ORDINANCE NUMBER 16-27

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the “WOOD WIND PUD DISTRICT”) to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Petition No. 1609-PUD-16), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded Petition No. 1609-PUD-16 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a recommendation (#-#) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on__________, 2017;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:
**Section 1. Applicability of Ordinance.**

1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "WOOD WIND PUD District" (the “District”).

1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its Exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

1.3 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

2.1 Development Amenities: As defined by the Unified Development Ordinance and shall also include the Wood Wind Golf Course and related facilities.

2.2 Custom Home Lots: Collectively, the three (3) lots with frontage along 166th Street within Area 1, as labeled and depicted on Exhibit B-2-A: Single Family District Layout – Area 1, and the sixty-six (66) lots within Area 4 West, as labeled and depicted on Exhibit B-2-D: Single Family District Layout – Area 4.

2.3 Open Space: As depicted on Exhibit B-5: Single Family Open Space and includes the Wood Wind Golf Course.

2.4 Wood Wind Golf Course: The eighteen (18) hole golf course and associated facilities as depicted on the Concept Plan within Areas 1 and 2, including all elements of the course (i.e. fairways and surrounding corridors, greens, tee boxes, bunkers, hazards, natural features (i.e. creeks, woods, lakes)), common areas, restrooms or park pavilions, bridges, pathways, practice facility, driving range, short game area, instructional area, cart paths, golf bag storage and drop-off, golf cart parking and golf cart use on cart paths, golf cart-related services (indoor/outdoor storage, rental, service, sales, cleaning, refueling/charging, maintenance), Sit Down Restaurant with bar area and outdoor seating, banquet center, and accessory parking areas.

2.5 Dominant Exterior Material. The Exterior Material that occupies the greatest percentage of surface area (compared to other Exterior Materials) of a Front Building Façade, exclusive of doors, windows and garage doors. The Dominant Exterior Material shall be identified on the elevations filed as part of an application for an improvement location permit.
2.6 **Exterior Material.** The separate architectural siding materials and patterns on a Building, such as Masonry Materials, horizontal siding, shake siding, vertical siding, and board & batten siding (each of the foregoing are examples of separate Exterior Materials).

**Section 3.** **Concept Plan.** The Concept Plan, attached hereto as Exhibit B: Concept Plans, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan. Substantial compliance generally includes, but is not limited to, the location and design of buildings, curvilinear streets, frontage streets, and the placement of open space and detention/retention facilities.

**Section 4.** **District Areas.** The District is hereby divided into nine (9) areas as illustrated on the Concept Plan and labeled as: Areas 1, 2, 3, 4 East, 4 West and 5; Multi-Family Area; Flexible Use Area; and, Commercial Area (individually or collectively, “Area”). Development of each Area shall be regulated as set forth in this Ordinance.

**Section 5.** **Underlying Zoning District(s).** The Underlying Zoning District of this District shall be as follows (individually or collectively, the “Underlying Zoning District”):

5.1 **Area 1:** SF2: Single-Family Low Density District.

5.2 **Area 2:** SF2: Single Family Low Density District.

5.3 **Area 3:** SF4: Single-Family High Density District.

5.4 **Area 4 East:** SF3: Single-Family Medium Density District.

5.5 **Area 4 West:** SF1: Single Family Large Lot District.

5.6 **Area 5:** SF3: Single Family Medium Density District.

5.7 **Multi-Family Area:** MF2: Multi-Family Medium Density District.

5.8 **Flexible Use Area:** LB: Local Business District.

5.9 **Commercial Area:** LB: Local Business District.

**Section 6.** **Permitted Uses.** All uses permitted in the Underlying Zoning District shall be permitted on the Real Estate except as otherwise set forth below.

6.1 **Wood Wind Golf Course:** In addition to uses permitted in the Underlying Zoning District, the Wood Wind Golf Course shall be permitted within Areas 1 and 2. Deed restrictions shall provide that the Wood Wind Golf Course shall be maintained as a golf course available to the public for regular play or that the Wood Wind Golf Course area shall be maintained as Open Space in accordance with this Ordinance (the “Deed Restriction”). The Deed Restriction shall terminate upon the fiftieth (50th) anniversary of the adoption of this Ordinance.

The Deed Restriction will permit other non-commercial or non-residential uses in the Wood Wind Golf Course area which are not Open Space and are primarily recreational, agricultural or equestrian in nature and are operated by or for the
benefit of the Wood Wind Home Owners Association if: (1) a majority of the owners of Lots within the then secondary platted lots in Areas 1, 2, 3, 4 East, 4 West and 5 approve such uses; and (2) an amendment to this Ordinance allowing such uses is approved by the Council.

6.2 Multi-family Area: In addition to uses permitted in the Underlying Zoning District, the following uses shall be permitted:

A. Dwelling, Duplex
B. Dwelling, Triplex
C. Dwelling, Quadraplex

6.3 Flexible Use Area: In addition to uses permitted in the Underlying Zoning District, the following uses shall be permitted:

A. Assisted Living Facility
B. Dwelling, Duplex
C. Dwelling, Triplex
D. Dwelling, Quadraplex
E. Dwelling, Townhouse
F. Educational Institution
G. Nursing Home

6.4 Commercial Area:

A. Permitted Uses: In addition to uses permitted in the Underlying Zoning District, the following uses shall be permitted

1) One (1) Gasoline Service Station shall be permitted on an Outlot along 146th Street and shall only be open and operating between the hours of 5:00 a.m. and 12:00 a.m. (midnight).
2) Educational Institution
3) Assisted Living Facility
4) Nursing Home

B. Prohibited Uses: The following uses shall be prohibited:

1) Self-service car wash
2) Tattoo parlor
3) Tobacco shop
4) Billiard parlor
5) Cemetery monument sales
6) Drive-thru (except where accessory to a coffee shop, bank or drug store)
Section 7. **General Regulations.** The standards of Chapter 4 Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

7.1 **Area 1 through Area 5:** Chapter 4 Zoning Districts shall not apply; rather, the individual lot standards set forth in **Exhibit B-3: Single Family District Standards** shall apply to each Area as specified therein.

A. **Maximum Number of Lots:** The total number of single family lots in the District shall not exceed one-thousand and seven (1,007).

B. **Custom Home Lots:** Pulte Homes of Indiana, LLC, or its affiliates, shall not be the builder of dwellings on Custom Home Lots.

7.2 **Multi-family Area:** The standards of the Underlying Zoning District shall apply to the Multi-family Area, except as modified below:

A. **Location:** Article 4.11(C)(2) and (3) shall not apply.

B. **Maximum Dwelling Units Per Structure:** Article 4.11(E) shall be modified to a maximum of thirty-six (36) dwellings per structure.

