200500022608
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
04-18-2005 At 12:47 pm.
ORDINANCE 300.00

ORDINANCE NO. 04-22

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

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

WHEREAS, the Westfield-Washington Township Plan Commission ("Commission") considered a petition (docket 0311-PUD-07) filed with the Commission to rezone certain lands; and

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

WHEREAS, the Secretary of the Commission certified the action of the commission to the town Council on May 25, 2004; and

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

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

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

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the real estate described in the Exhibit "A", "The Viking Meadows PUD Ordinance"

This real estate being subject to commitments and standards as detailed in the Exhibit "A", "The Viking Meadows PUD Ordinance."

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

ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF WESTFIELD, HAMITON COUNTY, INDIANA THIS 14 DAY OF June ,2004

WESTFIELD TOWN COUNCIL

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

ATTEST:

Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Jerry Rosenberger, Town Manager

WESTFIELD WASHINGTON TOWNSHIP PLAN COMMISSION
CERTIFICATION

The Westfield Washington Plan Commission met in regular session on Monday, May 24, 2004, to consider an amendment of the Comprehensive Zoning Ordinance of Westfield-Washington Township 1977, as amended. Notice of public hearing on May 24, 2004, was presented to the Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed amendment is as follows:

A change in zoning classification, from AG-SF1 to PUD,
at East 156th Street and Oak Ridge Road, generally.

A motion was approved to forward this request to the Westfield Town Council with a recommendation to approve (7-1-0).

I, Kevin G. Buchheit, AICP, being the Secretary of the Westfield Washington Township Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield Washington Township Plan Commission held on May 24, 2004.

Kevin G. Buchheit

Kevin G. Buchheit, AICP, Secretary

May 25, 2004

Date

NELSON
&
FRANKENBERGER
A PROFESSIONAL CORPORATION
ATTORNEYS-AT-LAW

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RECEIVED
JUN - 1 2004
WESTFIELD COMMUNITY
DEVELOPMENT DEPARTMENT

June 1, 2004

Kevin Buchheit
Town of Westfield
Planning Department
130 Penn Street
Westfield, IN 46074

Re: Precedent Residential Development, LLC – Viking Meadows
PUD Ordinance No. 04-22

Dear Kevin:

Enclosed are execution drafts of the PUD Ordinance, as well as two blacklined copies of the PUD evidencing the changes suggested by Plan Commission and made the basis of the favorable recommendation, including:

1. Parcel F cannot be developed commercially; and

2. Commercial buildings cannot exceed 40' in height unless they contain a live-work unit, in which case, they will not exceed 45' in height.

As you know, from working with the Plan Commission and the Comprehensive Plan Committee in numerous meetings, there have been many other changes, including the following:

1. With respect to neighborhood commercial development, the following changes were made:

   (a) The prohibition of gasoline sales;
   (b) The prohibition of free-standing, fast food, drive-in restaurants;
   (c) The inclusion of meaningful architectural requirements, including the requirement that roofs be predominantly sloped; and
   (d) Minimum building set back from 161st Street was increased from 25' to 65'.

2. With respect to multi-family development, the following changes were made:

   (a) There are additional architectural requirements, including the prohibition of garage doors on elevations of townhome buildings closest to and facing 161st Street; and

   (b) The minimum building set back from 161st Street was increased from 25' to 65.

We look forward to presenting this to the Town Council on Monday, June 14, 2004. In the interim, should you have any questions or comments, please do not hesitate to call us. Thank you.

Very truly yours,

NELSON & FRANKENBERGER

Charles D. Frankenberger

CDF/jlw
Enclosures

H:\Janet\Precedent\Viking Meadows\Buchheit ltr 060104.doc

RECEIVED
MAY 10 2004
WESTFIELD COMMUNITY
DEVELOPMENT DEPARTMENT

EXHIBIT "A" 04-022

PUD ORDINANCE
WESTFIELD, INDIANA

THE VIKING MEADOWS
PUD ORDINANCE

PUD ORDINANCE NO. 04-22

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ORDINANCE NO. _____

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

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

WITNESSETH:

WHEREAS, the Plan Commission of the Town of Westfield and Washington Township (the "Commission") has conducted a public hearing as required by law in regard to the application for a change of zone Parcel designation filed by Precedent Residential Development, LLC for the real estate containing approximately 330 acres, legally described on Exhibit "1" hereto, and located in Washington Township, Westfield, Indiana (the "Real Estate");

WHEREAS, the Commission has sent to the Town Council of the Town of Westfield, Indiana (the "Town Council") its recommendation adopted on the 10th day of May, 2004 and

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

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and uses in the Real Estate, (iii) the most desirable use for which the Real Estate is

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

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

1.2 Improve the design, character and quality of new development;

1.3 Encourage a harmonious and appropriate mixture of uses;

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

1.5 Preserve the natural environmental and scenic features of the Real Estate;

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

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

SECTION 2. EFFECT. The terms, conditions, provisions and development standards created by this Viking Meadows PUD and its exhibits replace and supersede the terms, conditions, provisions, and 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. In addition to definitions of words specified throughout this Viking Meadows PUD, the definitions of words and terms specified in what is attached hereto and made a part hereof as Exhibit "2" shall apply throughout this Viking Meadows PUD.

SECTION 4. THE PARCELS. Attached hereto and incorporated herein by reference as Exhibit "3" is a concept plan (the "Concept Plan") which allocates the Real Estate into different use Parcels (collectively the "Parcels") established by this Viking Meadows PUD; namely (i) Parcel A, legally described in what is attached hereto and incorporated herein by reference as Exhibit "4" ("Parcel A"), (ii) Parcel B, legally described in what is attached hereto and incorporated herein by reference as Exhibit "5" ("Parcel B"), (iii) Parcel C, legally described in what is attached hereto and incorporated herein by reference as Exhibit "6" ("Parcel C"), (iv) Parcel D, legally described in what is attached hereto and incorporated herein by reference as Exhibit "7" ("Parcel D"), (v) Parcel E, legally described in what is attached hereto and incorporated herein by reference as Exhibit "8" ("Parcel E"), and (vi) Parcel F, legally described in what is attached hereto and incorporated herein by reference as Exhibit "9" ("Parcel F").

SECTION 5. UNDERLYING ZONING. The PUD Ordinance requires that an underlying zoning classification, corresponding to a zoning classification within the Zoning Ordinance, be assigned to each Parcel. To this end, the following underlying zoning classification are assigned:

5.1 The zoning classification of Parcel A is hereby reclassified on the Zone Map from the AG-SF1 classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF2-Single Family Two district of the Zoning Ordinance in force at the time of the enactment of this Viking Meadows PUD. Attached hereto and incorporated herein by reference as Exhibit "10" (the "SF2 Provisions") is a copy of said provisions of the SF2-Single Family Two

District of the Zoning Ordinance which (i) were in force and effect at the time of the enactment of this Viking Meadows PUD and (ii) apply to Parcel A, except as modified by this Viking Meadows PUD.

5.2 The zoning classification of Parcel B is hereby reclassified on the Zone Map from the AG-SF1 classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF2 Provisions. Except as modified by this Viking Meadows PUD, the SF2 Provisions apply to Parcel B.

5.3 The zoning classification of Parcel C is hereby reclassified on the Zone Map from the AG-SF1 Classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF2 Provisions. Except as modified by this Viking Meadows PUD, the SF2 Provisions apply to Parcel C.

5.4 The zoning classification of Parcel D is hereby reclassified on the Zone Map from the AG-SF1 and SF2-Single Family Two classifications to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF2 Provisions. Except as modified by this Viking Meadows PUD, the SF2 Provisions apply to Parcel D.

5.5 The Developer may elect to develop Parcel E either (i) under the LB-Local Business classification of the Zoning Ordinance in force at the time of the enactment of this Viking Meadows PUD or (ii) under the MF2-Multi-Family Two classification of the Zoning Ordinance in force and effect at the time of the enactment of this Viking Meadows PUD:

A. If the Developer elects to develop Parcel E under the LB-Local Business classification of the Zoning Ordinance in force and effect at the time of the enactment of this Viking Meadows PUD, then the zoning of Parcel E shall be and hereby is reclassified on the Zone Map from the AG-SF1 classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the LB-Local Business District of the Zoning Ordinance in force at the time of the enactment of this Viking Meadows PUD. Attached hereto and incorporated herein by reference as Exhibit "11" is a copy of the LB-Local Business District (the "LB Provisions") of the Zoning Ordinance which (i) was in force and effect at the time of the enactment of this Viking Meadows PUD and (ii) apply to Parcel E, except as modified by this Viking Meadows PUD; and

B. If, instead, the Developer elects to develop Parcel E under the MF2-Multi-Family Two classification of the Zoning Ordinance in force and effect at the time of the enactment of this Viking Meadows PUD, then the zoning of Parcel E shall be and hereby is reclassified on the Zone Map from the AG-SF1 classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the MF2-Multi-Family Two District of the Zoning Ordinance in force at the time of the enactment of this Viking Meadows PUD. Attached hereto and

incorporated herein by reference as Exhibit "12" is a copy of the MF2-Multi-Family Two District (the "MF2 Provisions") of the Zoning Ordinance which (i) was in force and effect at the time of the enactment of this Viking Meadows PUD and (ii) apply to Parcel E, except as modified by this Viking Meadows PUD.

5.6 The Developer may elect to develop Parcel F either (i) under the LB Provisions or (ii) under the MF2 Provisions:

A. If the Developer elects to develop Parcel F under the LB Provisions, then the zoning of Parcel F shall be and hereby is reclassified on the Zone Map from the SF2-Single Family Two classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the LB Provisions, except as modified by this Viking Meadows PUD; and

B. If, instead, the Developer elects to develop Parcel F under the MF2 Provisions, then the zoning of Parcel F shall be and hereby is reclassified on the Zone Map from the SF2-Single Family Two classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the MF2 Provisions which shall apply to Parcel F, except as modified by this Viking Meadows PUD.

5.7 Notwithstanding anything herein to the contrary, (i) the Developer may elect to develop all or any part of Parcel E for Detached Residences, in

which case the underlying zoning, landscape standards, development standards, and architectural standards applicable to Parcel A shall apply to Parcel E and (ii) the Developer may elect to develop all or any part of Parcel F for Detached Residences, in which case the underlying zoning, landscape standards, development standards, and architectural standards applicable to Parcel A shall apply to Parcel F.

SECTION 6. SIZE AND DIMENSIONS OF PARCELS. The size, dimensions, and acreage of each of the Parcels may be increased or decreased by up to 15%.

SECTION 7. PERMITTED USES. Permitted uses within each of the Parcels are as follows:

7.1 The permitted uses within Parcel A, Parcel B, Parcel C, and Parcel D, which replace and supercede the permitted uses specified in the Zoning Ordinance, are identified by a corresponding "X" under Column A, Column B, Column C, and Column D on what is attached hereto and incorporated herein by reference as Exhibit "13" (the "Permitted Use Exhibit"); provided, however, that upon the sale of a Lot within Parcel A, B, C, or D, by the Developer to a third party for the purpose of construction of a Residence thereon, (i) Agricultural Uses specified on page 1 of the Permitted Use Exhibit shall no longer be permitted uses on said Lot and (ii) boarding houses shall not be permitted as a use on said Lot.

7.2 If Parcel E is developed residentially with an underlying zoning classification of the MF2 Provisions, then the permitted uses within Parcel

E, which shall replace and supercede the permitted uses specified in the Zoning Ordinance, are identified by an "X" in Column E on pages 1, 2, 3 and 4 of the Permitted Use Exhibit; provided, however, that upon the commencement of development of Parcel E per the terms of this Viking Meadows PUD, Agricultural Uses specified on page 1 of the Permitted Use Exhibit shall no longer be permitted uses within Parcel E.

7.3 If Parcel E is developed commercially with an underlying zoning classification of LB Provisions, then the permitted uses within Parcel E, which shall replace and supercede the permitted uses specified in the Zoning Ordinance, are identified by an "X" in Column E of the Permitted Use Exhibit; provided, however, that no single user shall occupy more than 15,000 square feet of a building.

7.4 If Parcel F is developed residentially with an underlying zoning classification of the MF2 Provisions, then the permitted uses within Parcel F, which shall replace and supercede the permitted uses specified in the Zoning Ordinance, are identified by an "X" in Column F on pages 1, 2, 3 and 4 of the Permitted Use Exhibit; provided, however, that upon the commencement of development of Parcel F per the terms of this Viking Meadows PUD, Agricultural Uses specified on page 1 of the Permitted Use Exhibit shall no longer be permitted uses in Parcel F.

7.5 If Parcel F is developed commercially with an underlying zoning classification of the LB Provisions, then the permitted uses within Parcel F, which shall replace and supercede the permitted uses specified in

the Zoning Ordinance, are identified by an "X" in Column F of the Permitted Use Exhibit; provided, however, that no single user shall occupy more than 15,000 square feet of a building.

SECTION 8. DEVELOPMENT STANDARDS. The development standards which are applicable to each of the Parcels and which replace and supersede any conflicting provisions of the Zoning Ordinance are as follows:

8.1 Attached hereto and incorporated herein by reference as Exhibit "14" are the development standards applicable to Parcel A, Parcel B, Parcel C, and Parcel D.

8.2 Attached hereto and incorporated herein by reference as Exhibit "15" are the development standards applicable to (i) Parcel E, if Parcel E is developed residentially with an underlying zoning classification of the MF2 Provisions, (ii) Parcel E, if Parcel E is developed commercially with an underlying zoning classification of the LB Provisions, (iii) Parcel F, if Parcel F is developed residentially with an underlying zoning classification of the MF2 Provisions, and (iv) Parcel F, if Parcel F is developed commercially with an underlying zoning classification of the LB Provisions.

8.3 Private Streets, faux gates, and functioning gates shall be permitted in Parcel C and Parcel D. If faux gates are utilized, faux gate columns shall be permitted in public streets and private streets.

SECTION 9. ARCHITECTURAL STANDARDS. The architectural standards applicable to each of the Parcels are as follows:

9.1 Up to 43% of the Residences within Parcel A may be developed per the architectural standards set forth in what is attached hereto and incorporated herein by reference as Exhibit "16", all of which replace and supersede any conflicting provisions in the Zoning Ordinance;

9.2 At least 57% of the Residences within Parcel A shall comply with the architectural standards set forth in what is attached hereto and incorporated herein by reference as Exhibit "17", all of which replace and supersede any conflicting provisions in the Zoning Ordinance;

9.3 The Residences within Parcel B shall comply with the architectural standards set forth on what is attached hereto and incorporated herein by reference as Exhibit "18", all of which replace and supersede any conflicting provisions in the Zoning Ordinance;

9.4 The Residences within Parcel C shall comply with the architectural standards set forth on what is attached hereto and incorporated herein by reference as Exhibit "19", all of which replace and supersede any conflicting provisions in the Zoning Ordinance;

9.5 The Residences within Parcel D shall comply with the architectural standards set forth on what is attached hereto and incorporated herein by reference as Exhibit "20", all of which replace and supersede any conflicting provisions in the Zoning Ordinance;

9.6 If Parcel E is developed residentially with an underlying zoning classification of the MF2 Provisions, then the MF2-Multi-Family 2 District shall be allowed outside of the corporate limits of the Town of

Westfield and, subject to the following exceptions, the attached residences shall comply with the DPR Provisions and the MF2 Provisions:

A. All new buildings or building additions located in any Multi-Family District shall utilize two (2) or more exterior building materials (excluding window, door, and roofing materials). Permitted exterior building materials are brick, Hardi-Plank, wood and exterior insulation and finish system (EIFS). At least fifty (50) percent of the front elevation of each building, exclusive of doors and windows, shall be brick, and the remaining portions of each building may be Hardi-Plank, wood, or EIFS, in such percentages and amounts determined by the Developer in its sole discretion;

B. Neither vinyl siding nor aluminum siding are permitted; and

C. While multiple buildings containing two (2) or more single family residences shall be permitted, no one (1) building shall contain more than ten (10) attached single family residences.

D. The builder shall install a light on the front of each Attached Residence at a location, having a height, and of a type, style, and manufacturer approved by the Developer's architectural review board. Each such light shall be equipped with a photoelectric cell or similar device to insure automatic illumination from dusk until dawn.

E. All mailboxes within Parcel E shall be uniform in design, coloring, lettering, and numbering, and all mailboxes within Parcel F shall be uniform in design, coloring, lettering, and numbering.

F. The number of the street address of each Attached Residence shall be placed on the Attached Residence and the mailbox for that Attached Residence. All such numbering shall be of uniform design, coloring, and numbering. The number attached to the Attached Residence shall be etched in stone, concrete, or other brass-type plate.

G. Design elements and detailing shall be continued completely around each building containing Attached Residences. Such design elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials. Use of long, massive, unbroken exterior building walls shall be avoided.

H. Roof form and design will include, where appropriate, varied pitches and ridge levels.

I. Each Attached Residence shall have eaves on a minimum of 8" overhang.

J. Buildings containing Attached Residences shall have windows on at least 3 sides; provided, however, that in the event a side of a building containing Attached Residences does not have a window,

it shall have at least 2 architectural breaks, such as a chimney or corner break.

K. All multi-family buildings shall have the same style of roof and type and color of shingle. Different colors of brick and siding may be incorporated, so long as they are compatible.

L. With respect to the multi-family buildings closest to 161st Street, there shall be no garage doors on the elevation of a multi-family building facing 161st Street.

9.7 If Parcel E is developed commercially with an underlying zoning classification of LB-Local Business, then, subject to the following exceptions, the development of Parcel E shall comply with the DPR Provisions and the LB Provisions:

A. Required side and rear yards adjacent to residential districts may include interior access drives, provided that a minimum of twenty (20) feet of said required side or rear yard shall be maintained as green space free from buildings, structures, or pavement;

B. The permitted building materials shall be either (a) all brick (excluding window, display window, door, roofing, facia, and soffit materials) or (b) two (2) or more building materials (excluding window, display window, door, and roofing materials), provided, however, that the primary building materials shall be brick, exterior insulation and finish system (EIFS), or concrete block, and shall constitute a minimum of 60% of each facade

visible from a public street or an adjoining residential district. Vinyl siding is prohibited.

C. All buildings shall have a residential architectural style facade which shall include the following:

- A sloped roof, with a minimum pitch of 5/12 (5 vertical to 12 horizontal) on the east side, west side, and north side of each building, and that portion of the south side of each building reasonably visible from the Monon Trail; provided, however, that such sloped roof may be a parapet or faux roof, and the roof area supporting mechanical structures may be flat;
- All shingles on sloped roofs shall be of the same color and style;
- The brick on all buildings shall be the same color and size;
- Any exterior building material, other than brick, may be of different but compatible colors; and
- A consistent exterior window glazing and frame material shall be incorporated into each building.

9.8 If Parcel F is developed residentially with an underlying zoning classification of the MF2 Provisions, then the MF2-Multi-Family 2 District shall be allowed outside of the corporate limits of the Town of Westfield and, subject to the following exceptions, the attached residences shall comply with the DPR Provisions and the MF2 Provisions:

A. All new buildings or building additions located in any Multi-Family District shall utilize two (2) or more exterior building materials (excluding window, door, and roofing materials). Permitted exterior building materials are brick, Hardi-Plank, wood, and exterior insulation and finish system (EIFS). At least fifty (50) percent of the front elevation of each building, exclusive of doors and windows, shall be brick, and the remaining portions of each building may be Hardi-Plank, wood, or EIFS, in such percentages and amounts as determined by the Developer in its sole discretion;

B. Neither vinyl siding nor aluminum siding are permitted; and

C. While multiple buildings containing two (2) or more single family residences shall be permitted, no one building shall contain more than ten (10) attached single family residences.

D. The builder shall install a light on the front of each Attached Residence at a location, having a height, and of a type, style, and manufacturer approved by the Developer's architectural review board. Each such light shall be equipped with a photoelectric cell or similar device to insure automatic illumination from dusk until dawn.

E. All mailboxes within Parcel F shall be uniform in design, coloring, lettering, and numbering, and all mailboxes within Parcel F shall be uniform in design, coloring, lettering, and numbering.

F. The number of the street address of each Attached Residence shall be placed on the Attached Residence and the mailbox for that Attached Residence. All such numbering shall be of uniform design, coloring, and numbering. The number attached to the Attached Residence shall be etched in stone, concrete, or other brass-type plate.

G. Design elements and detailing shall be continued completely around each building containing Attached Residences. Such design elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials. Use of long, massive, unbroken exterior building walls shall be avoided.

H. Roof form and design will include, where appropriate, varied pitches and ridge levels.

I. Each Attached Residence shall have eaves on a minimum of 8" overhang.

J. Buildings containing Attached Residences shall have windows on at least three (3) sides; provided, however, that in the event a side of a building containing Attached Residences does not have a window, it shall have at least two (2) architectural breaks, such as a chimney or corner break.

K. All multi-family buildings shall have the same style of roof and type and color of shingle. Different colors of brick and siding may be incorporated, so long as they are compatible.

