossing PUD.

2. General Standards:

a. Swimming pools shall be constructed on the same parcel as the principal building to which they are accessory.

b. Swimming pools shall not be constructed in front of the principal building.

c. Swimming pools shall be required to meet the same setback requirements as the principal structure to which they are accessory.

d. Swimming pools shall be enclosed with a fence of not less than five feet in height.

H. Sidewalks and Pathways.

1. All Residential Developments outside of the Rural Southwest District shall be provided with internal sidewalks or pathways along all internal streets.

2. All Residential Development shall be provided with sidewalks or pathways along perimeter streets.

3. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network.

Section 3.2. Rural Southwest District: The terms, conditions, and provisions of this Section 3 shall apply to the use and development of the Rural Southwest District. The Rural Southwest District is reclassified on the Zone Map from AG-SF1 Residence District Classification to

Planned Unit Development District Classification, the underlying zoning classification of which shall be the AG-SF1 district in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said AG-SF1 district, as specified in the Underlying Zoning Compendium, and as modified below by the deletion, addition, or modification of provisions and text thereof, shall govern the use and development of the Rural Southwest District. The purpose of this district is to provide for the development of a Conservation Subdivision as outlined in Chapter 2 of the Westfield – Washington Township Comprehensive Plan. A conservation subdivision is a residential development designed to maximize open space conservation and create an interconnected network of permanent open space.

A. Permitted Uses:

1. Single Family Detached Dwellings

2. Churches

4. Accessory buildings as related to single family residential uses.

5. Temporary buildings and job site trailers for construction purposes for a period not to exceed such construction.

6. Model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons.

7. Signs as permitted by this Towne Road Crossing PUD Ordinance.

8. All utilities, both regulated and unregulated (excludes offices and/or storage facilities).

9. Child care home - in accordance with IC 36-7-4-1108

10. Residential facility for mentally ill - in accordance with IC 12-28-4-7

11. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, trails, up to three playgrounds with a maximum aggregate area of 10,000 square feet, gardens, and forested and reforested areas all of which shall be made available to the residents within the Real Estate as specified in any Declaration.

12. Any amenity structures or facility or part thereof and adjacent amenity areas thereto may be rented out under terms and conditions approved by the Developer or Association.

B. Minimum lot area:

1. Eight thousand (8,000) square feet for all lots within 600 feet of the Midland Trace Trail.

2. Twelve thousand (12,000) square feet for all lots in excess of 600 feet from the Midland Trace Trail.

C. Minimum Lot Frontage on Road: Fifty (50) feet.

D. Minimum Setback Lines (while a variety of lot sizes and setbacks shall be utilized the following shall represent the minimum requirements):

1. Front yard: Twenty-five (25) feet (corner lots are required two front yard setbacks)

2 Side yard: Six (6) feet on either side.

3. Rear yard: Fifteen (15) feet.

4. Minimum lot width at building line:
   a. Seventy (70) feet for lots within 600 feet of the Midland Trace Trail.
   b. Ninety (90) feet for lots within in excess of 600 feet from the Midland Trace Trail. A minimum of 30 lots in this area shall be one hundred (100) feet in width at the building line.

E. Maximum building height: Thirty-five (35) feet.

F. Minimum ground level square footage, exclusive of porches, terraces, and garages:

1. Single story: Two thousand four hundred (2,400) square feet

2. Two story: One thousand four hundred (1,400) square feet

G. Maximum Parcel Coverage: Sixty-five (65) percent of lot area.

H. Design of Open space:

1. A minimum of sixty (60) percent of total Rural Southwest District shall be set aside in Open Space.

2. A minimum of fifty (50) percent of the open space shall be forested. Where woodlands do not exist reforestation shall be employed to satisfy this requirement. See Article 14.9 for reforestation requirements.

3. A minimum fifty (50) foot forested buffer area (including existing woodlands and reforestation) shall be required along the entire perimeter

of the District. This area shall be forested or reforested and the average width shall be 100'. Long strips of open space (less than 100' wide) shall occur only when necessary for access, along the proposed Midland Trail, or as connections between open space areas.

4. Open Space shall be an integrated part of the Conservation Subdivision design rather than an isolated element. Open Space areas shall be designed to preserve unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitats.

5. Common open space areas shall be interconnected throughout the district to promote the interconnection of open space corridors on adjacent parcels and throughout the community.

6. Primary Conservation areas including woods, pastures, and steep slopes shall be preserved.

7. A maximum of five (5) percent of the open space requirement (1/12 of the total required open space) may be provided within conservation easements on individual lots within the District.

8. One-hundred (100) percent of all lots within the District shall be directly abutting or across the street from common area Open Space. The Commission may reduce this standard where, in the opinion of the Commission, such a reduction will result in enhanced overall site design.

9. Roadways internal to the district and house lots shall be located to respect natural features and maximize exposure to Open Space.

10. Access points or paths shall be provided to afford access to common area Open Space. These access points shall link the open space to roadways within the District.

11. Subdivision of the floodplain into individual building lots shall be prohibited.

12. Individual dwelling lots shall be sited to preserve important environmental resources such as hedgerows (including perimeter buffers), woodlands, and floodplains.

I. <u>Ownership of common area Open Space:</u>

1. Open/Green Space shall be identified on Plats as common areas and shall be for the use and enjoyment of all owners within the Rural Southwest District.

2. The Open/Green Space shall be conveyed to the homeowners association (the "HOA"), which shall be a not-for-profit corporation established by the declaration of covenants, conditions, and restrictions (the "Declaration") pertaining to the Rural Southwest District and recorded with the Recorder of Hamilton County, Indiana.

3. The members of the HOA shall be the declarant identified in the Declaration and the owners of lots in the Rural Southwestern District.

4. The Declaration shall provide that the Open/Green Space may not be encumbered, conveyed or used for anything other than Open/Green Space, per the restrictions specified in this Town Road Crossing PUD and the plan described in subparagraph J below, absent both (i) the written consent of seventy-five percent (75%) of the members of the HOA and also (ii) approval by the Town Council of an amendment to the text of this Town Road Crossing PUD allowing such encumbrance, conveyance or alternative use.

5. The Declaration shall further provide that the provisions specified in paragraph 4 immediately above may not be amended, revised, or changed in any manner, even with the consent of one hundred percent (100%) of all of the members of the HOA.

J. Management of Common Open Space: An open space management plan shall be submitted with an application for Development Plan review. The plan shall be in draft form but contain enough detail to satisfy the Commission that it meets the requirements of this section. At secondary plat stage, the plan shall be in fully executable form. The management plan shall include:

1. Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of all open space areas.

2. Allocation of responsibility and establishing guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements, and including provisions that the restrictions, uses, and maintenance requirements may be enforced by the Town of Westfield.

3. Estimates of the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space, and an outline of the means by which such funding will be obtained or provided.

K. Permitted uses of Common Open Space:

1. Conservation and protection of identified natural areas where development might threaten water quality.

2. Provision of passive outdoor recreation including a maximum aggregate of 10,000 square fee of playground area.

3. Conservation and protection of forested areas.

4. Landscaped stormwater detention and retention areas including swales, wetlands, and other stormwater management facilities. Wet pond are excluded.

5. Creation of forested and prairie areas where none exist.

6. Other uses found by the Commission to be compatible with the proposed design and consistent with the purposes of this Towne Road Crossing PUD.

L. Parking: See Article 9.

M. Architectural Standards:

1. Elevations:

   a. The front elevation of a home shall be the elevation containing the front door to the home.

   b. A minimum of seventy percent (70%) of the front elevation of each home (excluding openings such as doors and windows, roofs, and any area within a dormer projecting from a roof) shall have masonry as the exterior building material.

   c. The surface area of all remaining elevations shall have masonry or natural materials as the exterior building material.

2. A home shall have a minimum of four (4) ridge lines.

3. A home shall have a minimum of three (3) corner breaks on the front, side and rear elevations.

4. Windows:

   a. A home shall have a minimum of three (3) windows on the front facade of the structure.

   b. A home shall have a minimum of two (2) windows on the each of the two side facades.

c. A home shall have a minimum of five (5) windows on the rear facade of the structure.

d. A double window (a single window unit with two windows side by side) will count as two windows.

e. All windows shall have either shutters and/or architectural treatment. For windows in brick façade, the treatment shall be of natural or masonry materials and be applied to the sill and header at a minimum. For windows in a non-brick façade, the treatment shall be of natural materials and be applied to the sill, header and jams. The width of the architectural treatment shall be a minimum of 1/2 the vertical reveal dimension of the base siding material.

5. A stoop or porch is required on all homes. The minimum size shall be no less than four (4) feet in width and depth.

6. The minimum roof pitch of the main roof of the residence shall be 6/12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch.

7. Roof overhangs shall be a minimum of 8". Elements such as porches, bays, walkways, etc., may be covered with fewer inches of overhang.

8. Roof vents shall be located to the rear half of the home when possible. All vents will be positioned to be minimally visible from the street and shall be painted to match the roofing material, black, or for those made of metal, left natural.

9. No two homes of the same elevation may be constructed next door to or directly across the street from one another.

10. A minimum of forty (40) percent of all homes on lots within 600 feet of the Midland Trace Trail shall have a side, courtyard, or rear loading garage. Where front load garages are constructed a minimum of two overhead doors will be provided and the garage may be offset forward of the primary building plane/façade a maximum of twelve (12) feet.

11. All homes on lots in excess of 600 feet from the Midland Trace Trail shall have a side, courtyard, or rear loading garage.

12. The Director has the authority to determine if a specific house plan meets these architectural building requirements and may allow one deviation from the above standards. In no case shall vinyl or aluminum be permitted as a siding material.

N. Lot Landscaping Requirements:

1. A minimum of three (3) shade trees and ten (10) shrubs shall be planted in each front yard.

2. A mulched area a minimum of two (2) feet in width will be provided along one hundred percent (100%) of the front façade where not obstructed by walkways and/or driveways.

3. A minimum of two (2) shade trees, one (1) ornamental tree and ten (10) shrubs shall be planted in each side yard.

4. A mulched area a minimum of two (2) feet will be provided along the area of the required shrub plantings.

5. Each lot shall contain a Landscape Preservation Easement a minimum of five (5) feet in depth as measured from the rear lot line and a total of no less than fifteen (15) in total depth which may extend into a common area. Each home shall have a minimum of eight (8) shade or evergreen trees in the rear yard. A minimum of four (4) shall be planted within the easement.

6. Twenty-five percent of the shrubs required under this section may be substituted with perennial plants at the rate of 4 perennials per 1 shrub.

O. Landscaping: See Article 14.9.

P. Lighting: See Article 15.

Q. Street and Sidewalk Standards: See Articles 12 and 13.

1. Notwithstanding the standards contained in Article 12 and 13 of the Towne Road Crossing PUD streets and paths within the Rural Southwest District may conform to the following:
   a. Interior residential streets may be private.
   b. Interior streets shall not require curbs (if private).
   c. Interior residential streets may be designed with 11' travel lanes (if private).
   d. Interior residential streets shall require a minimum 150 foot centerline radius and a horizontal and vertical sight distance of 150 feet. Any horizontal curve radius less than 150 feet shall be signed with warning signs for slower speeds and sharp turns ahead.
   e. All streets shall be constructed according to Town of Westfield Standards and Specifications detail P-1 for Local Streets.

f. Sidewalks along interior residential streets shall not be required (if private).
g. Construction of paths out of alternate materials such as mulch and crushed stone shall be permitted within common areas. The Alternative Transportation Path along Towne Road shall meet all applicable WPWD standards.
h. Gated entry system(s) shall be permitted provided they meet the standards set forth for gated entry systems previously approved by the Town.

R. Additional Site Design Standards:

1. Low-impact development strategies including a variety of small-scale site design techniques (such as rain gardens, vegetated swales, filter strips, wet ponds, and wetlands) will be distributed throughout the district to control runoff discharge and quality.

2. Single loaded streets shall be encouraged to maximize open space visibility. A maximum of fifty (50) percent of all lots shall be permitted directly across a street from another lot without the provision of common area open space between the lots.

3. All lots within 150' of the proposed Midland Trace Trail shall be oriented such that the front and/or side yard face the trail.

4. No mass grading shall be incorporated into the site design. Where possible grading shall only be done to accommodate the construction of roadways and installation of public infrastructure.

S. Additional Development Plan Requirements:

1. The following information shall be provided and steps shall be taken in addition to the Development Plan review process outlined in Article 10 of this Towne Road Crossing PUD.
   a. Site Analysis Map
   b. Site Inspection
   c. Conservation and Development Areas Map
   d. Conservation Plan

2. The submittal of information and conduct of inspections shall be provided based on the recommendations of the Westfield and Washington Township Comprehensive Plan "Conservation Subdivision Process Tool Box" section. The final proposed layout of the conservation subdivision shall be at the discretion of the applicant provided that the plan meets the requirements of this Towne Road Crossing PUD.

Section 3.3. <u>Single Family Attached District</u>: The terms, conditions, and provisions of this Section 3 shall apply to the use and development of the Single Family Attached District. The Single Family Attached Districts are reclassified on the Zone Map from AG-SF1 Residence District Classification to Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-A district in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said SF-A district, as specified in the Underlying Zoning Compendium, and as modified below by the deletion, addition, or modification of provisions and text thereof, shall govern the use and development of the Single-family Attached Districts.

A. <u>Permitted Uses</u>:

1. Single Family Attached Dwellings (with maximum of four units per building)

2. Single Family Detached Dwellings

3. Assisted Living Facility

4. Accessory buildings as related to single family residential uses

5. Public Parks

6. Temporary buildings and job site trailers for construction purposes for a period not to exceed such construction

7. Model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons.

8. Signs as permitted by this Towne Road Crossing PUD Ordinance

9. All utilities, both regulated and unregulated (excludes offices and/or storage facilities).

10. Child care home - in accordance with IC 36-7-4-1108

11. Residential facility for mentally ill - in accordance with IC 12-28-4-7

12. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, recreational developments, trails, swimming pools, fitness centers, clubhouses, parks, ball fields, ball courts, practice facilities, playgrounds, gardens and related storage and support facilities, all of which shall be made available to the residents within the Real Estate as specified in any Declaration.

13. Any amenity structures or facility or part thereof and adjacent amenity areas thereto may be rented out under terms and conditions approved by the Developer or Association.

B. Minimum lot area: N/A

C. Minimum lot frontage on road: N/A

D. Minimum setback lines:

1. 30 feet from arterials

2. 20 feet from collectors and local streets

E. Maximum Building Height: Thirty-five (35) feet.

F. Minimum distance between structures: Twenty (20) feet.

G. Minimum square footage per dwelling unit, exclusive of porches, terraces, and garages:

1. Single story – 1,500 square feet

2. Two and three story – 1,800 square feet

H. Minimum open space shall be thirty-five (35) percent of total Single Family Attached District.

I. Parking: See Article 9.

J. Architectural Standards:

1. Elevations:

a. Thirty percent (30%) of the surface area of the total building facade, excluding openings such as doors and windows, roofs, and any area within a dormer projecting from a roof, shall have masonry as the exterior building material.

b. The remaining surface area shall have masonry or natural materials as the exterior building material.

2. Windows:

a. Each living unit shall have a minimum of three (3) windows on each facade of the structure (a living unit is permitted two (2) windows on a façade if one additional tree is planted in the corresponding yard).

b. A double window (a single window unit with two windows side by side) will count as two windows.

c. All windows shall have either shutters and/or architectural treatment. For windows in brick façade, the treatment shall be of natural or masonry materials and be applied to the sill and header at a minimum. For windows in a non-brick façade, the treatment shall be of natural materials and be applied to the sill, header and jams. The width of the architectural treatment shall be a minimum of 1/2 the vertical reveal dimension of the base siding material.

3. A stoop or porch is required on all homes. The minimum size shall be no less than four (4) feet in width and depth.

4. The minimum roof pitch of the main roof of the residence shall be 6/12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch.

5. Roof overhangs shall be a minimum of 8". Elements such as porches, bays, walkways, etc., may be covered with fewer inches of overhang.

6. The Director has the authority to determine if a specific house plan meets these architectural building requirements and may allow up to two deviations from the above standards. No deviation of the elevation architectural standards is permitted.

K. Landscaping Requirements:

1. A minimum of four (4) shade trees and ten (10) shrubs shall be planted for each dwelling unit.

2. A mulched area a minimum of two (2) feet in width will be provided along 100% of the building façade where not obstructed by walkways and/or driveways.

3. Twenty-five percent of the shrubs required under this section may be substituted with perennial plants at the rate of 4 perennials per 1 shrub.

4. Plantings may be placed throughout the Single Family Attached District.

L. Lighting: See Article 15.

M. Building Orientation:

1. All dwellings within 100' of the Midland Trial shall be positioned so that a side or front façade faces the trail. No rear elevations shall be permitted to face the Midland within this area and front elevations shall be encouraged.

2. A maximum of twenty-five (25) percent of the total number of units shall be constructed in an in-line format as opposed to a quad (back and side wall attached) format.

Section 3.4. <u>Amenities</u>:

A. The following Amenities will be distributed throughout the Rural Southwest District and the Single Family Attached District, for use by residents of districts designated by the Developer:

1. A minimum of 2 playgrounds

2. Integrated trail system

3. Swimming pool and swimming pool area (this amenity is not permitted in the Rural Southwest District).

B. Additionally, at least one of the following amenities shall also be provided within the Single Family Attached District and the Neighborhood Commercial District:

1. Fitness center

2. Basketball court

3. Tennis Court

4. Volleyball court

5. Putting green

6. Community garden

7. Public gathering area

8. Fishing Pond

ARTICLE 4. MULTI-USE DISTRICT. This district is established for high quality office development. In addition to office uses Nursing Homes, Retirement Centers and Assisted Living facilities may also be developed in this district provided those uses meet the development standards noted in this Article.

The Multi-Use District is reclassified on the Zone Map from the AGSF-1 Residence District classification to the Planned Unit Development District classification, the underlying zoning of which shall be the MF -2 (Multi-family 2 District) in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said underlying zoning classification, specified in the Underlying Zoning Compendium, as modified below by the deletion, addition, or modification of the provisions and text thereof, shall govern the use and development of the Multi-Use District.

Section 4.1. Permitted Uses. The following are permitted uses within the Multi-Use District:

A. See Article 11 (Table of Permitted Uses) for the list of permitted uses.

B. Accessory buildings related to uses listed in this Section.

C. Temporary buildings for construction purposes for a period of time not to exceed time of construction

D. Utilities, both regulated and unregulated (excludes offices and/or storage facilities).

E. Model homes, sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons.

F. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, recreational developments, trails, swimming pools, fitness centers, clubhouses, parks, ball fields, ball courts, practice facilities, playgrounds, gardens and related storage and support facilities.

