

WESTFIELD, INDIANA

PUD ORDINANCE NO. ~~02-17~~ \_\_\_\_\_

THE BRIDGEWATER CLUB  
**RESTATED AND CONSOLIDATED**  
PLANNED UNIT DEVELOPMENT  
DISTRICT

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ORDINANCE NO. ~~02-17~~

AN ORDINANCE (i) AMENDING THE ZONING ORDINANCE  
OF THE TOWN OF WESTFIELD  
AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA AND (ii)  
AMENDING AND RESTATING  
THE BRIDGEWATER PUD ORDINANCE AS AMENDED

This Amended and Restated PUD Ordinance (the “Restated Bridgewater PUD”) (i) amends the Zoning Ordinance of the Town of Westfield and Washington Township, Hamilton County, Indiana (the “Zoning Ordinance”), enacted by the Town of Westfield under authority of ~~Chapter~~Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended; with respect to the Additional Real Estate (defined below), and (ii) amends and restates the Bridgewater Club PUD Ordinance, as amended.

WITNESSETH:

WHEREAS, the ~~Plan Commission of the Town of Westfield and Washington Township~~ (the “Commission”) has ~~conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by Throgmartin Henke Development, LLP for the real estate containing approximately 590 acres, legally described on Exhibit “1”~~ ~~hereto~~ Town Council of the Town of Westfield, Indiana (the “Town Council”) (i) enacted the Bridgewater Club Planned Unit Development District Ordinance Number 02-17 (the “Original Bridgewater PUD”), and (ii) subsequently enacted Ordinance Number \_\_\_\_\_, Ordinance Number \_\_\_\_\_, Ordinance Number \_\_\_\_\_, and ~~located in Washington Township, Westfield, Indiana~~ (Ordinance Number \_\_\_\_\_ (collectively, the “Prior Amendments”), by which the text of the Original Bridgewater PUD was amended and additional land, not part of the Original Bridgewater PUD, was rezoned;

WHEREAS, this Restated Bridgewater PUD (i) restates the text of the Original Bridgewater PUD to incorporate prior text amendments, (ii) further amends the Original Bridgewater PUD, as already amended by the Prior Amendments, and (iii) changes the zoning of the Real Estate”);

~~WHEREAS, the Commission has sent to the Town Council of the Town of Westfield, Indiana (the “Town Council”) its favorable recommendation adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2002; and~~

~~NOW, THEREFORE, BE IT ORDAINED by the Town Council meeting in regular session, that the Zoning Ordinance and the Zone Map (the “Zone Map”) of~~ legally described in what is attached hereto and incorporated herein by reference as Exhibit 1A (the ~~Zoning Ordinance are hereby amended~~ “Additional Real Estate”) to the applicable terms and conditions of this Restated Bridgewater Club PUD;

WHEREAS, with respect hereto, the Plan Commission of the Town of Westfield and Washington Township (the “Commission”) has conducted a public hearing as required by law in regard to (i) the application for a change of zoning filed by Throgmartin-Henke Development, LLP for the Added Real Estate and (ii) the application to amend the Original Bridgewater PUD to incorporate the Prior Amendments and to further amend the Original Bridgewater PUD per the terms of this Restated Bridgewater PUD;

WHEREAS, the Real Estate subject to and governed by this Restated Bridgewater PUD is legally described in what is attached hereto and incorporated herein by reference as Exhibit 1B (the “Real Estate”), which Real Estate includes the Additional Real Estate; and

WHEREAS, the Commission has sent to the Town Council of the Town of Westfield, Indiana (the “Town Council”) its favorable recommendation adopted on the \_\_\_\_\_ day of

\_\_\_\_\_, 2006; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council meeting in regular session, as follows:

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

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

SECTION 2. EFFECT. The development standards created by this Restated Bridgewater PUD supersede the development standards of the Zoning Ordinance. Unless otherwise specified herein, ~~the~~ owner(s) of the Real Estate shall otherwise comply with the terms, conditions, and procedures of PUD Ordinance 02-01 (WC 16.04.190) (the “PUD

Ordinance”).

SECTION 3. DEFINITIONS. Unless otherwise specified in (i-) this Restated Bridgewater PUD or (ii-) what is attached hereto and incorporated herein by reference as Exhibit “2”, the definitions of the Zoning Ordinance shall apply to words and terms set forth in this Bridgewater PUD.

SECTION 4. RESIDENTIAL/GOLF COURSE AREA. Area X of the Real Estate, described in what is attached hereto and made a part hereof as Exhibit “3” (“Area X”), is reclassified on the Zone Map ~~from the AG-SF1 Residence District Classification~~ to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-2 District of the Zoning Ordinance in force at the time of the enactment of this Bridgewater PUD. A copy of the SF-2 development standards which were in force at the time of the enactment of ~~this~~ the Original Bridgewater PUD and which apply to Area X, except as modified in this ~~Restaed~~ <sup><SP></sup> Restaed Bridgewater PUD, is attached hereto and made a part hereof as Exhibit “4”. What is identified on the Concept Plan as Parcel N is the only portion of the Golf Course for which development plan approval is required under Section 16.04.165 of the Zoning Ordinance and ~~/or the Westfield PUD and~~, therefore, such development plan approval shall not be required as a condition to the commencement and completion of the other parts of the Golf Course such as the tees, fairways, roughs, and greens.

SECTION 5. THE VILLAGE MARKETPLACE. Area Y of the Real Estate, also identified on the Concept Plan as Parcel M, is described in what is attached hereto and made a part hereof as Exhibit “5” (“Area Y”), and is reclassified on the Zone Map ~~from the AG-SF1 Residence District Classification~~ to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the LB Local and Neighborhood Business

District of the Zoning Ordinance in force at the time of the enactment of ~~this~~the Original Bridgewater PUD. A copy of the LB Local and Neighborhood Business District development standards which were in force at the time of the enactment of ~~this~~the Original Bridgewater PUD and which apply to Area Y, except as modified by this Restated Bridgewater PUD, ~~is and~~ attached hereto and made a part hereof as ~~Exhibit "6"~~Exhibit 6". Area Y is an integrated development which will comprise multiple buildings and outlots, each of which may contain more than one (1) business.

SECTION 6. PERMITTED ADJUSTMENTS. The Developer, in the Developer's sole discretion, and without any notice, hearing, or approval, shall have the flexibility to change the configuration of Parcel K and Parcel M by (i) reducing Parcel M1 by up to four (4) acres and increasing Parcel K1 by a like amount and (ii) by increasing Parcel M2 by the number of acres by which Parcel M1 was reduced and reducing Parcel K2 by a like amount.

SECTION 7. OFFICE/FLEX AREAS. Area Z of the Real Estate, also identified on the Concept Plan as Parcel L, is described in what is attached hereto and made a part hereof as ~~Exhibit "7"~~Exhibit 7 ("Area Z"), and is reclassified on the Zone Map from the AG-SF1 Residence District Classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be EI-Enclosed Industry District of the Zoning Ordinance in force at the time of the enactment of ~~this~~the Original Bridgewater PUD. A copy of the EI-Enclosed Industrial development standards of which were in force at the time of the enactment of ~~this~~the Original Bridgewater PUD and which apply to Area Z, except as modified in this Restated Bridgewater PUD, is attached hereto and made a part hereof as ~~Exhibit "8"~~Exhibit 8".

SECTION 78. USES. The Real Estate shall be developed for non-residential, residential, golf course and country club uses, as more particularly shown on the ~~concept plan~~

~~attached hereto as Exhibit "9" (the "Concept Plan").~~ ~~The.~~ In addition to the adjustments permitted in Section 6 above, the size, dimensions, and acreage of the parcels within Area X may be increased or decreased by up to fifteen percent (15%), so long as the maximum number of single family residential units does not exceed ~~nine~~one thousand two hundred seventy-five (9751,275) single family residences. Permitted uses are as follows:

A. Permitted Uses for Area X shall include the following:

- (1) Attached and detached single family dwellings and single structures and buildings and uses accessory thereto as permitted by the Zoning Ordinance, together with model homes and temporary trailers from which sales activities may be conducted;
- (2) Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon including, without limitation, recreational developments, including clubhouses, parks, pools, ~~ball~~ball fields, ball courts, practice facilities, playgrounds and other recreational spaces, and recreational buildings;
- (3) Privately owned golf courses and country clubs, together with uses, improvements, structures, accessory thereto catering to patrons of the privately owned golf course rather than the general public, including without limitation, any club house or club houses, practice areas, tennis courts, swimming pools, practice soccer fields, ~~fitness~~ fitness centers, cart paths, pro shops, snack bars and concession stands on the course, pump house, maintenance facilities, food and beverage services and associated business uses ancillary thereto; and

- (4) Subject to the quantity limitations specified in Section 78(B) below, Bed and Breakfasts and Inns shall also be permitted in what is identified on the Concept Plan as ~~Parcel~~ Parcel N.
- (5) Home occupations shall be permitted per the terms and conditions of the Zoning Ordinance; provided, however, that (i) home garage sales shall not exceed two (2) days per year, (ii) home-based schools shall be limited to eight (8) or less full-time or part-time students, including residents of the home, (iii) personal motor vehicle sales are prohibited, and (iv) dance teaching is limited to eight (8) students.
- (6) Apartments are a permitted use in what is identified on the Concept Plan as Parcel K-2; provided, however, that the maximum number of Apartments permitted in what is identified on the Concept Plan as Parcel K2 is two hundred forty (240). Within the Developer's discretion, Apartments may completely occupy all floors of all buildings in Parcel K2. For Apartments located within Parcel K-2, the required set back from External Streets shall be based upon and determined by a 1:2 proximity slope requirement.
- (7) Assisted Living Facilities are a permitted use in what is identified on the Concept Plan as Parcel K-2 and/or K-3; provided, however, that living units within Assisted Living Facilities shall not (i) be considered to be a detached single family residence, an attached single family residence, an Apartment, a Bed and Breakfast Room, or a room or suite in an Inn and (ii) be counted in determining density for any Parcel,