L. With respect to the multi-family buildings closest to 161st Street, there shall be no garage doors on the elevation of a multi-family building facing 161st Street.

9.9 If Parcel F is developed commercially with an underlying zoning classification of LB-Local Business then, subject to the following exceptions, the development of Parcel F shall comply with the LB Provisions and the DPR Provisions:

A. Required side and rear yards adjacent to residential districts may include interior access drives, provided that a minimum of twenty (20) feet of said required side or rear yard shall be maintained as green space free from buildings, structures, or pavement;

B. The permitted building materials shall be either (a) all brick (excluding window, display window, door, roofing, facia, and soffit materials) or (b) two (2) or more building materials (excluding window, display window, door, and roofing materials), provided, however, that the primary building materials shall be brick, exterior insulation and finish system (EIFS), or concrete block, and shall constitute a minimum of 60% of each facade visible from a public street or an adjoining residential district. Vinyl siding is prohibited.

C. All buildings shall have a residential architectural style facade which shall include the following:

- A sloped roof, with a minimum pitch of 5/12 (5 vertical to 12 horizontal) on the east side, west side, and north side of each building, and that portion of the south side of each building reasonably visible from the Monon Trail; provided, however, that such sloped roof may be a parapet or faux roof, and the roof area supporting mechanical structures may be flat;
- All shingles on sloped roofs shall be of the same color and style;
- The brick on all buildings shall be the same color and size;
- Any exterior building material, other than brick, may be of different but compatible colors; and
- A consistent exterior window glazing and frame material shall be incorporated into each building.

SECTION 10. LANDSCAPING. With the following exceptions, the development of the Real Estate shall comply with the Landscape Standards:

10.1 The minimum number of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted (i) in Parcel A, Parcel B, Parcel C, and Parcel D shall be four (4) shade trees per Detached Residence, two (2) ornamental or evergreen trees per Detached Residence, and four (4) shrubs per Detached Residence; (ii) in Parcel E, if Parcel E is developed for multi-family use, and in Parcel F, if Parcel F is developed for multi-family

use, shall be one (1) shade tree per Attached Residence, one (1) ornamental tree or evergreen per Attached Residence, and four (4) shrubs per Attached Residence, and (iii) in Parcel E, if Parcel E is developed for business uses, and in Parcel F, if Parcel F is developed for business uses, shall be ten (10) shade trees per acre, ten (10) ornamental or evergreen trees per acre, and twenty-five (25) shrubs per acre.

10.2 For Parcel A, Parcel B, Parcel C, Parcel D, and Parcel E if Parcel E is developed residentially under the MF2 Provisions, and Parcel F if Parcel F is developed residentially under the MF2 Provisions, the buffer yard requirements contained in the Landscaping Standards are modified as follows:

A. Neither buffer yards nor buffer yard landscaping shall be required in those areas along the perimeter of the Real Estate which are occupied by a common area which is greater than or equal to fifty feet (50') in width;

B. Neither buffer yards nor buffer yard landscaping shall be required on lots which abut the perimeter of Parcel C and/or Parcel D and which are greater than or equal in size to three-quarters (3/4) of an acre;

C. Neither buffer yards nor buffer yard landscaping shall be required along the perimeter of the Real Estate abutting the Monon Trail;

D. A landscape berm, which shall undulate between three (3) and four (4) feet in height, shall be installed, at the Developer's discretion,

along the perimeter open space along the existing perimeter roadways where the proposed Residences back up to the road, provided that the grade of the land reasonably permits such berming.

E. Within buffer yards, at least one (1) evergreen tree will be planted per twenty (20) linear feet, and no shrubs shall be required.

F. Per the Landscape Standards, at least one (1) shade tree per thirty (30) lineal feet of road frontage shall be planted adjacent to 161st Street, Oakridge Road, and 156th Street.

G. Attached hereto and incorporated herein by reference as Exhibit "21" is an illustration of typical landscape buffering along 161st Street. As illustrated, the 161st Street buffer shall include (i) a landscape berm which shall undulate between three (3) and four (4) feet in height and (ii) one (1) evergreen tree per twenty (20) lineal feet and one (1) shade tree per thirty (30) lineal feet. Also illustrated on Exhibit "21" is the conceptual column detail for the intersection of Oakridge Road and 161st Street.

H. Perimeter parking lot landscaping within Parcel E and Parcel F shall comprise shrubbery placed along the northern edge of all parking areas adjacent to 161st Street. Said shrubbery shall be installed per the Landscape Standards and shall be placed 4 feet on center and shall be permitted to grow to and be maintained at a minimum of 36 inches in height.

10.3 If Parcel E is developed commercially under the LB Provisions, then the buffer yard requirements contained in the Landscape Standards are modified as follows:

A. Neither buffer yards nor buffer yard landscaping shall be required along the perimeter of Parcel E abutting the Monon Trail.

B. Trees shall be preserved within an area 30 feet in width, by parallel lines, off of the entire south side of Parcel E. Along the eastern line of Parcel E, starting at a point 100 feet south of the centerline of 161st Street and extending south to the northern boundary of the tree preservation area stated above, a 6' high shadow-box fence, with masonry pillars every 100 feet, shall be installed. From the centerline of 161st Street to a point 350 feet south of the centerline of 161st Street, the fence/pillar structure can be eliminated or removed by the Developer, in the Developer's sole discretion, if a limited access intersection is installed at 161st Street and U.S. 31. One evergreen tree per 20 lineal feet shall be installed along the fence/pillar structure. Across the 161st Street road frontage of Parcel E, a shade tree shall be planted every 40 feet, and all such trees shall be planted in the Fall of the calendar year 2005. Perimeter parking lot landscaping within Parcel E shall comprise shrubbery along the northern edge of all parking areas adjacent to 161st Street. Said shrubbery shall be installed per the Landscape Standards and shall be placed 3 feet on center and shall be

permitted to grow to and be maintained at a minimum of 48 inches in height.

C. The interior parking lot landscaping provisions of the Landscape Standards are modified so that required landscaping within parking lot islands shall be one (1) tree and no shrubs.

10.4 If Parcel F is developed commercially under the LB Provisions, then the buffer yard requirements contained in the Landscape Standards are modified as follows:

A. Neither buffer yards nor buffer yard landscaping shall be required along the perimeter of Parcel F abutting the Monon Trail.

B. Across the 161st Street road frontage of Parcel F, a shade tree shall be planted per 40 feet. Perimeter parking lot landscaping within Parcel F shall comprise shrubbery placed along the northern edge of all parking areas adjacent to 161st Street. Said shrubbery shall be installed per the Landscape Standards and shall be placed 4 feet on center and shall be permitted to grow to and be maintained at a minimum of 36 inches in height.

C. The interior parking lot landscaping provisions of the Landscaping Standards are modified so that required landscaping within parking lot islands shall be one (1) tree and no shrubs.

SECTION 11. SIGNAGE. With the following exceptions, all signage on the Real Estate shall comply with the Signage Standards existing within the Zoning

Ordinance existing on the date hereof, a copy of which Signage Standards are attached hereto and incorporated herein by reference as Exhibit "22" (the "Signage Standards").

11.1 Subsection 16.08.010(F)(1) is hereby modified to provide that a monument sign for a residential complex or subdivision entrance shall not exceed thirty-two (32) square feet and that two (2) such signs, each not to exceed thirty-two (32) square feet, shall be permitted on each side of each entrance.

11.2 Subsection 16.08.010(G)(7) is hereby replaced and superceded by the following:

A. In all nonresidential zoning districts, total sign area allocation permitted for any commercial or industrial property shall be one (1) square foot of sign area for each one (1) linear foot of building on a front elevation.

11.3 Notwithstanding anything in the Sign Standards to the contrary, (i) with respect to buildings located on Parcel E and Parcel F, wall signs shall be permitted on the elevation of the building facing the Monon Trail, not to exceed twenty-five (25) square feet per business, and (ii) the square footage of such rear wall sign shall be in addition to the total sign and allocation permitted per the terms of Subsection 16.08.010(I)(8).

11.4 Permanent subdivision signs shall be permitted at each street entrance, the southeast corner of 156th Street and Oak Ridge Road, the northeast corner of 156th Street and Oak Ridge Road, and the southeast corner of 161st Street and Oak Ridge Road.

11.5 Attached hereto and incorporated herein by reference as Exhibit "23" is a conceptual illustration of a typical main entrance wall, signage, and column, at least three (3) of which will be installed by the Developer at main entrances selected by the Developer. Other entrys and secondary entrances into individual neighborhoods within the Real Estate shall, in the Developer's discretion, receive similar treatment, but on a smaller scale. All subdivision columns shall be permitted to be a maximum of fifteen (15) feet in height.

SECTION 12. LIGHTING. With the following exceptions, all lighting on the Real Estate shall comply with the Lighting Standards existing within the zoning Ordinance on the date of the enactment of this Viking Meadows PUD, a copy of which Lighting Standards are attached hereto and incorporated herein as Exhibit "24" (the "Lighting Standards"):

12.1 Coach lights, dusk to dawn yard lights, and landscape lighting shall be allowed.

SECTION 13. OPEN SPACE/GREEN SPACE. A minimum of 62.29 acres of the Real Estate shall be open/green space. The open/green space, which includes retention/detention ponds, shall be as follows:

13.1 Within Parcel A, there shall be at least 20.37 acres of open space/green space;

13.2 Within Parcel B, there shall be at least 18.13 acres of open space/green space;

13.3 Within Parcel C, there shall be at least 11.5 acres of open space/green space;

13.4 Within Parcel D, there shall be at least 9.99 acres of open space/green space;

13.5 Within Parcel E, there shall be at least 1.63 acres open/green space; and

13.6 Within Parcel F, there shall be at least 1.02 acres of open/green space.

SECTION 14. U.S. Highway 31 Overlay Zone. The U.S. Highway 31 Overlay Zone shall not apply to the Real Estate and, as such, the Real Estate shall be exempt from (i) the U.S. Highway 31 Overlay Zone provisions of the Zoning Ordinance and (ii) the Sign Ordinance.

SECTION 15. ROAD CUTS. The following entrances and road cuts shall be permitted:

15.1 Parcel A: One (1) road cut shall be permitted off of 161st Street into Parcel A; one (1) road cut shall be permitted off of Oak Ridge Road into Parcel A; two (2) road cuts shall be permitted off of 156th Street into Parcel A.

15.2 Parcel B: One (1) road cut shall be permitted off of 156th Street into Parcel B; and one (1) road cut shall be permitted off of Oak Ridge road into Parcel B.

15.3 Parcel C: Two (2) road cuts shall be permitted off of 156th Street into Parcel C.

15.4 Parcel D: One (1) road cut shall be permitted off of 156th Street into Parcel D; and one (1) road cut shall be permitted off of Greyhound Pass into Parcel D.

15.5 Parcel E: One (1) road cut shall be permitted off of 161st Street into Parcel E.

15.6 Parcel F: One (1) road cut shall be permitted off of 161st Street into Parcel F.

SECTION 16. AMENITY COMMITMENTS. The Developer shall install the following within a common area, all of which shall hereafter be referred to as the Improvements:

16.1 One (1) swimming pool of approximately one thousand nine hundred fifty (1950) square feet;

16.2 One (1) wading pool of approximately one hundred forty (140) square feet;

16.3 One (1) pool house;

16.4 One (1) basketball court;

16.5 One (1) playground containing playground equipment appropriate for preschool children through grade school children;

16.6 Landscaping to provide shade around seeding areas, playgrounds, and parking lots, and to define pedestrian ways. Such landscaping shall include, but shall not be limited to, a combination of deciduous trees, evergreens, and ornamental flowering species. The Improvements shall be available for use by all residents in all Parcels A, B, C, D, E and F, and

shall be credited toward any amenity requirements applicable to Parcel E and Parcel F.

The Improvements shall be of a type, location, size, design, configuration, architecture, and composition determined by the Developer in the Developer's sole discretion.

SECTION 17. ANNEXATION. There are rectangular parcels of land located between Parcel B and Parcel D and identified, on the date of the enactment of this Viking Meadows PUD, as Parcel number 0809130000004.000 (collectively the "Additional Parcel"), but which are not part of the Real Estate. In the Developer's discretion, the Additional Parcel, once acquired by the Developer, may be annexed to the Viking Meadows PUD, subject to the provisions of this Viking Meadows PUD applicable to Parcel B.

SECTION 18. THE MONON TRAIL. On or before the 31st day of December, 2005, the owner of the Real Estate shall quitclaim to the Town of Westfield, Indiana, all of its right, title and interest in and to a strip of real estate comprising that segment of the Monon Trail existing between the southernmost boundary line of the Real Estate and northernmost boundary line of the Real Estate, which strip shall not exceed 66 feet in width. Whoever improves this 66 foot strip by installing the trail shall endeavor to preserve trees. The Developer shall have the right to cross the Monon Trail, within Parcel E and Parcel F, with streets connecting Parcel E and Parcel F, and shall have the right to connect to the Monon Trail the trail system installed and internal to the Real Estate.

SECTION 19. PHASING. Attached hereto and made a part hereof as though fully set forth herein as Exhibit "25" is a description of the phasing of development.

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

TOWN COUNCIL, TOWN OF WESTFIELD

BY: AYE		NAY
_____	Teresa Otis Skelton	_____
_____	John Hart	_____
_____	David Mikesell	_____
_____	Robert Smith	_____
_____	Ronald Thomas	_____

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Exhibit 1

EXHIBIT 1

OVERALL LEGAL DESCRIPTION

The Northwest Quarter of the Northeast Quarter of Section 13, Township 18 North, Range 3 East, containing forty (40) acres (39.552 acres, more or less measured) except two (2) rods off the West side for railroad, leaving 39 acres (38.547 acres, more or less measured) in Hamilton County, Indiana.

Also,

Part of the Northeast Quarter of the Northeast Quarter of Section 13, Township 18 North, range 3 East in Hamilton County, Indiana described as follows:

Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 13, Township 18 North, Range 3 East; thence South 00 degrees 23 minutes 47 seconds East (assumed bearing) on the West line thereof 1,307.24 feet; thence North 87 degrees 13 minutes 40 seconds East 13.79 feet to the West line of real estate described in a Warranty Deed, recorded in Deed Record 206, page 219, in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 42 minutes 15 seconds West on said West line 1306.83 feet to the Northwest corner of said real estate; thence South 88 degrees 22 minutes 33 seconds West on the North line of the Northeast Quarter of said Northeast Quarter Section 6.76 feet to the beginning point; containing 0.308 acres more or less.

Part of the Northeast Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of Section 13, Township 18 North, range 3 East; thence North 00 degrees 12 minutes 55 seconds West (assumed bearing) on and along the West line of said Northeast Quarter 190.0 feet to the centerline of Greyhound Pass (an undedicated road); thence South 85 degrees57 minutes 33 seconds East on and along said centerline 275.80 feet to the point of curvature of a curve to the right having a radius of 300.00 feet, the radius point of which bears South 04 degrees 02 minutes 27 seconds West from said point; thence Southeasterly on and along said centerline and curve to the right 53.95 feet to the centerline of Ascot Hill North (an undedicated road); thence North 14 degrees 20 minutes 40 seconds East on and along said centerline 147.98 feet to the point of curvature of a curve to the left having a radius of 250.00 feet, the radius point of which bears North 75 degrees 39 minutes 20 seconds West from said point; thence Northerly on and along said curve and centerline 63.53 feet to the point of tangency thereof; thence North 00 degrees 12 minutes 55 seconds West on and along said centerline 336.60 feet to the place of beginning of this tract; thence North 89 degrees 15 minutes 24 seconds East 25.00 feet to the East right of way line of the said Ascot Hill North; thence continuing North 89 degrees 15 minutes 24 seconds East 910.88 feet; thence North 00 degrees 18 minutes 28 seconds East 667.83 feet; thence South 87

degrees 13 minutes 40 seconds West 942.88 feet; thence South 00 degrees 12 minutes 55 seconds East 273.28 feet to a point on the North right of way line of said Ascot Hill North; thence continuing South 00 degrees 12 minutes 55 seconds East 361.00 feet to the place of beginning, containing 14.03 acres, more or less.

Subject to an easement over the following described real estate.

Beginning at the Southwest corner of the above described tract; thence North 00 degrees 12 minutes 55 seconds West 361.00 feet to the point of curvature of a curve with a radius of 50 feet, the radius point of which bears South 00 degrees 12 minutes 55 seconds East from said point; thence Southeasterly on and along said curve 78.54 feet to the point of tangency thereof; thence South 00 degrees 12 minutes 55 seconds East 74.92 feet to the point of curvature of a curve to the right with a radius of 50.00 feet, the radius point of which bears South 89 degrees 47 minutes 05 seconds West from said point; thence Southwesterly on and along said curve 52.36 feet to a point which bears South 59 degrees 07 minutes 10 seconds East from said radius point; thence south 00 degrees 12 minutes 55 seconds East 192.55 feet; thence South 89 degrees 15 minutes 24 seconds West 25.00 feet to the place of beginning.

Together with an easement for ingress and egress over undedicated roads known as Ascot Hill North and Greyhound Pass as shown on a survey attached to Covenants and Restrictions recorded February 8, 1978, in Miscellaneous Record 153, page 133-139, and Miscellaneous Record 153, page 140-143 in the Office of the Recorder of Hamilton County, Indiana, to a public dedicated highway or road.

Subject to and together with an easement for trail and public utilities and incidental purposes over a 30 foot strip across the north side and east side of caption real estate as disclosed by survey prepared by Allan H. Weihe, Registered Land Surveyor, Dated July 27, 1979.

Subject to and together with area covenants and restrictions recorded February 8, 1978 in Miscellaneous Record 153, page 133-139 and Miscellaneous Record 153, page 140-153. Violation thereof will not result in forfeiture or reversion of title.

Subject to a pipe line easement for Roy E. Steel and Madeline J. Steele, husband and wife, to Indiana Gas Transmission Corporation, dated October 4, 1935, recorded October 25, 1936 in Miscellaneous Record 32, page 213, assigned to Michigan Gas Transmission Corporation by assignment dated August 10, 1936, recorded August 15, 1936, in Miscellaneous Record 32, page 429 and further assigned to Panhandle Eastern Pipeline Company by General Deed and bill of Sale dated March 31, 1943, recorded April 2, 1943 in Miscellaneous Record 36, page 401 et seq. and amended by Amendment and Restriction of Right-of-Way Grants, executed by Thirty One Realty Investment Company and Panhandle Eastern Pipeline Company dated May 9, 1977, recorded July 8, 1977, in Miscellaneous Record 151, page 620.

ALSO:

Part of the Northeast Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana, described as follows:

Beginning at the Southwest corner of the Northeast Quarter of Section 13, Township 18 North, Range 3 East; thence North 00 degrees 12 minutes 55 seconds West (assumed bearing) on the West line thereof 190.00 feet to the centerline of Greyhound Pass; thence South 85 degrees 57 minutes 33 seconds East on said centerline 32.32 feet to the True Beginning Point of the real estate herein described on the East right-of-way line of the Monon Railroad (said point being 33 feet East of the centerline of said railroad); thence North 00 degrees 27 minutes 08 seconds West on said East right-of-way line 382.15 feet to the point of curvature of a curve having a radius length of 22,885.31 feet which bears North 89 degrees 32 minutes 05 seconds East; thence Northerly on said right-of-way line curve to the right 124.15 feet to the point of tangency thereof; thence North 00 degrees 08 minutes 29 seconds West on said right-of-way line 628.58 feet to the North line of property described in a Warranty Deed recorded in Deed Record 266, page 362 in the Office of the Recorder of Hamilton County, Indiana, thence North 87 degrees 13 minutes 40 seconds East on said North line 342.49 feet to the Northerly prolongation of the centerline of Ascot Hill North; thence South 00 degrees 12 minutes 55 seconds East on said prolongation and centerline 634.36 feet to a point that is 336.60 North 00 degrees 12 minutes 55 second West of the point of tangency of a curve in said Ascot Hill North, thence North 89 degrees 15 minutes 24 seconds East 388.72 feet; thence South 01 degrees 27 minutes 05 seconds East 638.43 feet to the centerline of Greyhound Pass; thence South 88 degrees 32 minutes 55 seconds West on said centerline 140.17 feet to the point of curvature of a curve having a radius length of 375.00 feet which bears North 01 degrees 27 minutes 05 seconds West; thence Westerly and Northwesterly on said curve to the right 170.83 feet to the point of tangency thereof; thence North 65 degrees 21 minutes 07 seconds West on said centerline 100.39 feet to the point of curvature of a curve having a radius length of 300.00 feet which bears South 24 degrees 38 minutes 53 seconds West; thence Westerly on said centerline and curve 107.90 feet to the point of tangency thereof; thence North 85 degrees 57 minutes 33 seconds west on said centerline 243.48 feet to the True Beginning Point; containing 14.729 acres, more or less.