C. **Maximum Number of Dwelling Units:** Article 4.11(F) shall be modified to permit a maximum of two-hundred and twenty-four (224) units.

D. **Term:** The initial minimum lease term for all apartment units shall be twelve (12) months.

7.3 **Commercial Area:** The standards of the Underlying Zoning District shall apply to the Commercial Area, except as modified below:

A. **Maximum Business Size:** Article 4.14 (H)(1) shall apply, however, notwithstanding the general limitation contained in the definition of “Medium Intensity Retail”, any individual tenant space may contain up to thirty thousand (30,000) square feet and one (1) tenant space may contain up to a maximum area of sixty-five thousand (65,000) square feet.

B. **Maximum Aggregate of all Buildings in Commercial Area:** Article 4.14 (H)(3) shall be modified to a maximum of two-hundred thousand (200,000) square feet.

C. **Development Pattern:** Article 4.14(I) shall be modified to provide for the development of out lots as depicted on **Exhibit B-4: Commercial / Flexible Use / Multi-family Area**.

7.4 **Flexible Use Area:** The Flexible Use Area may be developed in accordance with the Commercial Area or Multi-family Area of this Ordinance:

A. **Commercial Uses:** If the Flexible Use Area is developed for uses permitted in the Commercial Area, then the standards of the Commercial Area, set forth above, shall apply, except as modified below:
1) Maximum Aggregate of all Buildings within the Flexible Use Area shall not exceed 90,000 square feet and shall be calculated independently from the Maximum Aggregate of all Buildings in the Commercial Area.

2) In the event of a nursing home or assisted living facility, the Maximum Business Size shall not exceed 50,000 square feet.

B. Multi-Family Uses: If the Flexible Use Area is developed for uses permitted in the Multi-family Area (i.e., Dwelling, Duplex; Dwelling, Triplex; Dwelling Quadruplex; or, Dwelling, Townhouse uses), then the standards of the Multi-family Area, as set forth herein, shall apply, provided, however that Dwellings within the Flexible Use Area shall not exceed:

   1) **Maximum Density**: Twenty (20) dwelling units per acre.

   2) **Maximum Number of Units**: One-hundred and eighty (180) dwelling units.

**Section 8. Development Standards**. The standards of Chapter 6 Development Standards shall apply to the development of the District, except as otherwise modified below.

8.1 **Article 6.1 Accessory Buildings or Structures**: Shall apply, except as modified below:

   A. **Maximum Number**: There shall be no maximum number of Accessory Buildings for the Wood Wind Golf Course and related operations. New or expanded Accessory Buildings shall be reviewed and approved by the Department as a Development Amenity.

   B. **Ancillary Structures**: Tents, pavilions, patios and related equipment or displays (e.g., leaderboards) which are ancillary uses to the Wood Wind Golf Course and related uses (e.g., weddings, social events, golf demonstration or training tents), shall be deemed permanent as an ongoing ancillary use to existing operations and shall not require a temporary use permit. This does not exempt such structures or uses from obtaining permits otherwise required by the State or Fire Marshal.

8.2 **Article 6.3 Architectural Standards**: Shall apply, except as modified below:

   A. **Wood Wind Golf Course and Development Amenity Buildings**: Article 6.3 Architectural Standards shall not apply to new and/or expanded Wood Wind Golf Course buildings; rather, such buildings shall be consistent and compatible with the architectural style and building materials of existing Wood Wind Golf Course buildings as depicted in **Exhibit G: Wood Wind Golf Course Buildings Character Exhibit**, attached hereto. Loading docks for a Wood Wind Golf Course building shall be screened from view from an External Street or adjacent property zoned or used residentially by landscaping or screen walls. Article 6.3 Architectural Standards shall not apply to new or expanded Development Amenity buildings; rather, such
buildings shall be consistent and compatible with the architectural style and building materials depicted in Exhibit H-1: Multi-family Character Exhibits and Exhibit I: Commercial Area Character Exhibit attached hereto.

B. Single-Family Architectural Standards: The following shall apply to Single-family Dwellings within the District:

1) Character Exhibit: Exhibit C: Single-Family Character Exhibits, attached hereto, are hereby incorporated as a compilation of images designed to capture the intended quality and appearance of structures to be constructed in Areas 1, 2, 3, 4 East and 5 of the District. Although the Exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of Single-family Dwellings that are permitted to be constructed and that contribute to the District’s intent and vision. The Director shall determine whether a Single-family Dwelling is consistent with the established benchmark and complies with the standards of this Ordinance. The Director’s decision may be appealed to the Plan Commission.

2) Perimeter Lots: Article 6.3(C)(1) Single-family Districts; Perimeter Lots shall be amended to only apply to those Building Facades on those Lots identified in Exhibit D-1: Perimeter Lots Subject to Architectural Standards. If the Lot layout and distance from Perimeter Streets on an approved Secondary Plat varies in any material respect from the Concept Plan, then the Director shall determine which Lots and Building Facades, in accordance with Article 6.3(C)(1), apply.

3) Streetscape Diversity: Article 6.3(C)(2) Single-family Districts; Streetscape Diversity shall apply. The extensive use of curvilinear street patterns, substantially as depicted on Exhibit B-2: Single Family District Layout, constitutes the use of winding streets throughout the District to eliminate monotonous building placement and, together with the use of variable building setback lines with a minimum variation of two (2) foot increments from adjacent lots wherever the street is straight for more than one-hundred and eighty (180) feet, hereby satisfies the requirement of Article 6.3(C)(2)(b) regarding varying Building Setback Lines. In addition, the façade variety code identified in Exhibit J: Façade Variety Code shall be applicable to Areas 1, 2, 3, 4 East, 4 West and 5.
4) **Corner Lots.** Lots identified as corner lots on **Exhibit D-1: Perimeter Lots Subject to Architectural Standards**, shall include the following on the side building façade oriented towards the street:

   a) A minimum of one of the following: (i) a minimum thirty-six inch (36”) tall Masonry Material wainscot along the entire length of the side façade; (ii) a Masonry Material wrap extending not less than four feet (4’) in length along the side façade from the corner of the Front Building Façade, of which is equal in height to the Masonry Material treatment on the Front Building Facade at the corner; or, (iii) an architectural treatment (e.g., brackets, louvers, change in material pattern, etc.) on gable ends; and

   b) A minimum of two (2) windows on a single-story dwelling or three (3) windows on a two-story dwelling.

5) **Trail Lots.** Lots identified as trail lots on **Exhibit D-1: Perimeter Lots Subject to Architectural Standards**, shall include the following on the side building façade oriented towards the trail:

   a) A minimum of one of the following: (i) a minimum thirty-six inch (36”) tall Masonry Material wainscot along the entire length of the side façade; (ii) a Masonry Material wrap extending not less than four feet (4’) in length along the side façade from the corner of the Front Building Façade, of which is equal in height to the Masonry Material treatment on the Front Building Facade at the corner; (iii) an architectural treatment (e.g., brackets, louvers, change in material pattern, etc.) on gable ends; or (iv) a landscape package including two (2) trees and ten (10) shrubs.