**Area, or the entirety of the Real Estate.**

- B. Permitted uses for Area Y shall include all uses permitted in the LB-Local Business and Neighborhood District of the Zoning Ordinance on the date of the enactment of the **Restated** Bridgewater PUD, as indicated by an “X” in the “Local Business” column specified on what is attached hereto and made a part hereof as Exhibit “10”, other than those uses specified in Exhibit “10” through which a line has been drawn. Permitted uses within Area Y shall also include the following, all of which shall be permitted uses and not special exceptions, even if (i-) stricken from Exhibit “10”, or (ii-) not shown on Exhibit “10” as a permitted use:
- (1) All uses permitted in Area X including, without limitation, (i-) any detached single family residences complying with the standards and guidelines in Exhibits 12 and 13, and (ii-) any attached single family residences complying with the standards and guidelines in Exhibits 14 and 15;
  - (2) Amphitheaters without permanent public address systems;
  - (3) Apartments housing located above the ground floor of any building, the main floor of which is used for retail or commercial purposes;
  - (4) Assisted living facilities;
  - (5) Bed and ~~breakfasts~~**Breakfasts** or ~~Inns~~**inns**, having not more than a total of ~~forty~~ ~~(40)~~**seventy-two (72)** bedrooms or suites, each of which is not less than **two hundred (200)** square feet, together with conference and food facilities as an incidental or accessory use;
  - (6) Coffee shops and coffee roasting as an accessory use;

- (7) Commissary, food catering service, shall be permitted as a use which is accessory or incidental to the primary use;
- ~~(8) Custard and ice cream stands and shops;~~
- (8) While traditional fast food restaurants, dairy bars, drive-in restaurants, food bars, burger stands, hot dog stands, lunch bars, and refreshment stands are not permitted uses within Area Y, diners, dining rooms, grills, lunch counters, pizza parlors, pizzerias, restaurants, soda fountains, submarine sandwich shops, delicatessen, ice cream parlors, frozen custard stands, bakeries, coffee shops or coffee cafés, and tea rooms are permitted uses within Area Y, with or without drive-thru facilities.
- (9) Data processing;
- (10) Drug stores with or without drive-thru services. All drive-through facilities shall be located on the side of a building or in the rear of the building. Drive-through facilities located on the side of a building shall have one (1) lane only, and drive-through facilities located in the rear of a building may have up to two (2) lanes;
- (11) Financial institutions, including drive-through banking facilities and exterior ATMs (provided such are not located between the primary building and the nearest External Streets). All drive-through facilities shall be located on the side of a building or the rear of the building. Drive-through facilities for financial institutions may be up to four (4) lanes;
- (12) General stores;

- (13) Golf cart sales, rentals, and repair;
- (14) Insurance companies;
- (15) Liquor stores and sales;
- (16) Medical, dental and emergency clinics and labs;
- (17) One (1) automobile service station, including car wash, the sale of gasoline and other automotive petroleum products and retail consumer goods. Outside storage of merchandise shall be prohibited. The outside storage of more than three (3) motor vehicles, for repair, shall be prohibited. No gas pumps shall be located between the gas station and External Streets. Body work and major mechanical services are prohibited; however, routine maintenance shall be permitted. All service bays shall face interior parking;
- (18) Pet cemeteries;
- (19) Picture framing;
- (20) Private and public schools without dorms;
- (21) Public, semi-public and private recreational uses except shooting gallery, but including bowling alley and billiard parlor. There shall be no more than one (1) bowling alley in Area Y which shall be limited to eight (8) lanes and shall be incidental to the primary use of the building in which it exists. Only those video game areas which are incidental to the primary use shall be permitted;
- (22) Taverns, bars, restaurants, and cafeterias having more than 50% of gross sales derived from food sales, excluding drive-in, with or without carry-

out food and beverage. Outdoor seating and live music shall be permitted as a use accessory or incidental to such restaurants and cafeterias. All such taverns, bars, and restaurants may be with or without drive-thru facilities; provided, however, that all drive-thru facilities shall be located on the side of a building or the rear of a building;

- (23) Retail packaging and mailing service;
- (24) Spas, masseurs, tanning salons, and exercise centers;
- (25) Taverns, bars and restaurants which have less than fifty percent (50%) of their proposed gross sales derived from food sales. Carry-out food and beverage, outdoor seating and live music shall be permitted as uses accessory or incidental to such taverns, bars, or restaurants. All such taverns, bars, and restaurants may be with or without drive-thru facilities; provided, however, that all drive-thru facilities shall be located on the side of a building or the rear of a building;
- (26) Temporary fruit stands; and
- (27) Veterinary clinics and hospitals without overnight animal boarding.

The total number of Apartments in Area Y and what is identified on the Concept Plan as ~~Parcel~~ Parcel N shall not exceed ~~50~~ninety (90). The total number of ~~bed~~Bed and ~~breakfast~~Breakfast rooms or suites and rooms or suites in an Inn in Area Y and what is identified on the Concept Plan as Parcel N shall not exceed ~~40~~seventy-two (72); provided, however, that the total number of Apartments, the total number of ~~bed~~Bed and ~~breakfast~~Breakfast rooms or suites, and the total number of rooms or suites in an Inn

within Area Y and what is identified on the Concept Plan as Parcel N, combined, shall not exceed ~~seventy-one hundred thirty-five~~ (75135).

- C. Permitted uses for Area Z shall include all uses permitted in the EI-Enclosed Industry District of the Zoning Ordinance on the date of the enactment of the ~~Original~~ Bridgewater PUD, as indicated by an “X” or an “XP” in the “Enclosed Industrial” column specified on what is attached hereto and made a part hereof as ~~Exhibit “11”~~, other than those uses identified on ~~Exhibit “11”~~ through which a line has been drawn. All uses permitted in Area X shall also be permitted in Area Z including, without limitation, (i-) any detached single family residences complying with the standards and guidelines in Exhibits 12 and 13, and (ii-) any attached single family residences complying with the standards and guidelines in Exhibits 14 and 15. Even if stricken from Exhibit 11 or not shown on Exhibit 11 as a permitted use, permitted uses within Area Z shall also include (i-) medical and dental labs, (ii-) golf cart sales, rental and repair, and (iii-) wholesale garden and lawn materials and supply stores.

SECTION 89. GROSS RESIDENTIAL DENSITY. The gross residential density for the entire Real Estate shall not exceed a total of ~~nineone thousand two~~ hundred seventy-five (9751275) attached and detached -single family residences; provided, however, that:

- A. For all of the Real Estate, the total number of (i-) detached single family residences, plus (ii-) attached single family residences, plus (iii-) Apartments, ~~bed~~Bed and ~~breakfast~~Breakfast rooms or suites, or rooms or suites in an Inn shall not exceed ~~nine-one thousand two~~ hundred seventy-five (9751275), and
- B. For all of the Real Estate, the total number of (i-) attached single family

residences plus (ii-) Apartments, ~~bed~~Bed and ~~breakfast~~Breakfast rooms or suites and rooms and suites in an Inn shall not exceed ~~six~~eight hundred ~~thirty~~ (~~630~~seventy-two (872)).

SECTION 910. DEVELOPMENT AND ARCHITECTURAL STANDARDS. The development standards which follow shall apply; provided, however, that through the DPR Process, the Commission may approve (i) a ten percent (10%) reduction, in any minimum development standard specified in Exhibit 12 or Exhibit 14 or (ii) a ten percent (10%) increase in any maximum development standard specified in Exhibit 12 or Exhibit 14:

- A. The development standards for detached single family dwellings shall be as set forth in what is attached hereto and incorporated herein by reference as ~~Exhibit "Exhibit 12"~~ and, to the extent they conflict with those set forth in ~~Exhibit "Exhibit 4"~~ and other provisions of the Zoning Ordinance, they shall replace and supersede those set forth in ~~Exhibit "Exhibit 4"~~ and other provisions of the Zoning Ordinance. Attached single family residential may be developed under the Indiana Horizontal Property Regime Law, I.C. 32-1-61 *et. seq.*

~~Street Scape Standards and Architectural Guidelines for detached single family dwellings are set forth in what is attached hereto and incorporated herein by reference as Exhibit "13" and, to the extent they conflict with those set forth in Exhibit "4"~~

~~B.~~— Detached single-family residences shall also be permitted in Parcel I, Parcel J, and Parcel K. The development standards applicable to any detached single family residences in Parcel I, Parcel J, and Parcel K, shall be the development standards corresponding to Parcel A, Parcel B, Parcel C, Parcel D, Parcel E, Parcel F, Parcel G, or Parcel H in Exhibit 12 of the Bridgewater PUD, as chosen and elected by the Developer during any subsequent development plan/primary plat approvals; provided, however, that (i) if, at the time of any subsequent development plan/primary plat approvals, the Developer elects the development standards corresponding to Parcel H in Exhibit 12, the Developer shall be permitted to reduce the minimum lot width, at the building line, from sixty (60) feet to fifty-five (55) feet and

B. (ii) all other provisions of the Bridgewater PUD applicable to the development of detached single family residences including, without limitation, the architectural guidelines specified in Exhibit 13 of the Restated Bridgewater PUD, shall apply.

C. Streetscape Standards and Architectural Guidelines for detached single family dwellings are set forth in what is attached hereto and incorporated herein by reference as Exhibit 13 and, to the extent they conflict with those set forth in Exhibit 4 and other provisions of the Zoning Ordinance, they shall replace and supersede those set forth in ~~Exhibit 2~~Exhibit 4 and other provisions of the Zoning Ordinance.

~~C.~~D. The development standards for attached single family dwellings shall be as set forth in what is attached hereto and incorporated herein by reference as Exhibit 14 and, to the extent they conflict with those set forth in provisions of the

Zoning Ordinance, they shall replace and supersede those set forth in provisions of the Zoning Ordinance.

~~D.E.~~ The ~~Street Seape~~Streetscape Standards and Architectural Guidelines for attached single family residences are set forth in what is attached hereto and incorporated herein by reference as Exhibit 15 and, to the extent they conflict with other provisions of the Zoning Ordinance, they shall replace and supersede those such other provisions of the Zoning Ordinance.

~~E.F.~~ Development standards pertaining to streets, gates, road cuts, etc. are set forth in what is attached hereto and incorporated herein by reference as ~~Exhibit "Exhibit 16"~~ Exhibit 16 and, to the extent they conflict with those set forth in the Zoning Ordinance ~~and-or~~ Subdivision Control Ordinance, they shall replace and supersede those set forth in the Zoning Ordinance and Subdivision Control Ordinance. ~~Exhibit "16"~~ Exhibit 16 provides for, without limitation, private and public streets, gated communities, and the permitted number of entrances, curb cuts, and road cuts, and lanes.