AND ALSO:

Beginning at the Southwest corner of the Northeast Quarter of Section 13, Township 18 North, Range 3 East; thence North 00 degrees 12 minutes 55 seconds West (assumed bearing) on the West line thereof 190.00 feet to the centerline of Greyhound Pass; thence South 85 degrees 57 minutes 33 second East on said centerline 32.32 feet to the East right-of-way line of the Monon Railroad (said point being 33 feet East of the centerline of the railroad); thence North 00 degrees 27 minutes 08 seconds West on said East right-of-way 382.15 feet to the point of curvature of a curve having a radius length of 22,885.31 feet which bears North 89 degrees 32 minutes 05 seconds East; thence Northerly on said right-of-way line and curve to the right 124.15 feet to the point of tangency thereof; thence North 00 degrees 08 minutes 29 seconds West on said right-of-way line 628.58

feet to the True Beginning Point of the parcel herein described on the North line of property described in Warranty Deed recorded in Deed Record 266, page 362 in the Office of the Recorder of Hamilton County, Indiana; thence North 87 degrees 13 minutes 40 seconds East on said North line 261.12 feet thence North to the South line of the Northwest Quarter of said Northeast Quarter, thence 88 degrees 26 minutes 01 seconds West on said South line 260.93 feet tot he East right-of-way line of the Monon Railroad; thence South 00 degrees 08 minutes 29 seconds East on said right-of-way line 5.50 feet to the True Beginning Point; containing 0.016 acre, more or less.

RECORD LAND DESCRIPTIONS

Parcel West of the Monon Railroad (north of 156th Street)

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

Beginning at the Southwest corner of the Southwest Quarter of Section 12, Township 18 North, Range 3 East; thence North 00 degrees 04 minutes 52 seconds West (assumed bearing) on and along the West line of said Southwest Quarter 2663.29 feet to the Northwest corner thereof; thence North 87 degrees 45 minutes 13 seconds East on and along the North line of said Southwest Quarter 2554.24 feet to the West right-of-way line of the Monon Railroad; thence South 00 degrees 09 minutes 41 seconds East on and along said West right-of-way line 2611.15 feet to the South line of said Southwest Quarter; thence South 87 degrees 15 minutes 41 seconds West on and along aforesaid South line 2558.83 feet to the place of beginning, containing 153.76 acres, more or less.

EXCEPTING THEREFROM the real estate granted to the Board of Commissioners of Hamilton County, Indiana in Instrument No. 2001-22531 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

A part of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right-of-way lines described as follows:

Beginning on the west line of said section North 0 degrees 00 minutes 48 seconds West (bearing based on the location Control Route Survey Plat recorded as Instrument #9809865686, in the Office of the Recorder of Hamilton County, Indiana) 837.03 feet from the southwest corner of said section, said southwest corner being designated as point "510" on said plat; thence North 00 degrees 00 minutes 48 seconds West 390.00 feet along the west line of said section; thence North 89 degrees 59 minutes 55 seconds East 17.63 feet to point "5549" designated on said plat which point is on the east boundary of Oak Ridge Road; thence South 15 degrees 26 minutes 05 seconds East 46.68 feet to point "5551" designated on said plat; thence South 0 degrees 00 minutes 05 seconds East 90.00 feet to point "5552" designated on said plat; thence South 23 degrees

45 minutes 03 seconds East 54.63 feet to point "5553" designated on said plat; thence South 0 degrees 00 minutes 05 seconds East 25.00 feet to point "5554" designated on said plat; thence South 34 degrees 01 minutes 05 seconds West 48.26 feet to point "5555" designated on said plat; thence South 00 degrees 00 minutes 05 seconds East 95.00 feet to point "5556" designated on said plat; thence South 09 degrees 04 minutes 33 seconds West 45.57 feet to point "5539" designated on said plat, which point is on the east boundary of Oak Ridge Road; thence South 89 degrees 59 minutes 55 seconds West 17.78 feet to the point of beginning and containing 0.276 acres, more or less, inclusive of the presently existing right of way which contains 0.158 acres, more or less. The portion of the above described real estate, which is not already embraced within public rights of way, contains 0.118 acres, more or less.

ALSO

Parcel East of the Monon Railroad (north of 156th Street)

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

Beginning at a point on the South line of the Southeast Quarter of Section 12, Township 18 North, Range 3 East which is 33.01 feet North 88 degrees 22 minutes 33 seconds East (assumed bearing) of the Southwest corner thereof; said point also being on the East right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on and along said East right-of-way line 2611.49 feet to the North line of said Southeast Quarter; thence North 87 degrees 25 minutes 54 seconds East on and along aforesaid North line 448.24 feet to a point which is 495.00 feet North 87 degrees 25 minutes 54 seconds East of the Northwest corner of said Southeast Quarter; thence South 00 degrees 27 minutes 45 seconds East parallel with the West line of said Southeast Quarter 1309.27 feet to the North line of the Southwest Quarter of said Southeast Quarter; thence North 87 degrees 54 minutes 14 seconds East on and along the North line of the Southwest Quarter of said Southeast Quarter 801.97 feet to the East line thereof; thence South 00 degrees 25 minutes 38 seconds East on and along the East line of the Southwest Quarter of said Southeast Quarter 1315.92 feet to the South line of said Southeast Quarter; thence South 88 degrees 22 minutes 33 seconds West on and along aforesaid South line 1262.74 feet to the place of beginning, containing 51.44 acres, more or less.

ALSO

(Parcel south of 156th Street)

Part of the North Half of the Northwest Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

The Northwest Quarter of the Northwest Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana.

The West Half of the Northeast Quarter of the Northwest Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana.

Part of the West Half of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 13; thence North 00 degrees 07 minutes 03 seconds West (assumed bearing) North 00 degrees 02 minutes 44 seconds East (measured) along the West line of said Quarter Section 1312.77 feet (deed), 1312.98 feet (measured), to the North line of the South Half of said Quarter Section; thence North 87 degrees 34 minutes 59 seconds East (deed), North 87 degrees 44 minutes 25 seconds East (measured), along said North line 1945.13 feet (deed), 1945.323 feet (measured), to the Point of Beginning of this Description; said point being the Southwest corner of the East Half of the Northeast Quarter of said Quarter Section; thence North 00 degrees 11 minutes 28 seconds West (deed), North 00 degrees 02 minutes 11 seconds West (measured), 1323.62 feet (deed), 1323.72 feet (measured), on and along the West line of the said Half Quarter Quarter to the Northwest corner of said Half Quarter Quarter; thence North 87 degrees 15 minutes 41 seconds East (deed), North 87 degrees 25 minutes 19 second East (measured), on and along said North line 9.06 feet (deed & measured); thence South 00 degrees 03 minutes 06 seconds East (deed), South 00 degrees 06 minutes 11 seconds West (measured), 1323.80 feet (deed), 1323.90 feet (measured), to the South line of the Northeast Quarter of the Northwest Quarter of said Section; thence South 87 degrees 34 minutes 59 seconds West (deed), South 87 degrees 44 minutes 25 seconds West (measured), on and along said South line of said Quarter Quarter Section 5.83 feet (deed & measured), to the point of beginning.

EXCEPTING THEREFROM the real estate granted to the Board of Commissioners of Hamilton County, Indiana in Instrument No. 2001-22530 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

A part of the Northwest Quarter of the Northwest Quarter of Section 13, Township 18 North, Range 3 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right of way lines, described as follows:

Beginning at the southwest corner of said quarter-quarter section; thence North 0 degrees 02 minutes 59 seconds West (bearing is based on the Location Control Route Survey Plat recorded as Instrument #9809865686, in the Office of the Recorder of Hamilton County, Indiana) 291.35 feet along the west line of said quarter-quarter section; thence South 90 degrees 00 minutes 00 seconds East 24.11 feet to point "5531" designated on said plat; thence South 0 degrees 00 minutes 00 seconds West 90.00 feet to point "5530" designated on said plat; thence South 11 degrees 46 minutes 06 seconds East 122.58 feet to point "5529" designated on said plat; thence South 15 degrees 15 minutes 18 seconds West 57.01 feet to point "5528" designated on said plat; thence South 0 degrees 00 minutes 00 seconds West 24.96 feet to the south line of said quarter-quarter section; thence South 87 degrees 39 minutes 03 seconds West 33.89 feet along said southern line to the point of beginning and containing 0.222 acres, more or less, inclusive of the presently existing right of way which contains 0.104 acres, more or less. The portion of the above described real estate which is not already embraced within the presently existing right of way contains 0.118 acres, more or less.

Exhibit 2

EXHIBIT 2

Definitions

1. "Attached Residence" shall mean a residence attached to one or more other residences.

2. "Boulevard" shall mean a Street, internal to the subdivision, which is partially divided by a raised median.

3. "BZA" shall mean the Board of Zoning Appeals of the Town of Westfield and Washington Township, Indiana.

4. "Department" shall mean the Department of Community Development of the Town..

5. "Detached Residence" shall mean a residence that is not attached to another residence.

6. "Developer" shall mean Precedent Residential Development, LLC and its successors and assigns.

7. "DPR Provisions" shall mean the Development Plan Review Provisions in the Zoning Ordinance specified under WC 16.04.165.

8. "Landscape Standards" shall mean the Landscape Standards of the Zoning Ordinance specified in Chapter 6 of the Zoning Ordinance.

9. "Live Work Units" shall mean a structure in which residential and commercial spaces co-exist, and where the commercial space is relegated to the ground story frontage. Although the structure has a single ownership, the commercial space may be owner-occupied or separately leased. Architecture may be residential or commercial in appearance and construction.

10. "Private Street". Private Streets shall be 18' in width and need not be curbed. Private Streets shall be permitted in number and location as determined by the Developer in the Developer's sole discretion. Private Streets shall be constructed to depth and material standards set forth by the Town of Westfield. 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.

11. "Public Street". 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 Viking Meadows PUD. The width of Public Streets, from back of curb to back of curb, shall be a minimum of 24'.

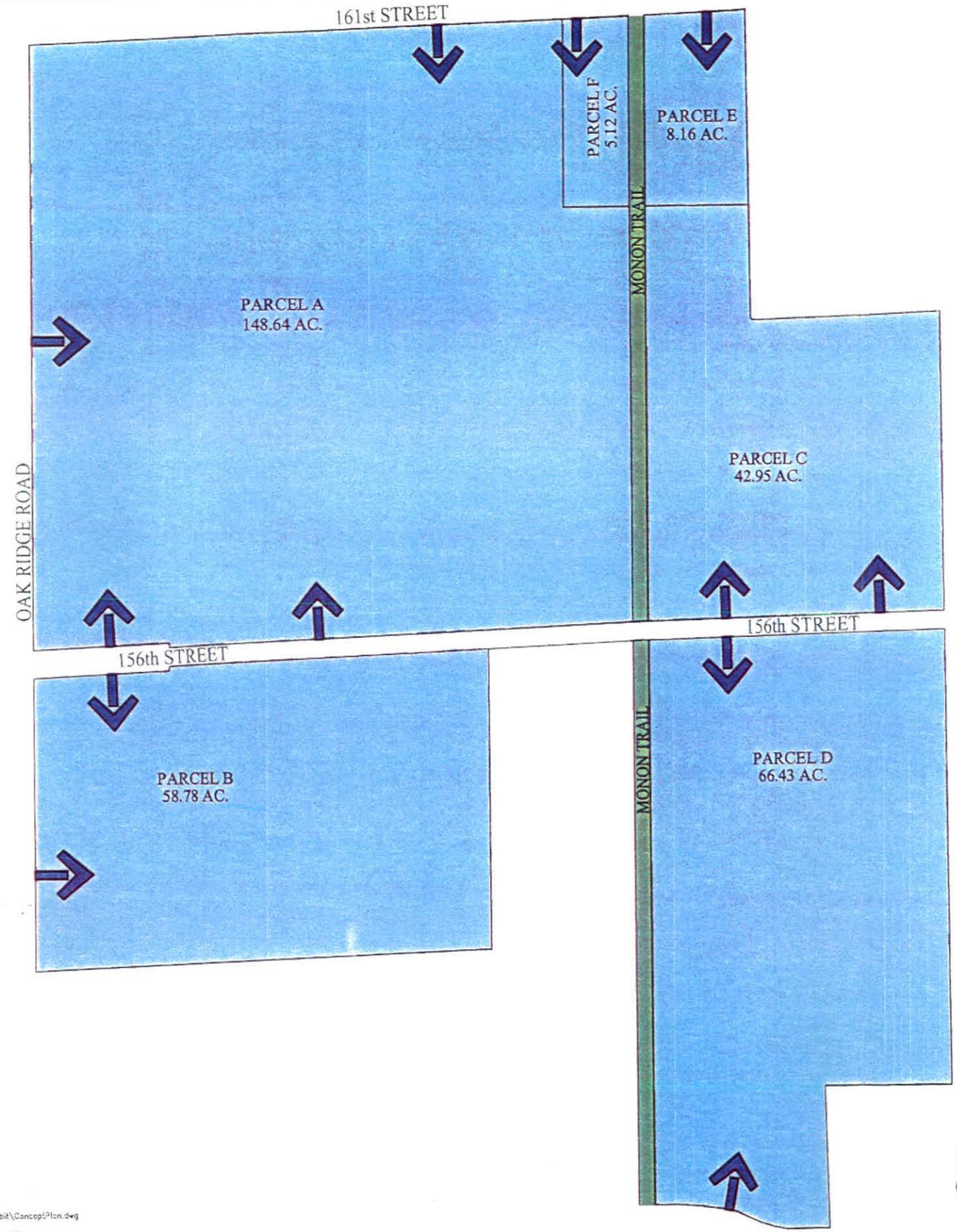
12. "Residence" shall mean a dwelling unit intended for occupancy by a single family. The term "residence" includes both an attached residence and a detached residence.

13. "Street" shall mean any street, whether public or private.

14. "Town" shall mean the Town of Westfield, Indiana.

Exhibit 3

VIKING MEADOWS
CONCEPT PLAN



LEGEND

= APPROXIMATE LOCATION OF ACCESS POINTS

RESIDENTIAL/ LOCAL BUSINESS DENSITY = 1.49 LOTS/ACRE
OR
RESIDENTIAL/ MULTIFAMILY DENSITY = 1.83 LOTS/ACRE

N

SCALE IN FEET

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PRECEDENT
RESIDENTIAL DEVELOPMENT, LLC

WEIHE ENGINEERS, INC.
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
LANDSCAPE ARCHITECTS
18605 NORTH COLLEGE AVENUE
INDIANAPOLIS, INDIANA 46259
(317) 846-6611 FAX: (317) 843-2516
TOLL-FREE (888) 453-6408

LOCATION: H:\2003\W03C049\Exhibit\ConceptPlan.dwg
LAYOUT: Concept Plan
DATE/TIME: October 11, 2003 - 10:22am
PLOTTED BY: carters

Exhibit 4

PARCEL "A"

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

Beginning at the northwest corner of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 87 degrees 45 minutes 58 seconds East (assumed bearing) on the north line of said Southwest Quarter 2274.66 feet; thence South 00 degrees 00 minutes 00 seconds East 790.25 feet; thence North 90 degrees 00 minutes 00 seconds East 281.45 feet to a point on the west right-of-way line of the Monon Railroad; thence South 00 degrees 09 minutes 41 seconds East on said west right-of-way line 1810.31 feet to a point on the south line of said Southwest Quarter; thence South 87 degrees 16 minutes 25 seconds West on said south line 2558.29 feet to the southwest corner of said Southwest Quarter; thence North 00 degrees 05 minutes 20 seconds West on the west line of said Southwest Quarter 837.03 feet to a corner of the real estate described in Instrument No. 2001-22531 in the Office of the Recorder of Hamilton County, Indiana; thence the following nine calls on the perimeter of said real estate: 1.) North 89 degrees 55 minutes 23 seconds East 17.78 feet; 2.) North 09 degrees 00 minutes 01 seconds East 45.57 feet; 3.) North 00 degrees 04 minutes 37 seconds West 95.00 feet; 4.) North 33 degrees 56 minutes 33 seconds East 48.26 feet; 5.) North 00 degrees 04 minutes 37 seconds West 25.00 feet; 6.) North 23 degrees 49 minutes 35 seconds West 54.63 feet; 7.) North 00 degrees 04 minutes 37 seconds West 90.00 feet; 8.) North 15 degrees 30 minutes 37 seconds West 46.68 feet; 9.) South 89 degrees 55 minutes 23 seconds West 17.63 feet to a point on the west line of said Southwest Quarter; thence North 00 degrees 05 minutes 20 seconds West on said west line 1406.55 feet to the Point of Beginning, containing 148.37 acres, more or less.

Subject to all easements, restrictions, and rights-of-way of record.

Exhibit 5

PARCEL "B"

A part of the Northwest Quarter of Section 13, Township 18 North, Range 3 East, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the northwest corner of the Northwest Quarter of Section 13, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 87 degrees 16 minutes 25 seconds East (assumed bearing) on the north line of said Northwest Quarter 1952.56 feet to a point which is on the easternmost line of the real estate described in Instrument No. 97-45676 (Exhibit D) in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 02 minutes 41 seconds East on the east line of said real estate 1323.73 feet to a point on the south line of the North Half of said Northwest Quarter; thence South 87 degrees 36 minutes 09 seconds West on said south line 1917.12 feet to the southeast corner of the real estate described in Instrument No. 2001-22530; thence the following five calls on the perimeter of said real estate: 1.) North 00 degrees 02 minutes 27 seconds West 24.96 feet; 2.) North 15 degrees 12 minutes 51 seconds East 57.01 feet; 3.) North 11 degrees 48 minutes 33 seconds West 122.58 feet; 4.) North 00 degrees 02 minutes 27 seconds West 90.00 feet; 5.) South 89 degrees 57 minutes 33 seconds West 24.11 feet to a point on the west line of said Northwest Quarter; thence North 00 degrees 05 minutes 26 seconds West on said west line 1021.12 feet to the Point of Beginning, containing 58.78 acres, more or less.

Subject to all easements, restrictions, and rights-of-way of record.

Exhibit 6

Parcel "C"

Real Estate titled to Viking Meadows, L.P. per Instrument No. 97-45674 & 97-45676 (Exhibit A)

Part of the Northwest Quarter of the Northeast Quarter of Section 13, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

Beginning at the intersection of the Easterly right-of-way line of the Monon Railroad and the North line of the Northeast Quarter of Section 13, Township 18 North, Range 3 East, said intersection being located 33.00 feet East of and parallel with the West line of said Northeast Quarter, and being measured on said North line 33.01 feet North 88 degrees 22 minutes 33 seconds East (assumed bearing) from the Northwest corner of said Northeast Quarter; thence North 88 degrees 22 minutes 33 seconds East on said East line 50.02 feet to a line that is parallel with and 83.00 feet East of, being measured perpendicular with the West line of said Northeast Quarter; thence South 00 degrees 12 minutes 55 seconds East on said line and measured parallel with the West line of said Northeast Quarter 665.80 feet; thence North 88 degrees 22 minutes 33 seconds East parallel with the North line of said Northeast Quarter to the East line of the Northwest Quarter of said Northeast Quarter; thence South 00 degrees 23 minutes 47 seconds East on the East line of the Northwest Quarter of said Northeast Quarter 662.70 feet to the Southeast corner of the Northwest Quarter of said Northeast Quarter; thence South 88 degrees 26 minutes 01 seconds West on the South line of the Northwest Quarter of said Northeast Quarter 1266.91 feet to the aforesaid Easterly right-of-way line of the Monon Railroad; thence North 00 degrees 12 minutes 55 seconds West on said right-of-way line and parallel with the West line of said Northeast Quarter 1327.27 feet to the place of beginning, containing 20.00 acres, more or less.

Real Estate titled to Howard C. and Dolores M. Peterson per Deed Book 347, Page 160

The Northwest Quarter of the Northeast Quarter of Section 13, Township 18 North, Range 3 East, containing forty (40) acres, more or less, except two (2) rods off the West side for railroad, leaving 39 acres, more or less in Hamilton County, Indiana.

Also,

Part of the Northeast Quarter of the Northeast Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana described as follows:

Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 13, Township 18 North, Range 3 East; thence South 00 degrees 23 minutes 47 seconds East (assumed bearing) on the West line thereof 1307.24 feet; thence North 87 degrees 13 minutes 40 seconds East 13.79 feet to the West line of real estate described in a Warranty Deed, recorded in Deed Record 206, page 219, in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 42 minutes 15 seconds West on said West line 1306.83 feet to the Northwest corner of said real estate; thence South 88 degrees 22 minutes 33 seconds West on the North line of the Northeast Quarter of said Northeast Quarter Section 6.76 feet to the beginning point; containing 0.308 acre more or less.