G. Any amenity structures or facility or part thereof and adjacent amenity areas thereto may be rented out under terms and conditions approved by the Developer or Association.

Section 4.2. Permitted Home Occupations: The standards on Section 3.1.D shall apply.

Section 4.3. Development Standards: The development standards of this section shall be applied to residential development within the Multi-Use District. Development of office uses within the district shall meet the development standards contained under Article 5.2 of this Towne Road Crossing PUD.

A. Maximum Dwelling Density - Fourteen (14) dwelling units per acre

B. Maximum Number of Dwelling Units Per Structure – thirty-six (36) units

C. Maximum Number of Multi-family Dwelling Units within the Real Estate – three hundred (300) units

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

E. Minimum Tract Requirement – A minimum of ten (10) acres is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

F. Minimum Lot Area – None

G. Minimum Road Frontage – three hundred thirty (330) feet

H. Minimum Setback Requirements (applied to perimeter of the Multifamily District) -

1. Front Yard: thirty (30) feet along Towne Road, twenty (20) feet along all other streets.

2. Side Yard: twenty (20) feet

3. Rear Yard: twenty (20) feet

I. A minimum setback of 10' shall be required between buildings and internal driveways/parking areas.

J. Maximum building height: forty-five (45) feet except for buildings within 100' of the north district boundary which shall be a maximum of 35' or two stories.

K. Proximity Slope: – The proximity slope shall not apply to the development of the Real Estate.

L. Minimum Distance Between Structures: twenty (20) feet

M. Development Amenities – A Multi-family use shall be provided with development amenities in accordance with the following requirements:

1. At least twenty-five (25) percent of the gross land area devoted to a Multi-family use shall be designated as open space. The ownership of green space, how it will be protected from future development and responsibility for future maintenance must be documented and recorded with the plat.

2. A multi-family use shall be provided with the number of amenities within its open space as required by this section.

N. Required amenities may include, but are not limited to, clubhouses, gymnasiums, swimming pools, tennis courts, basketball courts, ball-fields (soccer, baseball, etc.), walking/jogging/biking trails, volleyball courts, and racquetball courts. Picnic/barbecue areas and playgrounds are permitted as amenities in accordance with the following standards:

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

2. One large playground at least 5,000 square feet in area. The amount of square feet required is the total play area including safe fall zones. Play equipment should include a variety of elements within a designated area mulched with ADA and CPSC approved safety surfacing. The play elements shall include at least the following numbers and types:

   a. Six (6) swings

   b. Three (3) detached/freestanding play elements

   c. Three (3) sliding elements

   d. Six (6) climbing elements

   e. One (1) overhead element

   f. Panels featuring play elements

   g. Decks, bridges, tunnels as required to attach various play elements to each other.

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

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

   a. Three (3) detached/freestanding play elements

   b. Three (3) sliding elements

c. Three (3) climbing elements

d. One (1) overhead element

e. Panels featuring play elements

f. Decks, bridges, tunnels as required to attach various play elements to each other.

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

O. The minimum number of amenities shall be three.

P. Parking: In addition to the requirements in Article 9, the following provisions shall apply:

1. Parking lots and spaces exposed to public streets or adjacent to one and two-family neighborhoods shall be screened by walls or other solid hedge row in addition to landscaping required in this Towne Road Crossing PUD.

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

Q. Building Materials: Masonry shall be the exterior building material on thirty percent (30%) of the facade of all multi-family buildings, excluding openings, such as doors and windows, roofs, and the area within any dormer projecting from a roof, and masonry or natural materials shall be the exterior building material on the remaining exterior façade areas of the building, excluding openings, such as doors and windows, roofs, and any façade area within a dormer projecting from a roof.

R. Transportation Accessibility:

1. Street infrastructure within the Multi-Use District may be developed as public streets or private streets. Such infrastructure shall be perpetually accessible to residents and emergency vehicles. Access easements shall be required.

2. Streets or Private Drives within the Multi-Use District shall align and connect with existing streets outside such developments and provide for connections with future adjacent developments.

3. At least two street accesses shall be provided to the Multi-Use District and adequate accessibility for emergency vehicles and school buses shall be ensured.

4. The Multi-Use District shall possess primary accesses off of primary arterials or secondary arterials.

5. Developers of the Multi-Use District may be required to construct turn lanes or acceleration/deceleration lanes on adjacent streets to maintain traffic service levels.

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

7. Multi-Use 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.

S. Signs: See Article 16.

T. Landscaping: See Article 14.

U. Lighting: See Article 15.

Section 4.4. Development Plan Procedures. Development plans for multi-family uses shall meet the following requirements, in addition to the other requirements set forth in this Towne Road Crossing PUD.

A. The building or buildings shall be so designated or located so that the distance from any window of any room proposed to be used for human habitation shall be not less than 20 feet from the wall of any structure on the property, such distance to be measured by a line perpendicular to the plane of the surface of said window, except that this distance may be reduced to not less than 30 feet for an exposure where a room is a bathroom or laundry utility room or is used as a community or group meeting room or for a similar purpose.

B. In the event that more than one multi-family building is proposed, they shall be designed to be located so that no more than two buildings are in a straight, unbroken line. Straight/unbroken, front facades shall be limited to 100 feet in length.

C. Off-street parking space, adequate space for service facilities, shall be provided in

the side yards or rear yard and shall in no event be located in the required front yard, provided, that no off-street parking area or service facility area shall be located closer than 4 feet to any side lot line.

D. The location of all driveways, parking areas, service facility areas, and streets shall be shown on the development plan. Also, the location, type and size of proposed public water, sewage and drainage facilities shall either be shown on the plan or on accompanying drawings.

Section 4.5. Accessory Buildings.

A. General Standards:

1. Accessory buildings shall be constructed on the same parcel as the principal building to which they are accessory.

2. No accessory building shall be constructed upon a parcel until the construction of the principal building has been commenced.

3. The standards of this Towne Road Crossing PUD shall not prevent the use of a temporary construction building to be utilized for the storage of tools, materials, and other equipment during the period of construction.

4. Accessory buildings shall be constructed in a manner that does not substantially alter the character of the vicinity in which such buildings are to be located.

5. Accessory buildings must be subordinate in height, width, length and bulk to the principal building.

B. Building Location:

1. Front Setback:

a) Front Yard: No accessory buildings may be erected closer than the front building line of the principal building.

b) Side and Rear Setback – Accessory buildings must meet the minimum side and rear yard setbacks of the Multi-use District

c) A clubhouse building shall be located a minimum of fifty (50) feet from the front property line.

C. Building Height: Accessory buildings shall not exceed forty-five (45) feet in height.

Section 4.6. Fences. Fences located within any required front yard shall not exceed 42 inches in height, as measured from the topmost point thereof to the ground adjacent to the fence.

A. Fences located within any required side or rear yard of a residence must occur behind the front façade line of the building and shall not exceed six feet in height, as measured from the topmost point thereof to the ground adjacent to the fence.

B. Open wire mesh fences surrounding tennis courts may be erected to a height of 16 feet, if such fences shall only enclose a regulation court area and standard apron areas.

C. No sign, fence, wall, shrub or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersection streets and a straight line connecting them at points 30 feet distance from the intersection of the street lines. Agricultural fences shall not be subject to height limitations.

Section 4.7. Swimming Pools.

A. General Standards.

1. Swimming pools shall be constructed on the same parcel as the principal building to which they are accessory.

2. Swimming pools shall not be constructed forward of the principal building.

3. Swimming pools shall be required to meet the same front and side setback requirements as the principal structure to which they are accessory. The minimum rear yard shall be ten (10) feet.

4. Swimming pools shall be enclosed with a fence of not less than five feet in height.

ARTICLE 5. BUSINESS DISTRICTS. The terms, conditions, and provisions of this Article 5 shall apply to the use and development of the Airport Hospitality District and Neighborhood Commercial District.

Section 5.1. General Requirements. The following general requirements apply to all business districts within the Towne Road Crossing PUD.

A. Groups of business uses requiring parking space may join in establishing group parking area with not less than 80% of the sum of the separate requirements for each participating use.

B. Public parking area and loading and unloading berths shall be paved with a hard surface.

C. Loading and unloading berths shall not be required for business uses, which demonstrate that they do not receive or transmit goods or wares in quantity by truck delivery.

D. Parking may be permitted in all required Building Setback Areas in business districts.

E. The maximum building height requirements may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirement. In no case shall a building exceed fifty (50) feet or four stories in height, whichever is less.

F. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, distribution poles and lines, transmission towers, or essential mechanical appurtenances may be erected to exceed the maximum building height by no more than 15'.

G. A suitable planting buffer shall be provided on any business yard that abuts a residential area in accordance with Article 14 – Landscaping Standards.

H. There shall be no storage or display of merchandise outside of a building except in a permanent outside sales display area established for the purpose. Permanent outside sales display areas shall be permitted in the Airport Amenity District. Said area shall be setback a minimum of three hundred (300) feet from the right-of-way of State Highway 32.

I. Outside merchandise associated with sidewalk-type sales events of less than one (1) week in duration and with a frequency of no more than once every six (6) calendar months is permitted. Farmers markets and sidewalk cafes are exempt from time restrictions.

J. Pedestrian walkways shall be provided between buildings and parking areas. Sidewalk connections shall also be made between buildings and adjacent sidewalks/paths within the right-of-way.

K. Exhibit B "Zoning District Map" illustrates an area labeled as the "24 Hour Use Area". The "24 Hour Use Area" shall be the only area within the Real Estate that permits non-residential uses to operate 24 hours a day. All other non-residential uses within Business Districts shall be limited to operating between the hours of 5 A.M. and 11 P.M. The 24 Hour Use Area identified north or SR 32 and East of Towne Road shall be reduced to mirror the same area identified on the west side of Towne Road if a Hotel use is not included in a Development Plan for that area.

Section 5.2. **Airport Hospitality District** - This district is established to accommodate the general office, service and retail needs of the surrounding area as well as the specific needs of the traveling public as it relates to the proximity of the Indianapolis Executive Airport. In addition multi-family uses may also be incorporated into the design. The purpose of this district is to allow service, retail, office and multi-family development of a nature that the area will be developed in a design generally consistent with Exhibit "C" of the Towne Road Crossing PUD.

The Airport Hospitality District is reclassified on the Zone Map from the AGSF-1 Residence District classification to the Planned Unit Development District classification, the underlying zoning of which shall be the General Business District in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said underlying zoning classification, specified in the Underlying Zoning Compendium, as modified below by the deletion, addition, or modification of the provisions and text thereof, shall govern the use and development of the Airport Hospitality District.

A. Special Requirements.

1. Architectural Standards (see Section 5.4)
2. Multi-family uses shall follow that standards contained within Article 4.1 thru 4.7 of this Towne Road Crossing PUD. The design and development standards contained under this Article 5 shall not apply.

B. Permitted Uses.

1. See Article 11 (Table of Permitted Uses) for list of permitted uses.

2. Any other business not listed which can be classified as general retail sales, general personal services or general office will be eligible with the approval by the Director.

3. Office and Service Uses shall comprise a minimum of thirty (30) percent of the non-residential Gross Floor Area of the Districts north of State Road 32.

C. Minimum Development Plan Requirement. A minimum of 5 acres is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

D. Minimum Lot Area. None

E. Minimum Development Plan Frontage on Road. 330 Feet

F. Minimum Building Setback Lines (applied to perimeter of the Airport Hospitality District):

1. Front Yard: Seventy (70) feet along SR 32 (as measured from the right-of-way at the time of adopting the Towne Road Crossing PUD). Forty (40) feet along Towne Road. Twenty (20) feet for all other streets.

2. Side Yard: Twenty (20) feet (Zero (0) feet for interior lot lines).

3. Rear Yard: Twenty (20) feet (Zero (0) feet for interior lot lines).

G. Maximum Building Height. Forty-five (45) feet except for buildings within 100' of the north district boundary which shall be a maximum of 35' or two stories.

H. Minimum Building Height - All Uses. Fourteen (14) feet, to the highest point of the roof for a building with a flat roof; twelve (12) feet to the lowest eaves for a building with a gable, hip or gambrel roof.

I. Minimum Gross Floor Area. Two-thousand (2,000) square feet.

J. Maximum Business Size. No more than two individual businesses shall exceed 100,000 square feet in floor area each. All other businesses may be a maximum of 60,000 square feet in area.

K. Building Orientation.

1. A minimum of one building with a minimum size of 12,000 square feet shall be constructed along the SR 32 frontage east of Towne Road. This building shall be complimented by outdoor dining/seating areas on both side.
2. A minimum of one building with a minimum size of 12,000 square feet shall be constructed along the SR 32 frontage west of Towne Road. This building shall be complimented by outdoor dining/seating areas on both side.
3. Offsets shall be required (for the two buildings noted above) in the roof line as well as a minimum of 4' building offset for every 70' of façade.

L. Loading and Parking. See Article 9.

1. Frontage Roads - All frontage road intersections within this corridor shall be placed a minimum of five-hundred (500) feet from the existing right-of-way of State Highway 32.

M. Signs. See Article 16.

N. Landscaping. See Article 14.

O. Lighting. See Article 15.

Section 5.3. Neighborhood Commercial District. This district is established to provide goods and services used by nearby residents on a day-to-day basis, as opposed to attracting customers and clients from a large geographic area. The purpose of this district is to allow retail and residential development of a nature that the area will be developed in a design generally consistent with Exhibit "C" of the Towne Road Crossing PUD.

The Neighborhood Commercial District is reclassified on the Zone Map from the AGSF-1 Residence District classification to the Planned Unit Development District classification, the underlying zoning of which shall be the LB (Local Business District) in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said underlying zoning classification, specified in the Underlying Zoning Compendium, as modified below by the deletion, addition, or modification of the provisions and text thereof, shall govern the use and development of the Neighborhood Commercial District.

A. Special Requirements.

1. Architectural Standards (see Section 5.4)

2. No outside storage or sales display is permitted.

3. Single-family attached uses shall follow that standards contained within Article 3.1 and Article 3.3.I thru 3.3.J (Architectural and Landscaping Requirements) of this Towne Road Crossing PUD. The design and development standards contained under this Article 5 shall not apply.

B. Permitted Uses.

1. See Article 11 (Table of Permitted Uses) for list of permitted businesses.

2. Any other business not listed which can be classified as general retail sales, general personal services or general office will be eligible with the approval by the Director.

3. Single-family Attached dwelling units only on real estate within the district west of Towne Road.

4. Assisted Living Facility.

C. Minimum Tract Requirement. A minimum of five (5) acres is required for a Development Plan Application. Development Plan Amendments do not need to meet the minimum tract requirements of this section.

D. Minimum Lot Area. None

E. Minimum Development Plan Frontage on Road. Three hundred and thirty (330) feet

F. Minimum Setback Lines (applied to perimeter of the Neighborhood Commercial District).

1. Front Yard: Seventy (70) feet along SR 32 (As measured from the existing right-of-way at the time of adoption of the Towne Road Crossing PUD).

   a. Forty (40) feet along Towne Road.

   b. 20 feet for all other streets.

2. Side Yard: Twenty (20) feet (zero (0) feet for interior lot lines)

3. Rear Yard: Twenty (20) feet (zero (0) feet for interior lot lines)

G. Maximum Building Height. Not to exceed three (3) stories or forty-five (45) feet, whichever is less.

H. Minimum Building Height (All Uses). Fourteen (14) feet to the highest point of the roof for a building with a flat roof; twelve (12) feet to the lowest eaves for a building with a gable, hip or gambrel roof.

I. Maximum Business Size.

1. No individual business use shall exceed a floor area of 12,000 square feet excepted as otherwise noted in this section.
2. Two business uses may exceed the 12,000 square foot maximum provided that their aggregate square footage does not exceed 50,000 square feet.

J. Building Orientation.

1. A minimum of 150' of building façade east of Towne Road and adjacent to (facing) the Midland Trial shall provide a customer entrance and/or be lined with outdoor dining/seating areas.

2. All non-residential building on the west side of Towne Road within 100' of the Midland Trail shall provide a customer entrance and/or outdoor dining/seating area along the building façade adjacent to the Midland Trail.
3. The front façade of Single-family Attached uses within 100' of the Midland Trial shall face the trial.
4. A minimum of one multi-tenant building shall be constructed along the SR 32 frontage. The building shall be designed with outdoor dining/seating areas on a minimum of one side of the building and the building shall have a minimum of 8,000 square feet of floor area. Offsets shall be provided in the roof line as well as a minimum of 4' building offset for every 70' of façade for this building
5. A minimum of one (1) building separation (with a minimum width of 20') along the building(s) that are within 100' of the Midland Trail (east of Towne Road) shall be required.

K. Loading and Parking. See Article 9.

1. Frontage Roads - All frontage road intersections within this corridor shall be placed a minimum of five-hundred (500) feet from the existing right-of-way of State Highway 32.

L. Signs: See Article 16.

M. Landscaping:

1. See Article 14 for all non-residential uses.
2. Single Family Attached uses shall conform to the landscape requirements contained within Article 3.3.J of this Towne Road Crossing PUD.

N. Lighting: See Article 15.

O. Open Space: Any single-family attached development within the Neighborhood Commercial District shall include a minimum of twenty (20) percent open space.

Section 5.4. Architectural Standards.

A. General Requirements.

1. Development must conform generally with the exhibits contained within the Towne Road Crossing PUD. Zoning Districts may be divided into individual development areas, with requirements specific to each area. (example: The area north and west of Towne Road and State Highway 32 may have a unique and different design theme than developments at the other three corners of the intersection.)

2. Signage shall be in conformance with regulations of an Architectural Tenant Criteria agreement and Article 16 of this Towne Road Crossing PUD. Signs may be lit externally and internally.

3. All heating, ventilating, communication, and other similar equipment located on the roof of any facility shall be screened from view on all sides in a manner that is homogenous with the balance of the structure.

4. Street light fixtures shall be pedestrian-scale fixtures.

5. Crosswalks shall be emphasized with special paving emphasis to reinforce pedestrian safety.

6. Building facades shall be articulated with canopies and covered entrances to encourage a more pedestrian friendly environment.

7. Sidewalks adjacent to buildings shall be a minimum of twelve (12) feet wide and have a minimum clear width for walking of ten (10) feet, unobstructed by any permanent or temporary streetscape elements, signs, displays or outdoor eating areas. Sidewalks may be used for outdoor eating, subject to approval by the Developer.

8. Out-parcels shown fronting State Highway 32 and Towne Road shall be required to subscribe to an overall architectural theme and buildings shall be compatible with the character of the subject District or sub-district depicted in an approved Development Plan. Common design vocabulary shall include decorative pole lighting, similar landscape palette, and use of a similar building materials palette. Outlot development should be compatible in general exterior design and materials with the primary development structure or structures. "Franchise" architecture shall be modified to conform to the above noted design vocabulary.