~~F.G.~~ The general architectural standards for Area Y and the development standards for Area Y shall be those set forth in what is attached hereto and incorporated herein as ~~Exhibit "17"~~ Exhibit 17; provided, however, that the following development standards shall also apply to Area Y and, to the extent they conflict with those set forth in ~~Exhibit "Exhibit 6"~~ Exhibit 6 or other provisions of the Zoning Ordinance, they shall replace and supersede those set forth in ~~Exhibit "Exhibit 6"~~ Exhibit 6 and other provisions of the Zoning Ordinance:

- (1) Aggregate Maximum square footage of all buildings, regardless of use, within Area Y shall be ~~twoseven~~ hundred ~~ninety-five~~ and one thousand (~~295701~~,000), and the Maximum Parcel Coverage within Area Y shall be ~~two hundred twenty-five~~ hundred thirty-five thousand (~~225535~~,000) square feet.
- (2) Open Space shall be greater than or equal to twenty percent (20%) of ~~Area~~ Area Y.
- (3) Apartments, not to exceed twenty-five (25) apartment units per building or structure, in ~~Area~~ Area Y may be contained on upper levels in multi-story, mixed-use structures along with ~~bed and breakfast~~ Bed and Breakfast, retail or offices. Structures in ~~Area~~ Area Y shall be architecturally compatible and cohesive, but shall also utilize multiple textures (i.e., rough, smooth, ~~straited~~ striated, etc.) or multiple architectural elements (~~quoins, pilasters~~ quoins, pilasters, soldier courses, lintels, friezes, cornices, ~~dintels, oechitraves~~ dentils, architraves) to achieve variation in terms of footprint and architectural elevations. In a two or three story building, the second and/or third floors may contain ~~either~~ Apartments, ~~bed and breakfasts~~ Bed and Breakfasts, offices, or retail uses.
- (4) Restaurants shall be permitted to operate outdoor cafes on sidewalks and in courtyards, including areas in public rights-of-way not dedicated to vehicular traffic or parking; provided that pedestrian circulation and access to store entrances are not impaired. The following standards and guidelines are applicable:

- (a) To allow for pedestrian circulation, a minimum of five feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained free of tables and other encumbrances.
  - (b) Planters, posts with ropes, or other removable enclosures are encouraged and may be used as a way of defining the area occupied by the café.
  - (c) Fixtures such as extended awnings, canopies, or large umbrellas shall be permitted to provide shade. Fixture colors shall complement building colors.
  - (d) Outdoor cafes shall be required to provide additional outdoor trash receptacles.
  - (e) Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
  - (f) The operators of outdoor cafes shall be responsible for maintaining a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of their activities.
- (5) Retail establishments (exclusive of a General Store and gasoline station) shall be permitted to have sidewalk displays of retail merchandise. The following standards and guidelines are applicable:
- (a) Sidewalk displays are permitted directly in front of an establishment, provided that a minimum of five (5) feet of

sidewalk clearance along the curb and leading to the storefront entrance is maintained free of display, and the display area does not exceed ~~75~~seventy-five percent (75%) of the length of the storefront.

- (b) Sidewalk displays shall be permitted only during normal business hours and shall be removed at the end of the business day. Cardboard boxes or pallets shall not be used for sidewalk displays.
- (c) Sidewalk displays shall maintain a clean, litter-free, and well-kept appearance at all times.

(6) All Non-residential Uses and Mixed-Use Buildings:

- (a) Minimum lot area: two thousand (2,000) square feet
- (b) Minimum lot width at building line: twenty-five (25) feet
- (c) Minimum lot depth: seventy (70) feet
- (d) Yard dimensions
  - (i) Set back from Internal Streets:
    - No minimum
  - (ii) Set back from External Streets:
    - This provision shall supersede any requirements of the Zoning Ordinance pertaining to proximity slope. The required set back from External Streets for All Buildings shall be based on and determined by a 1:2 proximity slope requirement (one (1) foot of building height for every two (2) feet of building set back). In

no case shall the set back be less than thirty (30) feet.

The set back area shall be landscaped according to standards set forth in ~~Section~~Section 10, Landscaping.

- (iii) Side yard (each side): no minimum
  - (iv) Rear yard: a minimum of ~~twenty~~ (20) feet unless abutting a common parking lot, in which event no rear yard is required.
  - (e) Maximum building height: ~~fifty~~ (50) feet
  - (f) Maximum building footprint coverage: ~~100~~ ~~one hundred~~ percent (100%)
  - (g) All loading, off-street parking, and drive-through facilities shall be in rear yards and side yards. Loading, parking, and drive-through facilities located in side yards shall be screened as set forth in ~~Section 10~~Section 11.
- (7) The following ~~size limitations~~restrictions shall apply to all owner or tenant occupied spaces in Area Y:
- (a) One (1) single tenant or owner occupied space, with any use permitted in ~~Area~~Area Y, may be up to ~~forty~~sixty-five thousand (~~40~~65,000) square feet;
  - (b) One single tenant office space may be up to ~~twenty~~forty thousand (~~20~~40,000) square feet;
  - (c) Two (2) single tenant or owner occupied spaces, with any use permitted in Area Y, may be up to ~~twenty thousand~~ (20,000) square feet;

(d) Four (4) single tenant or owner occupied spaces, with any use permitted in Area Y, may be up to fifteen thousand (15,000) square feet; and

(e) All other single tenant spaces or owner occupied spaces, with any use permitted in Area Y, shall be less than or equal to ten thousand (10,000) square feet.

(9)(8) Area Y Parking Requirements. Parking shall be provided in Area Y both off- street and on-street. For buildings adjacent to Internal Streets with parking bays, those spaces immediately adjacent to the frontage of the building lot shall be included in the calculation for required spaces. Minimum parking spaces accessory to designated uses shall be provided as follows:

(a) Office. Three (3) parking spaces for each one-thousand (1,000) square feet of floor area, provided, however, that in no case shall any individual tenant or owner provide less than five (5) parking spaces.

(b) Retail. Three and one half (3.5) parking spaces for each one thousand (1,000) square feet of floor area, provided, however, that in no case shall any individual tenant or owner provide less than five (5) parking spaces.

(c) Inn or Bed and Breakfast. One (1) parking space for each rental

sleeping unit. If, in addition to sleeping units, there are other accessory uses located within or operated in conjunction with the ~~Inn~~ or Bed and Breakfast, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided.

- (d) Apartment. One (1) parking space for each Apartment.
- (e) Northwest Corner. Parking on the Northwest Corner shall be permitted to exist in front of buildings located partially or wholly within the Northwest Corner, so long as the landscape standards specified in Section 11(C)(2)(a) of this Restated Bridgewater PUD are satisfied; provided, however, that the evergreen shrub row, shade trees, and ornamental trees shall not be required in any area where prohibited by easements for underground gas and/or petroleum distribution.

H. The standards of development for Area Z shall be those set forth in what is attached hereto and incorporated herein as Exhibit "8"; provided, however, that (i-) there shall be no minimum tract or lot area or requirement, (ii) there shall be no minimum front yard, (iii-) there shall be no minimum side yard, (iv-) there shall be no minimum rear yard, and (v-) maximum building height shall be forty (40) feet. Notwithstanding the foregoing, (i-) Area Z must comply with the perimeter yard and buffer requirements specified in Section ~~10~~11, and (ii-) the required set back from External Streets shall be based upon and determined by a 1:2 proximity slope requirement only for any buildings or structures built in

~~Area~~Area Z after the enactment of this ~~Restated~~ Bridgewater PUD. In no case shall the set back be less than thirty (30) feet.

SECTION ~~10~~11. LANDSCAPING. Attached hereto and incorporated herein by reference as Exhibit “18” are landscaping standards, set forth in Section 16.06 of the Zoning Code (the “Landscaping Standards”). Those Landscaping Standards, as they ~~exist~~existed and ~~are~~were in force on the date of the enactment of the ~~Original~~ Bridgewater PUD, shall apply to the ~~Development~~Real Estate, with the following exceptions:

- A. Prior to development plan approval or the issuance of a building permit, the Developer shall not be required to inventory any trees; instead, the Developer shall be required to inventory only those trees for which they are requesting a credit against landscape requirements under Section 16.06.020(F) in Exhibit “16”; provided, however, that tree stands will be generally outlined on any Development Plan.
- B. For Parcels along Internal Streets, there shall be a five (5) foot buffer yard required between (i~~)-~~) adjoining residential and non-residential districts, and (ii~~)-~~) adjoining residential districts; provided, however, that there shall be no buffer yard required for Parcels separated by streets or rights-of-way.-
- C. Perimeter yards along External Streets shall be landscaped as follows:
  - (1) Perimeter yards along External Streets contiguous with what are identified on the Concept Plan as ~~Parcel~~Parcel I, ~~Parcel~~Parcel J, and ~~Parcel~~Parcel K shall be landscaped using a combination of berms, landscaping, brick or stone masonry, and ornamental metal picket fencing. The treatment shall be consistent along the entire perimeter of such ~~Parcel~~Parcel I,

~~Parcel~~ Parcel J, and ~~Parcel~~ Parcel K. Berming shall be at least four (4) feet in height. At least seven (7) evergreen trees per one-hundred (100) linear feet and two (2) shade trees per one-hundred (100) linear feet shall be planted. Ornamental trees may be substituted, one (1) for one (1), for evergreen trees, provided at least sixty ~~(60)~~ percent (60%) of the trees used are evergreen trees. Brick or stone masonry columns and ornamental metal picket -fencing may also be used provided they not exceed eight (8) feet in height.

(2) Area Y Perimeter Yards along External Streets shall be landscaped with shade trees, ornamental trees, and shrubs. At least one (1) shade tree or two (2) ornamental trees per forty (40) linear feet and eight (8) shrubs per forty (40) linear feet shall be planted. Such plantings should be arranged in a manner to provide street tree plantings and building foundation plantings to enhance the appearance of the buildings and streets. Where parking or loading areas occur adjacent to External Streets, the following standards shall apply:

(a) Parking Lot and Drive-Through Facility Screening. Parking lots and drive-through facilities along External Streets shall be screened using one continuous evergreen shrub row, measuring a minimum of twenty-four (24) inches at planting and maintained to a minimum of five (5) feet at maturity, across **one hundred percent (100%)** of the parking lot length. Individual shrubs shall be spaced not more than thirty-six (36) inches on center, planted in a

double staggered row, so as to form a continuous visual screen a minimum of thirty-six (36) inches in height above grade, under normal growing conditions, within one (1) year after planting. One (1) shade tree or two (2) ornamental trees per forty (40) linear feet shall also be planted.

- (b) Loading Area Screening. Loading areas shall be screened along External Streets using a brick or stone masonry wall or an evergreen tree hedge. If a masonry wall is used, it shall be at least six (6) feet in height and it shall match the exterior of the building it serves. If an evergreen tree hedge is used, it shall be a minimum of six (6) feet in height at planting. Individual evergreen trees shall be spaced no more than eight (8) feet apart, planted in a double staggered row so as to form a continuous visual screen along the entire length of the loading area. One (1) shade tree or two (2) ornamental trees per forty (40) linear feet shall also be planted.
- (3) Area Z Perimeter Yards along External Streets shall be landscaped using low berms with a combination of shade trees, ornamental trees, and evergreen trees so as to buffer Area Z from the street. The berms shall be at least four (4) feet in height. At least eight (8) evergreen trees per one-hundred (100) linear feet and two (2) shade trees per one-hundred (100) linear feet shall be planted. Ornamental trees may be substituted for evergreen trees at a rate of one to one, provided at least seventy percent

(70)percent%) of the trees used are evergreen trees.