EXCEPTING THEREFROM the real estate titled to Viking Meadows, L.P. and described in Instrument No. 97-45674 & 97-45676 (Exhibit A), being more particularly described as follows;

Part of the Northwest Quarter of the Northeast Quarter of Section 13, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

Beginning at the intersection of the Easterly right-of-way line of the Monon Railroad and the North line of the Northeast Quarter of Section 13, Township 18 North, Range 3 East, said intersection being located 33.00 feet East of and parallel with the West line of said Northeast Quarter, and being measured on said North line 33.01 feet North 88 degrees 22 minutes 33 seconds East (assumed bearing) from the Northwest corner of said Northeast Quarter; thence North 88 degrees 22 minutes 33 seconds East on said East line

minutes 55 seconds East 273.28 feet to a point on the North right of way line of said Ascot Hill North; thence continuing South 00 degrees 12 minutes 55 seconds East 361.00 feet to the place of beginning, containing 14.03 acres, more or less.

ALSO

Part of the Northeast Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana, described as follows:

Beginning at the Southwest corner of the Northeast Quarter of Section 13, Township 18 North, Range 3 East; thence North 00 degrees 12 minutes 55 seconds West (assumed bearing) on the West line thereof 190.00 feet to the centerline of Greyhound Pass; thence South 85 degrees 57 minutes 33 seconds East on said centerline 32.32 feet to the True Beginning Point of the real estate herein described on the East right-of-way line of the Monon Railroad (said point being 33 feet East of the centerline of said railroad); thence North 00 degrees 27 minutes 08 seconds West on said East right-of-way line 382.15 feet to the point of curvature of a curve having a radius length of 22,885.31 feet which bears North 89 degrees 32 minutes 05 seconds East; thence Northerly on said right-of-way line curve to the right 124.15 feet to the point of tangency thereof; thence North 00 degrees 08 minutes 29 seconds West on said right-of-way line 628.58 feet to the North line of property described in a Warranty Deed recorded in Deed Record 266, Page 362 in the Office of the Recorder of Hamilton County, Indiana; thence North 87 degrees 13 minutes 40 seconds East on said North line 342.49 feet to the Northerly prolongation of the centerline of Ascot Hill North; thence South 00 degrees 12 minutes 55 seconds East on said prolongation and centerline 634.36 feet to a point that is 336.60 feet North 00 degrees 12 minutes 55 seconds West of the point of tangency of a curve in said Ascot Hill North; thence North 89 degrees 15 minutes 24 seconds East 388.72 feet; thence South 01 degrees 27 minutes 05 seconds East 638.43 feet to the centerline of Greyhound Pass; thence South 88 degrees 32 minutes 55 seconds West on said centerline 140.17 feet to the point of curvature of a curve having a radius length of 375.00 feet which bears North 01 degrees 27 minutes 05 seconds West; thence Westerly and Northwesterly on said curve to the right 170.83 feet to the point of tangency thereof; thence North 65 degrees 21 minutes 07 seconds West on said centerline 100.39 feet to the point of curvature of a curve having a radius length of 300.00 feet which bears South 24 degrees 38 minutes 53 seconds West; thence Westerly on said centerline and curve 107.90 feet to the point of tangency thereof; thence North 85 degrees 57 minutes 33 seconds West on said centerline 243.48 feet to the True Beginning Point; containing 14.729 acres, more or less.

AND ALSO

Beginning at the Southwest corner of the Northeast Quarter of Section 13, Township 18 North, Range 3 East; thence North 00 degrees 12 minutes 55 seconds West (assumed bearing) on the West line thereof 190.00 feet to the centerline of Greyhound Pass; thence South 85 degrees 57 minutes 33 seconds East on said centerline 32.32 feet to the East right-of-way line of the Monon Railroad (said point being 33 feet East of the centerline of the railroad); thence North 00 degrees 27 minutes 08 seconds West on said East right-of-way line 382.15 feet to the point of curvature of a curve having a radius length of 22,885.31 feet which bears North 89 degrees 32 minutes 05 seconds East; thence Northerly on said right-of-way line and curve to the right 124.15 feet to the point of tangency thereof; thence North 00 degrees 08 minutes 29 seconds West on said right-of-way line 628.58 feet to the True Beginning Point of the parcel herein described on the North line of property described in a Warranty Deed recorded in Deed Record 266, Page 362 in the Office of the Recorder of Hamilton County, Indiana; thence North 87 degrees 13 minutes 40 seconds East on said North line 261.12 feet; thence North to the South line of the Northwest Quarter of said Northeast Quarter; thence South 88 degrees 26 minutes 01 seconds West on said South line 260.93 feet to the East right-of-way line of the Monon Railroad; thence South 00 degrees 08 minutes 29 seconds East on said right-of-way line 5.50 feet to the True Beginning Point; containing 0.016 acre, more or less.

LESS

Beginning at the Southwest corner of the Northeast Quarter of Section 13, Township 18 North, Range 3 East; thence North 00 degrees 12 minutes 55 seconds West (assumed bearing) on the West line of said

Northeast Quarter 190.00 feet to the centerline of Greyhound Pass; thence South 85 degrees 57 minutes 33 seconds East on said centerline 275.80 feet to the point of curvature of a curve to the right having a radius of 300.00 feet, which bears South 04 degrees 02 minutes 27 seconds West from said point; thence Southeasterly on said centerline and curve to the right 53.95 feet to the centerline of Ascot Hill North; thence North 14 degrees 20 minutes 40 seconds East on said centerline 147.98 feet to the point of curvature of a curve to the left having a radius of 250.00 feet which bears North 75 degrees 39 minutes 20 seconds West from said point; thence Northerly on said curve and centerline 63.53 feet to the point of tangency thereof; thence North 00 degrees 12 minutes 55 seconds West on said centerline 580.96 feet to the True Beginning Point of the real estate herein described; continuing thence North 00 degrees 12 minutes 55 seconds West 240.00 feet; thence North 89 degrees 47 minutes 05 seconds East 181.50 feet; thence South 00 degrees 12 minutes 55 seconds East 240.00 feet to a line that bears North 89 degrees 47 minutes 05 seconds East of the True Beginning Point; thence South 89 degrees 47 minutes 05 seconds West on said line 181.50 feet to the True Beginning Point; containing 1.00 acre, more or less.

All of the above described real estate is subject to all easements, restrictions, and rights-of-way of record.

Exhibit 7

PARCEL "D"

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

Commencing at the southwest corner of the Southeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 88 degrees 22 minutes 33 seconds East (assumed bearing) on the south line of said Southeast Quarter 33.01 feet to a point on the east right-of-way line of the Monon Railroad, said point also being the Point of Beginning of the herein described real estate; thence North 00 degrees 09 minutes 41 seconds West on said east right-of-way line 1807.99 feet; thence North 89 degrees 50 minutes 19 seconds East 452.17 feet to a point on the east line of the real estate described in Instrument No. 97-45676 (Exhibit C) in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 27 minutes 45 seconds East on said east line 486.82 feet to a point on the north line of the Southwest Quarter of said Southeast Quarter; thence the following two calls on the perimeter of said Quarter-Quarter: 1.) North 87 degrees 54 minutes 25 seconds East 802.03 feet; 2.) South 00 degrees 25 minutes 37 seconds East 1315.99 feet to a point on the south line of said Southeast Quarter; thence South 88 degrees 22 minutes 33 seconds West on said south line 1262.81 feet to the Point of Beginning, containing 43.05 acres, more or less.

Subject to all easements, restrictions, and rights-of-way of record.

Exhibit 8

PARCEL "E"

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

Commencing at the southwest corner of the Southeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 88 degrees 22 minutes 33 seconds East (assumed bearing) on the south line of said Southeast Quarter 33.01 feet to a point on the east right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on said east right-of-way line 1807.99 feet to the Point of Beginning of the herein described real estate; thence North 89 degrees 50 minutes 19 seconds East 452.17 feet to a point on the east line of the real estate described in Instrument No. 97-45676 (Exhibit C) in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 27 minutes 45 seconds West on said east line 822.59 feet to a point on the north line of said Southeast Quarter; thence South 87 degrees 26 minutes 20 seconds West on said north line 448.24 feet to a point on said east right-of-way line of said Monon Railroad; thence South 00 degrees 09 minutes 41 seconds East on said east right-of-way line 803.81 feet to the Point of Beginning, containing 8.40 acres, more or less.

Subject to all easements, restrictions, and rights-of-way of record.

Exhibit 9

PARCEL "F"

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

Commencing at the northwest corner of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 87 degrees 45 minutes 58 seconds East (assumed bearing) on the north line of said Southwest Quarter 2274.66 feet to the Point of Beginning of the herein described real estate; thence South 00 degrees 00 minutes 00 seconds East 790.25 feet; thence North 90 degrees 00 minutes 00 seconds East 281.45 feet to a point on the west right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on said west right-of-way line 801.15 feet to a point on said north line of said Southwest Quarter; thence South 87 degrees 45 minutes 58 seconds West on said north line 279.41 feet to the Point of Beginning, containing 5.12 acres, more or less.

Subject to all easements, restrictions, and rights-of-way of record.

Exhibit 10

EXHIBIT 10

UNDERLYING ZONING FOR PARCELS A, B, C, and D
SF2-SINGLE FAMILY

WC § 16.04.030 Residential Districts

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

1. Partial use of alley for yard: One-half of an alley abutting the rear or the side of a lot may be included in the required rear yard or side yard, respectively, if the alley has not been developed for the carrying of traffic.

2. Accessory buildings and uses:

   a) Accessory buildings are permitted in all districts, but not prior to the erection of the principal building, except for strictly storage or utility purposes; and not for human occupancy.

   b) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a lake nature are permitted in any required front, side or rear year, and without the issuance of any permit.

   c) Accessories such as large ground microwave antenna dishes are not permitted in front or side yards; however, a satellite receiver antenna which is two feet in diameter or less may be installed in any location in accordance with the provisions of IC 36-7-4-201.1.

   d) Windmills for the generating of electric power are not permitted in any residential district except AG-SF 1 without receiving approval as a special exception.

3. Building Lines:

   a) Where 25 percent or more of the lots in a block frontage are occupied by buildings the average setback of such buildings determine the location of the building line for the block frontage in lieu of the setback lines contained in this chapter.

   b) Building lines established in a recorded subdivision shall establish the setback of buildings in such subdivisions, except when such building lines may be less restrictive than provided in this chapter.

   c) On through lots a building line is required on each street.

4. Building Height: In the single family districts limiting building height to 25 feet, a dwelling may be increased in height not to exceed 35 feet, provided that each side yard is increased an additional foot for each foot such building exceeds 25 feet in height.

~~6. Minimum Setback Lines -~~

- Front yard - 50 feet
- Side yard - 12 feet; 50 feet if corner lot
- Rear yard - 30 feet
- Minimum lot width at building line - 85 feet

7. Maximum Building Height - Not to exceed two and one-half stories or 35 feet whichever is lower

8. Minimum ground level square footage, exclusive of porches, terraces and garages -

- Single story - 1350 square feet
- Two-story - 800 square feet
- Tri-level - 800 square feet (basement and first level)
- Story and one-half - 800 square feet

~~9. Parking - Off-street parking shall be a minimum of two (2) spaces for each dwelling~~

D. SF 2 - This district is established for low density, single family residential homes with available sanitary sewers.

1. Permitted Uses -

- Single Family Dwellings
- Churches
- Schools - public or private - without dormitory accommodations
- Public parks
- Accessory buildings as related to single family residential use
- Accessory buildings as related to agriculture - non-subdivision
- Golf Courses
- Fire stations
- Temporary buildings for construction purposes for a period not to exceed such construction
- Signs as permitted by sign ordinance
- Stables (on lots of 3 acres or more with a minimum of 200 foot setback from any adjoining property line)
- Cemeteries
- Utilities - All utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body
- Child care home - in accordance with IC 36-7-4-1108
- Residential facility for mentally ill - in accordance with IC 12-28-4-7

2. Special Exceptions -

   - Golf courses, country clubs
   - Convents, monasteries, theological schools, rectories and parish houses
   - Cemeteries - pet

3. Permitted Home Occupations -

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

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

4. Minimum lot area -

   - Subdivisions - not less than 15,000 square feet
   - Individual lots not located in approved subdivisions - not less than 3 acres

5. Minimum lot frontage on road -

   - Subdivisions - not less than 50 feet
   - Three acre lots - a minimum of 250 feet

6. Minimum setback lines - all construction -

   - Front yard - Three acre lots - not less than 100 feet on expressways, primary arterials, and secondary arterials
     - not less than 80 feet on all other streets.
     Subdivisions - not less than 30 feet

   - Side yard - Subdivision - 12 feet except corner lots when 30 feet will apply also to side yards on a corner lot.
     Three acre lots - 30 feet

   - Rear yard - Subdivision - 30 feet
     Three acre lots - 30 feet

   - Minimum lot width at building line - Subdivisions - 100 feet
     Three acre lots - N/A

7. Maximum building height - Not to exceed two and one-half stories or 35 feet whichever is lower

8. Minimum ground level square footage, exclusive of porches, terraces and garages - Single family -

   - Single story - 1200 square feet
   - Two story - 800 square feet
   - Tri-level - 800 square feet (basement & 1st level)
   - Story and one-half - 800 square feet

9. Parking - Off-street parking shall be provided in accordance with provisions set forth in this ordinance

E. ~~SF-3 - This district is established for residential homes medium density, single family with~~ available public water and sewer facilities.

1. Permitted Uses -

   - Single family dwellings
   - Churches
   - Public or private schools without dormitory accommodations
   - Public parks - not to exceed five acres
   - Fire station
   - Accessory buildings as they relate to above uses
   - Utilities - All utilities regulated by the Indiana Utility Regulatory Commission or a ~~municipal governing body~~

Exhibit 11

EXHIBIT 11

UNDERLYING ZONING FOR PARCEL E AND PARCEL F
LB-LOCAL BUSINESS

WC § 16.04.050 Business Districts

A. General Requirements (other than historical district) -

1. Groups of users requiring parking space may join in establishing group parking area with capacity aggregating that required for each participating use, with the approval of the Plan Commission.

2. Public parking area and loading and unloading berths shall be paved with a dust proof or hard surface.

3. One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.

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

5. Parking may be permitted in the required front yard for business uses.

6. On a through lot, front yards shall be provided on each street in the local business, general business and historical districts.

7. The maximum building height requirements may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirement.

8. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, distribution poles and lines, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

9. A suitable planting screen shall be provided on any business yard that abuts a residential area in accordance with the landscaping provisions in this section. Such plantings shall provide an effective screen at the time of construction of the development.

10. The Plan Commission shall review and approve plans to assure adherence to developmental standards and overall conformity to the Master Plan and Zoning Ordinance.

11. There shall be no storage or display of merchandise outside of a building except in a sales lot established for that purpose and except for merchandise associated with sidewalk-type sales events of less than one (1) week in duration and with a frequency of no more than once every six (6) calendar months.

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

1. Special Requirements

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

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

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

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

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

3. Special Exception Uses – None.

4. Minimum Lot Area – Five (5) acres.

5. Minimum Lot Frontage - 50 Feet.

6. Minimum Setback Requirements

   a. Front Yard Adjacent to All Districts –

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

b. Side Yards Adjacent to Residential Districts -

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

c. Side Yards Adjacent to Non-Residential Districts –

Required side yards adjacent to non-residential districts shall be 15 feet.

d. Rear Yards Adjacent to Residential Districts -

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

e. Rear Yard Adjacent to Non-Residential Districts –

Required rear yards adjacent to non-residential districts shall be 20 feet.

7. Use of Required Yards

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

a. Front Yard Adjacent to Non-Residential Districts –

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

b. Front Yard Adjacent to Residential Districts –

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

c. Side and Rear Yards Adjacent to Non-Residential Districts –

Required side and rear yards may include interior access driveways, provided that the remainder of said required side or rear yard shall be maintained as green space free from buildings or structures.

d. Side and Rear Yards Adjacent to Residential Districts –

Required side and rear yards shall be maintained as green space free from buildings or structures.

8. Maximum Building Height

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

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

9. Square Footage Requirements

a. Minimum Business Size – 800 square feet.

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

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

10. Parking

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

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

11. Loading – See WC 16.04.120.

12. Signs – See WC 16.08, et seq.

13. Landscaping – See WC 16.06, et seq.

14. Lighting – See WC 16.07.010.

15. Development Plans

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

a. Pedestrian Access and Orientation:

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

b. Building Fascia:

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

c. Vehicle Access:

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

d. Development Pattern:

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

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

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

Exhibit 12

EXHIBIT 12

UNDERLYING ZONING FOR PARCEL E AND PARCEL F
MF2-MULTI-FAMILY 2

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

1. Permitted Uses -

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

2. Special Exceptions -

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

3. Permitted Home Occupations -

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

Permitted home occupations shall not include the employment of persons in addition to occupants of the dwelling unit in performance of such services, and shall not include exterior display of signs, except as permitted by the sign regulations for residential districts as outlined in the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

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

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

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

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

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

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

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

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

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

~~9. Minimum Road Frontage - seventy (70) feet~~

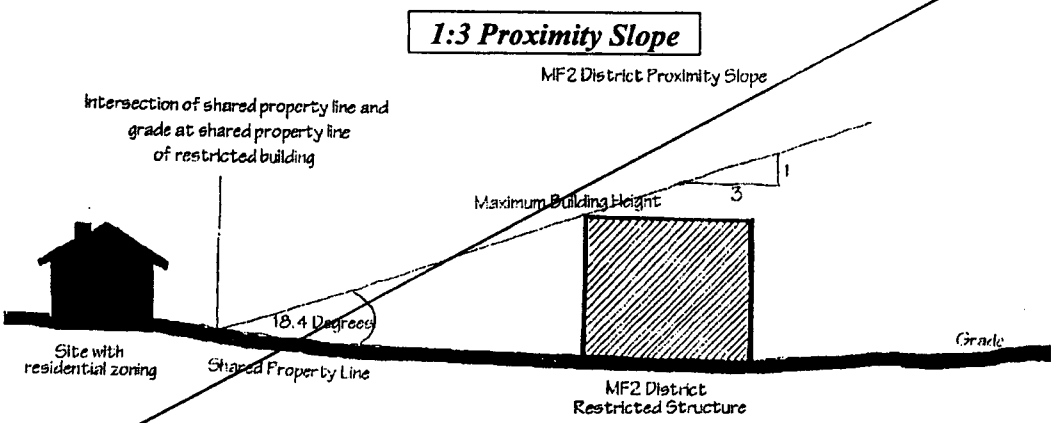
10. Minimum Setback Requirements

    a. Front Yard - thirty (30) feet

    b. Side Yard - twelve (12) feet

    c. Rear Yard - twenty (20) feet

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



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

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

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

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

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

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

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

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

Table 16.04.040-1

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

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

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

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

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

16. Transportation Accessibility -

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

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

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

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

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

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

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

~~18. Lighting - see WC 16.07, Lighting~~

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

Exhibit 13

AGRICULTURAL USES

A	B	C	D	E	F	
X	X	X	X	X	X	**Accessory Use** A use which is customarily accessory, and clearly incidental and subordinate, to the principal agricultural use on the same lot.
X	X	X	X	X	X	**Agricultural Uses, Land Animal Related** Commercial agricultural activities involving the production of animals and the preparation of products for human use, including dairying, poultry, livestock, or other such operations, but excluding meat processing and packaging operations.
X	X	X	X	X	X	**Agricultural Uses, Non-Animal Related** Agricultural and farming activities involving the production and preparation of plants for animal or human use, including horticulture, nurseries, forestry, sugar making, viticulture, grains and seed crops, fruits and vegetables of all kinds, greenhouse applications, and lands devoted to soil conservation, wildlife habitat and forestry management; all such uses exclude the processing and packaging of plants as food stuffs, with the exception of viticulture operations and small-scale marketing of processed fruit products, as in fruit markets.
						Aquaculture The commercial cultivation and processing of aquatic life, including fish, shellfish and seaweed.
						Commercial Non-Farm Animals Animal production for human use, not including animals for agricultural use as listed above, but including animals for commercial production, such as bees and apiary products, fur animals, and exotic animals.
X	X	X	X	X	X	**Equine Services** Operations involved in the shelter and care of horses, as well as breeding, training, and for giving lessons, including stables, stud farms, and other related uses.
X	X	X	X	X	X	**Feed Lot** An open-air area restricted by fencing or other structure in which animals are fed, watered, and otherwise maintained for the purpose of growing for market and limited to less than 150 cattle, 300 swine or sheep, or 10,000 fowl, per facility.
						Feed Mill A facility where various feed stuffs are inventoried and processed for the purpose of providing complete or partial animal rations. This facility sells its product either directly to the user or may provide the service of delivery to the user. Sale of other agricultural items may be included and shall be an incidental accessory use. Limited, portable operation of feed mills as non-commercial uses on farms is allowed as an accessory use.