9. Monument Signage shall be incorporated to match the general character and identity of the primary structures. Iconic elements may be used as entry treatments at Towne Road and State Highway 32. Monument Signage shall be as directed in Article 16 of this Towne Road Crossing PUD.

10. <u>Building Materials and Colors</u>. Buildings shall have a simple palette of materials which may include:

    a. Plaster, brick and stucco wall material

    b. Split-faced block concrete

    c. Glass

    d. Masonry

11. Prohibited Building Materials. Prohibited materials include these materials on any building:

a. Rustic materials and overlay decorative materials

b. Heavy shakes, slump block and weeping mortar

c. Plastic, plywood, aluminum or vinyl siding

B. Single Family Attached uses shall conform to the architectural and landscaping standards contained within Article 3.3 of this Towne Road Crossing PUD.

ARTICLE 6. STATE HIGHWAY 32 OVERLAY ZONE. Section 16.04.075 of the Zoning Ordinance, entitled "State Highway 32 Overlay Zone", shall be inapplicable to the use and development of the Real Estate, as appropriate standards are specified in Article 5 – Business Districts and 14 – Landscaping Standards, and the corresponding Exhibits, of this Towne Road Crossing PUD.

ARTICLE 7. STATE HIGHWAY 32 LANDSCAPE OVERLAY ZONE. Section 16.04.077 of the Zoning Ordinance, entitled "State Highway 32 Landscape Overlay Zone", as specified in the Underlying Zoning Compendium, and as modified in Section 14.8 of this Towne Road Crossing PUD by the deletion, addition, or modification of provisions and text thereof, shall govern the use and development of the applicable land uses.

ARTICLE 8. MULTI-FAMILY DEVELOPMENT PLAN, FENCING, ACCESSORY BUILDING, SWIMMING POOLS AND TRASH RECEPTACLES. Section 16.04.100 of the Zoning Ordinance, entitled (Multifamily Development Plan, Fencing, Accessory Building Requirements", shall be inapplicable to the use and development of the Real Estate, as appropriate standards are specified in Articles 3, 4, and 14 of this Towne Road Crossing PUD.

ARTICLE 9. OFF-STREET LOADING AND PARKING

Section 9.1. Loading Berths.

A. Loading Berths shall be screened per the requirements of Article 14-4.I of this Towne Road Crossing PUD.

B. Off-street loading berths shall be provided only to the rear and side of buildings. Loading berths are not permitted along the front façade of building.

C. Shared loading facilities may be provided for multiple businesses.

D. Business and Professional Offices, Medical Facilities, Schools, Hotels and Similar Businesses shall provide one loading berth for each one hundred thousand (100,000) square feet of space or additional fraction thereof.

E. Other business uses shall provide one (1) loading berth for businesses with five thousand (5,000) square feet to ten thousand (10,000) square feet. Two (2) loading berths shall be provided for businesses with ten thousand one (10,001) square feet to one hundred thousand (100,000) square feet.

Section 9.2. Off-street Parking. In connection with any building or structure which is to be erected or substantially altered, and which requires off-street parking spaces, there shall be provided such off-street parking space in accordance with regulations set forth hereinafter:

A. Use. Except as may otherwise be provided for the parking of trucks or for special uses, required accessory off-street parking facilities required as accessory to uses listed herein, lots shall be for the use of adjacent businesses, their patrons, occupants and employees. Areas of the lot may be designated to a specific business.

B. Location. Parking spaces must be within six hundred (600) feet walking distance from the main entrance to the building served.

C. Computation. When determination of the number of required parking spaces required by this section results in a requirement of fractional space, any fraction shall be counted as one parking space. On-street parking may be included in the parking count.

D. Collective Provisions for Non-Residential Uses. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than 80% of the sum of the separate requirements of each such use.

E. Size. A required off-street parking space shall be at least ten (10) feet in width and at least twenty (20) feet in length, exclusive of access drives, aisles, ramps, columns. Such space shall have vertical clearance of at least seven (7) feet. Parallel parking shall require twenty-two (22) feet in length.

F. Access. Each required off-street parking space shall open directly upon an aisle or a driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

Angle of Parking Space	Aisle Width
45 degree angle	14 Feet
60 degree angle	18 Feet
90 degree angle	24 Feet

All off-street parking facilities shall be provided with appropriate means or vehicular access to a street in a manner which will least interfere with traffic movements.

G. Curbs. All parking lots (associated with non single-family residential uses) including access drives and parking spaces shall require concrete curbing.

H. Surfacing. All open off-street parking areas shall be improved with a compacted gravel or stone base, or equal, not less than four (4) inches thick, and paved. The owner is to be responsible for any replacement of blacktop to said parking area necessitated by the Town's repair of underground facilities.

I. Lighting. A system of pole lights shall be installed to provide an adequate standard of illumination over the parking lot of planned business developments during business hours and minimum security illumination during non-business hours. Emergency lighting shall be permitted during non-business hours.

J. Required Spaces. Parking spaces accessory to designated uses shall be provided to meet the following minimum requirements:

1. Residential Dwellings:

   a. Two (2) parking spaces for each single family dwelling in all Residential Districts (includes attached or detached).

   b. In addition to the requirements of this Article 9, one (1) additional parking space shall be provided for every four (4)

dwellings in the Single Family Attached District.

c. Multi-family District: One (1) parking space for each bedroom within the dwelling units. In addition to the requirements of this Article 9, one (1) additional parking space shall be provided for every six (6) Dwellings in the Multi-family District.

2. Hotels: One (1) parking space for each room plus one (1) parking space for each two (2) employees on day shift.

3. Churches: One (1) parking space for each four seats.

4. Theaters: One (1) parking space for each five seats

5. Medical and Dental Clinics: Three (3) parking spaces for each examining or treatment room, plus one (1) parking space for each doctor and employee in the building.

6. Establishments handling the sale and consumption of food and refreshment on the premises: One (1) parking space for each three (3) seats of serving area plus one parking space for each employee on primary shift.

7. Banks, Savings and Loans, and Financial Institutions: One parking space per each three hundred (300) square feet of floor space.

8. General Offices: One (1) parking space per each two hundred fifty (250) square feet of assignable office area.

9. Retail Uses: One (1) parking space per each three hundred (300) square feet of floor space.

10. Service Stations: One (1) parking space for each employee, plus two (2) for each service stall.

11. Parking space requirements for other uses will be determined by the Director based upon data supplied by the applicant in response to traffic and parking data requested to be furnished with the application for an improvement location permit.

9.3 <u>Bicycle Parking and Facilities</u>. In connection with any building or structure or structure which is to be erected or substantially altered, and which requires off-street vehicular parking spaces, there shall be provided such bicycle parking in accordance with regulations set forth hereinafter:

A. Location. Bicycle parking must be provided within one hundred (100) feet from the main entrance to the building served.

B. Required Number. Bicycle parking shall be provided to meet the following minimum requirements:

1. Residential Uses.
   a. Bicycle parking shall not be required for Single family detached and attached dwellings.
   b. Facilities designed to accommodate one (1) bicycle parking space per three (3) dwelling units shall be provided for multi-family dwellings

2. Non-Residential Uses.
   a. Facilities designed to accommodate five (5) bicycle parking spaces per one hundred (100) required vehicular parking spaces shall be provided for all non-residential uses.

3. The required bicycle parking facilities noted in this section shall be designed to accommodate a minimum of four (4) bicycles.

4. The maximum number of bicycle parking spaces required for a use under this section shall be forty (40).

C. All non-residential uses larger than 12,000 square feet in floor area shall provide shower facilities for employees.

D. All non-residential uses shall provide enclosed bicycle parking either within the primary structure or within accessory structures designed for such purpose. Enclosed bicycle shall be provided at a rate of one (1) enclosed bicycle parking space per one hundred (100) required vehicular parking spaces.

ARTICLE 10. DEVELOPMENT PLAN REVIEW. Purpose: A Development Plan Review process is hereby established for the Towne Road Crossing PUD. The Development Plan Review Process shall be applicable to all zoning districts. 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.

Section 10.1. Districts Designated for Development Plan Review.

A. Development Plan Approval. 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 the Zoning Ordinance.

B. Development Plan Authority.

1. The authority to approve or disapprove a Development Plan within the Real Estate is delegated to the Advisory Plan Commission.

2. The review process for Development Plans for individual outlots or blocks within a Development Plan previously approved by the Advisory Plan commission shall be delegated to the Director.

C. Development Requirements (General). Each Development Plan shall demonstrate compliance with all applicable provisions of this Towne Road Crossing PUD;

1. 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,

2. The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.

Section 10.2. Development Plan Review. Development Requirements for each District.

A. Multi-use District.

1. Site Access and Site Circulation.

a) 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;

b) 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,

c) 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.

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

2. Landscaping: See Article 14.

3. Lighting: See Article 15.

4. Signs: See Article 16.

5. Building Materials: See Article 4 and Article 5.

B. For the Airport Hospitality District and Neighborhood Commercial District:

1. Site Access and Site Circulation:

a) 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;

b) 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,

c) 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.

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

3. Landscaping: See Article 14.

4. Lighting: See Article 15.

5. Signs: See Article 16

6. Building Orientation.

   a) Each building façade oriented to a Public Street shall be a finished façade.

   b) No loading spaces or loading docks shall be permitted to face a public street.

6. Building Materials. In order to create variation and interest in the built environment, all new buildings or building additions applicable shall use the exterior building materials specified in Article 5.4 of this Towne Road Crossing PUD.

C. For the Rural Southwest District and Single Family Attached District:

1. Site Access and Site Circulation:

   a) 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;

   b) 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,

   c) 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.

2. Landscaping: See Article 14.

3. Lighting: See Article 15.

4. Signs: See Article 16.

5. 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:

   a) 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,

   b) 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 not be permitted. Landscape buffers per the requirements of Article 14 of this Towne Road Crossing PUD shall be provided.

6. 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.

Section 10.3. Findings Required for Approval of a Development Plan. The Plan Commission or Director shall approve a Development Plan upon finding that the proposed development plan satisfies the development requirements specified in this Towne Road Crossing PUD.

Section 10.4. Plan Documentation and Supporting Information. All requests for Development Plan approval shall include the following plans:

A. Site Plan.*

B. Overall Plan.*

C. Landscape Plan. *

D. Building Elevations.*

E. Lighting Plan.*

F. Sign Plan.*

G. Site Access and Site Circulation Plan.*

H. Statement of Development Build-out.*

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

Section 10.5. Procedures.

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

1. 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 Towne Road Crossing PUD 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.

2. 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 and the Developer. If an authorized agent files a petition, a signed and notarized consent form must accompany the application.

3. 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.

4. Forms of Filing. All Development Plans for public hearing by the Plan Commission shall be on forms provided by the Community Development 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 Development Department.

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

6. 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.

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

8. 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.

9. Notice Requirements. All notices for public hearings regarding a Development Plan Approval before the Plan Commission shall be provided in accordance with the Plan Commission's Rules of Procedure. Any Development Plan, which has been delegated to Director for approval, may occur without public notice and without a public hearing. All detailed development plan approvals are delegated to the Director.

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

1. All Development Plans for approval by the Director shall be on forms provided by Community Development 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 Development Department.

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

3. 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.

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

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

6. 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.

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

1. Development Plans filed for Plan Commission approval – See the Adopted Fee Schedule or,

2. 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.

D. 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.

E. Amendments.

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

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

b) 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.

2. 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.

3. 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.

F. 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 Development 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.

Section 10. 6. <u>Plan Documentation</u>. This section applies to all Development Plan Applications requiring Plan Commission Review.

A. This section applies to all Development plan Applications requiring Plan Commission Review. 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:

1. North arrow;

2. Graphic scale;

3. Address of the site;

4. Proposed name of the development;

5. 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;

6. Legal description of the site;

7. Boundary lines of the site including all dimensions of the site;

8. Names, centerlines and right-of-way widths of all streets, alleys and easements;

9. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines or building setback lines;

10. Location and dimensions of all existing structures, including paved areas;

11. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;

12. 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;

13. Location of all floodway and floodway fringe areas within the boundaries of the site;

14. 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;

15. 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);

16. Structures proposed for demolition should be indicated as such;

17. 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.);

18. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);

19. All improvements to street system on-site and off-site;

20. Plan for sidewalks or Alternate Transportation System;

21 Measurement of curb radius and/or taper;

22. Names of legal ditches and streams on or adjacent to the site;

23. Location and type (e.g. ground, pole, wall) of all signs on the site;

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

25. Existing zoning and land use of all adjoining real estate; and,

26. All Elements as required by the Westfield Public Works Department and Town of Westfield.

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

28. 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.

B. This section applies to all Development plan Applications requiring review by the Director. 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:

1. North arrow;

2. Graphic scale;

3. Address of the site;

4. Legal description of the site;

5. Boundary lines of the site including all dimensions of the site;

6. Names, centerlines and right-of-way widths of all streets, alleys and easements;

7. Location and dimensions of all existing structures, including paved areas;

8. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;

9. Location of all floodway and floodway fringe areas within the boundaries of the site;

10. 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;

11. 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.);

12. Structures proposed for demolition should be indicated as such;

13. 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.);

14. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);

15. Measurement of curb radius and/or taper;

16. Names of legal ditches and streams on or adjacent to the site; and,

17. All Elements as required by the Westfield Public Works Department and Town of Westfield.

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

19. 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.

C. Overall Plan (Not required for single family dwellings or accessory residential structure on a lot in the Rural Southwest 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:

1. North arrow;

2. Graphic scale;

3. Address of the site;

4. Proposed name of the development;

5. 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;

6. Legal description of the site;

7. Boundary lines of the site including all dimensions of the site;

8. Names, centerlines and right-of-way widths of all streets, alleys and easements;

9. 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;

10. 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;

11. Location of all floodway and floodway fringe areas within the boundaries of the site;

12. 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;

13. All improvements to street system on-site and off-site;

14. Plan for sidewalks or Alternate Transportation System;

15. 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;

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

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

18. 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.

D. Landscape Plan (Not required for single-family dwellings or accessory residential structure on an individual lot in the Rural Southwest District). Landscape Plans filed in connection with the submission of a Development Plan shall: indicate compliance with the requirements of Article 14 - Landscaping Standards; be drawn to scale of not more than 1"=100'; and, include the following items:

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

2. Address of the site;

3. Proposed name of the development;

4. 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;

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

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

7. 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;

8. Planting and installation details as necessary to ensure conformance with required standards;

9. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill;

10. Tables clearly displaying relevant statistical information, including numbers of existing trees, numbers of trees to be preserved, etc.;

11. 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,

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

13. 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.

E. 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:

1. Address of the site;

2. Proposed name of the development;

3. Graphic scale;

4. Elevations for each facade of the building;

5. Specification or sample of the type and color of building materials to be used for all wall, window, roof and other architectural features;

6. A separate true color rendering of the proposed building, including any proposed wall sign; *

7. Placement, size, color and illumination details for any proposed wall sign;*

8. Details of any exterior architectural lighting proposed on or around the building;

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

10. 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.

*The foregoing Building Elevations and specified detail shall not be required for residences in the Rural Southwest District.

F. Lighting Plan (Not required for single family dwellings or accessory residential structure on a lot in the Rural Southwest District). Lighting Plans filed in connection with the submission of a Development Plan shall: indicate compliance with the requirements of Article 15. Lighting Standards, be drawn to scale of not more than 1"=100', and, include the following items:

1. North arrow;

2. Graphic scale;

3. Address of the site;

4. Proposed name of the development;

5. Boundary lines of the site including all dimensions of the site;

6. Location and dimensions of all existing structures, parking areas and walkways;

7. Type and location of all exterior of lighting fixtures, including, wattage and type of light;

8. Intensity of lighting at base of light structure and at the lot line measured in foot-candles;

9. 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.);

10. Timing of lighting and method of control of lighting; and,

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

12. 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.

G. Sign Plan (Not required for single family dwellings or accessory residential structure on a lot in the Rural Southwest District. Sign Plans filed in connection with the submission of a Development Plan shall; indicate compliance with the requirements of Article 16 - Sign Standards; be drawn to scale; and, include the following items:

1. Address of the site;

2. Proposed name of the development;

3. Graphic scale;

4. A site plan indicating the location of any existing or proposed freestanding signs;

5. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;

6. Elevation of proposed signs including size, materials and color;

7. A true color rendering of the proposed signs;

8. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination; and,

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

10. 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.

11. All signs and areas for the signs, residential, non-residential, and temporary, will be in accordance within Town construction Standards and Specifications. A sign plan for the entire development shall be submitted and approved by the Community Development Department and WPWD. Any non-standard road signs that are proposed will be the responsibility of the Developer or the HOA to replace after installation. WPWD will only replace signs that are standard to the current "stock" signs utilized by WPWD.

H. Site Access and Site Circulation Plan (Not required for a single-family dwelling or accessory residential structure on a lot in the Rural Southwest District). A Site Access and Site Circulation Plan shall be required for 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:

1. North arrow;

2. Graphic scale;

3. Address of site;

4. Proposed name of the development;

5. Area map insert showing the general location of the site referenced to major streets, section lines and Alternate Transportation System;

6. Names, centerlines and right-of-way widths of all streets, alleys and easements;

7. 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;

8. Location of any proposed or existing driveway onto a street or alley and its width at the lot line;

9. Depictions of all travel lanes, turning movements, vehicle storage areas and tapers, including dimensions, at all driveways;

10. All improvements to the street system on-site and off site;

11. Centerline measurements between all existing and proposed driveways within two-hundred (200) feet of the site;

12. Measurement of curb radius and/or taper;

13. Location and dimensions of primary vehicular ways in and around the proposed development;

14. Location of any proposed or existing sidewalk or pathway;

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

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

17. 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.

I. Traffic Impact Study (Not required for individual single-family dwellings or accessory residential structure on a lot in the Rural Southwest District). A Traffic Impact Study shall be provided upon the submittal of the first Development Plan Application for the Real Estate. 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 and WPWD to determine an appropriate scope for the Traffic Impact Study.

J. Statement of Development Build-Out (Not required for a single-family dwelling or accessory residential structure on a lot in the Rural Southwest 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 of the time frame for build-out of the project.