- D. The following buffer yards shall be required with respect to the Parcel H1:
- (1) A twenty (20) foot wide buffer yard shall be required along the southern and western boundaries of the Parcel H1 and, within said twenty (20) foot wide buffer, the Developer shall install one (1) evergreen tree and five (5) shrubs per lineal thirty (30) feet, unless it is infeasible to install such plantings, in which case substitute plantings, as approved through an administrative review by the Director of the Department of Community Development, shall be permitted. Additionally, the Developer shall be permitted to install a masonry wall or ornamental fence within said twenty (20) foot wide buffer yard, and (ii) canopy trees, which may interfere with the aboveground power line, shall not be permitted within the twenty (20) foot wide buffer along the southern boundary of Parcel H1.
  - (2) Along the northern and eastern boundary of the Parcel H1, no buffer yard shall be required.
- E. The following buffer yards shall be required with respect to Parcel H2:
- (1) A twenty (20) foot wide buffer yard shall be required along the eastern and western boundaries of Parcel H2, and a forty (40) foot wide buffer shall be required along the northern boundary of Parcel H2. Within said buffer yards, the Developer shall install one (1) evergreen tree and five (5) shrubs per lineal thirty (30) feet, unless it is infeasible to install such plantings, in which case substitute plantings, as approved through an administrative review by the Director of the Department of Community

Development, shall be permitted. Additionally, the Developer shall be permitted to install a masonry wall or ornamental fence within said buffer yards.

- (2) Along the southern boundary of the Parcel H2, no buffer yard shall be required.

F. Area Z Landscape Requirements Along the North, West, and South Boundaries of Area Z. This provision shall supersede the Buffer Yard Requirements of the Westfield Landscaping Standards, Exhibit 16 of this Ordinance. These standards apply only to new construction:

- (1) A twenty (20) foot landscape buffer will be provided along the north perimeter of Area Z. The buffer shall be heavily landscaped with evergreen trees. At least ten (10) evergreen trees, a minimum of six (6) feet in height, per one hundred (100) linear feet shall be planted.
- (2) If a self-storage facility is constructed in Area Z, then a masonry wall shall be constructed along the west and south perimeters of Area Z. If a self-storage facility is not constructed within Area Z, then, in the Developer's discretion, a masonry wall may be constructed along the west and south perimeters of ~~Area~~Area Z. There shall be no set back requirements for the masonry wall; provided, however, there is a ten (10) foot landscape and maintenance easement established along that portion of the perimeter of Area X, which is contiguous with and abuts the masonry wall. The masonry wall shall be at least sixty percent (60%) brick masonry and shall not exceed fourteen (14) feet in height. Any portion of

the perimeter of Area Z where the masonry wall is not constructed shall have a twenty (20) foot landscape buffer. The buffer will be landscaped with berms and evergreen trees. The berms shall be at least four (4) feet in height. Evergreen trees shall be planted no greater than eight (8) feet on center along 100% of the buffer.

SECTION 11.12. GOLF CARTS. Residential and business owners within the Real Estate who own or lease golf carts shall be permitted to operate such golf carts on private streets, public streets, cart paths, lanes, greenway trails, accessory lanes, and multi-use paths in such areas specified by the Developer or its successor or assigns under rules, regulations, and standards promulgated and enforced by the Developer and its successor or assigns. Such Golf Carts may only be operated by persons at least **sixteen (16)** years of age who hold valid license for the operation of motor vehicles within the State of Indiana.

SECTION 12.13. MEMBERSHIPS AND AMENITIES.

- A. Amenities. Included in Parcel I, Parcel J, and Parcel K shall be at least two (2) of the following:
- (1) Clubhouse;
  - (2) Swimming pool;
  - (3) Playground;
  - (4) Croquet field;
  - (5) Shuffle board or **BocheBocce** court;
  - (6) Park (minimum **five thousand (5,000)** square feet);
  - (7) Trail;
  - (8) Formal garden (minimum **two thousand five hundred (2,500)** square feet).

B. Membership.

- (1) Detached Single Family Residences. The Declaration applicable to the detached single family residences in Area X shall provide that all owners of detached single family residences will be Social Members, subject to terms, conditions, rules and regulations which are determined by the Developer in the Developer's sole discretion, and which may from time to time be changed by the Developer in the Developer's sole discretion;
- (2) Attached Single Family Residences. Unless a social membership is made mandatory by the Declaration for any particular Parcel in which attached single family residences are constructed, the owner of an attached single family residence may acquire a social membership on the same provisions, terms, conditions, rules and regulations available to the general public, which terms, conditions, rules and regulations shall be determined by Developer in Developer's sole discretion and may from time to time be changed by the Developer in its sole discretion.

SECTION 1314. SIGNAGE. Sign permits shall be required. The following provisions shall govern signage located upon and within the Real Estate and, to the extent they conflict with the provisions of the Sign Ordinance, the following provisions and standards shall control:

- A. Exempt signs: All signs designated as exempt in Section 16.08.050 of the Sign Ordinance.
- B. Prohibited signs:
  - (1) Signs on roofs, dormers, and balconies.
  - (2) Billboards.

- (3) Signs painted or mounted upon the exterior side or rear walls of any principal or accessory building or structure, except as otherwise permitted hereunder.
- (4) Pole signs.
- (5) No sign shall move in any manner, have a major moving part, or give the appearance of movement.
- (6) Signs prohibited by the Sign Ordinance, except as otherwise permitted hereunder.

C. Permitted business signs: Permitted business shall include the following; provided, however, no single business establishment or tenant shall be permitted to have more than three (3) of the signs identified in paragraphs numbered 1, 3, 5 and 6 immediately below, in any combination, in addition to other signs permitted below:

- (1) Wall-mounted or painted signs, provided the following standards are met:
  - (a) The sign shall be affixed to the facade of the building, and shall project outward from the wall to which it is attached no more than six (6) inches.
  - (b) For External Streets, the area of the signboard shall not exceed a maximum size of one (1) square foot for each two (2) lineal feet of building frontage, not to exceed a maximum of one hundred (100) square feet. For Internal Streets and parking areas, the area of the signboard shall be calculated using the same 1:2 ratio, provided that any business with less than fifty (50) feet of frontage shall be

permitted up to twenty-five (25) square feet of signboard area.

- (c) The height of the lettering, numbers, or graphics shall not exceed sixteen inches.
  - (d) Limited to two (2) signs per business establishment and no more than one (1) sign per facade.
  - (e) Such wall signs may only be lighted during the operating hours of the business.
  - (f) Wall-mounted signs along the External Streets and adjacent residential areas shall not be internally lit.
  - (g) Applied letters may substitute for wall-mounted signs, if constructed of wood, metal or stone. Applied plastic letters shall not be permitted; however, translucent inserts may be used as an accent material. The height of applied letters shall not exceed sixteen inches.
- (2) Building directory signs identifying the occupants of a commercial building, including upper story business uses, provided the following standards are met:
- (a) The sign shall be mounted on the wall next to the entrance.
  - (b) The sign shall project outward from the wall to which it is attached no more than six inches.
  - (c) The sign shall not extend above the parapet, eave, or building facade.
  - (d) The area of the signboard shall not exceed 12 square feet.

plan/primary plat approvals, the Developer elects the development standards corresponding to Parcel H in Exhibit 12, the Developer shall be permitted to reduce the minimum lot width, at the building line, from sixty (60) feet to fifty-five (55) feet and (ii) all other provisions of the Bridgewater PUD applicable to the development of detached single family residences including, without limitation, the architectural guidelines specified in Exhibit 13 of the Restated Bridgewater PUD, shall apply.

## EXHIBIT 13

### **Street Scape Standards and Architectural Guidelines for Detached Single Family Residential**

#### I. Street Scape Standards

1. Dusk to Dawn Lights. The builder on each lot shall supply and install a light on such lot at a location, having a height and of a type, style and manufacturer approved by the Architectural Review Board. Each such light shall either be pole mounted in the front yard of a lot or attached as a carriage light to the residence, and shall be equipped with a photo electrical cell or similar device to ensure automatic illumination from dusk to dawn. The yard light shall be maintained in proper working order by the owner of each lot. Illumination intensity for fixtures without shielding shall be limited to 160 watts for incandescent bulbs or an equivalent illumination for other types of bulbs.
2. Mailboxes. All mailboxes within any particular Parcel, shall be uniform in design, coloring, lettering, and numbering.
3. Street Lights. Street lights will be installed at the intersections of Internal Streets. In the developer's discretion, custom and/or architectural street lights may be substituted for standard street lights specified in the Subdivision Control Ordinance of the Town of Westfield, Indiana. Such custom and/or architectural street lights shall be installed at the developer's expense and maintained by the owner of the area in which they exist or by the not-for-profit association for the area in which they exist. All street lights shall comply with WC 16.07 *et seq.*
4. Street Number. The number of the street address of each single-family dwelling shall be placed on both the single-family dwelling and the mailbox for that single-

family dwelling. All such numbering shall be of uniform design, coloring, and numbering. The number attached to the single-family dwelling shall be etched in stone, concrete, or other brass type plate.

5. Street Signage. In the Developer's discretion, the Developer shall be permitted to substitute custom signage for standard street signage specified in the Subdivision Control Ordinance for the Town of Westfield, Indiana. Such custom signage shall be installed at the developer's expense and maintained by the owner of the area in which they exist or by the not-for-profit association for the area in which they exist.
6. Gas Lights. Gas lights may be used without shielding.

## II. Architectural Guidelines

1. Design Elements. Design elements and detailing shall be continued completely around the structure. Such design elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials. The use of long, massive, unbroken exterior building walls shall be avoided.
2. Exterior Colors. As part of the application for a building permit, exterior color selection shall be submitted and approved by the Architectural Review Board.
3. Exterior Surfaces. Aluminum and vinyl siding are prohibited, but vinyl clad windows and soffits shall be permitted. Permitted exterior surfaces shall include EIFS, synthetic stucco, cultured stone, brick, stone, wood, and concrete fiber (Hardy-Plank or similar).
4. Roof Form. Roof form and design will include, where appropriate, varied pitches and ridge levels.
5. Roof Overhang. Each single-family residence shall have eaves of a minimum 8" overhang.
6. Windows and Architectural Breaks. Detached single-family dwellings shall have windows on at least three (3) sides; provided, however, that in the event a side of a detached single-family dwelling within Parcel G or Parcel H does not have a window, it shall have at least two (2) architectural breaks such as a chimney or other corner break. The outermost corners of a dwelling unit shall not be considered architectural breaks.