6) **Architectural Requirements:** In addition to the requirements of Article 6.3(C)(3), all Single-Family Dwellings shall comply with the following:

   a) **Architectural Elements:**

      i. Dwellings Abutting Golf Holes: In Area 1 and Area 2 on Lots abutting the Wood Wind Golf Course and where the rear elevation of a dwelling on such Lots is oriented toward a golf hole, then the rear elevation of that dwelling shall incorporate either: a full first floor Masonry Material wrap; or, a minimum of two of the following elements:

         1. Masonry Material a minimum of thirty-six (36) inches in height;
         2. Pergola with a minimum or 100 square feet;
3. A façade projection or recession including a minimum of one (1) twelve-foot (12’) deep offset, which is a minimum height equivalent to one-story;

4. A façade projection or recession including a minimum of two (2) two-foot (2’) deep offsets which is a minimum height equivalent to a one-story;

5. Covered porch or covered patio (minimum of sixty-four (64) square feet).

6. Sunroom (minimum of sixty-four (64) square feet);

7. A façade projection or recession in the rear building façade that contains a minimum of fifty percent (50%) of masonry material;

8. Two (2) or more siding materials or material patterns (e.g., board and batten, shake, lap siding) on the building façade. Each siding material or material pattern shall be a minimum of 10 percent (10%) of the applicable rear building façade (exclusive of openings and trim);

9. A façade projection a minimum of one (1) foot deep offset, which is a minimum height equivalent to two-stories and spans a minimum of ten (10) feet in length; or

10. Roof design featuring a hip roof, dormers (minimum of two (2)), reverse gable, shed roof accent or two (2) or more roof planes.

No element listed above may be used to meet this requirement on more than fifty percent (50%) of such lots (excluding those lots with a full first floor masonry material wrap) in either individual area.

b) Garages and Driveways:

i. Garage elevations shall include a variety of design elements to vary the appearance of the garage façade. Design elements include the garage door, garage door windows and/or hardware, garage door header, roof gable brackets, multiple building materials, gable accent windows and gable decorative louver. All dwellings shall have decorative garage doors with windows and be painted a color to match the dominant exterior material or a color to accent the dominant exterior material.

Front load garage doors shall include the use of decorative elements substantially similar to those elements depicted in Exhibit D-2: Illustrative Garage Door Treatments. The
non-door facade of a courtyard-load or side-load garage oriented toward a street shall include a minimum of twenty-five (25) square feet of windows.

ii. Dwellings on Lots in Areas 1, 2, 3, 4 East and 4 West as labeled and depicted on Exhibit D-1: Perimeter Lots Subject to Architectural Standards identified as “Non-Front Loading Garages” shall include a side or courtyard loading garage. For the purposes of this regulation, an “L” shaped three (3) car garage shall be deemed to comply with this standard provided no more than one (1) garage door is oriented toward the street.

iii. Dwellings on Lots in Area 1, Area 4 East and Area 4 West shall include a minimum three car garage. Dwellings on Lots in Area 2, Area 3 and Area 5 shall include a minimum two car garage.

iv. Base model dwellings on Lots in Area 2 are designed for a non-front loading garage; however, model options include a front loading three car garage. Dwellings in Area 2 shall be non-front loading garages, except in the event a homebuyer elects to build the front loading three car garage option. If a front loading three car garage option is selected by the buyer, then a three car front loading shall be permitted and shall include three individual and separate garage doors. In no case, however, shall the number of dwellings with front loading three car garages in Area 2 exceed thirty percent (30%) of the total number of Lots in Area 2.

v. All driveways shall be concrete. Asphalt driveways shall be prohibited.

c) Exterior Building Materials:

i. Siding: Aluminum and vinyl siding shall be prohibited.

ii. Trim: Wood, fiber cement or equivalent trim shall be used for corners, frieze boards, window wraps, door wraps, and as a transitional material between two different exterior materials, provided, however, trim shall not be required for windows, doors, corners, and the like that are surrounded by Masonry Materials; and provided further, that if windows have shutters, then such windows shall not required a trim wrap. Required trim shall be a minimum of five and one-half inches (5-1/2”) wide.

iii. Fireplaces: Exterior (projects from Building Façade) fireplace chases shall be constructed with Masonry Materials and shall not be cantilevered or shed chimneys. Interior (projects through the roof line) fireplace chases
shall be constructed of Masonry Materials or masonry veneer.

d) Roof Design:
    
    i. **Overhangs:** Roof overhang or eaves shall be a minimum of twelve (12) inches, as measured prior to the installation of Masonry Materials.

7) **Model Homes:** All model homes in Areas 1, 2, 3, 4 East and 5 shall have a minimum thirty-six (36) inch Masonry Material wrap on both side facades and the rear façade.

8) **Custom Home Lots Character Exhibit:** **Exhibit C: Single Family Character Exhibits**, attached hereto, are hereby incorporated as a compilation of images designed to capture the intended quality and appearance of structures to be constructed on the Custom Home Lots in Area 4 West of the District. Although the Exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of Single-family Dwellings that are permitted to be constructed in Area 4 West and that contribute to the District’s intent and vision. The Director shall determine whether a Single-family Dwelling is consistent with the established benchmark and complies with the standards of this Ordinance. The Director’s decision may be appealed to the Plan Commission.

C. **Multi-Family Area Architectural Standards:** Article 6.3(E) shall apply to all buildings within the Multi-family Area, except as modified below:

1) **Character Exhibits:** Buildings shall be constructed substantially in accordance with **Exhibit H: Multi-family Exhibits**, including **Exhibit H-1: Multi-family Character Exhibits** and **Exhibit H-2: Multi-family Conceptual Elevations** (collectively, the “Multi-family Character Exhibits”).

2) **Architectural Theme:** The architectural theme shall be an equine or equestrian theme, reflective of the area’s context and as defined by the Multi-family Character Exhibits. Suburban, garden-style development that repeats the same materials and elements shall not be permitted. The equestrian vernacular shall be utilized, with the stable building providing the details for the mass of the larger structures, and the carriage house providing the details for the two-story buildings.

3) **Building Variation:** A variety of structures shall be provided with various sizes and footprints that push three-story buildings to the rear of the site, and at a minimum of two-hundred (200) feet from the right-of-way of Towne Road, while buildings less than three-story shall be located along 151st Street and Towne
Road. One-story and two-story buildings shall be placed at a minimum of twenty feet (20’-0”) apart and three-story buildings shall be placed at a minimum of forty feet (40’-0”) from all structures, exclusive of covered parking.