ARTICLE 11. TOWNE ROAD CROSSING PUD - TABLE OF PERMITTED USES

PUD Districts	Airport Hospitality District	Neighborhood Commercial District	Multi-Use District District
Residential Uses			
Single-familly Attached Dwellings		x	
Multi-family Dwellings	x		
Condominiums	x	x	
Nursing Homes, Retirement Centers, Board &Care Centers		x	x
Assisted living facilities	x	x	x
Office Uses			
General Office	x	x	x
Accountants, Architects, Engineers, Consultants	x	x	x
Charitable Institution	x	x	x
Consumer Service Office	x	x	x
Credit Union Offices	x	x	x
Dentists		x	x
Employment Agencies			
Government Offices-Universities			
Insurance Companies	x	x	x
Lawyers		x	x
Loan Offices	x	x	x
Newspaper Publishing			
Optometrists	x	x	x
Philanthropic Institutions		x	x
Physicians and other Health Care Personnel	x	x	x
Real Estate Offices	x	x	x
Testing Laboratories			
Travel Bureaus	x	x	x
Hospitals			
Office Buildings-General Purpose	x	x	x
Data Processing	x		x
Scientific and other Research Laboratories and Facilities			
Service Uses			
General Personal Services	x	x	
Hotels, Motels, Bed and Breakfasts	x		
Assembly Hall / Conference Center	x		
Auto Rental	x		
Auto Repair Garages	x	x	
Auto Rustproofing	x	x	
Auto Storage	x		

ARTICLE 11. TOWNE ROAD CROSSING PUD - TABLE OF PERMITTED USES

PUD Districts	Airport Hospitality District	Neighborhood Commercial District	Multi-Use District District
Banks, S&Ls and Financial Institutions with or without drive-through	x	x	
Barber, beauty shops, spas, tanning salons, fitness centers	x	x	
Blueprinting,photocopying Job Printing	x	x	
Car Wash	x	x	
Charitable donation Pick-Up Staion		x	
Commissary, Food Catering Services	x	x	
Crating and Packaging Service	x	x	
Custard, Ice Cream, Dessert, Candy Shops	x	x	
Delicatessen	x	x	
Drive Through Food and Beverage	x	x	
Drive-In food and Beverage	x	x	
Dry cleaning and Laundry Pick up with and without Drive-Through	x	x	
Electronics, computer, cable, TV, Internet & related sales & service	x	x	
Gasoline Service Stations	x	x	
Health, Fitness, and Exercise Center	x	x	
Home Remodeling Company		x	
Hospitals(Minor), Medical and Dental Clinics and Labs	x	x	
Interior Decorating		x	
Laundromats and Self-Service Dry Cleaning		x	
Locksmith Shops		x	
Mortuaries			
Newspaper Distribution Station	x	x	
Pet Grooming		x	
Photography Studio	x	x	
Picture Framing	x	x	
Printing and Photocopying, small Jobs	x	x	
Radio and TV Service			
Recycling Collection Centers, Drop Off (small)	x	x	
Restaurants and dining facilities having > 50% gross sales from food	x	x	
Restaurants and dining facilities having < 50% gross sales from food	x	x	
Restaurants with Live Entertainment	x	x	
Roller and Ice Skating Rinks			
Root beer, coffee, non-alcoholic beverage store with or without drive thru	x	x	
Semi-Automatic Car Wash	x	x	

ARTICLE 11. TOWNE ROAD CROSSING PUD - TABLE OF PERMITTED USES

PUD Districts	Airport Hospitality District	Neighborhood Commercial District	Multi-Use District District
Shoe Repair	x	x	
Tailor or Seamstress	x	x	
Tire and Auto Service Center	x		
Upholsters			
Veterinarians-Small Animals, No Outdoor Runs	x	x	
Concession / Mobility Rental Stand		x	
Day Care Centers	x	x	x
Rehabilitation Centers	x	x	
Retail Uses			
General Retail Sales	x	x	
Antiques		x	
Auto Parts Sales		x	
Artisan, pottery, craft production shop		x	
Auto sales, New or used, service			
Bakeries	x	x	
Bicycle and electric scooter sales, service and repair		x	
Boat and Trailer Sales and Service			
Book stores	x	x	
Book Stores, Adult			
Camera stores	x	x	
China and Glassware Shops	x	x	
Coin shops		x	
Department Stores-Under 10,000 sq.,ft	x	x	
Department stores over 10,000 sq.ft	x	x	
Discount Stores-Under 10,000 sq.,ft	x	x	
Discount stores over 10,000 sq.ft	x	x	
Drug Stores	x	x	
Electrical or non-polluting vehicle service, rental & sales	x		
Electrical Supply Store			
Fabric Shops		x	
Floor Coverings	x		
Florists	x	x	
Frozen Food Stores and Lockers		x	
Fruit Stands, Permanent		x	
Fruit Stands, Temporary(Farmers Mkt)		x	
Furniture Stores	x	x	
Furrier Shops	x		
Garden and Lawn Materials and Supply Stores			
Gift Shops	x	x	
Greenhouses, Retail			

ARTICLE 11. TOWNE ROAD CROSSING PUD - TABLE OF PERMITTED USES

PUD Districts	Airport Hospitality District	Neighborhood Commercial District	Multi-Use District District
Grocery Stores	x	x	
Hardware Stores	x	x	
Hobby Shops	x	x	
Home Remodeling Supplies and Materials			
Jewelry Stores	x	x	
Liquor stores	x	x	
Luggage Stores	x	x	
Mail Order Stores	x	x	
Major Appliance Store	x	x	
Millinery	x	x	
Motorcycle sales, rental and service (indoor display)			
Music, Records, Instruments	x	x	
Nursery-Plants, Retail			
Paint and Wallpaper Stores		x	
Pet Shops		x	
Photography Supplies	x	x	
Plumbing Showrooms and Shop			
Racquetball and Handball Clubs, Fitness Centers, and Spas	x	x	
Sewing Machine Sales and Service			
Shoe Stores	x	x	
Sporting Goods	x	x	
Stationery Stores	x	x	
Tobacco Shops	x	x	
Toy Stores	x	x	
Wearing Apparel and Accessory Shops	x	x	
Christmas Tree Sales	x	x	
Video, DVD Stores	x	x	
Wireless Communicaton Devises, Sales and Service	x	x	
Educational Uses			
Art Schools			
Artisan School			
Barber and Beauty Schools			
Business and Clerical Schools			
Dancing Schools			
Educational Institutions Public and Private			
Embalming School			
Language Schools			
Music Schools			
Photography School			

ARTICLE 11. TOWNE ROAD CROSSING PUD - TABLE OF PERMITTED USES

PUD Districts	Airport Hospitality District	Neighborhood Commercial District	Multi-Use District District
Professional and & Technical Schools			
Schools and Kindergartens			
Transportation and Communication Uses			
Bus Stations	x		
Bus Stops	x	x	x
Commercial Parking Lots and Structures	x	x	
Distributors--Inside Storage			
Heliports			
Utilities-Regulated except transmission substations and power generation	x	x	x
Utilities-Unregulated except facilities that create air or noise pollution	x	x	x
Wireless Communications Towers or Transmission Facilities	x		
Institutional Uses			
Churches, Chapels, and Places of Worship		x	
Libraries			
Fire Stations	x	x	x
Museums			
Police Stations	x	x	
Post Offices	x		
Convents, Manasteries, Theological Schools			
Fraternities, Lodges			
Miscelaneous Uses			
Auditoriums	x		
Billiard Parlor			
Bowling Alley			
Caskets and Casket Supplies			
Civic centers			
Civic Clubs		x	
Exhibition Halls	x		
Galleries	x		
Miniature golf, batting range, rock climbing & other small recreation		x	
Tennis Facilities			
Theaters-Indoor			
Tool and light Equipment Rental			

ARTICLE 11. TOWNE ROAD CROSSING PUD - TABLE OF PERMITTED USES

PUD Districts	Airport Hospitality District	Neighborhood Commercial District	Multi-Use District District
Wholesalers-Inside Storage			
Private Clubs and Lodges			
Tennis and Swim Clubs			

ARTICLE 12. PRINCIPALS AND STANDARDS OF DESIGN.

Section 12.1. General. Subdivision plans shall conform to the principles and standards which are contained in this section or as may be further supplemented by "Construction Standards" adopted by the Westfield Town Council and administered by the Westfield Public Works Department.

Section 12.2. Streets.

A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.

B. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.

C. Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

D. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

E. Widths of streets shall conform to the standards specified in the Westfield Thoroughfare Plan.

F. The maximum length of cul-de-sacs shall be eight hundred and fifty (850) feet measured along the centerline from the intersection at origin to the center of the circle. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of one hundred (100) feet for streets abutting single family residential districts seventy (70) feet for alleys abutting single family residential districts and one hundred twenty (120) feet for streets abutting all other districts. If lengths greater than six hundred (600) feet are allowed, a turn around point must be provided at approximately half way between the intersection and the cul-de-sac and no parking or drives are placed near the circumference. Where a cul-de-sac is greater than four hundred (400) feet in length, a sidewalk shall be constructed between the end of the cul-de-sac and the adjacent street.

G. Alleys shall be at least sixteen (16) feet in width with a twenty-four (24) foot right-of-way. No alley shall terminate in a dead end.

H. At intersections of streets the property line corners shall be rounded by arcs with radii of not less than twenty (20) feet, or by chords of such arcs.

I. If the smaller angle of intersection of two streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Plan Commission.

J. Intersections of more than four (4) streets at one (1) point shall not be permitted.

K. Where parkways or special types of streets are involved, details of the design will be supplied.

L. When subdividing land, consideration shall be given to all natural features, such as existing stands of trees, streams and creeks, historic locations, or similar conditions which, if preserved, will add attractiveness and value to the community.

M. A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turn-around shall be provided for any such temporary dead-end street which extends 100 feet or more in length as a temporary cul-de-sac. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended and shall be confirmed per the Westfield Public Works Department's specifications.

N. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center line in accordance to the town construction standards and specifications.

O. Curvature measured along the center line shall have a minimum radius as follows:

1. Primary Arterials and Secondary Arterials: Six hundred seventy-five (675) feet

2. Collectors: Three hundred (300) feet

3. Local Roads or Streets: One hundred fifty (150) feet

P. Between reversed curves on primary arterials and secondary arterials there shall be a tangent of not less than 100 feet.

Q. Maximum grades for streets shall be as follows:

1. Primary arterials and secondary arterials; not greater than five percent (5%).

2. Collectors and local roads and streets, not greater than eight percent (8%).

R. The minimum grade of any street gutter shall not be less than five-tenths percent

(0.5%).

S. No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between three (3) and nine (9) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 40 feet from the intersection of said street lines 40 feet for Collectors and Local Roads and Streets; and 75 feet for Primary Arterials and Secondary Arterials, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same sight line limitations shall apply to any lot within ten (10) feet of the intersection of a street right-of-way line with the edge of the driveway pavement or alley line. Clear zone and site distances shall be in accordance with the Westfield Specifications and Standards Manual.

T. No driveway shall be located within seventy-five (75) feet of the intersection of two street lines. Individual access driveways within 600' of State Road 32 will be permitted only with a right-in configuration and only where a center median separates opposing traffic lanes. No full access shall be permitted between State Road 32 and an interior frontage drive at entrance locations along State Road 32.

U. Minimum Right-of-way Width - Minimum right-of-way widths that are required to be dedicated to Hamilton County or the Town of Westfield are established as follows:

1. Primary Arterial 1- (State Road 32) - varies, minimum of seventy-five (75) feet of' half right-of-way

2. Primary Arterial 2 - (Towne Road) - One hundred fifty (150) feet.

4. Collectors – (Centennial Road) - One hundred (100) feet; One hundred thirty (130) feet intersections.

5. Local Roads and Streets – Fifty (50) feet

V. At the intersection of any proposed Local Road or Street with and Expressway, Primary Arterial, Secondary Arterial, or Collector; acceleration lanes, deceleration lanes, passing blisters, or left turn lanes may be required to be constructed.

W. Standards for frontage places shall be submitted to the Westfield Public Works Department for review and approval prior to the submittal of a Primary Plat and Development Plan Application for a subdivision utilizing frontage places.

X. Full cut access to frontage roads at Eagle Parkway should be a minimum of 600' from the State Road 32 right-of-way.

Y. Right-of-way necessary for the future construction of roundabouts shall be provided at the intersection of all Arterial and Collector roadways. Parking and building setbacks including landscaping requirements shall still be measured from the right-of-way widths prescribed under Section 12.2.U of this ordinance in these cases.

Z. Roundabouts and the approaches shall be designed according to Westfield Standards and Thoroughfare Plan.

Section 12.3. Blocks.

A. Block lengths should be at least two lot depths in length or approximately 300 feet.

B. The maximum block length shall be one thousand six hundred (1600) feet.

C. Blocks shall be of sufficient width to permit two tiers of appropriate depth, except where an interior street parallels an expressway, primary arterial, or secondary arterial.

Section 12.4. Lots.

A. All lots in the Rural Southwest District shall abut on a street.

B. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets, some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

C. Corner residential lots shall be of sufficient width to permit appropriate setbacks from both streets.

Section 12.5. Easements. Easements for utilities shall be provided. Such easements shall have a minimum width of 20 feet, and where located along lot lines, one-half of the width shall be taken from each lot. Before determining the location of easements the plan shall be discussed with the local public utility companies to assure their proper placing and the installation of such services.

Section 12.6. Building Setback Lines. See zoning districts.

Section 12.7. Open Space.

A. See Article 17 for open space provisions. A minimum of Twenty-five (25) percent of the aggregate area of all districts shall be provided as open space. For example if the aggregate area of all the districts is 200 acres then a minimum of 50 acres of open space would be provided within the real estate.

B. A public way, crosswalk, or easement not less than 15 feet in width shall be provided for access to the open space.

C. Open space, where applicable, shall be placed adjacent to or connected to existing or proposed open space located on adjoining property.

Section 12.8: Access to adjacent parcels along SR 32. Access to Towne Road shall be provided through Business Districts to parcels both east and west of those Districts. The location of said access shall be identified on the plans submitted at the time of Development Plan review.

ARTICLE 13. STANDARDS OF IMPROVEMENT. The final plats of the real estate shall conform to the following standards of improvement:

Section 13.1 **Monuments and Markers**.

A. Shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

B. Monuments shall be set:

1. At the intersection of lines forming angles in the boundary of the subdivision.

2. At lease two (2) monuments shall be set on each side of a straight section of street, such monuments shall be on lot corners near each end of the street.

3. At least two monuments shall be set on any straight line over 400 feet in length. Such monuments shall be on lot corners near each end of the line.

C. Markers shall be set:

1. At the beginning and ending of all curves along street property lines.

2. At all points where lot lines intersect curves, either front or rear.

3. At all angles in property lines of lots.

4. At all other lot corners not established by a monument.

D. Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four inches by four inches by thirty inches, set vertically in place. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers shall consist of iron pipes or steel bars at least 30 inches long, and not less than 5/8 inch in diameter.

Section 13.2. Streets.

A. Streets and alleys should be completed as shown on approved plans, profiles and cross-sections provided by the subdivider, and prepared by a qualified engineer or surveyor.

B. Streets shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be constructed and inspected in accordance to

Town Constructions Standards and Specifications

C. Underdrains are required for all roadways and must meet the Town of Westfield Standards and Specifications. Prior to placing street surfaces, adequate subsurface drainage for streets shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be as described by the current edition of INDOT standard specifications and as approved by the Plan Commission. Upon completion of street improvements, plans and profiles as built shall be filed with the Westfield Public Works Department. As built drawings must be submitted to the GIS Division of WPWD in the appropriate format for approval.

D. All traffic control devices shall comply with guidelines and requirements of the current edition of the Indiana Manual on Uniform Traffic Control Devices.

E. Before any bond covering a street installation is released, the Plan Commission, Town Council, or Building Commissioner may request that core borings (asphalt or concrete) of the street be provided to the Westfield Utilities Department or the Hamilton County Highway Department, or their designated representative(s), at the subdivider's expense, for thickness determination.

F. Prior to the acceptance of asphalt streets, the subdivider shall employ and pay for the services of an independent testing laboratory to take cores at selected locations and perform Marshall stability, flow and density test, and perce of compaction determination on completed asphalt work.

G. Prior to acceptance of concrete street, the subdivider must provide satisfactory test results from an independent testing laboratory to the Westfield Utilities Department or the Hamilton County Highway Department.

H. A developer may request permission from the Director of the Westfield Public works Department to delay the installation of the one (1) inch surface layer of asphalt until the binder layer of asphalt has had sufficient time to prove its durability under the stress of heavy construction traffic, but this delay shall not exceed one (1) year. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the one (1) inch surface layer of asphalt. All bonds are approved through WPWD for performance and maintenance of infrastructure. Performance bonds of 110% of the construction cost are required during construction. At substantial completion a punch list is developed by a WPWD inspector. Once the punch list items are complete, outstanding fees paid, and digital as builts approved, the performance bond can be "flipped" to a maintenance bond. The maintenance bond is a 3 year bond that is set at 10% of the construction cost.

Section 13.3. Sewers.

A The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the Health Officer. The subdivider shall be responsible for providing sewer extensions from any subdivision(s) located within the Towne Road Crossing PUD to a main sewer connection point as may be established by written agreement between the subdivider and the Town Council.

B. When an approved outlet is not available, one of the following methods of sewage disposal shall be used:

1. A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with minimum requirements of the environmental protection agency.

C. All development within the Town of Westfield and/or to be annexed by the Town of Westfield must install sanitary sewers per the Town's Sanitary Sewer Master Plan. Individual lot septic systems and development wide treatment facilities are not allowed. Constructions plans must be provided to the WPWD for review and approval prior to construction. Construction plans must contain the standard specifications and details from the Town's Standards and Specifications for approval. WPWD also issues sanitary sewer construction permits that must be applied for at the time that construction drawings are submitted. Digital as builts must be submitted after construction for review and approval by the GIS Division of the WPWD. Performance and maintenance bonds will be required as described in Art 13.2.H.

D. In sections 16.04.240 C -Sewers and 16.04.240 D of the Zoning Ordinance - Water, the phrase "The subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual system or an individual water supply is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.

Section 13.4. Water.

A. All development shall install water main per the Town's Water Master Plan and Town Standards and Specifications. Individual wells are not allowed. Construction plans must be provided to the WPWD for review and approval prior to construction. Construction plans must contain the standard specifications and details from the Town's Standards and Specifications for approval. WPWD also issues water main extension permits that must be applied for at the time that construction drawings are submitted. Digital as builts must be submitted after construction for review and approval by the GIS Division of the WPWD. Performance and maintenance bonds will be required as described in Art. 13.2.H.

Section 13.5. Storm Drainage.

A. All development within the Town shall adhere to the Town's Stormwater Technical Standards Manual. Constructions plans must be provided to the WPWD for review and approval prior to construction. Construction plans must contain the standard specifications and details from the Town's Standards and Specifications for approval. WPWD issues a stormwater permit that must be applied for at the time that construction drawings are submitted. Digital as builts must be submitted after construction for review and approval by the GIS Division of the WPWD. Performance and maintenance bonds will be required as described in Art. 13.2.H.

B. All Development shall adhere to erosion control requirements (Ordinance 06-16).

Section 13.6. Curbs and Gutters. The subdivider shall provide curbs and gutters on each side of the street surface in the proposed subdivision.

Section 13.7. Sidewalks, Pedestrian Paths, Jogging Paths, and Bicycle Paths.