7. Garages in Parcel G3. No more than twenty-five percent (25%) of the garage doors of the residences located in Parcel G3 shall face or be parallel to the abutting Internal Street, and all such garage doors shall be recessed from the attached residence. At least seventy-five percent (75%) of the garages within Parcel G3 shall be side or rear-loaded.

## EXHIBIT 14

### Development Standards and Architectural Guidelines - Attached Single Family Residential (Not Applicable to Apartments)

	50 AC Parcel I	15 AC Parcel J	15 AC Parcel K
Minimum residence set back from Internal Street	10'	10'	10'
Minimum set back from Internal Street for garages facing Internal Street	20'	20'	20'
Minimum building separation	12'	12'	12'
Minimum building set back from right-of-way of public street	20'	20'	20'
Permitted density	6 units per acre	10 units per acre	12 units per acre
Parcel size range*	40-60 acres	10-20 acres	10-20 acres
Maximum dwelling units	360**	<del>200</del> 260**	<del>240</del> 330**

1. Maximum building height:
  - (a) Primary—~~50~~: fifty (50) feet
  - (b) Accessory, including clubhouse—~~55~~: fifty-five (55) feet
  
2. While multiple buildings containing two or more single-family residences shall be permitted, no one building shall contain more than ten (10) attached single family residences.
  
3. Minimum set back from External Street: This provision shall supersede any provisions of the Zoning Ordinance pertaining to proximity slope. The required set back from External Streets shall be based upon and determined by a 1:2 proximity slope requirement. In no case shall the set back be less than thirty (30) feet. The set back area shall be landscaped according to standards set forth in Section 10 of this Bridgewater PUD entitled “Landscaping”.
  
4. ~~Not more than fifty percent (50%) of the dwelling~~Dwelling units (i) in Parcel I shall be a minimum of 1,500 SF, (ii) in Parcel J shall be a minimum of **one thousand two hundred (1,200) SF**, and (iii) in Parcel K **and K** shall be a minimum of **one thousand two hundred (1,200) SF**.~~At; provided, however, that at least fifty percent (50%) of the dwelling units (i) in Parcel I shall be a minimum of one~~

thousand seven hundred (1,700) SF, (ii) in Parcel J shall be a minimum of one thousand two hundred (1,500) SF, and (iii) in Parcel K shall be a minimum of one thousand three hundred fifty (1,350) SF. Square footage shall be calculated excluding porches, terraces, carports, and garages.

- \* Parcels I, J, and K may vary in size, as indicated.
- \*\* Provided, however, that the maximum number of attached single family dwellings in Parcels I, J, and ~~KK1~~, combined, shall not exceed ~~six hundred thirty~~ (630), less any Apartments, ~~bed~~Bed and ~~breakfast~~Breakfast rooms or suites, and rooms within ~~hms~~sinns located ~~up~~within Area Y or within what is identified on the ~~Real Estate~~Concept Plan as Parcel N.

## EXHIBIT 15

### **Street Scape Standards and Architectural Guidelines - Attached Single Family Residential**

#### I. Street Scape Standards

1. Dusk to Dawn Lights. The builder on each lot shall supply and install a light on such lot at a location, having a height and of a type, style and manufacturer approved by the Architectural Review Board. Each such light shall either be pole mounted in the front yard of a lot or attached as a carriage light to the residence, and shall be equipped with a photo electrical cell or similar device to ensure automatic illumination from dusk to dawn. The yard light shall be maintained in proper working order by the owner of each lot. Illumination intensity for fixtures without shielding shall be limited to **one hundred sixty (160)** watts for incandescent bulbs or an equivalent illumination for other types of bulbs.
2. Mailboxes. All mailboxes within any particular Parcel shall be uniform in design, coloring, lettering, and numbering.
3. Street Lights. Street lights will be installed at the intersections of Internal Streets. In the developer's discretion, custom and/or architectural street lights may be substituted for standard street lights specified in the Subdivision Control Ordinance of the Town of Westfield, Indiana. Such custom and/or architectural street lights shall be installed at the developer's expense and maintained by the owner of the area in which they exist or by the not-for-profit association for the area in which they exist.
4. Street Number. The number of the street address of each single-family dwelling shall be placed on both the single-family dwelling and the mailbox for that single-family dwelling. All such numbering shall be of uniform design, coloring, and numbering. The number attached to the single-family dwelling shall be etched in stone, concrete, or other brass type plate.
5. Street Signage. In the Developer's discretion, the Developer shall be permitted to substitute custom signage for standard street signage specified in the Subdivision Control Ordinance for the Town of Westfield, Indiana. Such custom signage shall be installed at the developer's expense and maintained by the owner of the area in which they exist or by the not-for-profit association for the area in which they exist.
6. Gas Lights. Gas lights may be used without shielding.

#### II. Architectural Guidelines

1. Design Elements. Design elements and detailing shall be continued completely around the structure. Such design elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials. The use of long, massive, unbroken exterior building walls shall be avoided.
2. Exterior Colors. As part of the application for a building permit, exterior color selection shall be submitted and approved by the Architectural Review Board.
3. Exterior Surfaces. Aluminum and vinyl siding are prohibited, but vinyl clad windows and soffits shall be permitted. Permitted exterior surfaces shall include EIFS, synthetic stucco, cultured stone, brick, stone, wood, and concrete fiber (Hardy-Plank or similar). Fifty percent (50%) cultured stone, brick, or stone for all buildings/structures in developments, excluding roofs and windows.
4. Roof Form. Roof form and design will include, where appropriate, varied pitches and ridge levels.
5. Roof Overhang. Each single-family residence shall have eaves of a minimum eight (8") inch overhang.
6. Windows and Architectural Breaks. Attached single-family buildings shall have windows on at least three (3) sides; provided, however, that in the event a side of an attached single-family building does not have a window, it shall have at least two (2) architectural breaks, such as a chimney or other corner break. Individual units within buildings shall have at least one (1) architectural break on each side of the unit having windows. The outermost corners of a dwelling unit shall not be considered architectural breaks.
7. Detached Garages. Detached garage structures, not to exceed eight (8) car bays per detached garage structure, shall be permitted, but must comply with the Architectural Guidelines in this Exhibit 15.

## EXHIBIT 16

### DEVELOPMENT STANDARDS PERTAINING TO SHARED DRIVES, PRIVATE STREETS, PUBLIC STREETS, PATHS, TRAILS AND GATES

1. Street Standards. Streets may be either private or public.
2. Accessory Lane. An Accessory Lane (i-) shall be a minimum of five (5) feet (5'-) in width, (ii-) may be located within the right-of-way of some or all public streets internal to the development as determined by Developer in Developer's sole discretion, (iii) shall be identified by striping and (iv-) may be used by pedestrians, golf carts, and bicycles. The location and number of Accessory Lanes shall be determined by Developer in Developer's discretion.
3. Cart Paths. Cart Paths within the Golf Course shall be of size, dimensions, configurations, number, and location determined by the Developer. They shall be maintained by the Developer for use by golf club employees, authorized patrons of the golf club, and electric-powered golf carts associated with authorized golf patrons.
4. Cul-de-Sacs. In Developer's discretion, shared drives may stub and need not conclude in a cul-de-sac. Private Streets or Public Streets shall conclude in a cul-de-sac. There shall be no limitation on the length of a Cul-de-sac Street; provided, however, that if the length of a Cul-de-sac Street exceeds seven hundred fifty (750) feet (750'), there shall be installed along such street a turn around of dimensions, configuration and location acceptable to the Department.
5. Curbing. Curbing shall not be required for Private Streets, Shared Drives, or parking lots within the clubhouse maintenance and storage areas of the Golf Course.
6. Entrances, Curb Cuts, and Road Cuts. Four (4) road cuts shall be permitted off of 161<sup>st</sup> Street, seven (7) road cuts shall be permitted off of Gray Road, four (4) road cuts shall be permitted off of 151<sup>st</sup> Street, and two (2) road cuts shall be permitted off of Carey Road. Road cuts from Public Streets internal to the development shall be determined during the DPR process. Road cuts from Private Streets shall be determined by the Developer in the Developer's sole discretion.
7. Faux Gates. Faux gates, or gates which do not function, shall be permitted on Shared Drives, Private Streets, or Public Streets, including the right-of-way. The number and location of Faux Gates shall be determined by the Developer in the Developer's sole discretion. Faux gates shall be maintained by the Developer and its successors or assigns.
8. Frontage. Homes adjacent to Private Streets need not have frontage on a public right-of-way.

9. Functioning Gates. Functioning gates shall be permitted on Private Streets and Shared Drives, only. The number and location of functioning gates shall be determined by the Developer in the Developer's sole discretion. Utility and emergency vehicles shall be assured access. Functioning gates shall be maintained by the Developer and ~~it's~~its successors or assigns.
10. Greenway Trails. The Greenway Trail shall be (i-) located in common areas or easements in the general area shown on the Concept Plan, and (ii-) ten (10) feet (~~10'~~) wide, and may be used by pedestrians, golf carts, and bicycles.
11. Lanes. A Lane is a private way or easement located through the interior of a Parcel and providing vehicular, pedestrian, and service access to the side or rear of residential lots. Lanes (i-) may, in the Developer's sole discretion, be located in what are identified on the Concept Plan as ~~Parcel~~Parcel H, ~~Parcel~~Parcel I, Parcel J, and Parcel K, and (ii-) shall conform to the following requirements:
  - a. Any Lane shall be a perpetual easement or private drive and shall not be dedicated to the public. Lanes may be conveyed to the owner's association or may be dedicated as common easements across the rear portions of lots;
  - b. The minimum width of a Lane shall be ~~twenty-four~~ (24) feet;
  - c. The minimum set back of garages on Lanes shall be ~~twenty~~ (20) feet;
  - d. No parking is permitted on either side of the cartway of a Lane, but is permitted on a drive, garage apron or other paved area between the cartway and the Lane easement lines;
  - e. Curbing is not required; and
  - f. Water and sewer utilities shall not be located in Lanes.
12. Multi-Use Paths. Multi-Use Paths shall conform to the Zoning Ordinance and Subdivision Control Ordinance; provided, however, that the Multi-Use Path along Carey Road may be installed, in the Developer's discretion, (i-) entirely along the east side of Carey Road, (ii-) entirely along the west side of Carey Road, or (iii-) partially along the east side of Carey Road and partially along the west side of Carey Road, subject to the approval by Town Council of the final construction plans.
13. Private Streets. Private streets shall be ~~24'~~~~twenty-four~~ (24) feet in width and need not be curbed. Private Streets shall (i-) be maintained by an owner's association in accordance with provisions for such maintenance set forth in a declaration and (ii-) be permitted in number and location as determined by the Developer in the Developer's sold discretion. Private Streets shall be constructed to depth and material standards set forth by the Town of Westfield. An owner's association shall maintain a reasonable reserve for the maintenance, repair and replacement of Private Streets within the District. Private Streets shall not be dedicated for public use and shall not be accepted for maintenance by the Town of Westfield, unless complying with Town Standards.