The exterior façade of any apartment building shall not be substantially the same to the exterior façade of any other apartment building.

Freestanding garage and carport buildings may use similar roof forms, material composition, colors and detailing.

If more than one (1) building is proposed, then the building(s) shall be located so that no two (2) buildings are in a straight, unbroken line.

4) Parking: A minimum of 80 covered parking spaces shall be provided.

5) Building Materials. Article 6.3(E)(2) shall apply, except as modified below:

a) Fireplaces: Exterior (projects from Building Façade) fireplace chases shall be constructed with Masonry Materials and shall not be cantilevered or shed chimneys. Interior (projects through the roof line) fireplace chases shall be constructed of Masonry Materials or masonry veneer.

b) Trim: Wood, fiber cement or equivalent trim shall be used for corners, frieze boards, window wraps, door wraps, and as a transitional material between two different exterior materials, provided, however, trim shall not be required for windows, doors, corners, and the like that are surrounded by masonry. Required trim shall be a minimum of five and one-half inches (5-1/2”) wide.

c) Masonry Materials: Masonry Materials shall be on all buildings on all sides, with no required minimum and consistent with the Multi-Family Character Exhibits.

6) Windows: Article 6.3(E)(3) shall apply; except as modified below:

a) Required windows may be located anywhere on the Building Façade, as architecturally appropriate.

b) Window grids shall be used on all operable non-casement windows.

7) Roof Design: Article 6.3(E)(4) shall apply, except as modified below.

a) Minimum Pitch: The minimum roof pitch of the building’s primary or main roof shall be 5:12. A roof pitch of 4:12 shall
be permitted if the building has a minimum roof overhang of twenty-four inches (24").

b) Minimum Overhang: The roof overhang or eaves shall be a minimum of eighteen inches (18"), as measured prior to the installation of Masonry Materials.

c) Cupolas: Cupolas of consistent character and varying sizes, as depicted in the Multi-family Character Exhibits, shall be required at appropriate scales.

b) Roof Form: Shed and gabled dormers shall be incorporated to break up roof planes. Multiple, extended rakes shall be used on gable ends and overhangs shall incorporate chunky brackets and knee braces.

D. Commercial Area Architectural Standards: All Buildings within the Commercial Area shall comply with Article 6.3(F), except as modified below:

1) Commercial Area Character Exhibits: All buildings shall be constructed substantially in accordance with Exhibit I: Commercial Area Character Exhibits.

2) Architectural Theme: Commercial buildings shall be designed and crafted using traditional equine or equestrian themes reflective of the area’s context similar to the Multi-family Area Character Exhibits, thus reinforcing the rural and equestrian themed architecture. Significant elements and features to determine substantial compliance with the required equestrian architectural theme include:

   a) Hip and gable roof forms with cupolas.
   b) Similar classic palette of materials.
   c) Landscape and hardscape placed and configured to soften building facades and enhance the pedestrian experience.
   e) Building Facades crafted with clapboard siding, board and batten, traditional cement stucco, brick and stone veneer, and metal roofs.
   f) Traditional architectural detailing designed and crafted with care, true to the historical and regional precedents.
   g) Scale of larger commercial buildings broken down with facade articulation, fenestration and material changes.

3) Conflicting Architectural Standards: It is hereby acknowledged that design elements that embody the required architectural theme may be in conflict with the architectural standards of Article 6.3(F). If a proposed building elevation embodies the required architectural theme, as set forth above, then the Plan
Commission has the authority to approve a building elevation that doesn’t comply with Article 6.3(F).

4) **Drive-thru facilities and Fueling Stations:** On Lots adjacent to the 146th Street or Towne Road right-of-way line (and also including Lots where the Lot Line may not be immediately adjacent to the 146th Street or Towne Road right-of-way line, but Lot Line is located in such a manner that no Principal Building can reasonably be constructed between the Lot and the 146th Street or Towne Road right-of-way line) the following standards shall apply:

   a) Drive-thru windows and lanes for a coffee shop, bank or drug store shall not be permitted closer to the right-of-way line of 146th Street or Towne Road than the Building Façade nearest to said right-of-way, except as an end cap to the Principal Building nearest 146th Street.

   b) Vehicular fuel pumps and canopies shall be setback a minimum of thirty (30) feet farther from the 146th Street or Towne Road right-of-way line than the Established Front Yard of the Principal Building to which the fuel pumps or canopies are appurtenant or associated.

5) **Franchise Architecture:** Any use of franchise specific architecture or architectural elements shall be subordinate to the required rural character and equestrian themed design elements.

E. **Flexible Use Area Architectural Standards:** All buildings within the Flexible Use Area shall comply with Article 6.3 (F), except as modified below:

1) **Dwellings:** All buildings containing: Dwelling, Duplex; Dwelling, Triplex; Dwelling Quadraplex; or, Dwelling, Townhouse, shall comply with the requirements of Article 8.2, C of this District.

2) **Commercial Buildings:** All commercial buildings shall comply with the requirements of Article 8.2, D of this District, and further Article 6.3 (F)(7)(b)(iv) Roof Design shall not apply.

8.3 **Article 6.5 Fence Standard:** Shall apply. Open wire mesh or chain-link fencing surrounding Wood Wind Golf Course uses may be erected to a height that meets national regulations for the sport, or an increased height specified by the Department of Public Works, to protect nearby vehicular and pedestrian traffic or buildings.
8.4 Article 6.8 Landscaping Standards: Shall apply, except as modified below:

A. Article 6.8(I) Detention and Retention Areas: Shall not apply to the Wood Wind Golf Course and Development Amenities areas.

B. Article 6.8(K) Minimum Lot Landscaping Requirements: Shall not apply to the Wood Wind Golf Course and Development Amenities areas.

1) Area 1, Area 2, Area 4 East and Area 4 West: Lots located in Area 1, Area 2, Area 4 East and Area 4 West shall include a minimum lot landscaping of: two (2) shade trees; two (2) ornamental or evergreen trees; and, twenty (20) shrubs.

2) Area 3 and Area 5: Lots located in Area 3 and Area 5 shall include a minimum lot landscaping of: two (2) shade trees; one (1) ornamental or evergreen tree; and, ten (10) shrubs.

3) Area 4 West Custom Lots – Tree Clearing: Developer may perform grading and tree clearing as reasonably necessary to accommodate the following aspect of the residential development: streets, utilities, drainage facilities which shall include side and rear yard drainage swales between future Dwellings, and for reasonable grade changes for proper pad development to accommodate Dwellings. Developer may clear lots of underbrush, dead or dying trees, trees that are less than two inches (2”) in diameter measured at three feet (3’) from existing grade in order to develop a park-like setting for each lot. Developer shall keep trees outside of these aforementioned development areas that are healthy, pose no unsafe conditions to the nearby streets, utilities, or Dwellings, are reasonably aesthetically pleasing, and have a reasonable chance of flourishing through the development and future neighborhood. Developer shall take reasonable care to save as much of the natural growth and terrain as reasonably possible. Developer shall not conduct mass clearing of trees.