RESIDENTIAL USES

A	B	C	D	E	F	
X	X	X	X	X	X	**Accessory Apartment** A separate and complete dwelling unit contained within the structure of a single family dwelling unit, and containing only one bedroom.
X	X	X	X	X	X	**Accessory Livestock, Non-Farm Animals** Keeping domestic livestock, or poultry for personal use in a manner that is customarily accessory and clearly incidental and subordinate to the principal rural residential uses on the same lot.
X	X	X	X	X	X	**Accessory Use** A use which is customarily accessory, and clearly incidental and subordinate, to the principal residential use on the same lot.
X	X	X	X	X	X	**Boarding House** A dwelling or part thereof in which, for compensation, temporary lodging and meals are provided.
				X	X	**Elderly Housing** The use of a site for a residential/service complex to house elderly persons who are capable of caring for themselves and maintaining independent households. A typical complex would include separate dwelling units, containing independent cooking, bathroom, and sleeping facilities, to be occupied by only one (1) person or couple. Establishments primarily engaged in the provision of frequently or recurrently needed services of a personal nature, such as barber or beauty services, a pharmacy, and so forth, may be included in the complex.
		X	X			**Guest House** An accessory building containing a lodging unit with or without kitchen facilities, used to house occasional nonpaying visitors or guests of the occupants of a dwelling unit on the same site.
						Home Occupation An accessory occupational use to the residential dwelling conducted by its inhabitants which is clearly incidental to the use of the structure for residential purposed and does not change the residential character of the site. There are three classifications of home occupation:
X	X	X	X			<u>Home Occupation, Class I</u> – A home occupation conducted entirely within a primary residential structure, limited to not more than twenty (20) percent of the total square footage of the residential structure, with no employees not living on-site, with no external signs and with no sales conducted on site.
X	X	X	X	X	X	<u>Home Occupation, Class II</u> – A home occupation conducted entirely within a primary residential structure, limited to not more than twenty-five (25) percent of the total square footage of the residential structure, with up to two (2) employees not living on-site, with permitted incidental sales of goods produced on site, but with no external business identification signs permitted.
X	X	X	X	X	X	<u>Home-based Business</u> – A home occupation based in the primary residential structure (not more than twenty-five (25) percent of the total square footage of the residential structure) or one accessory structure, with up to two (2) employees not living on-site, with permitted incidental sales of merchandise constructed/manufactured on-site or incidental to services performed on-site, and with minimal advertising signs as per the Westfield Washington Township Zoning Ordinance.

A	B	C	D	E	F	
						Manufactured Home Park A site containing spaces with required improvements and utilities that may be leased for the long-term placement of manufactured houses and that may include services and facilities for the residents.
				X	X	**Multifamily Dwelling** The use of a lot for three (3) or more dwelling units, within one (1) or more buildings, other than a manufactured home.
X	X	X	X	X	X	**Single Family Dwelling** The use of a lot for only one (1) dwelling unit, including site-built housing or manufactured housing.
						Temporary Dwelling The temporary use of a manufactured home as a residence on a lot previously occupied by permanent dwelling that is destroyed to such an extent as to be unlivable, such temporary dwelling to be permitted to remain during the period of reconstruction of the permanent dwelling.
				X	X	**Two Family Dwelling** The use of a lot for two (2) dwelling units within a single building.

PUBLIC, SEMIPUBLIC, AND OFFICE FACILITIES

A	B	C	D	E	F	
				X	X	**Accessory Use** A use which is customarily accessory, and clearly incidental and subordinate, to the principal public, semipublic, or office facility use on the same lot.
						Airport A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.
				X	X	**Assisted Living Facilities** Establishments primarily engaged in the provision of residential social and personal care for individuals or groups of individuals, but where medical care is not a major element.
						Camping Facility A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.
						Cemetery Land used for burying the human dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of the cemetery.
						Cemetery, Pet Land used for burying dead domesticated animals and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of the cemetery.
				X	X	**Charitable, Fraternal, or Social Organization** A facility for administrative, meeting, or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members and guests.
X				X	X	**Community Center** A facility designed for educational, recreational, cultural, and social activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.
				X	X	**Cultural Facility** A library, museum, or similarly registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
X				X	X	**Day Care Facility** A facility, or use of a building or portion thereof, for daytime care of individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses, but excludes public and private primary or secondary educational facilities and child care homes as defined by the State of Indiana Code.
						Funeral Home An establishment engaged in undertaking services, such as preparing the human dead for burial, and arranging and managing funerals.
				X	X	**Governmental Facility** A government owned or operated building, structure, or land used for public purpose.

A	B	C	D	E	F	
						Group Home A housing unit classified further as one of the following: (a) Group Home, Class I. A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age and older, and maternity homes. (b) Group Home, Class II. A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.
						Hospice An establishment primarily engaged in the provision of supportive care for terminally ill patients in a homelike facility.
						Hospital A facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research and administration, and services to patients, employees, and visitors.
				X	X	**Medical Clinic** An establishment providing medical, psychiatric or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services.
				X	X	**Nursing Home** A privately operated establishment providing long-term personal and nursing care for the elderly, or for other individuals incapacitated in some manner for medical reasons.
				X	X	**Office** An establishment primarily engaged in providing professional, financial, administrative, clerical and other similar services.
				X	X	**Office Showroom** An establishment where office merchandise is exhibited for sale or where sample office supply items are displayed, including incidental storage, provided that a minimum of twenty (20) percent of the building is comprised of finished office space.
				X	X	**Postsecondary Educational Institution** A school offering educational instruction beyond the secondary level leading to academic degrees, having regular sessions with regularly employed instructors, which is licensed by the Indiana Department of Education.

A	B	C	D	E	F	
				X	X	**Professional/Technical Training/Educational Institution** An establishment engaged in providing training or education in the arts, business and clerical operations or other specialized professional or technical field, having regular sessions with regularly employed instructors, where academic degrees or certificates are not necessarily issued and where licensing by the Indiana Department of Education may not be required.
				X	X	**Religious Facilities** A building or structure, or group of buildings or structures, that by design and construction is primarily intended for conducting organized religious services ***and associated accessory uses!!!***.
				X	X	**Retirement Center** A facility designed for educational, recreational, social, and other similar types of activities for retired persons.
				X	X	**School (K-12)** A school offering educational instruction in grades kindergarten (K) through twelve (12), or any portion thereof, having regular sessions with regularly employed instructors, that teach those subjects that are fundamental and essential in general education, and which are licensed by the Indiana Department of Education.
				X	X	**Telecommunication Services** Any facility used to provide telephone or telegraph services to the public, but not including general offices or wireless communication facilities.
						Temporary Care Facility A facility designed to allow persons needing temporary special supervision or care to live together in a homelike, noninstitutional setting in order to conduct their lives in the least restrictive environment possible in a manner most like that of persons not needing special supervision or care.
				X	X	**Utility Service Facility** Generating plants, electrical switching facilities and primary substations, and other services which are necessary to support principal development and involve minor structures such as lines and poles.
						Wastewater Treatment Facility Facility designed for the treatment and discharge of wastewater.
				X	X	**Water Treatment Facility** Facilities designed for the collection, treatment, and transport of potable water.
				X	X	**Wireless Communications Facility** Any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, transmission cables, equipment facilities, and a Support Structure.

BUSINESS AND PERSONAL SERVICES

A	B	C	D	E	F	
				X	X	**Accessory Use** A use which is customarily accessory, and clearly incidental and subordinate, to the principal business or personal service use on the same lot.
						Aircraft Charter Service An establishment primarily engaged in the private air transportation of passengers and cargo, usually performed under private contract with a person, group of persons, or private company or corporation.
						Airport Transportation Service An establishment primarily engaged in the ground transportation of passengers, luggage, and other small cargo from and to airports.
				X	X	**Appliance Repair** An establishment involved in repairing instruments or devices designed for a particular use, such as stoves, fans, or refrigerators, that are operated by gas or electric current.
						Auction House A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.
						Bed and Breakfast A business involving renting rooms to overnight guests and offering breakfast meals only to those guests. The owners of the business shall live on the premises.
						Boat Storage A storage facility utilizing enclosed buildings and/or unenclosed outdoor areas for the seasonal or year-round storage of four or more boats.
						Bottled Gas Storage and Distribution An establishment primarily engaged in the retail sale of pressurized gas products, such as natural gas and propane, from bulk gas storage facilities.
						Cargo and Package Service An establishment primarily engaged in the hauling and delivery of cargo and packages between persons, companies, and corporations, while acting as a distinct party to the transaction.
				X	X	**Catalog and Mail-Order Sales** Establishments primarily engaged in the retail sale of products by television, catalog, and mail-order. These establishments do not ordinarily maintain stock for sale on the premises.
				X	X	**Caterer** A place of business whose employees provide food and service for various functions, such as banquets, private parties, weddings, and so forth.
				X	X	**Cleaning and Maintenance Services for Buildings** Establishments primarily engaged in providing building cleaning and maintenance services, such as window cleaning, janitorial service, floor waxing, and office cleaning on a contract or fee basis.

A	B	C	D	E	F	
						Coin-Operated Laundry and Dry Cleaning An establishment providing coin-operated or similar self-service laundry and dry cleaning equipment for use on the premises.
						Convenience Storage A storage service primarily for personal effects and household goods within an enclosed storage area having individual access, but excluding uses such as workshops, hobby shops, manufacturing or commercial activities, and may include an on-site apartment for a resident manager.
				X	X	**Copy and Other Administrative Business Services** A place of business providing duplication services, on-site computer use, mail/packaging services and/or other similar administrative business services.
				X	X	**Dry Cleaning and Laundry Pickup** An establishment providing dry cleaning and laundry pickup services, but where no dry cleaning and laundering are done on the premises.
						Dry Cleaning and Laundry Service An establishment providing dry cleaning and laundering services where dry cleaning and laundering are done on the premises with chemical containment equipment.
				X	X	**Electrical Repair** An establishment primarily engaged in repairing electrical and electronic equipment, such as electrical household appliances and equipment.
				X	X	**Employment Agency** An agency whose business is to find jobs for people seeking employment or to find people to fill jobs that are available.
						Equipment Rental, Heavy An establishment involved in renting small tools and equipment, such as plumbing tools, lawn and garden equipment, janitorial equipment, and so forth.
						Equipment Rental, Light An establishment involved in renting furniture and appliances, such as baby beds, chairs and tables, televisions and videocassette recorders, videodiscs, and medical equipment and so forth.
				X	X	**Estate Services** A business which provides estate planning and financial services, and organizes and conducts estate sales and management services, under contract.
				X	X	**Exterminating Service** A service related to the eradication and control of rodents, insects, and other pests.
				X	X	**Financial Service** An establishment primarily engaged in providing financial and banking services. Typical uses include banks, savings and loan institutions, securities brokers, loan and lending activities and similar services.
						Gunsmith An individual who designs, makes or repairs small firearms.

A	B	C	D	E	F	
						Industrial Equipment Repair An establishment primarily engaged in repairing industrial equipment, including repairing heavy-construction and earth-moving equipment.
				X	X	**Insurance Agency** An agency whose business is to underwrite, sell or broker insurance policies.
				X	X	**Interior Decorating** An establishment involved in the art or practice of planning and supervising the design and implementation of architectural interiors and their furnishings.
				X	X	**Legal Service** An establishment engaged in offering legal advice or legal services, the head or heads of which are members of the bar.
				X	X	**Locksmith** An establishment engaged in making or repairing locks.
						Lodging A facility that offers transient lodging accommodations to the general public for compensation and may also provide additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.
X				X	X	**Meeting Facilities** Establishments primarily engaged in the operation of exhibition, exposition, convention, conference and like meeting facilities that may include food preparation or catering facilities on-site.
				X	X	**Office Equipment Repair** An establishment involved in repairing office equipment, such as typewriters, copying machines, computers, calculators, and so forth.
						Parking Facility An area on a site with or without a principal use, which includes one or more off-street parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features. A parking facility includes parking lots, parking garages, and parking structures, and includes both publicly and privately owned facilities.
				X	X	**Personal Grooming Services** An establishment providing human personal grooming services including, but not limited to, cutting and styling men's hair, shaving and trimming beards, women's hairdressing/styling, facials, manicures and other related services.
				X	X	**Pet Services** Establishments engaged in grooming and boarding, totally within a building, of dogs, cats, birds, fish, or similar small animals customarily used as household pets. Typical uses include dog bathing and clipping salons, pet grooming shops and obedience schools, but not pet cemeteries.
				X	X	**Photographic Service** An establishment primarily engaged in developing films, in making photographic prints and enlargements for the trade or for the general public, and in renting photographic equipment.

A	B	C	D	E	F	
				X	X	**Real Estate Agency** An agency primarily engaged in renting, buying, selling, managing and appraising real estate for others.
X	X	X	X	X	X	**Real Estate Sales Office or Model Home Office** The temporary use of a mobile office, or similar structure, or a model home, as a sales office during the development of a new subdivision, office building, shopping center, industrial complex, and so forth.
				X	X	**Security Systems Services** Establishments primarily engaged in monitoring and maintaining security systems devices, such as burglar and fire alarms, which may also sell or lease and install the security systems which they monitor and maintain.
				X	X	**Shoe Repair** A place of business primarily engaged in repairing footwear.
						Small Engine and Motor Repair An establishment involved in repairing lawn mowers, garden equipment, model airplane engines, and so forth.
				X	X	**Tailoring** An establishment primarily engaged in making and selling men's and women's clothing to individual order.
				X	X	**Tanning Salons** Establishments primarily engaged in providing tanning services for individuals via tanning beds or booths.
						Taxidermist One who prepares, stuffs, and mounts the skins of animals, especially vertebrates.
				X	X	**Travel Agency** An agency engaged in selling and arranging personal transportation and accommodations for travelers.
				X	X	**Upholstery Service** An establishment offering reupholstery and repair services and specific upholstery materials for sale.
				X	X	**Veterinary Service (Indoor)** An establishment of licensed practitioners primarily engaged in practicing veterinary medicine, dentistry or surgery where all services are performed or provided indoors.
						Veterinary Service (Outdoor) An establishment of licensed practitioners primarily engaged in practicing veterinary medicine, dentistry or surgery where some services may be performed or provided outdoors.

See page 23 of this Exhibit 13 for additional uses permitted in Parcel E, if Parcel E is developed commercially, and in Parcel F, if Parcel F is developed commercially.

RETAIL AND WHOLESALE TRADE

A	B	C	D	E	F	
				X	X	**Accessory Use** A use which is customarily accessory, and clearly incidental and subordinate, to the principal retail or wholesale trade use on the same lot.
						Agricultural Sale Barn A facility where a livestock auction market is conducted and may include agricultural products or equipment sold on a consignment basis.
						Agricultural Supply An establishment involved in the retail sale of animal feeds, fertilizers, pesticides, seeds and other farm supplies, and non-mechanized equipment.
				X	X	**Apparel Shop** An establishment involved in selling clothing and clothing accessories.
						Appliance Sales Establishments involved in selling instruments or devices designed for a particular use, such as stoves, fans or refrigerators, that are operated by gas or electric current.
				X	X	**Audio/Video Store** An establishment primarily engaged in the rental or retail sale of prerecorded audio and/or video performances.
						Automotive Sales Establishments primarily engaged in the retail sale of new and used automobiles, noncommercial trucks, motor homes or recreational vehicles, including incidental storage, maintenance and servicing.
						Automotive Supply An establishment primarily engaged in the retail sale of automotive parts, tires, and accessories.
				X	X	**Bakery (Retail)** An establishment primarily engaged in the production and/or retail sale of bakery products.
						Bakery (Wholesale) An establishment primarily engaged in manufacturing bakery products for sale primarily for home service delivery, or through one (1) or more non-baking retail outlets.
				X	X	**Bookstore** A place of business where books and magazines are the main items offered for sale.
						Building Materials Establishments with 30,000 or fewer square feet of gross floor area involved in selling lumber, and a general line of building materials and supplies, to the general public, which may include roofing, siding, shingles, wallboard, paint, cement, and so forth, including incidental storage.
				X	X	**Cabinet Sales** Establishments primarily engaged in selling cabinets, none of which are made on the premises.

A	B	C	D	E	F	
				X	X	**Camera and Photographic Supply** An establishment primarily engaged in selling cameras, film, and other photographic supplies and equipment.
				X	X	**Confectionery** An establishment primarily engaged in the retail sale of candy, chewing gum, nuts, sweetmeats, chips, popcorn and other confections. May also include the operation of a soda fountain or lunch counter.
				X	X	**Convenience Store** Any retail establishment up to 3,500 gross square feet in size offering for sale prepackaged food products, household items, ~~gasoline sales~~, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.
						Department Store A retail store carrying a general line of apparel, such as suits, coats, dresses and socks; home furnishings, such as furniture, floor coverings, curtains, draperies, linens and major household appliances; and housewares, such as kitchen appliances, dishes, and utensils. These and other merchandise lines are normally arranged in separate sections or departments with accounting on a departmentalized basis. The departments and functions are integrated under a single management. The stores may provide their own charge accounts, deliver merchandise and maintain open stocks.
				X	X	**Drapery Sales** Places of business where draperies are the main product offered for sale.
				X	X	**Drugstore** An establishment engaged in the retail sale of prescription drugs and patent medicines and which may carry a number of related product lines, such as cosmetics, toiletries, tobacco and novelty merchandise, and which may also operate a soda fountain or lunch counter.
				X	X	**Electronic Devices** Establishments primarily engaged in the retail sale of consumer audio and video electronics equipment (including automotive), computers, computer peripheral equipment, and software. Such establishments may also sell prerecorded audio and/or video tapes and perform incidental installation and repair work
						Fertilizer Sales (Bulk) Establishments involved in the sale and/or application of bulk fertilizer and fertilizer materials.
						Fertilizer Sales (Packaged) Establishments involved in the sale of packaged fertilizer and fertilizer materials.
				X	X	**Florist (Retail)** An establishment primarily engaged in the retail sale of cut flowers and/or growing plants.
						Florist (Wholesale) An establishment primarily engaged in the wholesale distribution of flowers and/or florist supplies.
				X	X	**Farmers Market** An establishment primarily engaged in the retail sale of fresh fruits and vegetables.

A	B	C	D	E	F	
				X	X	**Flooring, General Sales** Places of business where floor coverings or hard wood flooring are the main products offered for sale.
				X	X	**Furniture Sales** Establishments where furniture is the main item offered for sale; however, these places of business may also sell home furnishings, major appliances and floor coverings.
				X	X	**Gallery** An establishment primarily engaged in displaying and selling artistic work to the general public.
				X	X	**Garden Centers** Establishments primarily engaged in selling trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools and other garden supplies to the general public and where no trees, shrubs or plants are grown on the premises.
				X	X	**Gift Shop** An establishment primarily engaged in the retail sale of combined lines of gifts and miscellaneous small art goods, such as greeting cards and holiday decorations.
				X	X	**Grocery Store** A store primarily engaged in the retail sale of various canned foods and dry goods, either packaged or in bulk, such as tea, coffee, spices, sugar and flour; fresh fruits and vegetables; and, frequently, fresh, smoked and prepared meats, fish, and poultry.
				X	X	**Handicrafts** Places of business that sell articles fashioned by those engaged in handicrafts.
				X	X	**Hardware** An establishment primarily engaged in the retail sale of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances and cutlery.
						Heavy Machinery Sales Establishments primarily engaged in marketing heavy machinery, such as road construction and maintenance machinery, mining machinery, agricultural machinery, industrial machinery and equipment, and so forth.
				X	X	**Hobby, Toy, and Game Shops** Establishments primarily engaged in the retail sale of toys, games, and hobby and craft kits and supplies.
						Home Improvement Center An establishment with greater than 30,000 square feet of gross floor area that is primarily engaged in the retail sale to the general public of various basic hardware lines (such as tools, builders hardware, paint and glass, and garden supplies), household goods, durable household goods (appliances and residential lawn care equipment), electronic equipment, household animal supplies, nursery products, etc. Examples of this include: Lowe's, Menard's and Home Depot.
				X	X	**Housewares and Home Furnishings** Establishments primarily engaged in the retail sale of miscellaneous housewares and home furnishings, such as china, glassware, and metalware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; Venetian blinds; and window shades.

A	B	C	D	E	F	
						Industrial Supplies Establishments primarily engaged in marketing industrial supplies, such as bearings, boxes, gaskets, bottles, rubber goods, welding supplies, metal containers, and so forth.
				X	X	**Jewelry** An establishment primarily engaged in selling any combinations of lines of jewelry, such as diamonds and other precious stones mounted in precious metals such as rings, bracelets and brooches; sterling and plated silverware; and watches and clocks.
				X	X	**Leather Goods and Luggage Stores** Establishments primarily engaged in the retail sale of luggage, trunks, and leather goods, except clothing.
				X	X	**Liquor Store** An establishment primarily engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine and whiskey, for off-premises consumption.
						Marine Supply An establishment primarily engaged in the retail sale of motorboats and other watercraft, marine supplies, and outboard motors, including incidental storage.
						Manufactured Housing Sales Establishments primarily engaged in the retail sale of new and used mobile homes, new manufactured houses, and new modular homes, including incidental storage.
				X	X	**Meat Market** A place of business where fresh, frozen or cured meats are sold and where no animals are butchered on the premises.
						Motorcycle Sales Establishments primarily engaged in the retail sale of new and used motorcycles, motor scooters, and personal watercraft, including incidental storage, maintenance and servicing.
				X	X	**Music Store** An establishment primarily engaged in selling musical instruments, phonograph records, compact discs, tapes, sheet music and similar musical supplies.
				X	X	**Office Supplies** Places of business where stationer and office supplies, such as envelopes, typewriter and mimeograph paper, file cards and folders, pens and pencils, and so forth, in addition to customary office equipment are offered for sale or lease. These businesses may also include repair and service for equipment sold or leased.
				X	X	**Optical Goods** Establishments involved in selling visual devices or products.
				X	X	**Pet Shop** A place of business where domestic animals, and products for the health and care of domestic animals, are sold.
						Petroleum Products An establishment primarily engaged in the retail sale of petroleum products, such as fuel oil and kerosene, from bulk liquid storage facilities.