14. Public Streets. All Public Streets are to be dedicated for public use and accepted for maintenance by the Town of Westfield and shall be constructed to the standards of the Town of Westfield for depth and materials, except as otherwise provided in this Bridgewater PUD. The width of Public Streets, from back of curb to back of curb, shall be a minimum of 24’.
15. Shared Drive Width. –A Shared Drive is a drive, extending from a Private Street, intended for pedestrian and motor vehicle use only by the Owners of residential lots having frontage on the Shared Drive. Shared Driveways shall be private, need not be curbed and shall be **twenty-four (24)** feet in width. Shared driveways shall be permitted in number and location as delivered by the Developer in the Developer’s discretion.
16. Sidewalks. Sidewalks shall not be required on Private Streets or Shared Drives. Sidewalks shall be developed to Town standards and shall be installed within all segments of Public Streets, abutting residences, on the side of the street on which residences are located. Within those segments of Public Streets in which there are houses on neither side, the Developer shall install a sidewalk on either side but need not install a sidewalk on both sides. Developer may substitute Greenway Trails for sidewalks.

## EXHIBIT 17

### GENERAL ARCHITECTURAL STANDARDS - AREA Y

#### **Village Marketplace General Architectural Guideline (The “Guideline”)**

##### **Purpose-**

The intent of the Village Marketplace at the Bridgewater Club is to create a traditionally styled neighborhood convenience center for residents of the Bridgewater Club and surrounding communities. The purpose of the Guideline is to promote a cohesive architectural appearance to the buildings.

##### **Architectural Style-**

To truly create a village atmosphere for the Village Marketplace, traditional architectural styles found in Indiana have been chosen for the Guideline. More specifically, those styles of architecture prevalent in central Indiana around the turn of the century have been selected to form the basis for architectural control.

Neo-traditional architectural styles were most commonly found throughout Indiana in the period following the Victorian era. Many, if not most, of the small town villages around central Indiana blossomed during this time and identified themselves with a mixture of these period styles. Storefronts around town squares today still reflect the charming character evident in the eclectic movement.

These neo-traditional styles include Colonial Revival (including Georgian and Federal), Neoclassical, Tudor, Beaux Arts, and French Eclectic. Whereas a corner bank may have aspired towards a Beaux Arts character, the adjoining offices and shops would likely been more Neoclassical or Colonial Revival in their style.

##### **Application-**

Without trying to predict the specific theme of the Village Marketplace, this neo-traditional envelope will control the architectural style of all its buildings. Indeed, the requirements set forth for building construction in the Bridgewater PUD lend themselves to these neo-traditional architectural styles. Once an appropriate theme for the Village Marketplace has been established by the Developer, the buildings will follow one or more of the prescribed architectural styles. The mixing of neo-traditional American based styles with neo-traditional European based styles will not be allowed.

### **Building Facades-**

Each building along an External Street will have at least two (2) front facades, one (1) of which will be a faux front. Access to each building will be provided along the internal parking areas. The elevation of the building facing the External Street will therefore be designed as a faux front facade, with external architectural treatments similar to those found on the access side of the building. Examples of architectural treatments anticipated for the External Street side of each building include windows, doors, pilasters, pediments, rails, balustrades, cross gables, dormers, cupolas, awnings, ~~water~~ tables, quoins, and dentils. For all buildings in ~~Area~~ Area Y, design elements and detailing shall be contained completely around the structure.

### **Open Space-**

A series of Open Spaces will be incorporated in the Village Marketplace to allow for seating, passive recreation, events, outdoor dining, and visual aesthetics. The primary open space will be a village park, with lawn areas, landscaping, and benches. As the focal point to the Village Marketplace, the village park will be a place where people can gather, relax, picnic, or play. Other Open Space opportunities within the Village Marketplace may include plazas, courtyards, and gardens. Together these open spaces will provide a pleasant pedestrian experience for shoppers, office workers, and residents.

### **Pedestrian Circulation-**

The Village Marketplace has been planned to encourage pedestrian circulation. Parking areas will be located behind and between the buildings to allow for storefronts along sidewalks. The sidewalks themselves will be generously dimensioned to allow for shoppers, strollers, sidewalk displays, and outdoor dining. Open spaces will be incorporated to provide a sequence of respite sites for pedestrians. And most importantly, the sidewalk system will be continuous, accessible, and will connect into the larger Greenway Trail system, allowing numerous opportunities for pedestrian circulation.

**EXHIBIT 18**

**Landscape Standards**

## EXHIBIT 19

### Development Phasing The Bridgewater Club

**First:** Golf Course construction will begin 2002, before development plans are submitted for residential and non-residential parcels.

**Second:** Interval during which  
Development Plan may  
be submitted\* \_\_\_\_\_ Parcel for which Development Plan  
may be submitted \_\_\_\_\_

During the calendar year  
2002-2009

A, B, C, D, E, G, I, L, N\*\*  
A and E will be in the first  
submittal along with none or  
any one (1) or more of the remaining  
parcels listed above.

During the calendar years  
2003-2010

F, J, K  
Any one (1) or more of these may  
be submitted only after A and  
E and any two (2) of the group  
B, C, D, G

During the calendar years  
2004-2011

H and M  
H and M may be submitted  
after A, E and any 4 of B, C,  
D, F, G, I, J, K

\* Once the Development Plan is approved and all other approvals necessary to the commencement of development have been obtained, development and the installation of utilities and streets shall commence within a reasonable period of time.

\*\* The Development Plan for the fitness center, pool and tennis courts will be submitted upon the occupancy by residents of **three hundred twenty-five (325)** residential units. The Development Plan for the clubhouse expansion or addition will be submitted upon the occupancy by residents of **six hundred fifty (650)** residential units.

NOTE 1: All references to "Parcels" are to the Parcels identified on the Concept Plan.

NOTE 2: Notwithstanding anything set forth above, the development of Parcel J and/or ~~Parcel~~ Parcel K shall not commence prior to the completion of the seeding of the entire Golf Course.

NOTE 3: No residence will be sold to and occupied by a permanent occupant until

completion of that portion of the Greenway Trail by which such occupant can access ~~Parcel~~ Parcel N.

(e) The height of the lettering, numbers, or graphics shall not exceed four inches.

(3) Projecting signs, including icon/logo signs, mounted perpendicular to the building wall, provided the following standards are met:

(a) The signboard shall not exceed an area of eight (8) square feet unless a corner sign which shall not exceed an area of nine (9) square feet.

(b) The distance from the ground to the lower edge of the signboard shall be eight (8) feet or greater.

(c) The height of the top edge of the signboard shall not exceed (i) the height of the wall from which the sign projects, if attached to a single story building, (ii) the height of the sill or bottom of any second story window, if attached to a multi-story building and not a corner sign or (iii) fifty percent (50%) of the distance between the building cornice or roof line and the sill or bottom of any second story window if a corner sign located on a multi-story building.

(d) The distance from the building wall to the signboard shall not exceed six (6) inches.

(e) The width of the signboard shall not exceed four (4) feet.

(f) The height of the lettering, numbers, or graphics shall not exceed sixteen (16) inches.

(g) Limited to one sign for each ground floor business establishment.

Projecting signs are not permitted in conjunction with free-standing signs.

- (4) Window or door signs applied directly to the glass, provided that the following standards are met:
  - (a) The sign shall not exceed ~~30~~thirty percent (30%) of the window or door area.
  - (b) The height of the lettering, numbers, or graphics shall not exceed ~~eight~~ (8) inches.
  - (c) Limited to two signs for each ground floor business establishment; provided, however, that if a business establishment has frontage on more than one (1) Internal Street and/or External Street, such business establishment may have three (3) signs.
  - (d) Window or door signs may be in addition to only two (2) of the following: a wall-mounted sign, a free-standing sign, an applied letter sign, a projecting sign, or a valance awning sign.
- (5) Awning signs, for ground floor uses only, provided that the following standards are met:
  - (a) If acting as the main business sign, it shall not exceed ~~twelve~~ (12) square feet in area, and the height of the lettering, numbers, or graphics shall not exceed ~~twelve~~ (12) inches.
  - (b) If acting as an auxiliary business sign, it shall be located on the valance only, shall not exceed six (6) square feet in area, and the height of the lettering, numbers, or graphics shall not exceed four

- (4) inches.
- (c) Limited to two (2) such signs for each ground floor business establishment, on either awning or valance, but not on both.
- (6) Free-standing sign, provided that the following standards are met:
  - (a) Free-standing signs shall be set back a minimum of five (5) feet from the property line; provided, however, that the sign location shall comply with WC 16.04.230, ~~(2)(v)~~ of the Sign Ordinance.
  - (b) The area of the signboard shall not exceed thirty (30) square feet.
  - (c) The height of the lettering, numbers, or graphics shall not exceed sixteen (16) inches.
  - (d) The height of the top of the signboard, or of any posts, brackets, or other supporting elements shall not exceed six feet from the ground.
  - (e) The signboard shall be architecturally compatible with the style, composition, materials, colors, and details of the building.
  - (f) The signboard may be illuminated, but not after 11:00 p.m., unless the business establishment is open later than 11:00 p.m., at which time it shall not be illuminated after closing.
  - (g) Along External Streets, there shall be no more than six (6) free-standing signs internally illuminated.
  - (h) Limited to two (2) signs per building, and no more than one (1) sign per facade.
  - (i) The base and frame of any internally lit free-standing sign shall be

constructed of brick or stone masonry.

- (7) Businesses with service entrances may identify these with one unlit sign not exceeding four (4) square feet.
- (8) One unlit directional sign, facing a rear parking lot, is permitted. This sign may be either wall-mounted or free standing on the rear facade, but shall be limited to four (4) square feet in area.
- (9) In addition to other signage, restaurants and cafes shall be permitted the following, limited to one sign per business establishment:
  - A(a) A wall-mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case, and clearly visible through a glass front. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five (5) feet, shall not exceed a total area of two (2) square feet, and may be lighted.
  - (b) A sandwich board sign, as follows:
    - (i) The area of the signboard, single-sided, shall not exceed five (5) square feet.
    - (ii) The signboard shall be constructed of wood, chalkboard, and/or finished metal.
    - (iii) Letters can be painted or handwritten.
    - (iv) The sign shall be located within four (4) feet of the main entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.