4) Area 4 West Custom Lots – Preservation Credits: Trees preserved on individual lots shall qualify for credit against minimum lot landscaping.

C. Article 6.8(M) External Street Frontage Landscaping Requirements: Shall not apply; rather, the following shall apply.

1) Wood Wind Golf Course and Development Amenities: No External Street Frontage Landscaping shall be required along Wood Wind Golf Course and Development Amenity parcels abutting an External Street. Existing golf cart paths and fencing on the Wood Wind Golf Course and Development Amenity parcels may encroach into current or future rights-of-way, subject to approval and issuance of applicable permits by the Department of Public Works. All existing fencing along the
perimeter of the Wood Wind Golf Course shall be repaired or replaced as necessary.

2) Single-family Areas: A landscaping area shall be required for Areas 1, 2, 3, 4 East, 4 West and 5 (except as otherwise exempted herein for Wood Wind Golf Course and Development Amenity areas) abutting an External Street in accordance with Exhibit E-1: Road Frontage Landscaping. Sixty-five percent (65%) of the aggregate exterior boundary for Areas 1, 2, 3, 4 East, 4 West and 5 (except as otherwise provided herein for Wood Wind Golf Course and Development Amenity areas) abutting an external street shall contain a black four board horse fence.

3) Multi-Family Area: A landscaping area shall be required for the Multi-family Area abutting an External Street in accordance with Exhibit E-1: Road Frontage Landscaping.

4) Commercial Area: A landscaping area shall be required for the Commercial Area abutting an External Street in accordance with Article 6.8(M)(2).

D. Article 6.8(N) Buffer Yard Requirements: Shall not apply; rather the following Buffer Yards shall apply, as depicted in Exhibit E: District Landscape Exhibits.

1) Location: Buffer Yards shall be required in those locations of Areas 1, 2, 3, 4 East, 4 West and 5 as depicted on Exhibit E-2: Buffer Yard Locations & Connectivity.

2) Buffer Yard Types: The following types of Buffer Yards are hereby established.

   a) Buffer A: Buffer A is required and depicted in areas where there is Open Space in excess of one hundred feet (100’) in depth and contains the Wood Wind Golf Course, detention/retention areas, and/or existing woodlands.

   b) Buffer B: Buffer B shall be planted as a reforestation buffer as depicted on Exhibit E-3-A: Buffer Yard Type B, and shall have a minimum depth of fifty (50) feet.

   c) Buffer C: Buffer C shall be as depicted in Exhibit E-3-B: Buffer Yard Type C, and shall have a minimum depth of thirty feet (30’) and shall include a minimum of three (3) Shade Trees, three (3) Evergreen Trees, ten (10) shrubs and a mixture of native plantings per one hundred (100) lineal feet.
d) **Buffer D**: Buffer D shall be as depicted in Exhibit E-3-C: Buffer Yard Type D, and shall have a minimum depth of fifteen feet (15’) and shall include a minimum of two (2) Shade Trees, three (3) Evergreen Trees and ten (10) shrubs per one hundred (100) lineal feet.

3) **Multi-family Area / Flexible Use Area / Commercial Area Buffers**: Buffer yards as depicted on Exhibit E-2-G: Buffer Yard Locations for Commercial Use Area / Flexible Use Area / Multi-family Area shall be required in the multi-family area, flexible use area and commercial use.

E. **Article 6.8(O), Parking Area Landscaping**: Shall apply to the District, except as modified below:

1) **Wood Wind Golf Course and Development Amenities**: Subsection (1) Interior Parking Area Landscaping shall not apply to any parking areas existing on the Wood Wind Golf Course and Development Amenities areas on the date of adoption of this Ordinance.

8.5 **Article 6.9 Lighting Standards**: Shall apply to the District, as except as modified below:

A) **Multi-family Area**: All parking lighting shall be erected on wood light poles to complement the design character of the Multi-family Area.

8.6 **Article 6.14, G, Off-street Parking**: Shall apply to the District, except as modified below:

A) **Wood Wind Golf Course and Development Amenities**: The requirements of Subsection 7 (b), regarding curbs and gutters for Parking Areas shall not apply to any parking areas existing on the Wood Wind Golf Course and Development Amenity areas on the date of adoption of this Ordinance.

8.7 **Article 6.17 Signs Standards**: Shall apply. In addition, the following shall also apply:

A. **Wood Wind Golf Course and Development Amenity Signs**: Article 6.17 Sign Standards shall apply to the Wood Wind Golf Course and Development Amenities. In addition, the following signs shall be permitted and shall not count against otherwise permitted Signs for the Wood Wind Golf Course and Development Amenities. These signs shall not require a sign permit and shall not be visible from the public right-of-way or adjoining residential properties:

1) **Leaderboard Signs**: Signs with scoring or leader board information with manual or digital changeable copy area. Outdoor televisions screens shall not be visible from public rights-of-way or adjoining residential properties, and shall not be considered signs.
2) **Message Signs:** Message or announcement boards mounted to Wood Wind Golf Course or Development Amenity buildings.

3) **Wood Wind Golf Course Hole Signs:** All temporary or permanent signs related to tours or layout of the Wood Wind Golf Course or Development Amenities (e.g., hole numbers, description of area or directional signs for tours).

4) **Directional / Circulation Signs:** Signs two (2) square feet or less in Sign Area and located along internal drives and parking areas within the Wood Wind Golf Course and Development Amenity areas.

**B. Single-Family Areas:** Article 6.17 Sign Standards shall apply to Areas 1, 2, 3, 4 East, 4 West and 5, except as modified below:

1) **Monument Signs:** Article 6.17(G)(1) shall not apply; rather, the following shall apply:

   a) **Column Signs for Individual Entrances:** Individual entrances to the various Areas within the District shall be permitted to be identified by “column” signs substantially similar to **Exhibit F:** District Monument Sign & Column Entrance Sign Concepts. The name of the individual Area may also be included on the column as depicted. Columns may be located either on each side of an entrance drive or in a median entrance feature subject to the approval of the Director and the Department of Public Works, if located within the right-of-way. Columns shall not exceed nine (9) feet in height. The total sign surface area of any sign or signs placed on an individual Column shall not exceed thirty-two (32) square feet in area.

   b) **District Monument Signs:** A monument sign shall be permitted at the corner of 161st Street and Towne Road to identify “Wood Wind of Westfield”. The sign area shall not exceed sixty (60) square feet in area, six (6) feet in height or twenty-five (25) feet in width.

   c) **Temporary Signage:** The design objectives of Article 6.17 (K)(2)Construction Signs shall apply: however, for the purposes of this section, each Area within the District shall be considered as a separate construction project.