A. The Plan Commission shall require sidewalks or paths (see Exhibit D) to be installed on each side of the street in all districts.

B. Where a proposed subdivision abuts an existing street right-of-way, the Plan Commission shall require the developer to construct sidewalks parallel to the existing street.

C. The Plan Commission may require developers to construct off-site sidewalks adjacent to the developers' project to respond to infrastructure demands created by said project.

D. When a proposed subdivision lies between or adjacent to existing subdivisions which have been provided with sidewalks, the Plan Commission shall require connecting sidewalks (which are extensions of the existing sidewalks) to be constructed.

E. If a sidewalk, pedestrian path, jogging path and/or bicycle way is to be installed, a plan shall be submitted to the Plan Commission with the Primary Plat and Secondary Plat drawings.

F. Sidewalks shall be provided on both sides of all roadways. Handicap ramps shall conform to the latest INDOT/ADA requirements for color and tactile edges.

G. When a sidewalk, pedestrian path, jogging path, and/or bicycle way crosses a street intersection within or adjacent to a subdivision (where one of the streets is a

primary arterial or a secondary arterial), necessary safety devices, such as painted crosswalks, signs, or other traffic control devices shall be installed at the developer's expense.

H. When sidewalks, pedestrian paths, jogging paths, and/or bicycle ways are to be installed, they shall be constructed in accordance with the Hamilton County Alternative Transportation Plan and the Construction Standards for the Town of Westfield, which have both been adopted by the Town of Westfield.

I. A minimum of two connection points (in addition to the trails intersection with Towne Road along the Midland Trace Trail) into the Neighborhood Commercial District shall be provided. Signage at these access points shall be as approved by the Westfield Parks Department.

Section 13.8. Street Signs. The subdivider shall provide the subdivision with street signs which shall meet the standards of the Town of Westfield and/or the standards of the Hamilton County Highway Department at the intersection of all streets. Such street signs shall be installed in all subdivision sections which have received Secondary Plat approval prior to the issuance of any Building Permits in such subdivision sections.

A. Street Lights -The subdivider shall provide the subdivision with street lights, the type of which will be determined by the subdivider, at locations as the subdivider shall determine.

B. Fire Hydrants -The subdivider shall provide the subdivision with fire hydrants. The types of hydrants and location of hydrants shall be determined by the Westfield -Washington Township Fire Department and approved by Plan Commission.

C. Landscaping -Suitable landscaping plan shall be developed for review and approval by the Plan Commission including procedures to be utilized for maintaining the landscaped area (see Article 14 - Landscaping).

Section 13.9 . Construction Standards.

A. Construction plans shall meet the most current Westfield Public Works Department standards and be approved by the Westfield Public Works Department.

B. Construction standards for the following items may be found in "Town of Westfield Construction Standards", administered by the Westfield Public Works Department:

1. Paving and Surfacing

2. Erosion Control

3. Principles and Standards of Roadway Design

4. Minimum Standards of Improvement

5. Landscaping for Utilities

6. Monuments and Markers

7. Curbs and Gutters

8. Street Signs

9. Water Mains

10. Storm Sewers

11. Gravity Sanitary Sewers

12. Force Mains

13. Submersible Lift Stations, and

14. Sidewalks

ARTICLE 14. LANDSCAPING STANDARDS

Section 14.1. General Landscaping Provisions.

A. Purpose and Intent. This Article 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 Article establishes standards to manage and control drainage and erosion; to increase the compatibility of development with the natural environment and adjacent developments; 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 Article.

B. Applicability.

1. This Article shall apply to all zoning districts and all public, private, and institutional developments.

2. This Article shall apply to nonresidential uses, residential subdivisions, or other residential developments that require site development plan approval.

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. 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.

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

c. 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;

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

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

f. Locations of barriers to be placed at or beyond driplines of trees to be preserved and types of materials to be used for barriers;

g. Planting and installation details as necessary to ensure conformance with required standards;

h. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill; and

i. Tables clearly displaying relevant statistical information, including numbers of existing trees and numbers of trees preserved, for example.

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.

Section 14.2. 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;

2. The condition of vegetation with respect to continued vitality;

3. The possibility of preserving vegetation through pruning rather than removal.

4. The desirability of a particular tree or species by reason of its appearance; historic or ecological significance; botanical characteristics; and the function the vegetation would fulfill as a site plan component;

5. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation; and

6. The potential for interference with utility services along the use of roads and walkways.

D. Tree preservation plans shall be submitted with site plans that detail locations, sizes, and common names of preserved trees; individual shrubs; areas of dense tree or shrub concentrations, and other natural features which are to be preserved or removed. No disturbance shall be permitted in the critical root zones of preserved trees. Disturbances include trenching, backfilling, driving or parking equipment, and dumping trash, oil, paint, or other materials detrimental to plant health.

E. Should any tree designated for preservation die within five (5) years of project completion, the owner shall replace such tree with a tree (or trees) of equal tree preservation value within 180 days (see following paragraph for value calculation).

F. Incentives to Preserve Trees – Existing trees that are preserved shall contribute to

required on-site landscaping, based proportionally on their caliper measure. Certain "cull" species and deformed trees may not be permitted to be credited. Preserved trees under eight (8) inches in caliper shall be credited at the rate of one (1) times the caliper measure of such trees. However, trees with a caliper of less than two (2) inches shall not qualify for credit. Preserved trees between eight (8) and sixteen (16) inches in caliper shall be credited at the rate of two (2) times the caliper measure of such trees. If preserved trees possess caliper measures of sixteen (16) inches or greater, credit shall be calculated at the rate of four (4) times the caliper measure of such trees. A qualifying six (6) inch caliper preserved tree shall be credited as three (3) required two (2) inch caliper trees. A qualifying fourteen (14) inch caliper preserved tree shall be credited as twenty-eight (28) required two (2) inch caliper trees. And, a qualifying eighteen (18) inch caliper preserved tree shall be credited as thirty-six (36) required two (2) inch caliper trees.

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

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

Section 14.3. <u>Selection, Installation, and Maintenance of Plant Materials</u>.

A. <u>Selection</u>.

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 twelve (12) 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) One (1) shade tree shall equal two (2) ornamental trees which shall also equal two (2) evergreen trees

b) One (1) ornamental tree shall equal one (1) evergreen tree.

c) One (1) evergreen tree shall equal three (3) evergreen shrubs.

d) Only one (1) level of substitution is permitted per substitution

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.

Section 14.4. 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 Section 16.04.230 2.v of the Zoning Ordinance.

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 forty-five (45) degrees and shall be completely covered with shrubs, grass, or other living ground cover.

H. Ground Cover. 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 an eight (8) foot high, completely opaque fence or wall, a six (6) foot high berm, or an eight (8) foot high evergreen screen planted nine (9) feet on center in a double staggered row. Within non-residential and multifamily zoning districts, trash receptacles shall be enclosed on three (3) sides by masonry (brick, stone, stucco veneer, or fiber cement) wall and include a solid metal or wood gate. Enclosures shall also be located behind the front yard line. When a roof is provided over the dumpster enclosure, no minimum height shall be required. Trash Dumpsters enclosures shall be required to have a secondary means of access including a solid door or gate or be screened by other appropriate means such as by the positioning of the access across form an adjacent building wall.

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.

M. Monument Sign Landscaping. A landscape area a minimum of the sign square footage plus one (1) shrub per thirty (30) square feet of sign area shall be provided.

Section 14.5. On-Site and Street Frontage Landscaping Requirements.

A. On-Site Standards

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

2. The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted are set forth in Table 14.5.1.

Table 14.5.1: Minimum On-Site Requirements

Land Use Type	Plant Materials		
	Shade Trees	Ornamental or Evergreen Trees	Shrubs
Single-Family Detached Residential Development	12 per dwelling unit	8 per dwelling unit	35 per dwelling unit
Single-Family Attached Residential Development	6 per dwelling unit	4 per dwelling unit	12 per dwelling unit
Multi-Family Residential Development	1 per dwelling unit	1 per dwelling unit	4 per dwelling unit
Retail Uses	10 per acre	10 per acre	25 per acre
Institutional Uses	2 per acre	3 per acre	10 per acre

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

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

4. For Institutional uses:

   a. Trees required to be planted in interior parking lot landscaping areas shall be counted toward meeting on-site landscaping requirements as set forth in the table above.

5. Trees should be grouped together whenever possible to simulate natural tree stands, versus trees being planted in straight rows. Except in the case of street trees, which should be aligned in a row parallel to the street.

6. Required trees and plantings within residential land uses must be planted somewhere within each individual residential district. All plantings in residential developments may be credited toward overall on-site landscaping requirements set forth in Table 14.5.1.

7. Required trees and plantings within non-residential land uses must be planted within the subject District. All trees and plantings are credited to overall development requirements.

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

B. Road Frontage/Street Tree Standards

1. In residential districts, where property abuts primary arterials, secondary arterials, or collector roads not internal to the District, at least one (1) shade tree per thirty (30) linear feet of road frontage may be planted within the road rights-of-way. If trees are not permitted in the right-of-way they shall be planted just outside the right-of-way. Trees planted along road frontage in residential developments shall be credited toward overall on-site landscaping requirements set forth in Table 14.5.1.

2. In non-residential districts where property abuts any public right-of-way, except State Road 32, at least one shade tree per forty (40) linear feet of road frontage may be planted within the road rights-of-way. Trees planted along road frontage in nonresidential developments may be credited toward overall on-site landscaping requirements set forth in Table 14.5.1.

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.

Section 14.6. Buffer Yard Requirements.

A. Buffer Yard Requirements

1. Buffer yard shall not be required internal to any District, and shall be required only in areas adjacent to (i) streets on the perimeter of Districts, (ii) within individual institutional uses, (iii) all segments of Towne Road, (iv) the north and west perimeter of the Mixed-Use District, and (v) the north perimeter of the Airport Hospitality District west of Towne Road. All buffer yards shall be a minimum of twenty (20) feet in width.

   a. Institutional uses include, without limitation, schools, churches, day care facilities and fire stations.

   b. A fence (minimum of welded wire) shall be installed along the north and west perimeter of the Mixed-Use District, and the north perimeter of the Airport Hospitality District west of Towne Road in addition to the buffer yard plantings.

   c. Within buffer yards, at least one (1) evergreen tree per thirty (30) linear feet and three (3) evergreen shrubs per thirty (30) linear feet shall be planted. Shade Trees may be substituted for evergreen trees at a one-to-one (1:1) basis (shade:evergreen) along road frontages. In order to create a more effective buffer, evergreen trees may be substituted in lieu of evergreen shrubbery on a one-to-three (1:3) basis (tree:shrub).

   d. If woodlands are located within buffer yards, preserved trees may be substituted for required plants in buffer yards.

   e. In residential districts, plantings required to be placed in buffer yards shall be credited toward total on-site landscaping requirements set forth in Table 14.5.1.

   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 14.5.1.

   g. Buffer yard requirements, Road Frontage Standards, and State Road 32 Landscaping are not intended to be cumulative. Where overlapping the more restrictive planting standard shall apply.

Section 14.7. **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. 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 14.6.1:

Table 14.6.1: Percentage of Parking Lot Landscaping

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

2. Parking Lot Islands

a. Parking lot islands shall be located at the perimeter of parking lots rather than the interior, to screen the lot from the street and act as a buffer between the road and the lot.

b. Parking lot islands shall be constructed at least six (6) inches above the surface of parking lots; there shall be no minimum area or required width.

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 three hundred (300) 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 the Zoning Ordinance.

g) Trees and shrubs required to be planted in parking lot landscape islands shall be counted toward meeting total on-site landscaping requirements as set forth in Table 14.5.1.

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 area is located within one hundred (100) feet of the perimeter of a District or a right-of-way line.

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

c. Trees and shrubs 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 14.5.1.

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

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

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

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

d. Perimeter parking lot landscaping requirements, buffer yard requirements, road frontage standards, and State Highway 32 landscaping are not intended to be cumulative. State Highway 32 standards shall supersede the buffer yard planting standard which shall supersede the perimeter parking area requirements which shall supersede the road frontage standards where overlapping.

Section 14.7. Plant Materials.

A. A minimum of three (3) different species of shade trees shall be used per each development site.

B. A minimum of three (3) different species of shrubs shall be required per development site.

Section 14.8. State Highway 32 Landscaping.

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

1. Application.

   a. This section (14.8) shall apply to all land uses that lie within an area of 200 feet of the right-of-way of State Highway 32.

   b. The standards of this section and other landscaping requirements are not intended to be cumulative. Where overlapping the State Highway 32 landscaping standards shall apply.

   c. Trees and shrubs required to be planted under this section shall be counted toward meeting total on-site landscaping requirements as set forth in Table 14.5.1.

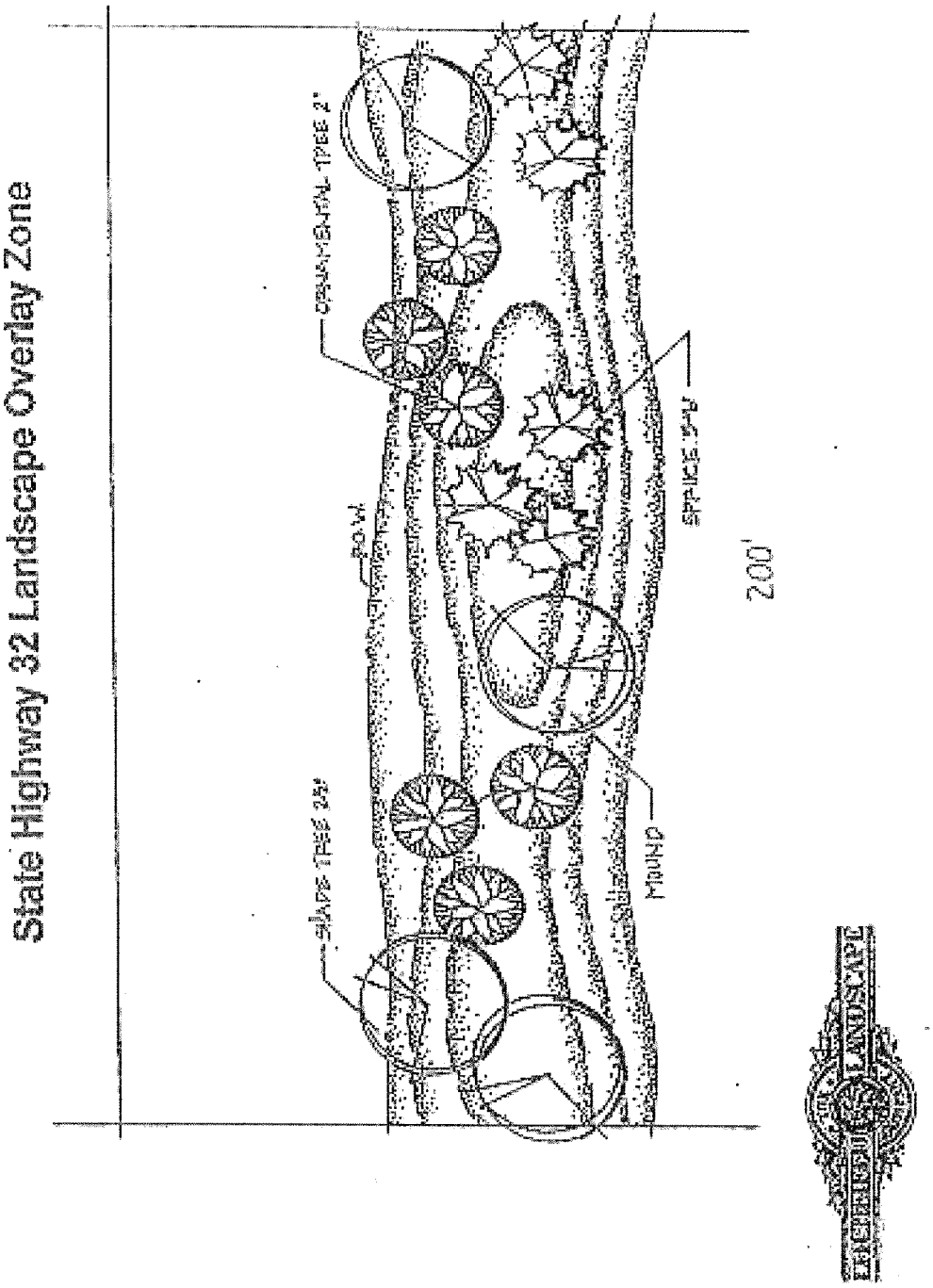
2. Landscaping - In conjunction with other landscaping requirements established in this Towne Road Crossing PUD, all development activities in the State Highway 32 Landscape Overlay Zone shall meet the following minimum landscaping requirements:

   a. Frontage along State Highway 32:

      1. All development activities on properties having frontage on State Highway 32 shall include construction of landscaping consistent with that which is established in Figure 14.1.

Figure 14.1

Frontage Along State Highway 32



2. This exhibit illustrates four shade trees, six ornamental trees, and five evergreen trees to be planted every two hundred lineal feet in a staggered manner, on a 3-4 mound, along such frontage.

3. All mounding along State Highway 32 shall be located at least thirty (30) feet from the existing State Highway 32 right-of-way.

4. No mounding or landscaping shall be permitted to interfere with drainage and/or utilities.

5. Any partial section of the two hundred foot frontage landscaping depicted in Figure 14.1, shall be landscaped in a manner which is proportionate to its size (i.e., a one hundred foot section of road frontage would be planted with half the number of trees as a two hundred foot section).

6. When calculating the number of trees to be planted along such frontage results in a fraction, the number of trees required shall be rounded up to the nearest whole number (i.e., a calculation of 2.3 trees results in 3 trees being required).