A	B	C	D	E	F	
				X	X	**Restaurant** An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carry-out. This use may include the retail sale of individual servings of alcoholic beverages for consumption on the premises only.
				X	X	**Restaurant (Drive-in)** An establishment engaged in the retail sale of ready-to-consume food and drinks in disposable containers, for consumption on or off the premises, and with drive-in or drive-through facilities so that patrons may be served while remaining in their automobiles.
				X	X	**Sporting Goods** Establishments primarily engaged in selling or renting sporting goods, sporting equipment and accessories, which may also provide repair and service for items sold.
						Tavern A place of business where alcoholic beverages are sold to be drunk on the premises. The establishment may also sell some food items for consumption on the premises.
				X	X	**Tobacco Shops, Specialty** Establishments primarily engaged in the retail sale of specialty tobacco products and smokers' supplies, where some of the tobacco products may require storage in a humidor.
				X	X	**Used Merchandise (Antiques)** A place of business where works of art, pieces of furniture, or decorative objects, made during an earlier period, are the main items offered for sale.
						Used Merchandise (Flea Market) An open-air market for secondhand articles and antiques.
				X	X	**Used Merchandise (General)** A store primarily engaged in the retail sale of used merchandise, antiques and secondhand goods, such as clothing, furniture, musical instruments, cameras, phonographs, and so forth, where the merchandise is stored, displayed and sold completely inside a building.

See page 23 of this Exhibit 13 for additional uses permitted in Parcel E, if Parcel E is developed commercially, and in Parcel F, if Parcel F is developed commercially.

A	B	C	D	E	F

AUTOMOTIVE AND TRANSPORTATION SERVICES

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

Automotive Paint Shop
An establishment primarily engaged in automotive painting and refinishing.

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

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

Automotive Tire Sales/Repair
An establishment primarily engaged in the retail sale and repair of automotive tires.

Bus Terminal
A facility designed to accommodate passengers who arrive and depart on commercial buses, which may include management offices, bus parking or storage areas and personal services for passengers.

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

Cold Storage Facility
A facility designed for storing perishable goods in a cold place.

Gasoline Service Station
An establishment primarily engaged in selling gasoline and lubricating oils and which may sell other incidental merchandise or perform minor repair work.

Grain Elevator
A building for buying, selling, storing, discharging and sometimes processing grain.

Refueling Center
An establishment engaged in selling automotive fuel only. Such an establishment may be affiliated with a shopping center anchor tenant.

Taxicab Base Facility
An establishment primarily engaged in furnishing passenger transportation by automobiles not operated on regular schedules.

Transfer or Storage Terminal
An establishment primarily engaged in furnishing local and long distance trucking and storage services, including parking and storage areas for vehicles used in the operation of the terminal.

A	B	C	D	E	F

Trucking Terminal
A terminal facility used by property-carrying motor vehicles, which may include associated office space and truck maintenance facilities.

Wrecker Service
A service for towing wrecked or disabled automobiles or freeing stalled automobiles.

AMUSEMENT AND RECREATIONAL SERVICES

A	B	C	D	E	F	
				X	X	**Accessory Use** A use which is customarily accessory, and clearly incidental and subordinate, to the principal amusement or recreational use on the same lot.
						Amphitheater An open air structure devoted primarily to the showing of theatrical or musical productions, with the provision of seating areas for patrons. These uses frequently include refreshment stands.
				X	X	**Club or Lodge** A use providing meeting, recreational or social facilities for a private or nonprofit association, primarily for use by members and guests.
				X	X	**Park and Recreational Services, For Profit** Commercially-operated, for-profit, park and recreational uses which may include: ~~• establishments which group together and operate in whole or in part a number of attractions, such as mechanical rides, amusement devices, refreshment stands, and picnic grounds;~~ ~~• sports and recreation clubs which are restricted to use by members and their guests, including country, golf, tennis, yacht, swimming pools and amateur sports and recreation clubs;~~ • physical fitness facilities featuring exercise and other active physical fitness conditioning, and aerobic dance and exercise classes, whether or not on a membership basis.
						Park and Recreational Services, Not For Profit Parks, playgrounds, swimming pools and other recreational facilities, and open spaces, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.
				X	X	**Private Recreational Facility** A recreational facility for use by residents and guests of a particular residential development, church, private primary or secondary educational facility or limited residential neighborhood, including both indoor and outdoor facilities and privately-owned golf courses open to the public.
						Resorts A facility for temporary guests where the primary attraction is generally recreational features or activities.
						Theater, Indoor A building for showing motion pictures or for live dramatic, dance, musical, or other productions, which is usually commercially operated.
						Transient Amusement Enterprises Carnivals, circuses or other similar transient amusement enterprises.

MANUFACTURING, MINING, CONSTRUCTION, AND INDUSTRIAL USES

A	B	C	D	E	F

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

Apparel
An establishment primarily engaged in manufacturing clothing and clothing accessories.

Appliance Assembly
An establishment primarily engaged in manufacturing instruments or devices for a particular use, such as stoves, fans or refrigerators, that are operated by gas or electric current.

Beverage Products
Establishments primarily engaged in manufacturing beverages, beverage bases and beverage syrups.

Bottling Machinery
An establishment primarily engaged in manufacturing machinery for use by the food products and beverage manufacturing industries in washing, sterilizing, filling, capping, labeling, and so forth, of food and beverage products; and parts and attachments for the machinery.

Cans and Metal Containers
Establishments primarily engaged in manufacturing metal cans and metal shipping containers such as barrels drums, kegs, and pails, from purchased materials.

Cement Products
A use engaged in processing and manufacturing materials or products predominantly from cement.

Commercial Printing
Establishments primarily engaged in letterpress and screen commercial or job printing, including flexography; in printing by the lithographic process, in engraving and plate printing; in gravure printing; or in printing newspapers, periodicals, books, greeting cards, and so forth.

Construction Trailer
The temporary use of a mobile home, or similar structure, as a construction office during the development of a new subdivision, office building, shopping center, industrial complex, and so forth.

Cut Stone and Stone Products
Establishments primarily engaged in cutting, shaping and finishing marble, granite, slate and other stone for building and miscellaneous uses.

Dairy Products
Establishments primarily engaged in manufacturing creamery butter, natural cheese, condensed and evaporated milk, ice cream, and frozen desserts, and special dairy products, such as processed cheese and malted milk; and processing (pasteurizing, homogenizing, vitaminizing, bottling) fluid milk and cream, and related products, for wholesale or retail distribution.

A	B	C	D	E	F

Electronic Devices and Instruments
Establishments primarily engaged in manufacturing devices or instruments that work by the methods or principals of electronics.

Engineering and Scientific Instruments
Establishments involved in manufacturing instruments used in engineering and scientific procedures.

Farm Machinery and Equipment
Establishments primarily engaged in manufacturing farm machinery and equipment, including tractors, for use in preparing and maintaining the soil; planting and harvesting crops; preparing crops for market, on the farm; or for use in performing other farm operations and processes.

Food Products
Establishments involved in manufacturing or processing food products.

Furniture
An establishment involved in manufacturing, repairing and/or refinishing furniture.

General Contractor
An individual who contracts to perform work or to provide supplies on a large scale, or an individual who contracts to erect buildings.

Glass and Glassware
Establishments primarily engaged in manufacturing glass and glassware, pressed, blown or shaped from glass produced in the same establishment; or establishments primarily engaged in manufacturing glass products from purchased glass.

Grain Mill Products
Establishments primarily engaged in manufacturing grain mill products such as flour, cereal, meal, and so forth.

Hard Surface Floor Coverings
Establishments involved in manufacturing hard surface floor covering, such as tile and linoleum.

Heavy Machinery Service and Repair
Establishments primarily engaged in servicing and repairing heavy machinery, such as road construction and maintenance machinery, mining machinery, agricultural machinery, industrial machinery and equipment, and so forth.

Jewelry Products
Establishments primarily engaged in manufacturing jewelry and other articles worn on or carried about the person, made of precious metals with or without stones (including the setting of stones where used), including cigarette cases and lighters, vanity cases and compacts; trimmings for umbrellas and canes; and jewel settings and mountings; or establishments primarily engaged in manufacturing costume jewelry made of all materials, except precious stones and rolled gold plate and gold filled materials.

Kennel
An establishment wherein any person engages in the business of boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats, and/or other small domesticated household pets (not farm animals) where the entire operation is confined inside a building.

A	B	C	D	E	F

Laboratories
Facilities equipped for experimental study in a science or for testing and analysis; facilities providing opportunity for research, experimentation, observation or practice in a field of study.

Leather Goods
Establishments primarily engaged in manufacturing leather goods, such as handbags and purses, billfolds, checkbook covers, saddles, horse whips, and so forth, and where no leather tanning or curing is done on the premises.

Machine Assembly
An establishment involved in manufacturing and assembling machinery.

Machine Shop
A workshop in which materials are machined to size and assembled.

Metalworking Machinery
An establishment involved in manufacturing machinery to be used for shaping objects out of metal.

Mineral Extraction
The on-site extraction of surface or sub-surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, and mining operations.

Musical Instruments
Establishments primarily engaged in manufacturing pianos, with or without player attachments; organs; other musical instruments; and parts and accessories for musical instruments. Such establishments may also provide repair services.

Office and Computer Equipment
Establishments primarily engaged in manufacturing office equipment such as typewriters, desk calculators, adding and accounting machines, duplicating machines and similar equipment; and/or in manufacturing electronic computer and peripheral equipment and/or major logical components intended for use in electronic computer systems.

Optical Instruments and Lenses
Establishments primarily engaged in manufacturing instruments that measure an optical property, including apparatus, except photographic, that projects or magnifies, such as binoculars, prisms and lenses; optical sighting and fire control equipment and related analytical instruments; or establishments primarily engaged in manufacturing eyeglass lenses, frames, or fittings.

Paper Products
Establishments involved in manufacturing products from paper, paperboard, cardboard or other similar materials, such as envelopes, paper bags, file folders, stationery, wrapping paper, boxes and so forth, and where no paper, paperboard, cardboard or other similar materials, are produced on the premises.

Petroleum Products, Bulk Storage
Establishments primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities.

Pharmaceuticals
Establishments primarily engaged in manufacturing, fabricating or processing drugs in pharmaceutical preparations for human or veterinary use. Most of the products of these

A	B	C	D	E	F

establishments are finished in the form intended for final consumption, such as ampuls, tablets, capsules, vials, ointments, medicinal powders, solutions and suspensions. Products of this industry consist of two important lines: pharmaceutical preparations promoted primarily to the dental, medical or veterinary professions; and pharmaceutical preparations promoted primarily to the public.

Boat Building
Establishments primarily engaged in building all types of boats, including converting and altering boats.

Signs and Advertising Displays
Establishments primarily engaged in manufacturing electrical, mechanical, cutout or plate signs and advertising displays, including neon signs and advertising novelties.

Stamping, Metal and Automotive
Establishments primarily engaged in manufacturing metal stampings and spun products, including porcelain enameled products such as household appliance housings and parts (cooking and kitchen utensils) and establishments primarily engaged in manufacturing automotive stampings, such as body parts, hubs, and trim.

Structural Steel Fabrication
Establishments primarily engaged in fabricating iron and steel or other metal for structural purposes, such as bridges and buildings.

Warehousing and Distribution Activities
Establishments involved in storing, stocking or distributing non-liquid merchandise or commodities.

Watches and Clocks
Establishments primarily engaged in manufacturing watches, watch cases, clocks, mechanisms for clockwork operated devices and clock and watch parts, including those engaged in assembling watched and clocks from purchased movements and cases.

Welding
Establishments primarily engaged in manufacturing welding equipment, electric welding apparatus and accessories.

Wood Products
Establishments primarily engaged in manufacturing wood products from purchased wood.

A	B	C	D	E	F	
				X	X	Specialty Department Store not to exceed 10,000 square feet.
				X	X	Local Neighborhood Pub.
				X	X	Day Spa.
				X	X	Quick Print Sign Store.
X	X	X	X	X	X	Construction Trailer – The temporary use of a mobile home, or similar structure, as a construction office during the development of a new subdivision, office building, shopping center, industrial complex, and so forth.
				X	X	Paint and Wall Paper Stores.
				X	X	Picture Framing.
				X	X	Plumbing Showrooms and Shops.

NOTE – Free-standing, fast food, drive-in restaurants are prohibited in all Parcels A, B, C, D, E and F.

Exhibit 14

VIKING MEADOWS
Residential Development Standards Matrix

5/10/04

Parcel	Base Underlying Zoning	Maximum Number of Units	Minimum Lot Width at Building Setback Line*	Minimum Lot Width at Right of Way*	Minimum Lot Area (sq. ft.)	Maximum Building Height	Minimum Building Setbacks			Minimum Home Size One Story	Minimum Home Size Two Story	Parcel Size (per Acre)	Density	Architectural Standards
							Front	Side	Rear					
A	SF-2	138	75'	50'	9,250 sq.ft.	35'	25'	5' min. 15' Aggregate Side Yard Between Structures	25'	1,800 sq. ft.	2,200 sq. ft.	148.64	2.2 Units Per Acre	See Exhibit 16
A	SF-2	188	85'	50'	10,500 sq.ft.	35'	25'	5' min. 15' Aggregate Side Yard Between Structures	25'	2,200 sq. ft.	2,600 sq. ft.			See Exhibit 17
B	SF-2	70	95'	50'	12,000 sq.ft.	35'	25'	9' min. 18' Aggregate Side Yard Between Structures	25'	2,400 sq. ft.	3,000 sq. ft.	58.78	1.2 Units Per Acre	See Exhibit 18
C	SF-2	43	3/4 acre lots 100'	50'	32,670 sq.ft.	35'	25'	10' min. 20' Aggregate Side Yard Between Structures	25'	2,600 sq. ft.	3,200 sq. ft.	42.95	1 Unit Per Acre	See Exhibit 19
D	SF-2	33	1 3/4 acre lots 110'	50'	1.75 acres	35'	30'	10' min. 20' Aggregate Side Yard Between Structures	25'	2,800 sq. ft.	3,600 sq. ft.	66.43	1 Unit Per 2 Acres	See Exhibit 20
Total:		472										316.8	1.49 Units/ Acre	

*Note: Minimum lot width may vary by 20% on 20% of the total number of lots in each Parcel.

Exhibit 15

VIKING MEADOWS

Development Standards Matrix for Parcels E and F: Commercial and Multi-Family Options

6/1/2004

Parcel	Base Underlying Zoning	Maximum Number of Units	Minimum Lot Width at Building Setback Line*	Minimum Lot Width at Right of Way*	Minimum Lot Area (sq. ft.)	Maximum Building Height	Minimum Building Setbacks			Minimum Home Size	Minimum Home Size	Parcel Size (per Acre)	Density	Architectural Standards
							Front	Side	Rear	One Story	Two Story			
E	LB	N/A	50'	N/A	43,560	40' **	60'****	50'****	60'****	N/A	N/A	8.16	N/A	See Section 9.7 of PUD Ordinance
E	MF-2	82	20' ***	20' ***	5,000 sq.ft.	45'	25'****	12' min.****	20'****	1200 sq.ft.	1500 sq.ft.	8.16	10 Units Per Acre	See Section 9.6 of PUD Ordinance
F	MF-2	51	20' ***	20' ***	5,000 sq.ft.	45'	25'****	12' min.****	20'****	1500 sq.ft.	1800 sq.ft.	5.12	10 Units Per Acre	See Section 9.8 of PUD Ordinance
Total:		133										13.28	10 Units/ Acre	

*Note: Minimum lot width may vary by 20% on 20% of the total number of lots in each Parcel.
**Note: Provided, however, that Buildings, the top floor of which is occupied by a Live work unit, may be 45' in height.
***Note: These minimum lot widths shall become minimum unit widths if the attached residences are sold as condominiums.
****Note Provided, however, that the minimum building setback shall be 65' from the proposed right-of-way line along 161st Street.

Exhibit 16

EXHIBIT 16

ARCHITECTURAL STANDARDS
PARCEL A – 75' LOTS

1) **Lot Width:**
   Minimum of 75 ft. at front building line

2) **Minimum Square Footage:**
   One-story home: 1800
   Two-story home: 2200

3) **Side Yard Setbacks:**
   5 ft. minimum
   15 ft. minimum between residences

4) **Roof Pitch:**
   Front to back: 6/12
   Front gables: 8/12

   Note: Ancillary roofs such as porches, bays or walkways may be less than the minimum requirement.

5) **Roof Overhangs:**
   Minimum framed overhang: 12 inches

   Note: Where masonry meets any overhang, the overhang shall measure a minimum of eight (8) inches.

6) **Roof Ridgeline:**
   A. In Viking Meadows a one-story home shall have a minimum of three (3) ridgelines unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required. Only two (2) ridgelines are required if the front and two sides of the first floor are masonry wrapped.
   B. A two-story home shall have a minimum of three (3) ridgelines, unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required. Only two (2) ridgelines are required if the front and two sides of the first floor are masonry wrapped.
   C. Ridgelines shall only be considered if they are horizontal ridges which form the peak of a pitched area. Covered and enclosed porches shall count as a ridgeline.

7) **Corner Breaks:**
   A. Each home shall have a minimum of three (3) corner breaks on the front and rear facades. The exterior corners of a covered porch, the outermost corners of the home and a projection with a height of no less than six feet (6') shall count toward this requirement.

8) **Equipment Vents:**
   A. All vents shall attach to the rear or side of the home to reduce visibility from the street.

9) **Foundations:**
   A. Slabs, crawl space and basements will be permitted.

10) **Windows:**
   A. Window type shall be vinyl, vinyl clad, aluminum clad or wood.
   B. Front and rear façades to include a minimum of four (4) windows and each side facade shall include at least one (1) window.
   C. In counting windows, a double hung shall count as one (1) window and each casement window where the glass is enclosed by vinyl, vinyl clad or aluminum clad, or wood material frame shall count as one (1) window.

11) **Garages:**
   A. All homes shall have a minimum two-car attached garage.

12) **Masonry Requirements:**
   A. Acceptable masonry materials include the following: brick, limestone, natural stone, cultured stone, stucco and EIFS.
   B. All homes shall have masonry on 50% of the front façade (exclusive of windows, doors and garage doors). Any homes which immediately back up to 156th Street, 161st Street or Oak Ridge Road shall either have masonry on 50% of the rear façade (exclusive of windows, doors and garage doors), or a screen porch or sunroom on the rear facade.
   C. The masonry requirements may be modified by the Developer's New Construction Committee (the "NCC") for up to 35% of the homes with a historical style[1] which lends itself to the use of less masonry.

13) **Siding Requirements:**
   A. No vinyl or aluminum siding shall be permitted. Acceptable siding materials shall be wood, LP siding, Hardiplank or similar composite siding materials.

14) **Landscaping:**
   A. Front landscaping:
      8 shrubs (18" planted)
      1 yard tree (2" minimum caliper outside planting bed)
      1 to 4 parkway trees (2" minimum caliper) to be planted between the curb and sidewalk, required at a 50' to 60' on center spacing (number depends on lot street frontage).

B. Lawns:

1) Sod or hydroseed with irrigation in all front yards to the front corners of the home. All side yards and rear yards must be seed with straw at a minimum and no irrigation is required.
2) Corner lot homes which have two elevations substantially parallel to a public street shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located between the public street on each side of the corner lot and a line drawn parallel to each front corner elevation closest to the public street extending from each end of said elevations to each perpendicular lot line. All other side yards and rear yards must be seeded with straw at a minimum and no irrigation is required.
3) Corner lot homes which are set at an angle to the public streets, lacking an elevation substantially parallel to either abutting public street, shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located (i) between the front elevation of the home and each public street and (ii) between the public street on each side of the corner lot and a line drawn parallel to each public street, extending to each perpendicular lot line from the two exterior corners of the home closest to each abutting public street. All other side yards and rear yards must be seeded with straw at minimum and no irrigation is required.