**C. Multi-Family Area:** Article 6.17 Sign Standards shall apply to the Multi-family Area, except as modified below:

1) All monument signage shall be three-dimensional in nature, through sandblasting or pin mounted letters.
2) All monument sign panels shall be constructed of wood or sign board (HDU or equivalent). Reverse channel letters shall be prohibited.

3) Any pin-mounted elements shall have a matte finish.

4) Internally lit monument signs shall be prohibited.

5) Monument sign design shall complement the architecture of the development, and shall integrate into an architectural element such as a fence or entry feature, where applicable.

6) Sign interior to the Multi-family Area (e.g., Interior Directional Signs, Street Name Signs, Speed Limit signs) shall be mounted on 4”x 4” wood posts with solid stain and architectural detailing to complement the architecture of the development, and shall be designed to meet breakaway standards of the Indiana Department of Transportation.

D. Flexible Use Area: Article 6.17 Sign Standards shall apply to the Flexible Use Area, except as modified below;

1) If developed with an Educational Institution, Nursing Home or Assisted Living Facility, the Flexible Use Area shall be entitled to a Monument Sign per Article 6.17 (J)(2)(a) independent from any Monument Signs permitted in the Commercial Area or the Multi-Family Area.

Section 9. Infrastructure Standards. The District’s infrastructure shall comply with Chapter 7 Subdivision Regulations of the Unified Development Ordinance and the City’s Construction Standards, unless otherwise approved by the Department of Public Works.

Section 10. Design Standards. The standards of Chapter 8 Design Standards shall apply to the development of the District, except as otherwise modified below.

10.1 Article 8.1 Block Standards: Shall not apply.

10.2 Article 8.6 Open Space and Amenity Standards: Shall apply, except as modified below:

A. Minimum Open Space: Article 8.6(G) shall not apply; rather the Minimum Open Space shall be provided in the locations and minimum quantities as depicted on Exhibit B-5: Single Family Open Space.

B. Development Amenity Center and Playgrounds: A Development Amenity Center and playgrounds shall be located in Areas 1, 3, 4 East and 5 as generally located in Exhibit B-2: Single Family District Layout and shall include improvements substantially as depicted in Exhibit B-5-B: Amenity Area Concepts.
C. **Timing of Installation:** Article 8.6(F)(3) Timing of Installation shall not apply to Areas 1 and 2; rather, the following shall apply:

1) **Wood Wind Golf Course:** The Wood Wind Golf Course shall be partially redesigned, modernized and upgraded. Other than temporary closures required to implement such redesign, modernizing and upgrades, or to accommodate the construction of other Development Amenities, the Wood Wind Golf Course shall remain open and available to the public during renovations.

2) **Development Amenity Center:** The Development Amenity Center shall be constructed in two (2) phases as follows:
   a) **Phase One:** Phase One shall include three (3) swimming pools (lap pool, resort pool, and a kiddie pool) and associated bath house (restrooms and showers). Construction of this phase shall commence at or prior to the issuance of the 75th Improvement Location Permit for a Single-Family Dwelling within the District, or by October 31, 2018, whichever occurs later. Phase One improvements shall be completed within one (1) year of commencement.
   
   b) **Phase Two:** Phase Two shall include a sport court/multi-purpose room and fitness center and tennis courts, basketball courts and a playground. Construction of this phase shall commence at or prior to issuance of the 160th Improvement Location Permit for a Single-Family Dwelling within the District, or by October 31, 2019, whichever occurs later. Phase Two improvements shall be completed within one (1) year of commencement.

D. **Barn Preservation:** Developer intends to preserve the existing barn located in Area 4 West as identified in Exhibit B-2-D: Single Family District Layout – Area 4 and incorporate the barn into the project’s Development Amenities, provided the barn is determined by licensed structural professionals to be in sound condition and does not present a danger to the public health and safety. If the barn is determined to be in sound condition and does not present a danger to the public health and safety, then the barn shall be preserved and incorporated as a part of a Development Amenity. Alternatively, if the barn is determined not to be in sound condition or presents a danger to the public health or safety, then a written report by a licensed structural professional making such determination shall be required and submitted to the City prior to the demolition of the barn.
10.3 Article 8.7 Pedestrian Network Standards: Shall apply, however, provided however:

A. Article 8.7(C)(2) Internal Pedestrian Network Standards shall be modified to require that sidewalks and trails be installed as depicted on Exhibit E-2: Buffer Yard Locations & Connectivity.
ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF ____________, 2017.

WESTFIELD CITY COUNCIL

<table>
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<tr>
<th>Voting For</th>
<th>Voting Against</th>
<th>Abstain</th>
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<td>Cindy L. Spoljaric</td>
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</table>

ATTEST:

__________________________
Cindy Gossard, Clerk Treasurer
I hereby certify that ORDINANCE 16-27 was delivered to the Mayor of Westfield on the ______ day of ________, 2017, at _______ ___ m.

______________________________
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 16-27 this _____ day of ____________, 2017.

______________________________
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 16-27 this _____ day of ____________, 2017.

______________________________
J. Andrew Cook, Mayor

This document prepared by:

Joseph M. Scimia, Partner, Ice Miller LLP, One American Square, Suite 2900, Indianapolis, IN 46282-0200; and,

Eugene Valanzano, Senior Land Use Consultant, Faegre Baker Daniels, 600 E. 96th Street, Suite 600, Indianapolis, IN 46240

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Joseph M. Scimia
SCHEDULE OF EXHIBITS

Exhibit A: Real Estate
   Exhibit A-1: Area Map
   Exhibit A-2: Parcel Ownership List
   Exhibit A-3: Legal Description

All additional Exhibits referred to in this Wood Wind PUD District Ordinance may be found in the Wood Wind PUD District Exhibit Book filed with this Ordinance and on file with the City of Westfield Economic and Community Development Department.
Exhibit A: Real Estate