7. It is not necessary for such plantings to be placed identically to those illustrated in Figure 14.1;

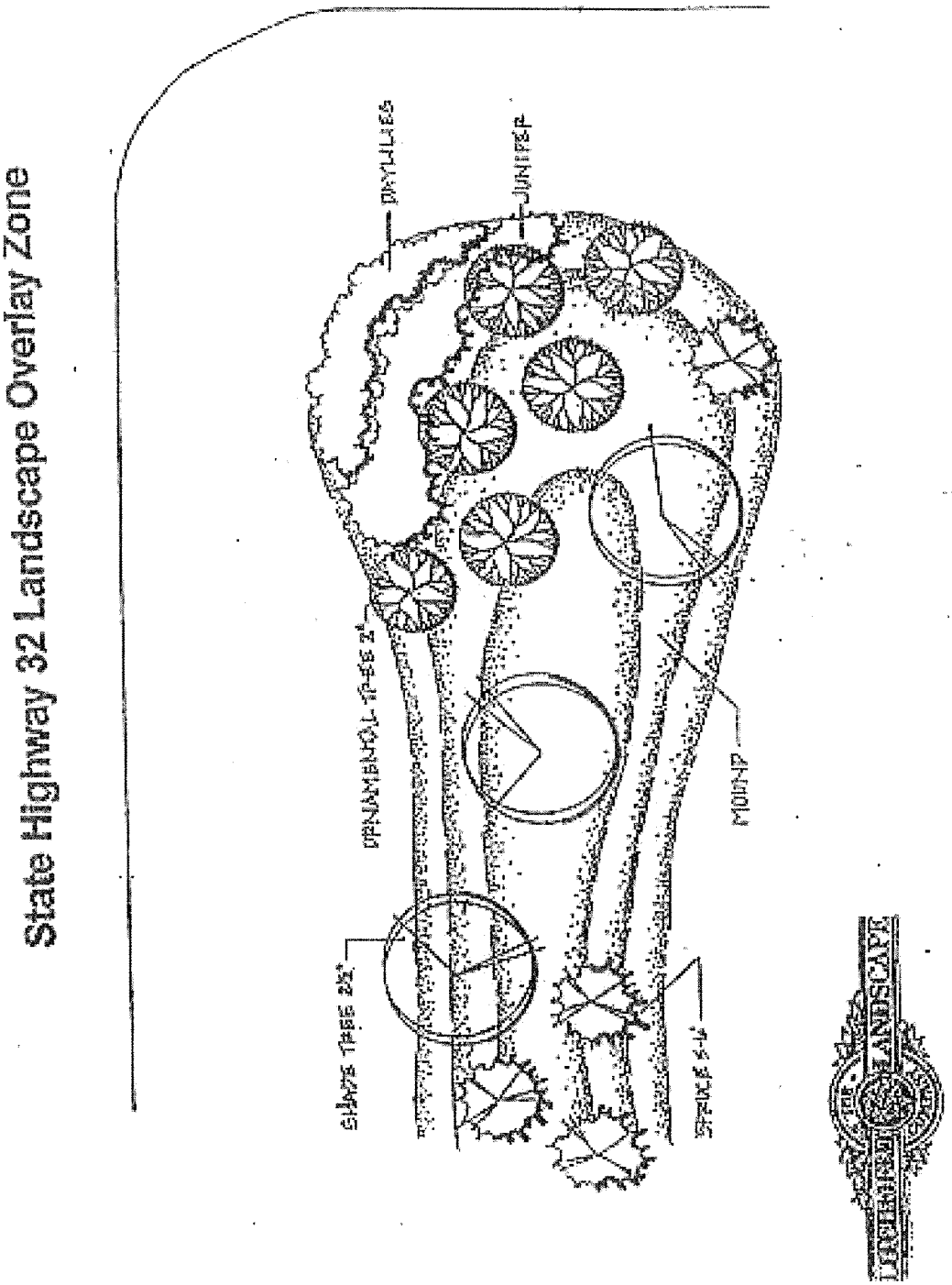
8. The minimum width of the landscape planting area under the overlay requirements shall be seventy (70) feet as measured from the existing State Road 32 right-of-way.

b. Intersections along State Highway 32

1. All development activities on properties which include or abut intersections along State Highway 32 (including all thoroughfares, driveways, and vehicular accesses to property) must include construction of landscaping consistent with that which is established in Figure 14.2.

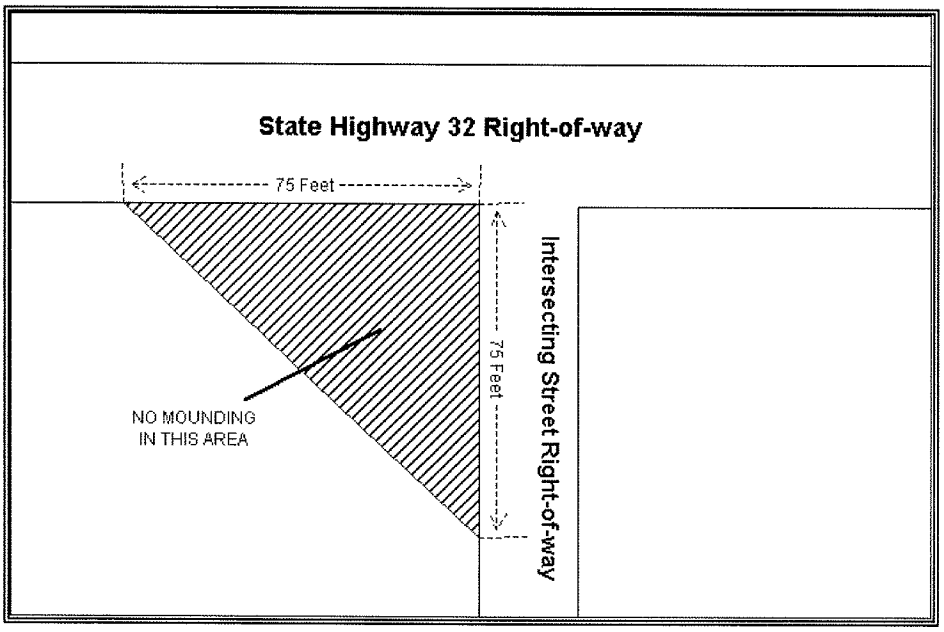
Figure 14.2

Intersections Along State Highway 32



2. This exhibit illustrates daylilies, junipers, and six ornamental trees to be planted on the bulb-like termination of the 3-4 foot frontage mounding facing State Highway 32 at each intersection.

3. Such mounding shall not be placed or permitted to remain on any corner lot within the triangular area formed by the intersection of rights-of-way lines and points seventy-five



(75) feet from such intersection.

4. In the case of rounded rights-of-way intersections, the seventy-five (75) feet distance shall be measured from the point at which the rights-of-way lines would intersect if they were not to have been rounded at the corner.

5. All mounding shall be located at least thirty (30) feet from the existing State Highway 32 right-of-way and the rights-of-way of intersecting streets.

6. No mounding or landscaping shall be permitted to interfere with drainage and/or utilities.

7. It is not necessary that mounding required within the State Highway 32 Landscape Overlay Zone meet the requirements established elsewhere in Towne Road Crossing PUD.

8. It is not necessary for such plantings to be placed identically to those illustrated in Figure 14.2.

9. The minimum width of the landscape planting area under the overlay requirements shall be seventy (70) feet as measured from the existing State Road 32 right-of-way.

c. Species shall include three (3) varieties each of shade trees, ornamental trees, and evergreens which shall produce a design that is consistent along the State Road 32 frontage of this Towne Road Crossing PUD.

Section 14.9. <u>Reforestation</u>. Reforestation is intended to both augment existing forested areas and also to create new forested areas where none exist today. Reforestation will be implemented within identified areas of the Rural Southwest District specifically to meet the requirements of Article 3.2.H.2 and Article 3.2.H.3.

A. Standards for Reforestation:

1. A reforestation planting plan shall be required and should be designed by a Registered Consulting Forester, Registered Consulting Arborist, Registered Landscape Architect, or the Department of Natural Resources District Forester.

2. Whips (nursery stock, approximately 12 inches tall) and some container trees shall be planted in reforestation areas; whips will be planted in areas that are adjacent to existing woodlands. All reforestation planting will be on a standard 10 foot by 11 foot spacing.

3. Where easements are required and trees are not permitted, native grasses will be planted.

4. Once the construction of a section begins, all reforestation plantings shall be installed within 12 months.

5. The total planting should include a minimum of twenty (20) percent container plants of 3 gallon size or greater with primarily native trees and shrubs grown in the "forced air root system."

6. No whips and/or trees planted pursuant to the reforestation requirements of this 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.

7. If a tree is damaged or otherwise removed , except as permitted to be removed as noted in this Article, then the responsible party shall replant the impacted area subject to the availability of space for healthy growth in the forested area.

B. Forested buffer area standards: In addition to the standards noted above the following minimum standard will be followed within the forested buffer area as noted within Article 3.2.H.3:

1. Two rows of container trees with one row of shrubs intermingled all on a standard reforestation 10 foot by 11 foot spacing shall be planted within the forested buffer area.

2. One sign that reads "Reforestation Area" shall be installed every four hundred (400) linear feet.

C. Maintenance Plan: For a period of five years the project should receive the following:

1. Trees should be observed two or three times a summer. Particular attention should be paid at those observations to the following:
   a. That the ground cover crop is doing a good job keeping weeds at bay and that weeds are not taking over, especially thistle.
   b. To determine the need for watering during drought periods, need for mowing between tree rows, and to look for dead trees that will need to be replaced.
   c. Monitor animal damage.
   d. Monitor for tree and pest damage.

2. Herbicide applications. Overhead spray with Oust (or similar product) as needed.

3. Mowing at least once a year between the rows.

4. Replacement of any container trees that die and any whips (over the standard 10% mortality rate that is to be expected).

ARTICLE 15. LIGHTING STANDARDS

Section 15.1

A. Purpose and Intent. It is the purpose of this section 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 section 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 the Towne Road Crossing PUD, which are newly designed, constructed, erected or placed into operation.

C. Exceptions. Exceptions to these lighting standards shall include the following:

1. All outdoor light fixtures permitted prior to the adoption of the Towne Road Crossing PUD.

2. All hazard warning lighting required by Federal and State regulatory agencies shall be exempt from the requirements of this chapter;

3. All temporary emergency lighting required by local law enforcement, emergency service and utility department(s), shall be exempt from the requirements of this chapter;

4. All traffic control and directional lighting shall be exempt from the requirements of this chapter;

5. All underwater lighting used for the illumination of swimming pools and water features shall be exempt from the lamp type and shielding standards of this chapter;

6. All lighting for temporary festivals and carnivals shall be exempt from the requirements of this chapter; and

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

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

1. The installation, sale, lease, or purchase of any mercury vapor lamp shall be prohibited;

2. The use of laser source light or other similar high intensity light for outdoor advertising, when projected above the horizontal shall be prohibited;

3. The operation of searchlights and floodlights for advertising purposes shall be prohibited;

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.

E. General Lighting Standards. For all areas located in the Towne Road Crossing PUD 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. Additional Standards. For all uses within the Airport Amenity District, Neighborhood Commercial District, and Multi-Family districts the following standards shall apply:

1. All light fixtures shall be positioned in such a manner so that no light-emitting surface is visible from a residential area or public right-of-way when viewed at ground level;

2. Light meter readings shall not exceed: one-half (0.5) foot-candles at a single-family residential property line, or one-half a (0.5) foot-candle at a multi-family residential property line or one (1.0) foot-candle at all other non-residential property lines. (It should be understood that, with all of

these measurements, light will still be visible at or beyond property lines.)

3. All lights on poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser;

4. All canopy structures shall have lights with diffusers which are recessed, and which do not extend below the surface of the canopy as measured on a plane parallel to the earth's surface;

5. Lighting under awnings and canopies shall only illuminate a building front, a sign under an awning or canopy, or the sidewalk, but shall not illuminate the awning or canopy itself;

6. Thirty (30) percent of all parking area lighting shall be turned off within 30 minutes of closing of the last business or no later than 11:00 p.m.; and

G. Sign Lighting.

1. 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.

2. No sign lighting shall pulse, rotate, blink, flash or simulate motion, except a display containing only the time and temperature; and

3. Lamps utilized for the internal illumination of wall signs shall be turned off at 11:00 p.m. or when business closes.

4. Lamps utilized in the internal illumination of wall signs turned on between 11:00 p.m. and 5:00 a.m. shall be reduced to a maximum of 75 percent of their lumen output.

H. Lighting Plans. The applicant for any permit required by the Community Development Department 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 ten (10) foot intervals or less.

5. The ISO foot-candle diagram shall plot foot-candle increments of one-half (0.5) footcandle or less;

6. Photometric data depicting the angle of cut off of light emissions; and

7. Any other information that the Director determines necessary to ensure compliance with the provisions of this chapter.

ARTICLE 16. SIGN STANDARDS

Section 16.1. Purpose and Intent. To provide a reasonable and impartial means to permit communication, protect the public health, safety, and general welfare, minimize hazards to pedestrians and motorists along thoroughfares and at intersections, enhance the aesthetic environment of Westfield-Washington Township, safeguard property values, minimize possible adverse effects of signs on nearby property, protect public and private investment in buildings and open spaces and implement relevant provisions of the comprehensive plan as updated on an annual basis.

Section 16.2. Applicability. WC 16.08.010 Sign Standards – General Provisions in the Zoning Ordinance as specified in the Underlying Zoning Compendium and as modified below by the deletion, addition, or modification of provisions and text thereof, shall govern all signs within the Towne Road Crossing PUD. These regulations shall be applicable to all signs within the Towne Road Crossing PUD, which:

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

B. Involve relocation or replacement of existing sign structures or supports commenced after the effective date of this chapter.

C. To the extent that any of the developmental standards specified in this Article 16 differ from or conflict with the sign standards specified in any other Article of this PUD, the sign standards in such other Articles and Exhibits shall control and apply.

Section 16.3. Exceptions. All signs require a sign permit from the Community Development Department. Exceptions to the sign standards and permit requirements under this chapter shall include:

A. All regulatory, informational, identification, or directional signs required by law or government entity;

B. Temporary signs advertising annual events put on by Westfield or Washington Township public entities and school districts;

C. Scoreboards for public and private recreational facilities and institutions that do not provide for commercial or business advertising displays;

D. Permanent drive-thru menu boards where drive-thru uses are permitted;

E. Window signage placed upon the building interior, or flush with window surface, not covering more than 50 percent of the window upon which it is placed.

F. Postal signs, historic site makers or plaques, flags of government or

noncommercial institutions, and address numbers;

G. Structures and/or containers intended for separate use such as phone booths, waste management containers, and point-of-purchase advertising displays;

H. Lettering or symbols placed directly onto a licensed and operable motor vehicle or trailer operating in the normal course of business provided that a vehicle or trailer is not parked or positioned solely for advertising purposes;

I. Private informational signs such as "no trespass," "private," "sale," etc. which do not exceed four (4) square feet in surface area;

J. Signs offering residential property for sale, lease, or rent, provided that such signs shall not exceed twenty (20) square feet per face, are placed wholly on the subject property and are limited to a maximum of one (1) sign per street frontage;

K. Signs offering commercial or industrial property for sale, lease, or rent, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, and are limited to a maximum of one (1) sign per street frontage;

L. Signs advertising construction projects, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, are limited to a maximum of one (1) sign per street frontage, and shall be removed at the end of construction;

M. Political signs which do not impair lines of sight for vehicles or pedestrians;

N. Seasonal decorations within the appropriate holiday season or civic festival season;

O. Signs attached to light poles identifying parking areas as long as they do not exceed three (3) square feet in surface area; and

P. Signs of less that 4 square feet in area identifying a resident's affiliation with a local sports team.

Section 16.4. Prohibitions. Prohibitions to these sign standards shall include the following:

A. No signs or sign structure shall be similar in coloring, shape, function or location nor resemble, conflict with or be confused with any approved traffic-control sign or device;

B. No sign shall create a safety hazard for vehicles or pedestrians as determined by the Town Engineer;

C. No sign shall be placed in any public right-of-way except publicly owned traffic-control and transit signs, informational, identification, and directional signs;

D. No pole signs shall be permitted within this PUD;

E. No off-premise sign shall be permitted within this PUD;

F. No display of temporary signs such as banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, balloons or inflatable signs shall be permitted except for banners permitted on a limited basis pursuant to Section WC 16.08.010 L; This requirement shall not apply to residential districts.

G. No sign shall project into the public right-of-way; except that a business sign mounted on a building may be permitted to project eighteen (18) inches from the face of a building elevation. Relief from this standard may be granted by the Town Council or designee;

H. No sign shall be mounted on a roof or extend above an eave or parapet of a building wall;

I. Any sign shall be permitted to revolve, flash, blink, swing or appear to move if otherwise permitted by the standards of this Article or other signage standards in this PUD;

J. No sign shall be affixed to trees, fence posts, utility poles or other support structures; and

K. No sign shall be placed on a personal or commercial vehicle or trailer which is then parked or positioned for the primary purpose of displaying the said sign.

Section 16.5. General Sign Regulations. All signs shall conform to the following regulations:

A. Signs must be kept clean, painted, in working operation and free of hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as not to be detrimental to the public health, safety or general welfare;

B. Abandoned sign copy shall be removed by the owner or lessee of a site upon which the sign is located within three (3) months after the business or service advertised by the sign ceases operations;

C. Sign foundations and structures with copy removed may remain upon a site for twenty-four (24) months with the property owner's written consent provide that the foundations and structure are maintained pursuant to WC 16.08.010 E, 1.

D. All monument signs shall be designed and located to maintain clear lines of sight along public rights-of-way;

E. Maximum sign height shall be measured from the natural grade elevation upon which the sign is placed or crown height of the adjacent roadway, whichever is higher;

F. Illumination of signs shall be regulated per Article 15: Lighting of this Towne Road Crossing PUD;

G. Illuminated non-residential signs shall be setback a minimum distance of twenty-five (25) feet from any residential district;

H. In no instance shall a permitted nonresidential use or tenant be restricted to less than twenty-five (25) square feet of sign area, nor shall any permitted nonresidential use or tenant be permitted to display more than five hundred square feet of sign area;

I. Sign area shall be computed as the smallest continuous rectangular figure that circumscribes a single sign display including writing, representations, emblems, logos or other displays, exclusive of the supporting framework, base, or structural bracing clearly incidental to the sign display;

J. In no instance shall wall sign square footage exceed the linear footage of the wall on which it is placed (See "Linear Footage, Wall" in Zoning Ordinance Definitions);

K. Changeable copy signage shall be allowed only when incorporated into a permanent sign structure as allowed by this ordinance; and,

L. For signage with changeable copy area, the entire changeable copy area shall be counted toward sign display area square footage, regardless of the amount of information placed upon the changeable copy area.

M. Identification with the Town of Westfield. Title signs shall include, as an integral part of the sign design, the words "of Westfield" following any designation of an industrial park, office park, apartment development, subdivision development or shopping center name and alike. The size of the words "of Westfield" may be a minimum of 50% of the size of the development's name on the sign, and shall not be counted toward square footage allowed or cost. If the word "Westfield" is already part of the development's name on the sign, there shall be no requirement for the location of the words "of Westfield" on the sign. Further, where "of Westfield" is required on a sign, the design and material used to include this wording shall be the same as the other lettering on the sign.

Section 16 .6. Residential District Signs. No sign shall be erected in a residential district except for the following:

A. Residential complexes and subdivisions shall be permitted either of the following entrance signage options:

1. One (1) monument sign per residential complex or subdivision entrance, which shall not exceed nine (9) feet in height, and shall not exceed thirty-two (32) square feet per sign face; or,

2. Two (2) separate sign display areas per entrance, provided that the sign display areas are directly incorporated into an entrance landscape feature, wall, or other decorative feature. In no instance shall the sign display area exceed fifteen (15) feet in height or total more than one hundred (100) square feet of sign area.