- (v) The information displayed shall be limited to daily specials and hours of operation.
  - (vi) The sign shall be removed at the end of the business day.
- (10) If historically appropriate to the type of business conducted, a retail business may display one illuminated sign in a window in addition to other permitted signs provided the sign area does not exceed six square feet.

D. Permitted Other Signs:

- (1) Signs permitted under Section 16.08.080 of the Sign Ordinance.
- (2) One (1) identification sign at ~~(i)~~ Area Z and the Golf Course, and ~~(ii)~~ two (2) identification signs at Area Y, and ~~(iii)~~ the corner of Carey and 161<sup>st</sup>, the corner of 151<sup>st</sup> and Carey, and the corner of 151<sup>st</sup> and Gray Road, one (1) identification sign on the southwest corner of 151<sup>st</sup> Street and Gray Road, one (1) identification sign on the northwest corner of 151<sup>st</sup> Street and Gray Road, one (1) identification sign on the northwest corner of 146<sup>th</sup> Street and Gray Road, one (1) identification sign at the entrance to what is identified on the Concept Plan as Parcel K2, one (1) identification sign at the entrance to what is identified on the Concept Plan as Parcel G6, one (1) identification sign on the southeast corner of 151<sup>st</sup> Street and Carey Road, one (1) identification sign on the northeast corner of 146<sup>th</sup> Street and Carey Road, one (1) identification sign at each of the approved entrances along Carey Road, 146<sup>th</sup> Street, and 1561<sup>st</sup> Street, and one (1) identification sign at every other road cut into any Parcel, provided the following standards are met:

- (a) The design of the sign shall be consistent with the Design Vocabulary.
  - (b) The maximum sign area per sign shall not exceed **seventy-five (75)** square feet.
  - (c) The area surrounding the sign shall be appropriately landscaped.
  - (d) The sign may be illuminated; provided, however, that such signs identified in Section (2)(iii) above shall not be internally lit.
  - (e) The sign shall not exceed fifteen (15) feet in height.
  - (f) Matching signs which border either side of one entrance shall be treated as one sign, but both sign faces shall be used to calculate the total sign area.
- (3) Traffic directional signs.
- (4) One **(1)** development sign at each entrance to Area Y, Area Z, what is identified as **Parcel-Parcel N** on the Concept Plan, the Golf Course and each residential area identified on the Concept Plan, the corner of Carey and 161<sup>st</sup>, the corner of 151<sup>st</sup> and Carey, and the corner of 151<sup>st</sup> and Gray Road, **one (1) development sign on the southwest corner of 151<sup>st</sup> Street and Gray Road, one (1) development sign on the northwest corner of 151<sup>st</sup> Street and Gray Road, one (1) development sign on the northwest corner of 146<sup>th</sup> Street and Gray Road, one (1) identification sign at the entrance to what is identified on the Concept Plan as Parcel K2, one (1) identification sign at the entrance to what is identified on the Concept Plan as Parcel G6, one (1) identification sign on the southeast corner of 151<sup>st</sup> Street and**

Carey Road, one (1) identification sign on the northeast corner of 146<sup>th</sup> Street and Carey Road, one (1) identification sign at each of the approved entrances along Carey road, 146<sup>th</sup> Street, and 1561<sup>st</sup> Street, and one (1) identification sign at every other road cut into any Parcel, provided the following standards are met:

- (a) The maximum sign area shall be ~~sixty-four~~ (64) square feet.
- (b) The maximum height of each sign shall be eight (8) feet.
- (c) The sign shall not be illuminated.
- (d) The sign shall be removed when ~~all-ninety-five percent~~ (95%%) of the lots in the area to which the sign relates have been sold.

(5) One construction sign for each street frontage of a lot upon which construction of any structure (other than construction of a detached dwelling) is in progress, provided the following standards are met:

- (a) The maximum sign area shall be ~~thirty-two~~ (32) square feet.
- (b) The maximum height of each sign shall be eight (8) feet.
- (c) The sign shall not be illuminated.
- (d) The sign shall be removed within seven (7) days after the beginning of the intended use of the building.
- (e) Sign copy shall be limited to identification of the building, architects, engineers, contractors and other persons involved with the construction, but shall not include any advertising or product other than a rendering of the building being constructed.

(6) Signs depicting the site plan of an Area or Parcel assuming completion of

development in accordance with the development plan and indicating the location within the Real Estate of the person viewing the sign, provided the following standards are met:

- (a) The maximum sign area per Parcel shall be **thirty-two (32)** square feet.
- (b) The maximum height shall be **eight (8)** feet.
- (c) Site plan signage within Area Y and Area Z and club and in open and recreational space may be illuminated; elsewhere in the Real Estate, illumination is not permitted.
- (d) Site plan signage shall be removed from a Parcel when **ninety-five percent (95%%)** of the lots in that parcel have been sold.

(7) Signs containing a rendering of one or more buildings expected to be constructed on a lot or portion of the Real Estate, provided the following standards are met:

- (a) The maximum sign area per lot shall be **thirty-two (32)** square feet.
- (b) The maximum height of each sign shall be **eight (8)** feet.
- (c) The sign may be illuminated.
- (d) One sign will be permitted for each street frontage of the lot or portion of the Real Estate upon which construction of the depicted building is contemplated.
- (e) The sign shall be removed not later than **thirty-six (36)** months following installation thereof unless construction of the building has commenced prior to that date and, if construction commences,

the sign shall be removed within seven (7) days after the beginning of the intended use of the building.

(8) Real estate sales and leasing signs, provided the following standards are met:

(a) The maximum sign area shall be twenty (20) square feet.

(b) The maximum height of the sign shall be eight (8) feet.

(c) Limited to one sign for each street frontage of the lot, with no more than two (2) sign faces per sign.

(d) The sign shall not be illuminated.

(f) Signs for detached dwellings and commercial structures shall be removed within seven days after the date the unit is leased, sold, or occupied.

(9) With respect to attached dwellings, when eighty percent (80%) of the dwellings are sold or occupied, real estate signs are limited to a ground sign, a wall sign or a window sign of six (6) square feet or less.

(10) Time and/or temperature signs, permitted at banks and financial institutions only.

(11) Subdivision signs permitted under the Sign Ordinance.

E. Design Standards for Signs.

(1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building.

(2) Sign colors should be compatible with the colors of the building facade.

F. Premises Identification:

- (1) The assigned premises identification of a building shall be displayed in such a manner so that the numerals can readily be seen from the street. Identification shall be displayed on the building, on or near the main entrance door, or displayed on a mailbox near the street in such a manner as they identify its corresponding building.
- (2) Any dwelling or commercial building that abuts an alley or secondary access that could be used by motor vehicles must not only display the premises identification on the front, but shall also display its premises identification visible from the alternate access to the property.
- (3) When numerals representing premises identification are removed or become illegible, such numerals shall be renewed or replaced by the owner or occupant of the building.<sup>3+</sup>

G. Sign maintenance: All signs and sign structures shall be kept and maintained in good repair and in a safe condition.

H. Proximity of signs to Residential Zoning Districts: No sign shall be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot in a residential district unless separated from the lot by an External Street or an Internal Street.

SECTION 415. PHASING SEQUENCE. The sequence and phasing of development shall be as set forth in Exhibit "19" (the "Phasing Sequence"). The Phasing Sequence shall control, replace, and supersede provisions in the PUD Ordinance pertaining to the submission, approval, and timing of phases, development, and development plans.

~~SECTION 15. ANNEXATION. As indicated on the Concept Plan, there are three (3) rectangular parcels of land (the “Rectangular Parcels”), located between Carey Road and Gray Road, which have frontage on 151<sup>st</sup> Street but which are not part of the Real Estate. In the Developer’s discretion, the Rectangular Parcel closest to Parcel H, once acquired by Developer, may be annexed to the Bridgewater PUD subject to the provisions of this Bridgewater PUD applicable to what is identified on the Concept Plan as Parcel H, and the two (2) remaining Rectangular Parcels, after either or both are acquired by the Developer, may also be annexed to this Bridgewater PUD, subject to the provisions of this Bridgewater PUD applicable to what is identified on the Concept Plan as Parcel D.~~

Upon motion duly made and seconded, this Bridgewater PUD was fully passed by the members of the Town Council this \_\_\_\_ day of \_\_\_\_\_, ~~2002~~2006.

TOWN COUNCIL, TOWN OF WESTFIELD

BY:            AYE

NAY

\_\_\_\_\_ John Hart \_\_\_\_\_

\_\_\_\_\_ Russ Lamb \_\_\_\_\_

\_\_\_\_\_ Michael McDonald \_\_\_\_\_

\_\_\_\_\_ Mic Mead \_\_\_\_\_

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

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

\_\_\_\_\_ John Hart \_\_\_\_\_

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

\_\_\_\_\_ Robert Smith \_\_\_\_\_

\_\_\_\_\_ Ronald Thomas \_\_\_\_\_

ATTEST:

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

This Ordinance prepared by: Charles D. Frankenberger, Attorney at Law  
NELSON & FRANKENBERGER  
30213105 East 98<sup>th</sup> Street, Suite 220170  
Indianapolis, IN 46280

H:\BRAD\ZONING & REAL ESTATE MATTERS\BRIDGEWATER\PUD VER. ~~11-060706~~15 - 061406.DOC



**EXHIBIT "1"**

**Real Estate**

**(590 \_\_\_\_\_ Acres ±)**

## EXHIBIT 2

### DEFINITIONS

The following words and terms, not defined elsewhere in the Bridgewater PUD or its ~~nineteen~~ (19) Exhibits, shall have the following meanings:

1. Apartment. A dwelling intended primarily for rental.
2. Architectural Review Board. The Board established by a Declaration of the Developer for the purpose of reviewing the design of all structures to be constructed in a particular Parcel.
3. Area. Area X, Area Y and/or Area Z as identified in ~~the~~~~this~~ Restated Bridgewater PUD.
4. Assisted Living Facility. A commercial facility for persons having such disabilities as to require assistance with daily living tasks. Such facilities contain four (4) 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 requiring assistance with the activities of daily living but not requiring 24 hour skilled medical care.
- 4.5. Bed and Breakfast. The renting of dwelling rooms or suites on a daily basis to tourists, vacationers, and business travelers where the only meal served is breakfast to guests.
- 5.6. Blank Wall. An exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane.
- 6.7. Building Height. Building height shall be measured (i) from the average ground level at the foundation of the residence facing the street (ii) to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Chimneys, elevators, tanks, and other similar structures shall not be included in calculating heights.
8. Concept Plan. The Concept Plan is attached hereto and incorporated herein by reference as Exhibit 9, allocating the Real Estate into Parcels.
- 7.9. Cornice. The top part of an entablature, usually molded and projecting.
- 8.10. Cupola. A small roof tower, usually rising from the roof ridge.