Exhibit A-1: Area Map (Amended)
**Exhibit A-2: Parcel Ownership List (Amended)**

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<thead>
<tr>
<th>Ownership Name &amp; Mailing Address</th>
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<td>234 S. Franklin Road&lt;br&gt;Indianapolis, IN 46219</td>
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<tr>
<td>Sarah Jane Brigham, also known as Jane Brigham</td>
<td>08-09-09-00-00-003.002</td>
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<td>2041 W. 161(^{st}) Street&lt;br&gt;Westfield, IN 46074</td>
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<td>Thomas P. Murphy</td>
<td>08-09-09-00-00-004.000</td>
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<td>12618 Winding Creek Lane&lt;br&gt;Fishers, IN 46038</td>
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<td>BCE Associates IV, LLC</td>
<td>08-09-09-00-00-006.004</td>
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<tr>
<td>P.O. Box 280&lt;br&gt;Zionsville, IN 46077</td>
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<tr>
<td>Mary I. Schreiber, as Trustee of the Timothy J. Murphy Trust</td>
<td>08-09-17-00-00-004.000</td>
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<tr>
<td>7604 Cider Mill Court&lt;br&gt;Fishers, IN 46038-2695</td>
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<td>William &amp; Karen Koss</td>
<td>08-09-17-00-00-008.001</td>
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<td>15411 Shelborne Road&lt;br&gt;Westfield, IN 46074</td>
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<td>MJG Properties LLC</td>
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Exhibit A-3: Legal Description (Amended)

Bent Tree Parcel (from Instrument #2011005626):

Part of the west half of the Northwest Quarter and the Southwest Quarter of Section 9, Township 18 North, Range 3 East of the Second Principal Meridian, Washington Township, Hamilton County, and being more particularly described as follows:

Beginning at the southwest corner of the Southwest Quarter of Section 9; thence North 00 degrees 00 minutes 00 seconds East (an assumed bearing) along the West line of said Southwest Quarter a distance of 2632.22 feet to the northwest corner of said Southwest Quarter, also being the southwest corner of the west half of the Northwest Quarter of said Section 9; thence North 00 degrees 05 minutes 27 seconds West along the west line of said west half a distance of 1549.77 feet; thence North 89 degrees 41 minutes 48 seconds East 700.59 feet; thence North 00 degrees 10 minutes 40 seconds East 1084.10 feet to the north line of said west half; North 89 degrees 34 minutes 29 seconds East along the north line of said west half a distance of 651.69 feet to the northeast corner of said west half; thence South 00 degrees 07 minutes 29 seconds East along the east line of said west half a distance of 2631.54 feet to the southeast corner of said west half, also being on the north line of the Southwest Quarter of said Section 9; thence North 89 degrees 32 minutes 31 seconds East along said north line 101.06 feet; thence South 00 degrees 27 minutes 29 seconds East 495.00 feet; thence North 89 degrees 32 minutes 31 seconds East 685.00 feet; thence North 00 degrees 27 minutes 29 seconds West 495 feet to the Point of Beginning.

EXCEPT:

A part of the Southwest Quarter of Section 9, Township 18 North, Range 3 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, and being described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence North 89 degrees 32 minutes 31 seconds East (an assumed bearing) along the north line of said Southwest Quarter a distance of 2145.00 feet to the Point of Beginning; thence continue North 89 degrees 32 minutes 31 seconds East along said north line 320.47 feet; thence South 00 degrees 02 minutes 24 seconds West 361.06 feet to the southeasterly corner of a tract of land conveyed to Sarah Jane Brigham, recorded as Instrument No. 9609647425 in the Office of the Recorder of Hamilton County; thence North 00 degrees 27 minutes 29 seconds West along the easterly line of said Brigham tract 495.00 feet to the Point of Beginning.
ALSO EXCEPT:

Part of the west half of the Northwest Quarter of Section 9, Township 18 North, Range 3 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, and described as follows:

Commencing at the northwest corner of said west half; thence North 89 degrees 34 minutes 29 seconds East (an assumed bearing) along the north line of said West half a distance of 705.68 feet to the Point of Beginning; thence continue North 89 degrees 34 minutes 29 seconds East along said north line 651.69 feet to the northeast corner of said west half; thence South 00 degrees 07 minutes 29 seconds East along the east line of said west half a distance of 500.00 feet; thence South 89 degrees 34 minutes 29 seconds West parallel with the north line of said west half a distance of 654.33 feet to the easterly line of a Classified Forest as described in Miscellaneous Record Book 157, page 42 as recorded in the Office of the Hamilton County Recorder, thence North 00 degrees 10 minutes 40 seconds East along the east line of said Forest, a distance of 500 feet to the Point of Beginning.

Brigham Parcel (Parcel 2 of Instrument #9609647425):

A part of the Northwest Quarter of the Northwest Quarter of Section 9, Township 18 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being more specifically described as follows:

BEGINNING at a point on the North line of the Northwest Quarter of Section 9, Township 18 North, Range 3 East, said POINT OF BEGINNING being the Northeast corner of a 3.52 acre tract described in Deed Record 132, Page 140 and 278.00 feet East of the Northwest corner of said Northwest Quarter; thence Easterly 442 feet more or less on and along the North line of said Northwest Quarter; thence Southerly 1075 feet more or less; thence Westerly 710 feet more or less to the West line of said Northwest Quarter; thence Northerly 541 feet more or less, on and along the West line of said Northwest Quarter to the Southwest corner of said 3.52 acre tract, said Southwest corner being South 528.8 feet of the Northwest corner of said Northwest Quarter; thence Easterly 294.6 feet on and along the South line of said 3.52 acre tract to its Southeast corner thereof, said Southeast corner being 294.0 feet East of the West line of said Northwest Quarter; thence Northerly 544.6 feet on and along the East line of said 3.52, acre tract to the POINT OF BEGINNING. Containing 14 acres more or less, being subject to all applicable easements and rights-of-way of record.

BCE Parcels (description from survey):

A part of the Northwest Quarter of Section 16 and a part of the Northeast Quarter of Section 17, all in Township 18 North, Range 3 East, in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