B. Home occupations shall be permitted one (1) sign per residence which shall not exceed two (2) square feet in total sign area; and

C. Home occupation signs shall only be affixed to a wall or door of the structure containing the business.

D. Permitted non-residential uses located in residential districts shall be allowed signage per the standards of Section 16.7.

Section 16.7. Individual Nonresidential Signs. All individual nonresidential uses shall be permitted signage as detailed below. Outlots of nonresidential centers are not considered individual uses, and are permitted signage as detailed in Section 16.10.

A. Wall Sign Area Allocation:

1. For all permitted individual nonresidential uses, total wall sign area allocation permitted shall be one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way;

2. The total permitted wall sign area allocation may be divided between wall and awning signs; and

3. A maximum of three (3) wall signs shall be permitted.

B. Monument Signs:

1. A maximum of one (1) monument sign shall be permitted for each public street frontage;

2. Monument signs may have a maximum sign display area of sixty (60)

square feet per sign face;

3. Monument sign display area may have a maximum height dimension of six (6) feet and a maximum width dimension of twelve (12) feet;

4. Monument signs may have a maximum sign height of nine (9) feet only when incorporating a sign base and sign cap features;

5. Monument signs incorporating a cap or base shall have a minimum base height of six 6 inches, a maximum base height of twenty-four (24) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed three (3) feet; and,

6. Sign caps and bases shall not be used for sign display or advertising purposes.

C. Setbacks:

1. All signs shall conform to the side and rear yard setback requirements for structures as set forth in this PUD; and

2. Signs shall have a minimum front yard or right-of-way setback requirement of five (5) feet from a property line or right-of-way.

Section 16.8. Nonresidential Center Signs. Signs within the Airport Hospitality District and Neighborhood Commercial District shall be regulated per Article 5 in addition to the requirements of this Article.

A. Monument Sign(s):

1. Number and Size:

a. The Airport Hospitality District shall be permitted the following monument signs:

1) Two (2), monument signs, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred fifty (250) square feet of sign area per face; along the north side of the State Highway 32 frontage spaced no less than six hundred (500) feet apart.

2) Three (3), monument signs, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face along its Towne Road frontage.

b. The Neighborhood Commercial District shall be permitted the following monument signs:

1) One (1), monument sign, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face; along the south side of the State Highway 32 frontage.

2) One (1), monument sign, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face; along the south side of the State Highway 32 frontage.

3) Two (2), monument signs, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face along its Town Road frontage.

c. Nonresidential center monument signs shall have a minimum base height of two (2) feet and a minimum cap height of six (6) inches. Total aggregate sign cap and base height shall not exceed six (6) feet; and,

d. Sign caps and bases shall not be used for display or advertising purposes.

B. Entrance Sign(s):

1. In addition to nonresidential monument signs, a nonresidential center shall be permitted one (1) entrance sign per point of ingress; and,

2. Nonresidential center entrance signs shall be limited to a maximum of six (6) feet in height, a sign area of thirty (30) square feet per sign face, and shall not contain tenant information.

C. Interior Circulation Sign(s):

1. Nonresidential centers are permitted interior circulation signage containing traffic directing information only (such as "Enter", "Exit", "Do Not Enter", etc.). Circulation signage shall be limited to a maximum of three (3) feet in height, and a sign area of two (2) square feet per sign face.

2. Additional interior circulation signage with no copy restriction shall be permitted. This type of signage shall be limited to a maximum of six (6) feet in height, and a sign area of six (6) square feet per sign face.

D. Center In-Line Tenant Signage:

1. All in-line tenants of nonresidential centers shall be permitted one (1) square foot of signage for each linear foot of tenant space;

2. Corner in-line tenants shall have only one front façade unless both facades face a public street.

3. The total permitted sign area allocation may be divided between wall and awning signs;

4. Wall signs in nonresidential centers shall be located on front building elevations except that those tenants with corner locations are permitted to place signage on a sidewall;

5. Any side wall sign square footage shall be deducted from the total sign allocation for the tenant space; and

6. Center in-line tenants shall not be permitted individual monument signs.

E. Outlot Signage:

a. All outlots of nonresidential centers shall be permitted two (2) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way;

b. The total permitted sign area allocation may be divided between wall and awning signs;

c. Signs may be located on any building elevation;

d. All sign square footage shall be deducted from the total sign allocation for the outlot;

e. Outlots within a nonresidential center shall not be permitted individual monument signs.

Section 16.9. Sign Area Bonus**.** The total sign allotment for an individual nonresidential use, tenant, or a nonresidential center may be increased by a specified percentage for compliance with design criteria as listed below. Percentage increases shall be based on the original sign allotment calculation. If more than one criterion is met, then sign area bonuses will be granted cumulatively.

A. Sign Area Allotment Bonuses:

1. Sign Number: For individual non-residential signs and outlots, a five

percent sign area allotment bonus shall be granted for limiting the total number of signs to three (3) or less;

2. Where monument signs are permitted, a ten (10%) percent sign area allotment bonus shall be granted for not having a monument sign.

3. Alternative Materials. A ten (10%) sign area allotment bonus shall be granted when all signage on site is primarily comprised of decorative wood, brick, stone, sculpted metal, or equivalent substitutes. This bonus is also available on a Tenant/Outlot basis in Nonresidential Centers.

4. Nonresidential Center Sign Plan. A ten (10%) percent sign area and height allotment bonus shall be granted if a uniform and complimentary sign plan is mandated for all signage on site, including center, tenant, and outlot signage. A sign plan must address colors and materials and be approved by the Community Development Director prior to the issuance of individual permanent sign permits for tenants and outlots.

B. Wall Sign Bonuses:

1. Individual Letters. A ten (10%) percent wall sign area bonus shall be granted for individual nonresidential uses, tenants, or outlots whose wall signs consist primarily of individual letters mounted directly on a building surface.

C. Monument Signs:

a. Materials. A ten (10%) percent monument sign area and height bonus shall be granted for using brick, stone or equivalent substitute in the construction of a sign base, cap and supporting structure.

b. Matching Materials. A ten (10%) percent monument sign area bonus shall be granted if over fifty (50%) percent of the sign base, cap, and supporting structure matches the building materials used on a front elevation of the building(s).

c. Landscaping. A ten (10%) percent monument sign area bonus shall be granted for landscaping the area around a base of a monument sign. Refer to Article 14 for landscaping details.

Section 16.10. Sandwich Board Signs. Sandwich board signs shall only be permitted in the Airport Hospitality District and the Neighborhood Commercial Districts and shall conform to the following regulations:

A. The placement of sandwich board signs shall not impede pedestrian or vehicular traffic;

B. One (1) sandwich board sign shall be permitted per individual commercial or business use;

C. Sandwich board signs shall not count toward the total sign allotment for a commercial use or business;

D. Sandwich board signs shall not exceed six (6) square feet per sign face;

E. Sandwich board sign faces shall be constructed of a chalk board type material or equivalent substitute which permit the application of any identification, message or information with a non-permanent type of text, design or logo;

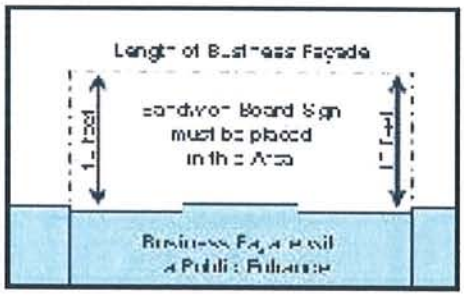
F. Sandwich board sign width shall not exceed three and one-half (3.5) feet when measured from the outside of a sign support and/or sign face;

G. Sign height shall not exceed five (5) feet when measured from the ground to the top of a sign face or sign support structure;

H. Sandwich board signs shall have a base support and the base support shall be weighted with a minimum ten (10) pound ballast to ensure sign stability;

I. Sandwich board signs shall not be permanently affixed to any structure or sidewalk, and must be removed at the end of each business day;

J. Signs shall only be placed within 10 feet of, and directly in front of, a business façade having a public entrance. See the graphic below:



K. Placement of sandwich board signs in a public right-of-way shall require approval by the Westfield Town Council, or designee; and

L More than two (2) sign violations of this ordinance in one calendar year shall result in the termination of the sandwich board sign permit and require removal of the sandwich board for that calendar year.

Section 16.11. Under Canopy Signs. Under canopy signs shall only be permitted in the

Airport Hospitality District and the Neighborhood Commercial District and shall conform to the following regulations:

A. Under canopy signs shall be placed under canopies or roof overhangs.

B. Under canopy signs shall not count toward the total sign allotment for a commercial use or business;

C. Under canopy signs shall not exceed one (1) per building entrance;

D. Under canopy signs shall not exceed three (3) square feet in area;

E. Under canopy signs shall not be separately illuminated; and,

F. Under canopy signs shall contain only the address, logo, or name of the occupant or business served by the entrance.

Section 16.12. Temporary and Special Event Signs. Temporary and special event signs shall only be allowed for permitted non residential uses and for all permitted uses in commercial zoning districts. All temporary and special event signage shall conform to the following regulations:

A. New businesses, seasonal businesses, grand openings, or special events may display a banner that does not exceed 32 square feet in size, and is securely attached to a structure or support device.

B. Application must be made, and a temporary sign permit issued prior to the display of temporary signage.

C. All existing business shall be limited to one (1) temporary sign permit annually;

D. All temporary signs shall be placed on the property on which the permitted use is being conducted;

E. Temporary sign permits shall be limited to fifteen (15) calendar days per quarter; and

F. Temporary sign permits may be issued for a calendar year or renewed on a quarterly basis at the Community Development Department

Section 16.13. Nonconforming Signs. All existing signs which do not conform to this section are designated lawfully nonconforming and shall either be removed or brought into compliance with these regulations at such a time when new development or expansion is proposed, or when a change in signage is proposed for the property upon which the sign is located. Lawful nonconforming signs shall not be relocated, expanded, or altered except to permit routine maintenance and repairs. In no case shall the

replacement of individual tenant name panels on a non-residential center sign constitute the need to bring the non-residential center sign into compliance with these sign regulations.

Section 16.14. Permits. After the effective date of the ordinance codified in this title, and except as otherwise provided, no person shall erect any sign as defined herein without first obtaining a sign permit from the Community Development Department. The Community Development Department Director and his/her designated staff shall have the authority to review and decide upon all sign permit applications. Signs which shall not require a permit include all signs or displays permitted in Section 16.3, Exceptions. Application for a permit shall be made in writing, upon forms prescribed and approved by the Director and shall contain the following information:

A. Name, address, and telephone number of applicant or business;
B. Site address;
C. Graphic scale;
D. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
E. A site plan indicating the location of any existing or proposed monument signs;
F. A square footage calculation of any proposed sign(s), as well as the location and square footage of all existing on-site sign(s);
G. Elevation of proposed signs including size, materials, color and dimensions;
H. A true color rendering of the proposed signs;
I. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination;
J. Indication of sign type(s) as defined in this chapter;
K. Written consent of the owner of the building, structure, or land on which the sign is to be erected if the applicant is not the owner; and
L. Temporary and special event sign displays shall provide a schedule for sign displays which indicate the dates and duration of the sign displays.
M. Any other information necessary to support a thorough review of the project and as requested in writing by the Director
N. All applications for permits shall be accompanied by payment of fees. The fee schedule shall be kept on file in the Community Development Department. If the proposed sign plan is in compliance with all the requirements of this zoning ordinance, a permit shall be issued.

ARTICLE 17. SQUARE FOOTAGE, RESIDENTIAL UNITS, DENSITY AND OPEN SPACE STATISTICS

Section 17.1 Square Footage and Residential Unit Estimates, Maximum Densities:

Airport Hospitality District:	65 Acres (Approximate)
Retail/Office/Service Space:	300,000 Sq.Ft. (Approximate)
Hotel:	100 Rooms (Approximate)
Apartments:	288 as illustrated
	300 units (Maximum)
Neighborhood Commercial District:	19 Acres (Approximate)
Retail/Office/Service Space:	83,000 Sq.Ft. (Approximate)
Townhomes:	68 as illustrated (Approximate)
	100 Units (Maximum)
Multi-Use District:	18 Acers (Approximate)
Office Space:	130,000 Sq. Ft. (Approximate)
Single Family Attached District:	16 Acres (Approximate)
Quads:	60 as illustrated
Density:	4.5 Units per Acre (Maximum)
Rural Southwest District:	74 Acres (Approximate)
Single Family Detached:	74 as illustrated
Density:	1.0 Units per Acre (Maximum)

Aggregate Data:

PUD - total acreage:	214 Acres (Approximate)
Open Space - total acreage:	64.0 Acres (Approximate)
Retail Space - total Sq. Ft.:	250,000 Sq.Ft. (Approximate)
Office/Service Space - total Sq. Ft.:	270,000 Sq.Ft. (Approximate)

Multi-Family Apartment Units: 300 Units (Maximum)

Single Family Detached and Attached Dwellings - Total Units: 270 Units (Maximum)

Section 17.2 Open Space Statistics:

Airport Hospitality District:	65 Acres (Approximate) /	10 Acres (Approximate)
Neighborhood Commercial District:	19 Acres (Approximate) /	4 Acres (Approximate)
Multi-Use District:	18 Acres (Approximate) /	5 Acres (Approximate)
Single Family Attached District:	16 Acres (Approximate) /	5 Acres (Approximate)
Rural Southwest District:	74 Acres (Approximate) /	48 Acres (Approximate)
Total:	**214 Acres (Approximate) /**	**72 Acres (Approximate)**

Total PUD Open Space: 25% (Minimum)

ARTICLE 18. PROCEDURAL PROVISIONS

Section 18.1. Developer's Consent. Without the consent of the Developer, no other developer, user, or tenant may obtain any permits or approvals, whatsoever, with respect to the Real Estate or any portion thereof, and as such, and by way of example but not by limitation, none of the following may be obtained without the approval and consent of the developer:

A. Improvement location permits for any improvements within the Real Estate;

B. Sign permits for any signs within the Real Estate;

C. Building permits for any buildings within the Real Estate;

D. Primary or secondary plat approval for any part of the Real Estate;

E. Development plan approval or detail development plan approval for any part of the Real Estate;

F. Any taxed amendments or other variations to the terms and conditions of this Towne Road Crossing PUD.

Section 18.2. Plan Commission. The Plan Commission, upon petition of the Developer at a public hearing conducted per the rules of the plan commission, may approve a development standard or guideline that is not included in, or is different from, those set forth in this Towne Road Crossing PUD, so long as the Plan Commission determines that any such addition or modification would not substantially affect the integrity of the development of the Real Estate, and is appropriate for the site and its surroundings.

Section 18.3. Appeal. The denial by the Department of Development of any requests for approvals may be appealed to the Plan Commission, which may affirm or reverse the decision of the Department of Development, and any denial by the Plan Commission of any requests for any approvals may be appealed to the Town Council, which may affirm or reverse the decision of the Plan Commission. In circumstances permitted under the Zoning and Towne Road Crossing PUD Ordinances, appeal may also be made to the Town's Board of Zoning Appeals.

Section 18.4. Detailed Development Plans and Secondary Plats. Detailed Development Plan and Secondary Plat Approval is hereby delegated to and shall be by the Director.

Section 18.5. Primary Plats in Business Districts. A Primary Plat shall not be required but may be submitted for real estate within business districts including but not limited to multi-family uses at the time of Development Plan Review.

Section 18.6. Existing Uses and Structures. Notwithstanding anything to the contrary in this Towne Road Crossing PUD, any parcel or portion of Real Estate, which is being used for residential or agricultural uses or purposes on the date of enactment of this Town Road Crossing PUD, along with any structures existing on the date of the enactment of this Towne Road

Crossing PUD, may continue and shall be permitted until the commencement of development of that parcel per the terms of this Towne Road Crossing PUD.

Section 18.7. <u>Phasing Schedule Procedures</u>.

A. The Real Estate will be developed in multiple phases, and separate Development Plans may be submitted for approval. The Phasing Schedule in Exhibit E, as approved as part of this Towne Road Crossing PUD, including estimates of intervals during which Development Plans will be submitted and during which development will commence, are hereby deemed to be reasonable. Nothing in Exhibit E or elsewhere in this Towne Road Crossing PUD or in WC 16.04.190(D)(5) and WC 16.04.190(J) shall prohibit the filing of Development Plans for any particular District or portion thereof before or after the dates in the Exhibit E Phasing Schedule. In the absence of intentional misrepresentation of gross negligence by the Developer, extensions shall be granted and no penalties shall be sought or imposed for changes. The terms of WC 16.04.190(D)(5) and WC 16.04.190(J) are superseded and replaced by the terms stated herein.

B. In no case shall a Development Plan Application for real estate within the Single Family Attached District be filed prior to the commencement of construction of non-residential building(s) within the Neighborhood Commercial District.

"Section 18.8. <u>Other Local, State and Federal Requirements</u>. The Towne Road Crossing PUD shall not exempt development of the real estate from compliance with all applicable local, state, and federal requirements and standards including but not limited to Wellhead Protection and regulations for property in proximity to public-use airports." This section does not apply to local zoning ordinance requirements which are superseded and replaced by the terms stated in the Towne Road Crossing PUD."

A part of Section 32, Township 19 North, Range 3 East, and a part of Section 5, Township 18 North, Range 3 East, Washington Township, Hamilton County, Indiana, being described as follows:

Beginning at the Southeast corner of Section 32, the Point of Beginning; thence along the south line of said Section 32, South 89 degrees 25 minutes 04 seconds West, for a distance of 180.32 feet; thence North 00 degrees 00 minutes 14 seconds East, for a distance of 338.21 feet; thence North 89 degrees 24 minutes 34 seconds West, for a distance of 136.80 feet; thence South 00 degrees 13 minutes 15 seconds West, for a distance of 341.03 feet to said section line; thence along said section line, South 89 degrees 25 minutes 04 seconds West, for a distance of 606.03 feet; thence North 00 degrees 19 minutes 26 seconds West, for a distance of 210.76 feet; thence South 89 degrees 37 minutes 45 seconds West, for a distance of 370.89 feet; thence South 00 degrees 05 minutes 13 seconds West, for a distance of 212.14 feet to said section line; thence along said section line, North 89 degrees 25 minutes 04 seconds East, for a distance of 269.25 feet; thence South 00 degrees 09 minutes 41 seconds East, for a distance of 753.36 feet to centerline of the old Central Indiana Railroad; thence along said centerline, South 89 degrees 38 minutes 27 seconds East, for a distance of 1108.27 feet to the East line of said Section 5; thence along the East line of said Section 5, South 00 degrees 03 minutes 48 seconds West, for a distance of 844.77 feet; thence South 55 degrees 42 minutes 56 seconds West, for a distance of 505.47 feet; thence South 88 degrees 11 minutes 48 seconds West, for a distance of 215.77 feet; thence South 20 degrees 34 minutes 10 seconds West, for a distance of 617.06 feet; thence South 89 degrees 34 minutes 54 seconds West, for a distance of 1809.40 feet; thence North 00 degrees 03 minutes 34 seconds West, for a distance of 2258.36 feet; thence North 88 degrees 45 minutes 50 seconds East, for a distance of 512.65 feet; thence North 00 degrees 50 minutes 17 seconds West, for a distance of 207.53 feet to the North line of said Section 5; thence along said Section line, South 89 degrees 25 minutes 04 seconds West, for a distance of 551.30 feet; thence North 00 degrees 10 minutes 10 seconds East, for a distance of 1337.57 feet; thence North 89 degrees 50 minutes 15 seconds East, for a distance of 1322.97 feet; thence North 00 degrees 05 minutes 17 seconds East, for a distance of 631.24 feet; thence North 89 degrees 27 minutes 26 seconds East, for a distance of 1301.39 feet to the East Section line of said Section 32; thence along said East Section line, South 00 degrees 13 minutes 13 seconds West, for a distance of 1958.25 feet to the Point of Beginning.