15) **Miscellaneous:**

A. A not for profit Viking Meadows Homeowners Association shall be incorporated and related Covenants, Restrictions and By-Laws shall be created prior to platting any sections of Viking Meadows.
B. All new home, landscaping and exterior color plans must be approved by the NCC prior to beginning construction.
C. All driveways shall be concrete unless otherwise approved by the NCC; asphalt is not permitted.
D. Public sidewalks are required on all lots.
E. Uniform mailboxes (as determined by the Developer) shall be required.
F. Dusk to dawn yardlights shall be required in a uniform location (as determined by Developer). The yardlight shall have a maximum total of 120-watt bulbs.
G. All fireplaces located on the exterior elevation of a home must be constructed of masonry. Interior fireplaces protruding through the roof not on an exterior elevation of a home, are not required to be masonry but must be decorative in nature using masonry, stucco or EFIS materials.
H. Dumpsters and or trash bins are required on all lots once framing begins.

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[1] Historical architectural styles are styles such as: Colonial, Cape Cod, Craftsman, Farmhouse, French Country or homes with various architectural elements taken from the foregoing to create more recent and modern versions of the foregoing. The Department shall have the authority to determine whether a specific house plan qualifies as a historical architectural style entitled to the modification, in the manner specified in these guidelines, of the standards set forth in these guidelines. All home plans submitted for approval shall first be approved by Precedent prior to submission to the Department. The Department shall have the authority to approve a home plan as a Historical architectural style.

Exhibit 17

EXHIBIT 17

ARCHITECTURAL STANDARDS
PARCEL A – 85' LOTS

1) **Lot Width:**
   Minimum of 85 ft. at front building line

2) **Minimum Square Footage:**
   One-story home: 1800
   Two-story home: 2200

3) **Side Yard Setbacks:**
   5 ft. minimum
   15 ft. minimum between residences

4) **Roof Pitch:**
   Front to back: 6/12
   Front gables: 8/12

   Note: Ancillary roofs such as porches, bays or walkways may be less than the minimum requirement.

5) **Roof Overhangs:**
   Minimum framed overhang: 12 inches

   Note: Where masonry meets any overhang, the overhang shall measure a minimum of eight (8) inches.

6) **Roof Ridgeline:**
   A. In Viking Meadows a one-story home shall have a minimum of three (3) ridgelines unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required. Only two (2) ridgelines are required if the front and two sides of the first floor are masonry wrapped.
   B. A two-story home shall have a minimum of three (3) ridgelines, unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required. Only two (2) ridgelines are required if the front and two sides of the first floor are masonry wrapped.
   C. Ridgelines shall only be considered if they are horizontal ridges which form the peak of a pitched area. Covered and enclosed porches shall count as a ridgeline.

7) **Corner Breaks:**
   A. Each home shall have a minimum of three (3) corner breaks on the front and rear facades. The exterior corners of a covered porch, the outermost corners of the home and a projection with a height of no less than six feet (6') shall count toward this requirement.

8) **Equipment Vents:**
   A. All vents shall attach to the rear or side of the home to reduce visibility from the street.

9) **Foundations:**
   A. Slabs, crawl space and basements will be permitted.

10) **Windows:**
   A. Window type shall be vinyl, vinyl clad, aluminum clad or wood.
   B. Front and rear façades to include a minimum of four (4) windows and each side facade shall include at least one (1) window.
   C. In counting windows, a double hung shall count as one (1) window and each casement window where the glass is enclosed by vinyl, vinyl clad or aluminum clad, or wood material frame shall count as one (1) window.

11) **Garages:**
   A. All homes shall have a minimum two-car attached garage.

12) **Masonry Requirements:**
   A. Acceptable masonry materials include the following: brick, limestone, natural stone, cultured stone, stucco and EIFS.
   B. All homes shall have masonry on 50% of the front façade (exclusive of windows, doors, and garage doors). Any homes which immediately back up to 156th Street, 161st Street or Oak Ridge Road shall either have masonry on 50% of the rear façade (exclusive of windows, doors, and garage doors), or a screen porch or sunroom on the rear facade.
   C. The masonry requirements may be modified by the Developer's New Construction Committee (the "NCC") for up to 35% of the homes with a historical style[1] which lends itself to the use of less masonry.

13) **Siding Requirements:**
   A. No vinyl or aluminum siding shall be permitted. Acceptable siding materials shall be wood, LP siding, Hardiplank or similar composite siding materials.

14) **Landscaping:**
   A. Front landscaping:
      8 shrubs (18" planted)
      1 yard tree (2" minimum caliper outside planting bed)
      1 to 4 parkway trees (2" minimum caliper) to be planted between the curb and sidewalk, required at a 50' to 60' on center spacing (number depends on lot street frontage).
   B. Lawns:
      1) Sod or hydroseed with irrigation in all front yards to the front corners of the home. All side yards and rear yards must be seed with straw at a minimum and no irrigation is required.
      2) Corner lot homes which have two elevations substantially parallel to a public street shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located between the public street on each side of the corner lot and a line drawn parallel to each front corner elevation closest to the public

street extending from each end of said elevations to each perpendicular lot line. All other side yards and rear yards must be seeded with straw at a minimum and no irrigation is required.

3) Corner lot homes which are set at an angle to the public streets, lacking an elevation substantially parallel to either abutting public street, shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located (i) between the front elevation of the home and each public street and (ii) between the public street on each side of the corner lot and a line drawn parallel to each public street, extending to each perpendicular lot line from the two exterior corners of the home closest to each abutting public street. All other side yards and rear yards must be seeded with straw at minimum and no irrigation is required.

15) **Miscellaneous:**

A. A not for profit Viking Meadows Homeowners Association shall be incorporated and related Covenants, Restrictions and By-Laws shall be created prior to platting any sections of Viking Meadows.

B. All new home, landscaping and exterior color plans must be approved by the NCC prior to beginning construction.

C. All driveways shall be concrete unless otherwise approved by the NCC; asphalt is not permitted.

D. Public sidewalks are required on all lots.

E. Uniform mailboxes (as determined by the Developer) shall be required.

F. Dusk to dawn yardlights shall be required in a uniform location (as determined by Developer). The yardlight shall have a maximum total of 120-watt bulbs.

G. All fireplaces located on the exterior elevation of a home must be constructed of masonry. Interior fireplaces protruding through the roof not on an exterior elevation of a home, are not required to be masonry but must be decorative in nature using masonry, stucco or EFIS materials.

H. Dumpsters and or trash bins are required on all lots once framing begins.

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[1] Historical architectural styles are styles such as: Colonial, Cape Cod, Craftsman, Farmhouse, French Country or homes with various architectural elements taken from the foregoing to create more recent and modern versions of the foregoing. The Department shall have the authority to determine whether a specific house plan qualifies as a historical architectural style entitled to the modification, in the manner specified in these guidelines, of the standards set forth in these guidelines. All home plans submitted for approval shall first be approved by Precedent prior to submission to the Department. The Department shall have the authority to approve a home plan as a Historical architectural style.

Exhibit 18

EXHIBIT 18

ARCHITECTURAL STANDARDS – PARCEL B

1) **Lot Width:**
   Minimum of 95 ft. at front building line

2) **Minimum Square Footage:**
   One-story home: 2400
   Two-story home: 3000

3) **Side Yard Setbacks:**
   9 ft. minimum
   18 ft. minimum between residences

4) **Roof Pitch:**
   Front to back: 8/12
   Front gables: 10/12

   Note: Ancillary roofs such as porches, bays or walkways may be less than the minimum requirement.

5) **Roof Overhangs:**
   Minimum framed overhang: 12 inches

   Note: Where masonry meets any overhang, the overhang shall measure a minimum of eight (8) inches.

6) **Roof Ridgeline:**
   A. In Viking Meadows a one-story home shall have a minimum of three (3) ridgelines unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required.
   B. A two-story home shall have a minimum of three (3) ridgelines, unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required.
   C. Ridgelines shall only be considered if they are horizontal ridges which form the peak of a pitched area. Covered and enclosed porches shall count as a ridgeline.

7) **Corner Breaks:**
   A. Each home shall have a minimum of three (3) corner breaks on the front and rear facades. The exterior corners of a covered porch, the outermost corners of the home and a projection with a height of no less than six feet (6') shall count toward this requirement.

8) **Equipment Vents:**
   A. All vents shall attach to the rear or side of the home to reduce visibility from the street.

9) **Foundations:**
   A. No slab foundations permitted. All home foundations shall be on a basement or crawl space.

10) **Windows:**
   A. Window type shall be vinyl clad, aluminum clad or wood.
   B. Front and rear façades to include a minimum of six (6) windows and each side facade shall include at least one (1) window.
   C. In counting windows, a double hung shall count as one (1) window and each casement window where the glass is enclosed by vinyl, vinyl clad or aluminum clad, or wood material frame shall count as one (1) window.

11) **Garages:**
   A. All homes shall have a minimum three-car attached garage.

12) **Masonry Requirements:**
   A. Acceptable masonry materials include the following: brick, limestone, natural stone, cultured stone, stucco and EIFS.
   B. All homes shall have masonry on the first floor, front, sides and rear.
   C. The masonry requirements may be modified by the Developer's New Construction Committee (the "NCC") for up to 35% of the homes with a historical style[1] which lends itself to the use of less masonry.

13) **Siding Requirements:**
   A. No vinyl or aluminum siding shall be permitted. Acceptable siding materials shall be wood, LP siding, Hardiplank or similar composite siding materials.

14) **Landscaping:**
   A. Front landscaping:
      16 shrubs (18" planted)
      2 yard trees (2" minimum caliper outside planting bed)
      1 to 4 parkway trees (2" minimum caliper) to be planted between the curb and sidewalk, required 50' to 60' on center spacing (number depends on lot street frontage).
   B. Lawns:
      1) Sod or hydroseed with irrigation in all front yards to the front corners of the home. All side yards and rear yards must be seed with straw at a minimum and no irrigation is required.
      2) Corner lot homes which have two elevations substantially parallel to a public street shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located between the public street on each side of the corner lot and a line drawn parallel to each front corner elevation closest to the public

street extending from each end of said elevations to each perpendicular lot line. All other side yards and rear yards must be seeded with straw at a minimum and no irrigation is required.

3) Corner lot homes which are set at an angle to the public streets, lacking an elevation substantially parallel to either abutting public street, shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located (i) between the front elevation of the home and each public street and (ii) between the public street on each side of the corner lot and a line drawn parallel to each public street, extending to each perpendicular lot line from the two exterior corners of the home closest to each abutting public street. All other side yards and rear yards must be seeded with straw at minimum and no irrigation is required.

15) **Miscellaneous:**

A. A not for profit Viking Meadows Homeowners Association shall be incorporated and related Covenants, Restrictions and By-Laws shall be created prior to platting any sections of Viking Meadows.
B. All new home, landscaping and exterior color plans must be approved by the NCC prior to beginning construction.
C. All driveways shall be concrete unless otherwise approved by the NCC; asphalt is not permitted.
D. Public sidewalks are required on all lots.
E. Uniform mailboxes (as determined by the Developer) shall be required.
F. Dusk to dawn yardlights shall be required in a uniform location (as determined by Developer). The yardlight shall have a maximum total of 120-watt bulbs.
G. All fireplaces located on the exterior elevation of a home must be constructed of masonry. Interior fireplaces protruding through the roof not on an exterior elevation of a home, are not required to be masonry but must be decorative in nature using masonry, stucco or EFIS materials.
H. Dumpsters and or trash bins are required on all lots once framing begins.

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[1] Historical architectural styles are styles such as: Colonial, Cape Cod, Craftsman, Farmhouse, French Country or homes with various architectural elements taken from the foregoing to create more recent and modern versions of the foregoing. The Department shall have the authority to determine whether a specific house plan qualifies as a historical architectural style entitled to the modification, in the manner specified in these guidelines, of the standards set forth in these guidelines. All home plans submitted for approval shall first be approved by Precedent prior to submission to the Department. The Department shall have the authority to approve a home plan as a historical architectural style.

Exhibit 19

EXHIBIT 19

ARCHITECTURAL STANDARDS – PARCEL C

1) **Lot Width:**
   Minimum of 100 ft. at front building line

2) **Minimum Square Footage:**
   One-story home: 2600
   Two-story home: 3200

3) **Side Yard Setbacks:**
   10 ft. minimum
   20 ft. minimum between residences

4) **Roof Pitch:**
   Front to back: 8/12
   Front gables: 10/12

   Note: Ancillary roofs such as porches, bays or walkways may be less than the minimum requirement.

5) **Roof Overhangs:**
   Minimum framed overhang: 12 inches

   Note: Where masonry meets any overhang, the overhang shall measure a minimum of eight (8) inches.

6) **Roof Ridgeline:**
   A. In Viking Meadows a one-story home shall have a minimum of three (3) ridgelines unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required.
   B. A two-story home shall have a minimum of three (3) ridgelines, unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required.
   C. Ridgelines shall only be considered if they are horizontal ridges which form the peak of a pitched area. Covered and enclosed porches shall count as a ridgeline.

7) **Corner Breaks:**
   A. Each home shall have a minimum of three (3) corner breaks on the front and rear façades. The exterior corners of a covered porch, the outermost corners of the home and a projection with a height of no less than six feet (6') shall count toward this requirement.

8) **Equipment Vents:**
   A. All vents shall attach to the rear or side of the home to reduce visibility from the street.

9) **Foundations:**
   A. No slab foundations permitted. All home foundations shall be on a basement or crawl space.

10) **Windows:**
   A. Window type shall be vinyl clad, aluminum clad or wood.
   B. Front and rear facades to include a minimum of six (6) windows and each side facade shall include at least one (1) window.
   C. In counting windows, a double hung shall count as one (1) window and each casement window where the glass is enclosed by vinyl, vinyl clad or aluminum clad, or wood material frame shall count as one (1) window.

11) **Garages:**
   A. All homes shall have a minimum three-car attached garage.

12) **Masonry Requirements:**
   A. Acceptable masonry materials include the following: brick, limestone, natural stone, cultured stone, stucco and EIFS.
   B. All homes shall have masonry on the first floor, front, sides and rear.
   C. The masonry requirements may be modified by the Developer's New Construction Committee (the "NCC") for up to 35% of the homes with a historical style[1] which lends itself to the use of less masonry.

13) **Siding Requirements:**
   A. No vinyl or aluminum siding shall be permitted. Acceptable siding materials shall be wood, LP siding, Hardiplank or similar composite siding materials.

14) **Landscaping:**
   A. Front landscaping:
      20 shrubs (18" planted)
      2 yard trees (2" minimum caliper outside planting bed)
      1 to 4 parkway trees (2" minimum caliper) to be planted between the curb and sidewalk, required 50' to 60' on center spacing (number depends on lot street frontage).
   B. Lawns:
      1) Sod or hydroseed with irrigation in all front yards to the front corners of the home. All side yards and rear yards must be seed with straw at a minimum and no irrigation is required.
      2) Corner lot homes which have two elevations substantially parallel to a public street shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located between the public street on each side of the corner lot and a line drawn parallel to each front corner elevation closest to the public

street extending from each end of said elevations to each perpendicular lot line. All other side yards and rear yards must be seeded with straw at a minimum and no irrigation is required.

3) Corner lot homes which are set at an angle to the public streets, lacking an elevation substantially parallel to either abutting public street, shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located (i) between the front elevation of the home and each public street and (ii) between the public street on each side of the corner lot and a line drawn parallel to each public street, extending to each perpendicular lot line from the two exterior corners of the home closest to each abutting public street. All other side yards and rear yards must be seeded with straw at minimum and no irrigation is required.

15) **Miscellaneous:**

A. A not for profit Viking Meadows Homeowners Association shall be incorporated and related Covenants, Restrictions and By-Laws shall be created prior to platting any sections of Viking Meadows.

B. All new home, landscaping and exterior color plans must be approved by the NCC prior to beginning construction.

C. All driveways shall be concrete unless otherwise approved by the NCC; asphalt is not permitted.

D. Public sidewalks are required on all lots.

E. Uniform mailboxes (as determined by the Developer) shall be required.

F. Dusk to dawn yardlights shall be required in a uniform location (as determined by Developer). The yardlight shall have a maximum total of 120-watt bulbs.

G. All fireplaces located on the exterior elevation of a home must be constructed of masonry. Interior fireplaces protruding through the roof not on an exterior elevation of a home, are not required to be masonry but must be decorative in nature using masonry, stucco or EFIS materials.

H. Dumpsters and or trash bins are required on all lots once framing begins.

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[1] Historical architectural styles are styles such as: Colonial, Cape Cod, Craftsman, Farmhouse, French Country or homes with various architectural elements taken from the foregoing to create more recent and modern versions of the foregoing. The Department shall have the authority to determine whether a specific house plan qualifies as a historical architectural style entitled to the modification, in the manner specified in these guidelines, of the standards set forth in these guidelines. All home plans submitted for approval shall first be approved by Precedent prior to submission to the Department. The Department shall have the authority to approve a home plan as a Historical architectural style.

Exhibit 20

EXHIBIT 20

ARCHITECTURAL STANDARDS – PARCEL D

1) **Lot Width:**
   Minimum of 110 ft. at front building line

2) **Minimum Square Footage:**
   One-story home: 2800
   Two-story home: 3600

3) **Side Yard Setbacks:**
   10 ft. minimum
   20 ft. minimum between residences

4) **Roof Pitch:**
   Front to back: 8/12
   Front gables: 10/12

   Note: Ancillary roofs such as porches, bays or walkways may be less than the minimum requirement.

5) **Roof Overhangs:**
   Minimum framed overhang: 12 inches

   Note: Where masonry meets any overhang, the overhang shall measure a minimum of eight (8) inches.

6) **Roof Ridgeline:**
   A. In Viking Meadows a one-story home shall have a minimum of three (3) ridgelines unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required.
   B. A two-story home shall have a minimum of three (3) ridgelines, unless fewer is consistent with a historical style[1] of the home in which case a minimum of two (2) ridgelines are required.
   C. Ridgelines shall only be considered if they are horizontal ridges which form the peak of a pitched area. Covered and enclosed porches shall count as a ridgeline.

7) **Corner Breaks:**
   A. Each home shall have a minimum of three (3) corner breaks on the front and rear façades. The exterior corners of a covered porch, the outermost corners of the home and a projection with a height of no less than six feet (6') shall count toward this requirement.

8) **Equipment Vents:**

A. All vents shall attach to the rear or side of the home to reduce visibility from the street.

9) **Foundations:**

A. No slab foundations permitted. All home foundations shall be on a basement or crawl space.

10) **Windows:**

A. Window type shall be vinyl clad, aluminum clad or wood.

B. Front and rear façades to include a minimum of six (6) windows and each side façade shall include at least one (1) window.

C. In counting windows, a double hung shall count as one (1) window and each casement window where the glass is enclosed by vinyl, vinyl clad or aluminum clad, or wood material frame shall count as one (1) window.

11) **Garages:**

A. All homes shall have a minimum three-car attached garage.

12) **Masonry Requirements:**

A. Acceptable masonry materials include the following: brick, limestone, natural stone, cultured stone, stucco and EIFS.

B. All homes shall have masonry on the first floor, front, sides and rear.

C. The masonry requirements may be modified by the Developer's New Construction Committee (the "NCC") for up to 35% of the homes with a historical style[1] which lends itself to the use of less masonry.

13) **Siding Requirements:**

A. No vinyl or aluminum siding shall be permitted. Acceptable siding materials shall be wood, LP siding, Hardiplank or similar composite siding materials.

14) **Landscaping:**

A. Front landscaping:

24 shrubs (18" planted)

2 yard trees (2" minimum caliper outside planting bed)

1 to 4 parkway trees (2" minimum caliper) to be planted between the curb and sidewalk, required 50' to 60' on center spacing (number depends on lot street frontage)

B. Lawns:

1) Sod or hydroseed with irrigation in all front yards to the front corners of the home. All side yards and rear yards must be seed with straw at a minimum and no irrigation is required.

2) Corner lot homes which have two elevations substantially parallel to a public street shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located between the public street on each side of the corner lot and a line drawn parallel to each front corner elevation closest to the

public street extending from each end of said elevations to each perpendicular lot line. All other side yards and rear yards must be seeded with straw at a minimum and no irrigation is required.

3) Corner lot homes which are set at an angle to the public streets, lacking an elevation elevation substantially parallel to either abutting public street, shall have lawns comprised of sod or hydroseed with irrigation in that portion of the yard located (i) between the front elevation of the home and each public street and (ii) between the public street on each side of the corner lot and a line drawn parallel to each public street, extending to each perpendicular lot line from the two exterior corners of the home closest to each abutting public street. All other side yards and rear yards must be seeded with straw at minimum and no irrigation is required.

15) **Miscellaneous:**

A. A not for profit Viking Meadows Homeowners Association shall be incorporated and related Covenants, Restrictions and By-Laws shall be created prior to platting any sections of Viking Meadows.

B. All new home, landscaping and exterior color plans must be approved by the NCC prior to beginning construction.

C. All driveways shall be concrete unless otherwise approved by the NCC; asphalt is not permitted.

D. Public sidewalks are required on all lots.

E. Uniform mailboxes and (as determined by the Developer) shall be required.

F. Dusk to dawn yardlights shall be required in a uniform location (as determined by the Developer). The yardlight shall have a maximum total of 120-watt bulbs.