- ~~9~~.11. Cul-de-sac Street. A cul-de-sac street is a public or private street ending in a cul-de-sac. The length of a cul-de-sac is the distance from the back of the curb of the end of the cul-de-sac to the nearest intersecting street.
- ~~10~~.12. Declaration. A Declaration of Covenants, Conditions, and Restrictions for one or more parcels of the development which shall be recorded in the office of the Recorder of Hamilton County, Indiana, and which may be from time to time amended.
- ~~11~~.13. Department. The Department of Community Development of the Town of Westfield, Indiana.
- ~~12~~.14. Design Vocabulary. A code of architectural style and massing recommendations, building detail guidelines, listing of acceptable materials and colors, and landscape and street scape details adopted by a Developer and applied by an Architectural Review Board in considering plans for structures to be constructed in the Primary Area.
- ~~13~~.15. Developer. The Developer shall be Throgmartin-Henke Development, LLP or its successors or assigns.
- ~~14~~.16. DPR Process. The process of Development Plan Review as specified in Section 16.04.165 of the Zoning Ordinance.
- ~~15~~.17. Elevation. An exterior facade of a structure, or its head-on view, or representation drawn with no vanishing point, and used primarily for construction.
- ~~16~~.18. External Streets. Gray Road, Carey Road, 151<sup>st</sup> Street, and 161<sup>st</sup> Street.
- ~~17~~.19. Facade Signage Area. The area or areas on a commercial building facade where signs may be placed without disrupting facade composition. The signable area will often include panels at the top of show windows, transoms over storefront doors and windows, sign boards on fascias, and areas between the top of the storefront and the sills of second story windows.
- ~~18~~.20. Fascia. A projecting flat horizontal member or molding, also part of a classical entablature.
- ~~19~~.21. Frontage Line. The property line adjacent to the street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the frontage line unless otherwise indicated on a plat.
- ~~20~~.22. Frontage Place. A permanent public or private way situated parallel to a village street or a boulevard in order to provide access to one or more lots.

- ~~21~~.23. Gable. That part of the end wall of a building between the eaves and a pitched or gambrel roof.
- ~~22~~.24. General Store. An establishment for the retail sale of (i) primarily food, groceries and beverages for off-premises consumption, and (ii) tools, appliances, and other hard goods, newspapers, magazines and other publications and other consumer goods generally associated with a grocery store.
25. Inn. A building or a portion thereof in which lodging is offered to the public for compensation.
- ~~23~~.26. Golf Course. The eighteen (18) hole golf course and practice facility and the tennis courts, swimming pool, soccer practice field, and other sports facilities located in Area X.
- ~~24~~.27. Internal Street. Any Public Street, Private Street, or ~~Shared~~shared Drive other than Gray Road, Carey Road, 146<sup>th</sup> Street, 151<sup>st</sup> Street, or 161<sup>st</sup> Street.
- ~~25~~.28. Masonry. Wall building material, such as brick or stone which is laid up in small units or blocks.
- ~~26~~.29. Maximum Parcel Coverage. The maximum amount of any Area or Parcel which may be covered by a building or, stated differently, the maximum building “footprint” for any Area or Parcel.
30. The Northwest Corner. A square area which is three hundred (300) yards north of the centerline of 146<sup>th</sup> Street on Gray Road, thence three hundred (300) yards west, thence three hundred (300) yards east on 146<sup>th</sup> Street, to the point of beginning.
- ~~27~~.31. Open Space. Any part of the Real Estate not covered by Public Streets, Private Streets, buildings, or parking lots. Open Space may include, but shall not be limited to, parks, plazas, courtyards, gardens, landscaped parking areas, yards, rights-of-way not paved, landscaping areas, and sidewalks.
- ~~28~~.32. Parcel. Any of Parcels A ~~through~~–N shown on the Concept Plan. Any reference to ~~Parcel~~Parcel D shall include subparcels D1, ~~D1~~–D2, D3, and ~~D3~~D4, any reference to Parcel G shall include subparcels G1, G2, G3, G4 ~~and~~, G5, G6, and G7; any reference to Parcel H shall include subparcels H1, H2, and H3; any reference to Parcel I shall include subparcels I1 and I2; any reference to Parcel K shall include subparcels K1, K2, and K3, and any reference to Parcel M shall include subparcels M1, M2, M3, and M4; provided, however, that any reference to a subparcel of a Parcel shall be to that sub parcel only.

- ~~29~~.33. Parcels. A combination of two or more parcels shown on the Concept Plan.
- ~~30~~.34. Portico. An open sided structure attached to a building sheltering an entrance or serving as a semi-enclosed space.
35. Rear Yard. \_\_\_\_\_
36. Side Yard. \_\_\_\_\_
- ~~31~~.37. Sign, Corner. A projecting sign located on the corner of a commercial building, the signboard of which is equally visible from each right-of-way which creates the corner.
- ~~32~~.38. Sign, Icon. A sign that illustrates, by its shape and graphics, the nature of the business conducted within.
- ~~33~~.39. Sign, Traffic. A sign directing traffic movement into or within the Real Estate.
- ~~34~~.40. Sign Fascia. The vertical surface of a lintel over a storefront which is suitable for sign attachment.
- ~~35~~.41. Sign Ordinance. The Sign Ordinance of Westfield/Washington Township is in force on the date of the ~~commitment~~enactment of ~~this~~the Original Bridgewater PUD.
- ~~36~~.42. Social Membership. The membership, to be made available on terms, conditions, rules and regulations which may be determined and changed by the Developer in the Developer's sole discretion, entitling a person or family to utilize one or more of the clubhouse, pool, fitness center, practice facility and other recreational facilities to be constructed within Parcel N, and/or the golf practice range and the nine (9) hole short course.
- ~~37~~.43. Subdivision Control Ordinance. The Subdivision Control Ordinance for the Town of Westfield and Washington Township in force at the time of the enactment of this Bridgewater PUD.

**EXHIBIT “3”**

**Area X Legal Description  
(Includes Residential & Golf Course Areas)**

**EXHIBIT “4”**

**Westfield-Washington Township Zoning Ordinance**  
**(Residential Districts)**

**EXHIBIT “5”**

**Area Y Legal Description  
(Parcel M on Concept Plan - Village Market)**

**EXHIBIT “6”**

**Westfield-Washington Township Zoning Ordinance**  
**(Business Districts)**

**EXHIBIT “7”**

**Area Z Legal Description  
(Parcel L on Concept Plan - EI - Office/Flex Area)**

**EXHIBIT “8”**

**Westfield-Washington Township Zoning Ordinance**  
**(Industrial Districts)**

**EXHIBIT “9”**  
**CONCEPT PLAN**

**EXHIBIT “10”**

**Westfield-Washington Township Zoning Ordinance**  
**(Area Y Permitted Uses)**

**EXHIBIT "11"**

**Westfield-Washington Township Zoning Ordinance**  
**(Area Z Permitted Uses)**

**EXHIBIT 12**

**Development Standards for  
Detached Single Family Residential**

	Parcel A	Parcel B	Parcel C	Parcel D	Parcel E	Parcel F	Parcel G	Parcel H
Minimum Lot Width at Building Line at which the building is actually built	200' for all lots	150' for all lots	120' for all lots	100' for all lots	90' for all lots	85' for all lots	65' for all lots	60' for all lots
Minimum Lot Frontage on Street	40'	40'	30'	30'	30'	25'	20'	20'
Minimum Lot Area	30,000 SF	20,000 SF	15,000 SF	12,500 SF	10,000 SF	10,000 SF	7,750 SF	7,500 SF
Minimum Front Yard Setback	30'	30'	25'	25'	25'	25'	20'	20'
Minimum Separation Between Buildings	30'	30'	20'	20'	20'	15'	10'	10'
Minimum Side Yard Setback	10'	10'	8'	8'	8'	7'	4'	4'
Minimum Rear Yard Setback	35'	35'	30'	30'	25'	25'	10'	10'
Maximum	50'	45'	45'	45'	40'	40'	35'	35'

Building Height for Residences	Parcel A	Parcel B	Parcel C	Parcel D	Parcel E	Parcel F	Parcel G	Parcel H
Minimum Gross Floor Areas for Ground Levels:	1 Story: 4000 SF 2 Story: 2000 SF Tri-level: 2000 SF (basement & 1 <sup>st</sup> level) Story and one-half: 2500 SF	1 Story: 2500 SF 2 Story: 1500 SF Tri-level: 1500 SF (basement & 1 <sup>st</sup> level) Story and one-half: 1800 SF	1 Story: 2200 SF 2 Story: 1250 SF Tri-level: 1250 SF (basement & 1 <sup>st</sup> level) Story and one-half: 1500 SF	1 Story: 2000 SF 2 Story: 1000 SF Tri-Level: 1000 SF (basement & 1 <sup>st</sup> level) Story and one-half: 1000 SF	1 Story: 1500 SF 2 Story: 1000 SF Tri-level: 1000 SF (basement & 1 <sup>st</sup> level) Story and one-half: 1000 SF	1 Story: 1500 SF 2 Story: 1000 SF Tri-level: 1000 SF (basement & 1 <sup>st</sup> level) Story and one-half: 1000 SF	1 Story: 1500 SF 2 Story: 1000 SF Tri-level: 1000 SF (basement & 1 <sup>st</sup> level) Story and one-half: 1000 SF	1 Story: 1500 SF 2 Story: 1000 SF Tri-level: 1000 SF (basement & 1 <sup>st</sup> level) Story and one-half: 1000 SF
Gross Area Size	40 Acres	15 Acres	15 Acres	<del>30</del> Acres	25 Acres	30 Acres	<del>35</del> Acres	<del>40</del> Acres
Maximum Number of Units	15 Units	25 Units	25 Units	<del>55</del> 60 Units	55 Units	65 Units	<del>115</del> 240 Units	<del>25</del> 180 Units

“SF” = square feet

<sup>1</sup>Except lots on cul-de-sacs or roundabouts, which may be less.

Note: The Clubhouse associated with the Golf Course shall not exceed fifty-five feet (55') in height.

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

Note: Detached single-family residences shall also be permitted in Parcel I, Parcel J, and Parcel K. The development standards applicable to any detached single family residences in Parcel I, Parcel J, and Parcel K, shall be the development standards corresponding to Parcel A, Parcel B, Parcel C, Parcel D, Parcel E, Parcel F, Parcel G, or Parcel H in this Exhibit 12 of this Restated Bridgewater PUD, as chosen and elected by the Developer during any subsequent development plan/primary plat approvals; provided, however, that (i) if, at the time of any subsequent development