Containing 214 acres, more or less.

NOTE: THE LEGAL DESCRIPTION AND BOUNDARY INFORMATION SHOWN IN THIS EXHIBIT ARE NOT PART OF A BOUNDARY SURVEY OF THE PARCELS AND ARE ONLY TO BE USED FOR ZONING PURPOSES.

EMH&T
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
7500 North Shadeland Avenue
Suite 150, Indianapolis, IN 46250
Phone: 317 913.8000 Fax: 317 913.8009
Columbus • Cincinnati • Indianapolis • Chicago

Proj. No.: 2006-0539

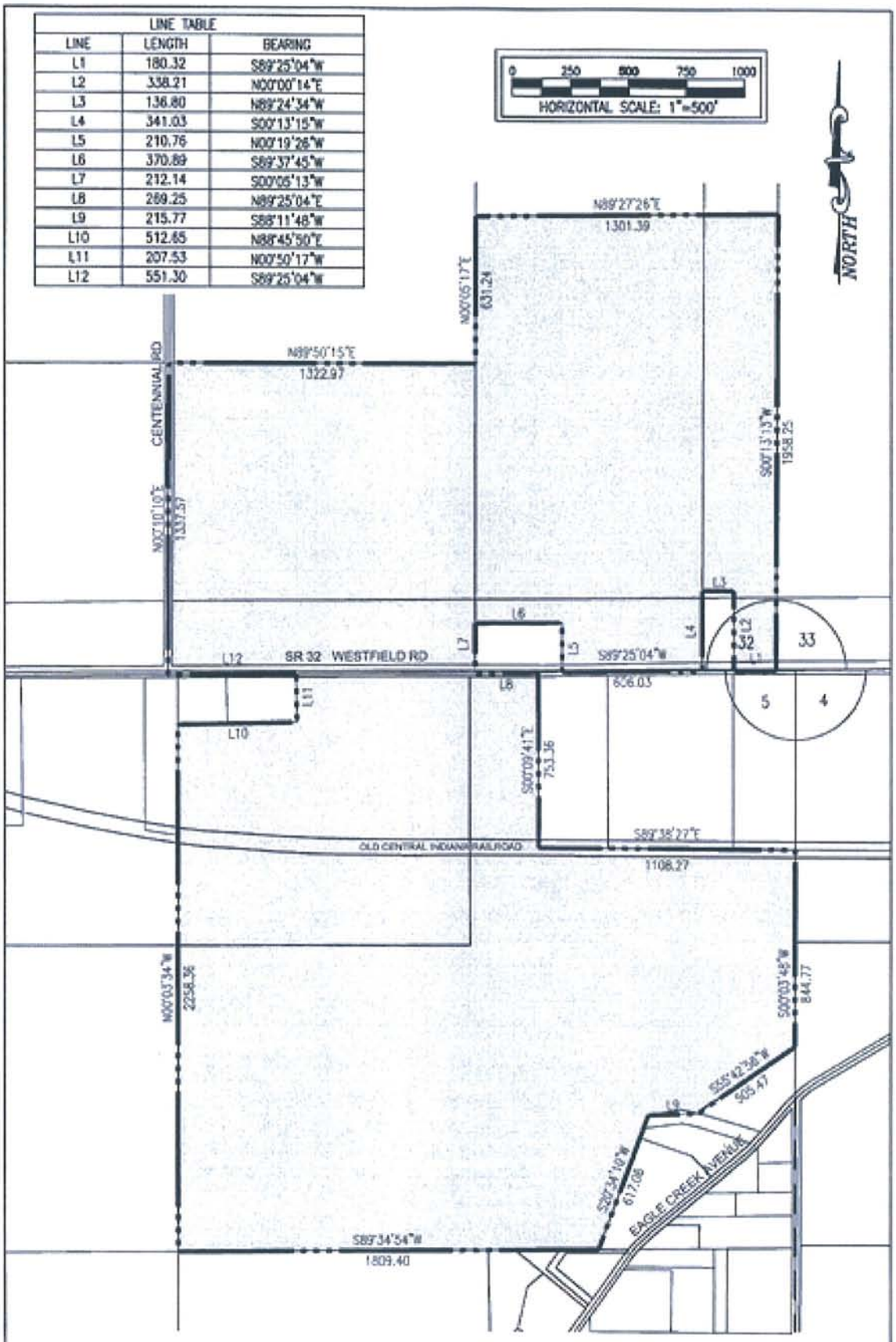
Towne Road Crossing
Exhibit "A"

Scale: N/A

Date: 03-08-07

Sheet No: 1 of 2

LINE TABLE		
LINE	LENGTH	BEARING
L1	180.32	S89°25'04"W
L2	338.21	N00°00'14"E
L3	136.80	N89°24'34"W
L4	341.03	S00°13'15"W
L5	210.76	N00°19'26"W
L6	370.89	S89°37'45"W
L7	212.14	S00°05'13"W
L8	269.25	N89°25'04"E
L9	215.77	S88°11'48"W
L10	512.65	N88°45'50"E
L11	207.53	N00°50'17"W
L12	551.30	S89°25'04"W

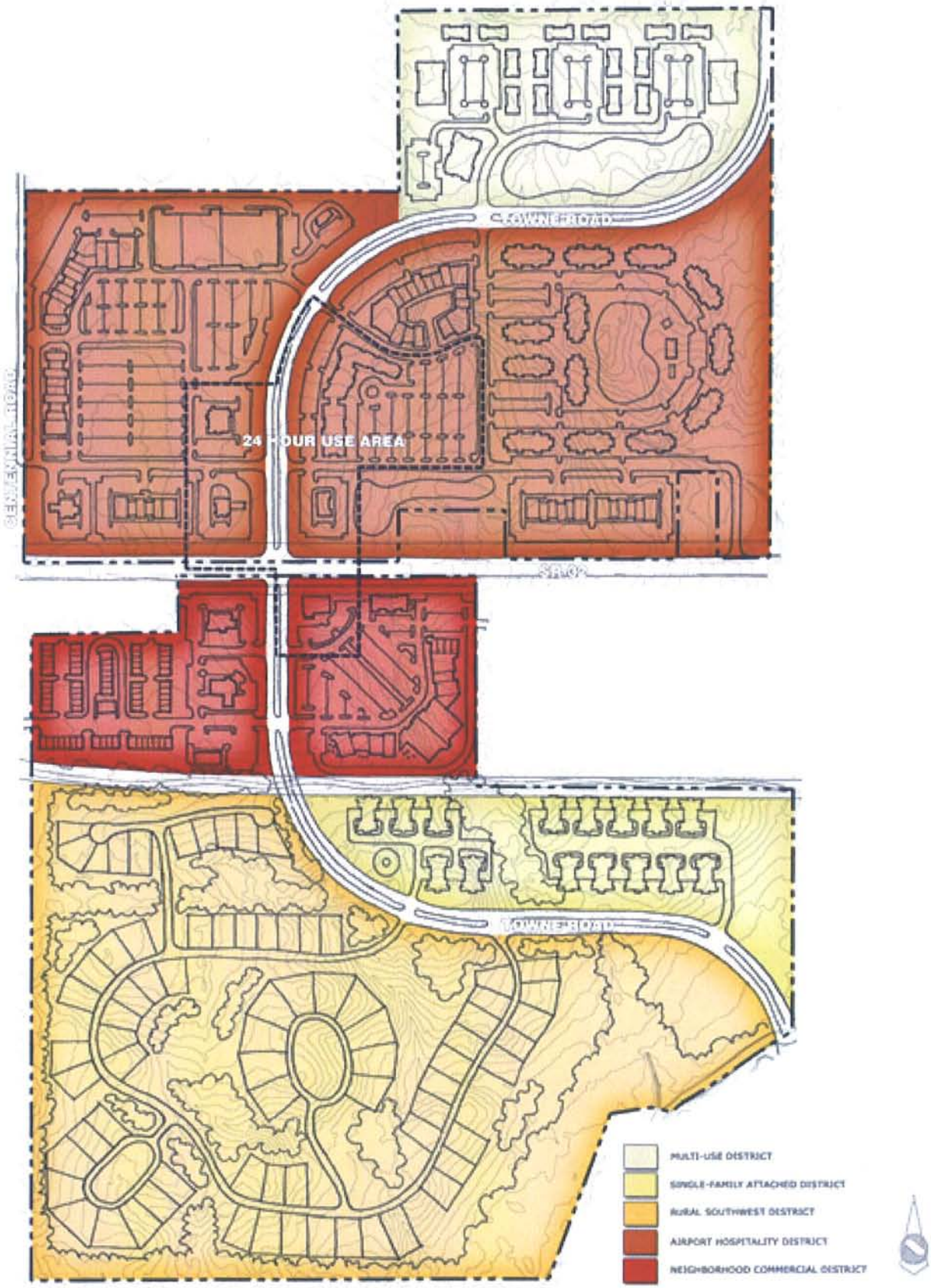


NOTE: THE LEGAL DESCRIPTION AND BOUNDARY INFORMATION SHOWN IN THIS EXHIBIT ARE NOT PART OF A BOUNDARY SURVEY OF THE PARCELS AND ARE ONLY TO BE USED FOR ZONING PURPOSES.

EMH&T

Towne Road Crossing
Exhibit "A"

Scale: 1"=500'
Date: 03-08-07
Sheet No: 2 of 2



Zoning District Map

Towne Road Crossing
Exhibit "B"

WILFONG · KREUTZ LAND DEVELOPMENT, LLC

09.28.07

MKEC ENGINEERING CONSULTANTS, INC.

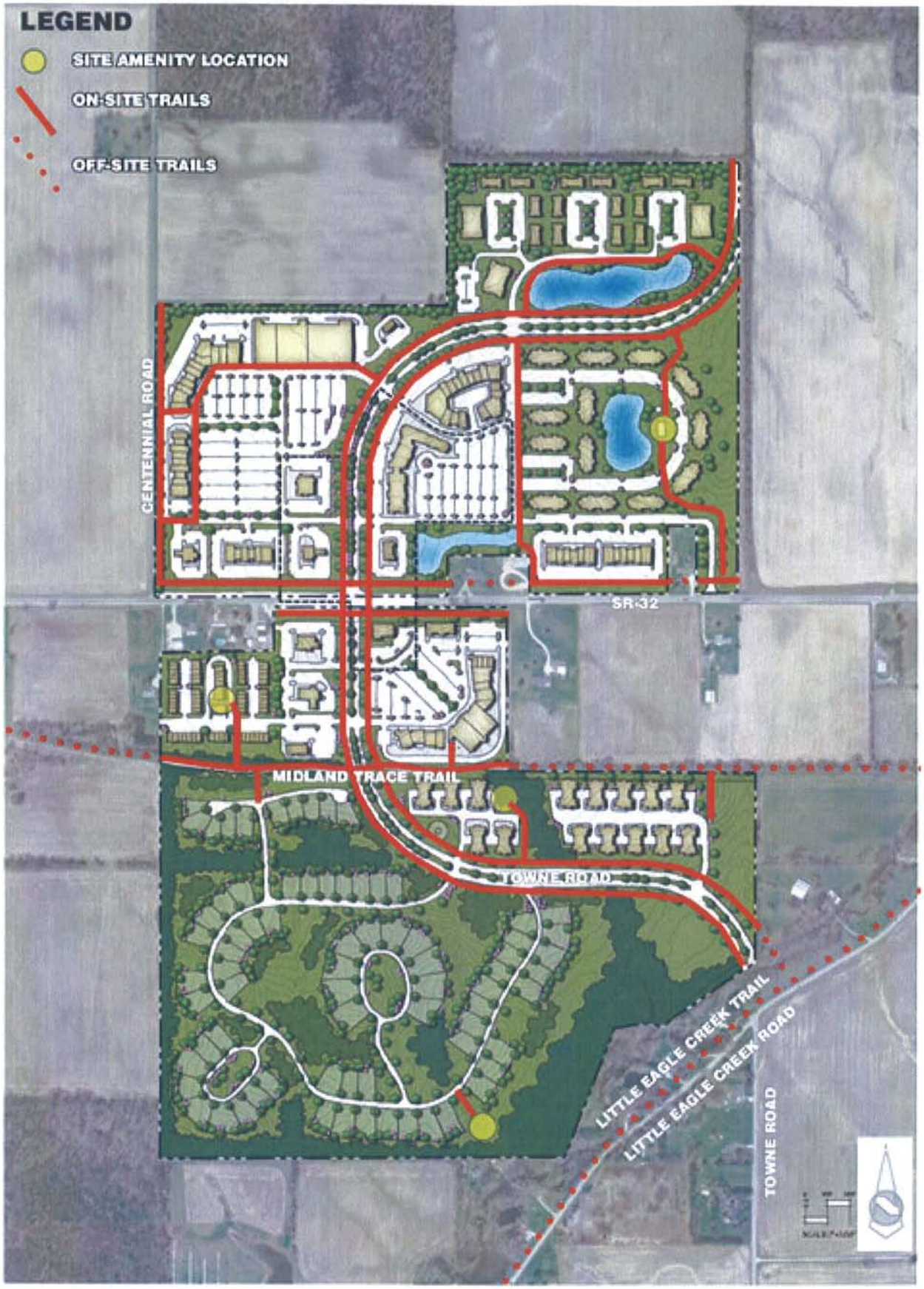
Illustrative Site Development Plan

Towne Road Crossing
Exhibit "C"

09.28.07

WILFONG · KREUTZ LAND DEVELOPMENT, LLC

MKEC ENGINEERING CONSULTANTS, INC.



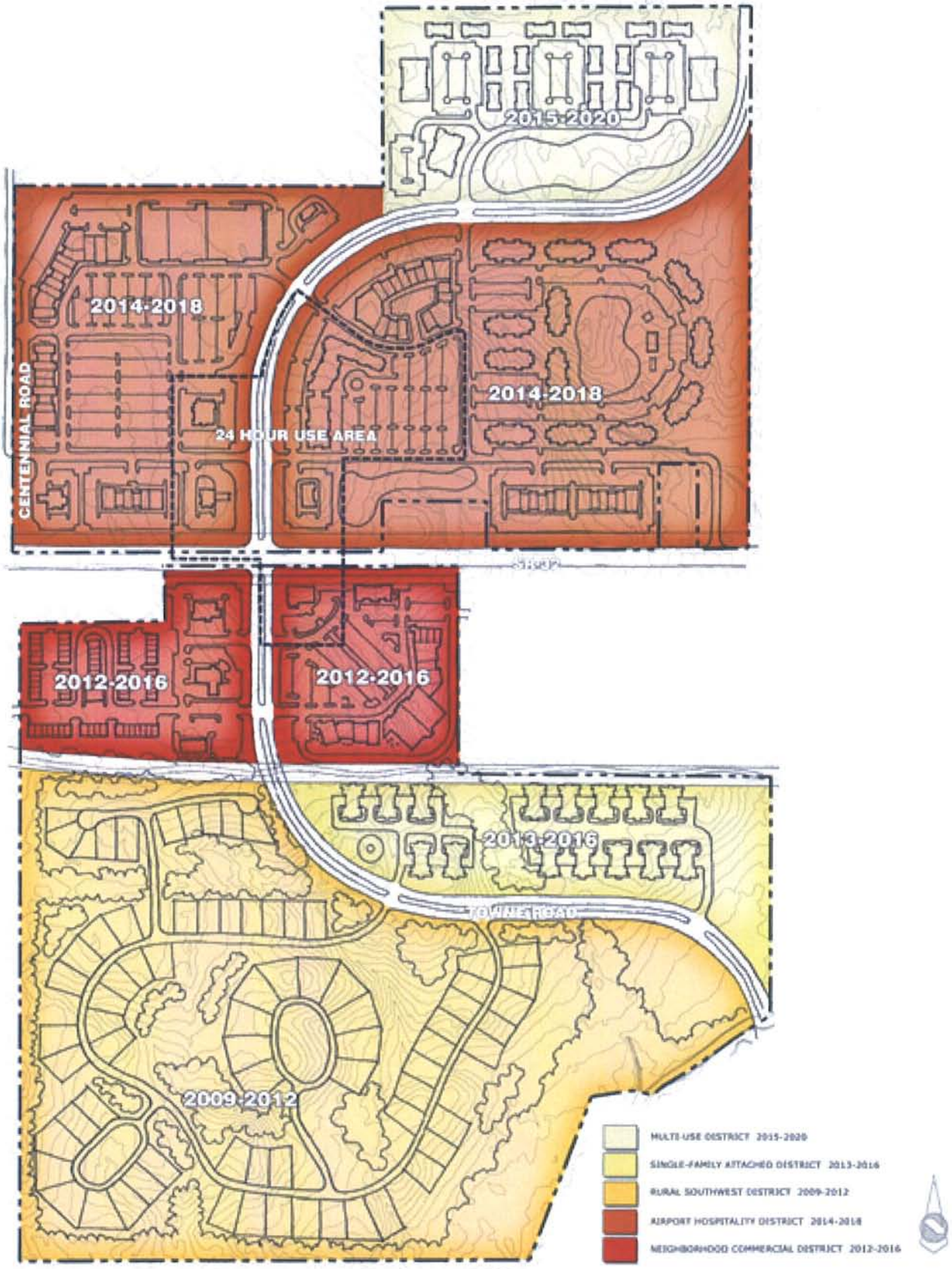
Open Space, Trails & Amenities Plan

Towne Road Crossing
Exhibit "D"

09.28.07

WILFONG · KREUTZ LAND DEVELOPMENT, LLC

MKEC ENGINEERING CONSULTANTS, INC.



Construction Phasing Schedule

Towne Road Crossing
Exhibit "E"

09.28.07

WILFONG · KREUTZ LAND DEVELOPMENT, LLC

MKEC ENGINEERING CONSULTANTS, INC.