G. All fireplaces located on the exterior elevation of a home must be constructed of masonry. Interior fireplaces protruding through the roof not on an exterior elevation of a home, are not required to be masonry but must be decorative in nature using masonry, stucco or EFIS materials.

H. Dumpsters and or trash bins are required on all lots once framing begins.

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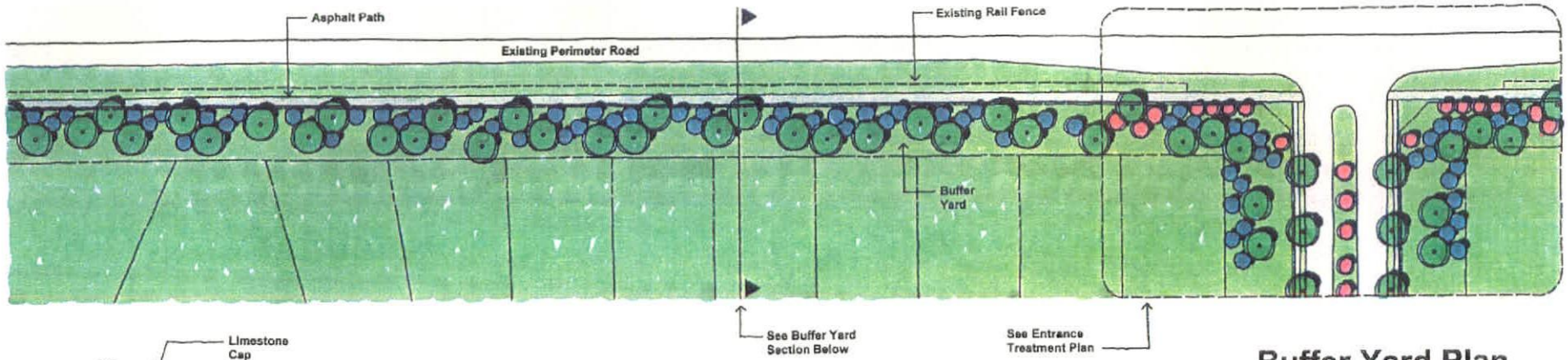
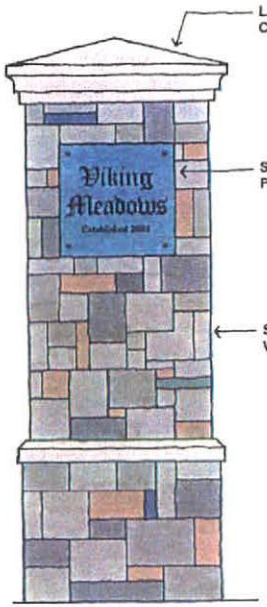
Exhibit 21



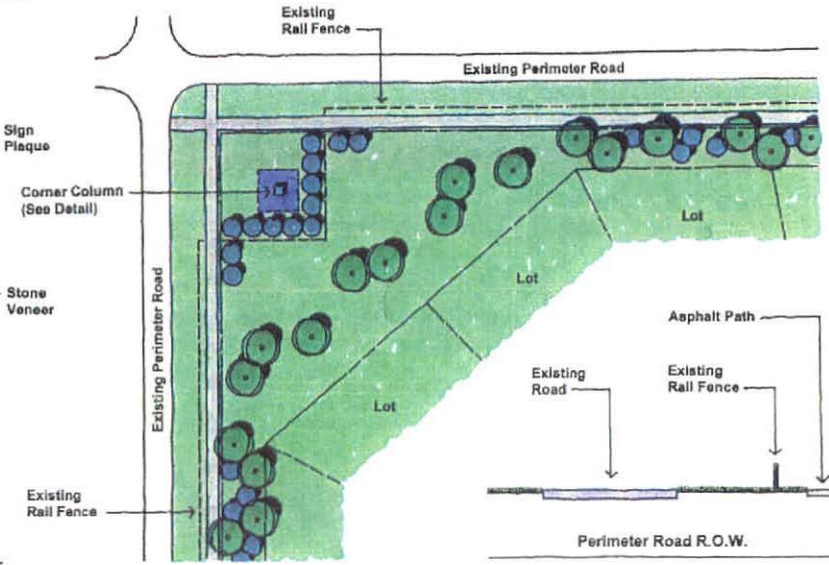
Buffer Yard Plan

Scale: 1" = 40'



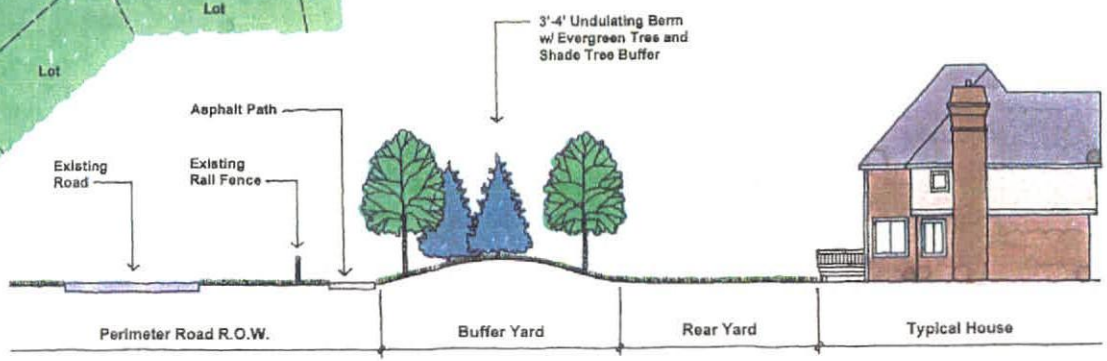
Column Detail

Scale: 3/4" = 1'-0"



Corner Column Plan

Scale: 1" = 40'



Buffer Yard Section

Scale: 1" = 10'

Viking Meadows

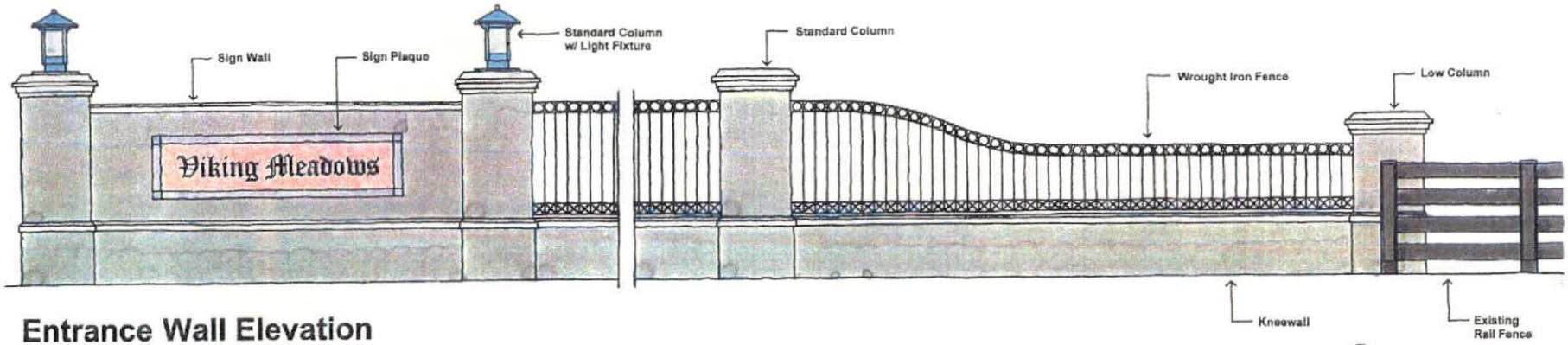
Westfield, Indiana

Perimeter Treatments

North

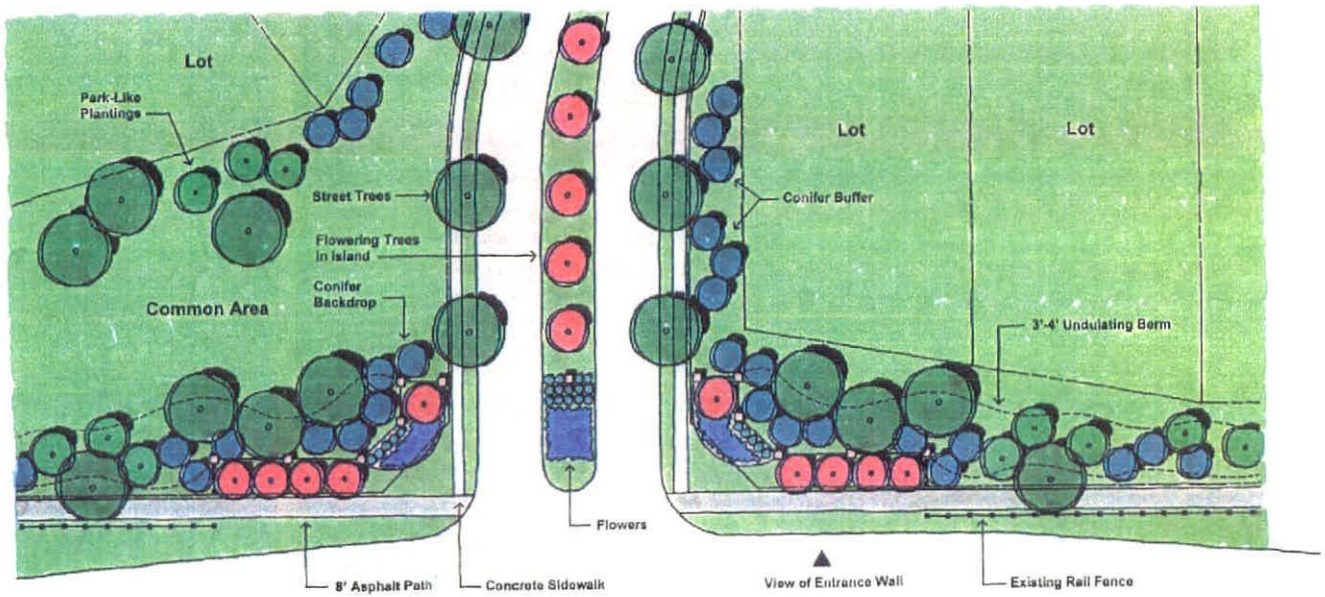
January 21, 2004

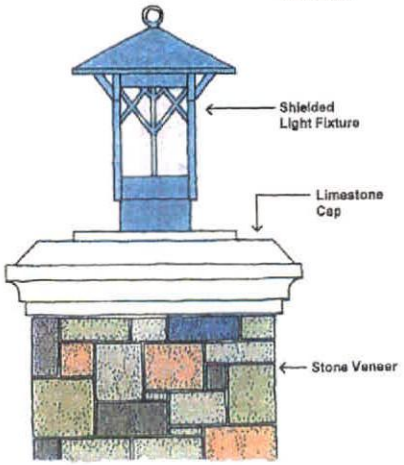
Exhibit 22



Entrance Wall Elevation

Scale: 1/2" = 1'-0"





Column Detail

Scale: 1-1/2" = 1'-0"

January 21, 2004

Viking Meadows

Westfield, Indiana

Entrance Treatments

Scale in Feet:

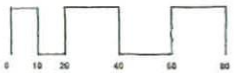


Exhibit 23

WC 16.07.010 General Provisions

A. Purpose and Intent.

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

B. Applicability.

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

1. Are newly designed, constructed, erected or placed into operation after the effective date of this chapter; and

2. Require the relocation or replacement of existing lighting fixtures commenced after the effective date of this chapter.

C. Exceptions.

Exceptions to these lighting standards shall include the following:

1. All outdoor light fixtures permitted prior to the adoption of these regulations (Ord. 02-39, December 9, 2002) shall be exempt from the shielding requirements of this chapter, except that when an outdoor light fixture becomes inoperable, the replacement light fixture shall comply with the standards of this chapter;

2. All hazard warning lighting required by Federal and State regulatory agencies shall be exempt from the requirements of this chapter;

3. All temporary emergency lighting required by local law enforcement, emergency service and utility department(s), shall be exempt from the requirements of this chapter;

4. All traffic control and directional lighting shall be exempt from the requirements of this chapter;

5. All underwater lighting used for the illumination of swimming pools and water features shall be exempt from the lamp type and shielding standards of this chapter;

6. All lighting for temporary festivals and carnivals shall be exempt from the requirements of this chapter; and

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

D. Prohibitions.

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

1. The installation, sale, lease, or purchase of any mercury vapor lamp shall be prohibited in Westfield-Washington Township;

2. The use of laser source light or other similar high intensity light for outdoor advertising, when projected above the horizontal shall be prohibited in Westfield-Washington Township;

3. The operation of searchlights and floodlights for advertising purposes shall be prohibited in Westfield-Washington Township;

4. The use of any lighting source on towers shall be prohibited except as required by the Federal Aviation Administration; and

5. The illumination of off-site advertising signs shall be prohibited in Westfield-Washington Township.

E. General Lighting Standards.

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

1. All light fixtures shall be fully shielded and direct light downward toward the earth's surface;

2. All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way;

3. All lighting sources shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way;

4. Light pole height shall not exceed twenty-five feet (25'). All parking area light fixtures shall be designed and located to confine emitted light to the parking area; and

5. All lighting fixtures must meet building code requirements for their appropriate construction class;

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

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

1. All light fixtures shall be positioned in such a manner so that no light-emitting surface is visible from a residential area or public right-of-way when viewed at ground level;

2. Light meter readings shall not exceed: one-half (0.5) foot-candles at a single-family residential property line, or one-half a (0.5) foot-candle at a multi-family residential property line or one (1.0) foot-candle at all other non-residential property lines. (It should be understood that, with all of these measurements, light will still be visible at or beyond property lines.)

3. All lights on poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser;

4. All canopy structures shall have lights with diffusers which are recessed, and which do not extend below the surface of the canopy as measured on a plane parallel to the earth's surface;

5. Lighting under awnings and canopies shall only illuminate a building front, a sign under an awning or canopy, or the sidewalk, but shall not illuminate the awning or canopy itself;

6. Thirty (30) percent of all parking area lighting shall be turned off within 30 minutes of closing of the last business or no later than 11:00 p.m.; and

7. No outdoor sports or recreational facilities shall be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.

G. Sign Lighting.

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

2. Lighting fixtures used to illuminate ground mounted or monument signs may be illuminated with a ground mounted or bottom mounted lighting fixture, provided that the fixture is fully shielded and all light output is directed onto the sign surface.

3. No sign lighting shall pulse, rotate, blink, flash or simulate motion, except a display containing only the time and temperature; and

4. Lamps utilized for the internal illumination of wall signs shall be turned off at 11:00 p.m. or when business closes.

H. Lighting Plans.

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

1. A site plan indicating the location of all lighting structures, supports and fixtures, including those fixtures which presently exist on site and those which are proposed for the site;

2. A graphic and/or textual description of all lighting fixtures, both proposed and existing on-site. The description may include, but is not limited to cut sheets and illustrations by the manufacture, lamp types, wattages, and lumen outputs;

3. A site plan with illuminance levels superimposed on the site plan in the form of an iso foot-candle diagram or point-by-point grid diagram.

4. All plot lighting levels shall be depicted at 10-foot intervals or less.

5. The iso foot-candle diagram shall plot foot-candle increments of one-half (0.5) foot-candle or less;

6. Photometric data depicting the angle of cut off of light emissions; and

7. Any other information that the Planning Director determines necessary to ensure compliance with the provisions of this chapter.

Exhibit 24

WC 16.08.010 Sign Standards - General Provisions

A. Purpose and Intent.

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

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

B. Applicability.

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

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

C. Exceptions.

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

1. All regulatory, informational, identification, or directional signs required by law or government entity;
2. Scoreboards for public and private recreational facilities and institutions that do not provide for commercial or business advertising displays;
3. Postal signs, historic site makers or plaques, flags of government or noncommercial institutions, gravestones, and address numbers;
4. Structures and/or containers intended for separate use such as phone booths, waste management containers, and point-of-purchase advertising displays;
5. Lettering or symbols placed directly onto a licensed and operable motor vehicle or trailer operating in the normal course of business provided that a vehicle or trailer is not parked or positioned solely for advertising purposes;
6. Private informational signs such as "no trespass," "private," "sale," etc. which do not exceed four (4) square feet in surface area;

7. Signs not more than two (2) square feet in area provided, that no more than one such sign shall be permitted per premises;
8. Signs offering residential property for sale, lease, or rent, provided that such signs shall not exceed eight (8) square feet per face, are placed wholly on the subject property and are limited to a maximum of one (1) sign per street frontage;
9. Signs offering commercial or industrial property for sale, lease, or rent, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, and are limited to a maximum of one (1) sign per street frontage;
10. Signs advertising construction projects, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, are limited to a maximum of one (1) sign per street frontage, and shall be removed at the end of construction;
11. Political signs which do not impair lines of sight for vehicles or pedestrians provided that the signs are removed within seven (7) days following the subject event; and
12. Seasonal decorations within the appropriate holiday season or civic festival season.

D. Prohibitions.

Prohibitions to these sign standards shall include the following:

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

E. General Sign Regulations.

All signs shall conform to the following regulations:

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

F. Residential District Signs.

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

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

G. Individual Nonresidential Signs.

1. A maximum of one (1) monument sign shall be permitted for each public street frontage per lot in all zoning districts;

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

H. Downtown Center.

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

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

I. Nonresidential Center Signs.

1. Nonresidential centers less than 25,000 square feet in size shall be permitted one monument sign per nonresidential center, which shall be no greater than nine (9) feet in height and have no more than sixty (60) square feet of sign area per face;
2. Nonresidential centers which range in size from 25,000 square feet to one hundred thousand (100,000) square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face;
3. Nonresidential centers greater than one hundred thousand (100,000) square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face;

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

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

J. Sign Area Bonus.

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

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

K. Sandwich Board Signs.

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

1. The placement of sandwich board signs shall not impede pedestrian or vehicular traffic;
2. One (1) sandwich board sign shall be permitted per individual commercial or business use;
3. Sandwich board signs shall count toward the total sign allotment for a commercial use or business;
4. Sandwich board signs shall not exceed six (6) square feet per sign face;
5. Sandwich board sign faces shall be constructed of a chalk board type material or equivalent substitute which permit the application of any identification, message or information with a non-permanent type of text, design or logo;
6. Sandwich board sign width shall not exceed three and one-half (3.5) feet when measured from the outside of a sign support and/or sign face;
7. Sign height shall not exceed five (5) feet when measured fom the ground to the top of a sign face or sign support structure;
8. Sandwich board signs shall have a base support and the base support shall be weighted with a minimum ten (10) pound ballast to ensure sign stability;

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

L. Temporary and Special Event Signs.

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

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

M. Nonconforming Signs.

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

N. Permits.

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

1. Name, address, and telephone number of applicant or business;
2. Site address;

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

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

O. Violations and Enforcement.

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

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

Exhibit 25

EXHIBIT 25

PRELIMINARY/ANTICIPATED CONSTRUCTION PHASING

Viking Meadows is a 317-acre, high-end residential community serving five different price points in the housing market. Also included is 13.5 acre local business district intended to serve as a neighborhood center for the community and a potential gathering hub for the Monon Trail. The Monon Trail, which bisects the property , serves as a pedestrian trail to the neighborhood center and also serves to separate the exclusive estate lots from the remaining subdivision.

The phasing of construction will be influenced by several factors. The availability and location of the utilities, specifically the sanitary lift station, has yet to be determined and may change the following projections. The existing horse farm operations will be phased out gradually over the next few years and will dictate the availability of certain portions of the real estate. The construction of U.S. 31 into a limited access interstate and the potential interchange at 161st Street would affect not only how we develop the local business but also its timing. And finally the occupation and future move of both Peterson families will determine the development of the estate lots.

In the summer of 2004, our initial plan is to develop a 30 to 35-lot section of 75' to 85' wide lots in the northwest corner along the intersection of Oak Ridge Road and 161st Street. The entry to this section will be off of 161st Street. Simultaneously with the above section, a 25 to 30-lot section of 85' to 100' wide lots will be developed north of 156th Street. The initial entrance will be from 156th Street. Based on our annual sales volume we would develop similar sections of both neighborhoods moving south and east with each section. The actual horse track would be one of the last areas developed. Averaging approximately 45 to 50 sales per year would extend our construction and sales out seven to eight years.

The 3/4 acre estate lots would potentially be offered in the fall of 2005 and be constructed in two sections with sales projected through the year 2011. The 1-3/4 estate lots would be offered in the fall of 2005 or 2006 and begin along 156th Street and move south toward Greyhound Pass. Sales of these exclusive lots are anticipated to be slow at 1 to 2 lots per year.

The local business, as suggested earlier, may hinge on the potential interstate along U .S. 31. This area is also north of a large ravine and may be delayed due to sanitary sewer availability .Assuming all things progressed as planned, this area would be available for sales during the summer of 2006 or 2007.