BEGINNING at an Iron pin marking the Southeast corner of the Northeast Quarter of said Section 17; thence South 89 degrees 26 minutes 39 seconds West (bearings based on the Indiana State Plane Coordinate System, East Zone, NAD 83, CORS 96) along the South line thereof a distance of 1322.16 feet to a 5/8 inch rebar marking the Southwest corner of the East Half of said Northeast Quarter; thence North 00 degrees 19 minutes 45 seconds East
along the West line thereof a distance of 1314.62 feet to a 5/8 inch capped rebar marked "C2LS Firm #0035" marking the Southeast corner of the Northwest Quarter of said Northeast Quarter; thence South 89 degrees 15 minutes 25 seconds West along the South line thereof a distance of 660.10 feet to the Southwest corner of the East Half of the Northwest Quarter of said Northeast Quarter; thence North 00 degrees 22 minutes 24 seconds East along the West line thereof a distance of 1312.48 feet to the Northwest corner of the East Half of the Northwest Quarter of said Northeast Quarter; thence North 89 degrees 04 minutes 09 seconds East along the North line thereof a distance of 851.39 feet to a 5/8 inch capped rebar marked "C2LS Firm #0035" marking the Northwest corner of a tract of land described in Instrument Number 2012070185 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 14 minutes 27 seconds West along the West line thereof a distance of 623.92 feet to a 5/8 inch capped rebar marked "C2LS Firm #0035" marking the Southeast corner of said tract; thence North 89 degrees 04 minutes 09 seconds East along the South line thereof a distance of 1126.00 feet to a "Mag" nail marking the Southwest corner of said tract, said point also being on the East line of said Northeast Quarter; thence North 00 degrees 14 minutes 27 seconds East along the East line thereof a distance of 108.92 feet to the "Mag" nail marking the North corner of a tract described in Instrument Number 2015038724 in said Recorder's Office; thence North 89 degrees 43 minutes 41 seconds East along the South line thereof a distance of 315.00 feet to the Northeast corner of said tract; thence North 00 degrees 14 minutes 27 seconds East along the East line thereof and along the East line of a tract of land described in Instrument Number 20020059827 in said Recorder's Office a distance of 515.00 feet to a Railroad spike marking the Northwest corner of said tract, said point also being on the North line of said Northwest Quarter; thence North 89 degrees 43 minutes 41 seconds East along the North line thereof a distance of 1044.79 feet to the Northeast corner of the Northwest Quarter of said Northwest Quarter; thence South 00 degrees 17 minutes 57 seconds West along the East line thereof a distance of 1316.87 feet to a 5/8 inch rebar marking the Northeast corner of the Southeast Quarter of said Northwest Quarter; thence North 89 degrees 38 minutes 28 seconds East along the North line thereof a distance of 679.23 feet to the Northeast corner of the West Half of the Southeast Quarter of said Northwest Quarter; thence South 00 degrees 19 minutes 43 seconds West along the East line thereof a distance of 1315.85 feet to a Railroad spike marking the Southeast corner of the West Half of the Northeast Quarter of said Northwest Quarter; thence South 89 degrees 33 minutes 16 seconds West along the South line of said Northwest Quarter a distance of 2035.71 feet to the POINT OF BEGINNING. Containing 182.550 acres, more or less.

**Koss Family (from Quit Claim Deeds #9251631 and #9300783):**

Part of the Northwest Quarter of Section 17, Township 18 North, Range 3 East, Hamilton County, Indiana, and being more particularly described as follows: Beginning at the Northwest corner of said quarter section; thence North 89 degrees 28 minutes 08 seconds East along the North line of said quarter section, 2655.27 feet to the Northeast corner thereof; thence South 0 degrees 13 minutes 42 seconds West along the East line of said quarter section 1383.32 feet; thence South 88 degrees 51 minutes 21 seconds West 643.22 feet; thence North 0 degrees 12 minutes 06 seconds West 919.39 feet; thence South 89 degrees 38 minutes 09 seconds West 1360.14 feet; thence North 89 degrees 28 minutes 09 seconds West 643.23 feet to the West line of said quarter section; thence North 0 degrees 00
minutes 00 seconds East along said west line, 454.85 feet to the point of beginning and containing 42.069 acres, more or less. Subject to right of way for Shelbourne Road off the entire West side thereof and all other legal easements and rights of way of record.

**Koss Parents (Parcel II of Instrument #9709702004):**

The West Half of the Northwest Quarter of the Northeast Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Three (3) East in Hamilton County, Indiana, containing Twenty (20) acres, more or less.

**Murphy Parcels (from Instrument #9909901082):**

26.5 ACRES OFF AND ALONG THE ENTIRE SOUTH SIDE OF THE FOLLOWING DESCRIBED TRACT OF REAL ESTATE: BEGIN AT A STONE 181 FEET EAST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 NORTH, RANGE 3 EAST AND RUN WEST 1539.4 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID QUARTER SECTION, THENCE SOUTH TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION, THENCE EAST 1538.46 FEET TO A STONE, THENCE NORTH 1317.50 FEET TO THE PLACE OF BEGINNING, CONTAINING 46.5 ACRES, MORE OR LESS, IN HAMILTON COUNTY, INDIANA.

ALSO:

PART OF THE SOUTH HALF OF THE NORTH HALF OF SECTION 9, TOWNSHIP 18 NORTH, RANGE 3 EAST, AS FOLLOWS: BEGIN AT A STONE AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 9, AND RUN NORTH ON THE WEST LINE OF SAID EAST HALF OF NORTHWEST QUARTER TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, EAST 1538.46 FEET TO A STONE, THENCE SOUTH 1317.5 FEET TO A STONE ON SOUTH LINE OF SAID EAST HALF, THENCE WEST 1537.5 FEET TO THE PLACE OF BEGINNING, CONTAINING 46.80 ACRES, MORE OR LESS, IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA.

EXCEPT:

PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 NORTH, RANGE 3 EAST, IN HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION BEING SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST (ASSUMED BEARING) 84.51 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE CONTINUE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID SOUTH LINE, 332.52 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 393.00 FEET; THENCE NORTH 90 DEGREES 00 SECONDS EAST, PARALLEL WITH SAID SOUTH LINE, 332.52 FEET; THENCE SOUTH 0 DEGREES
WOOD WIND PUD District

00 MINUTES 00 SECONDS WEST 393.00 FEET TO THE POINT OF BEGINNING.

Schreiber Parcel (description from Schreiber survey):

Parcel 1:

A part of the Northeast, Southwest and Southeast Quarters of Section 17, Township 18 North, Range 3 East, in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

COMMENCING at an Iron pin marking the Southeast corner of the Northeast Quarter of said Section 17; thence South 89 degrees 26 minutes 39 seconds West (bearings based on the Indiana State Plane Coordinate System, East Zone, NAD 83, CORS 96) along the South line thereof a distance of 562.25 feet to a "Mag" nail marking the POINT OF BEGINNING of this description; thence continuing South 89 degrees 26 minutes 39 seconds West along the South line thereof a distance of 759.91 feet to a 5/8 inch rebar marking the Southeast corner of the Southwest Quarter of said Northeast Quarter; thence North 00 degrees 19 minutes 45 seconds East along the East line thereof a distance of 1314.62 feet to a 5/8 inch capped rebar marked "C2LS Firm #0035" (hereafter referred to as capped rebar) marking the Northeast corner of the Southwest Quarter of said Northeast Quarter; thence South 89 degrees 15 minutes 25 seconds West along the North line thereof a distance of 1320.21 feet to the Northwest corner of the Southwest Quarter of said Northeast Quarter; thence South 00 degrees 25 minutes 05 seconds West along the West line thereof a distance of 1310.34 feet to a stone marking the Northeast corner of the Southwest Quarter of said Section 17; thence South 89 degrees 31 minutes 59 seconds West along the North line thereof a distance of 1323.12 feet to the Northwest corner of the East Half of said Southwest Quarter; thence continuing South 89 degrees 31 minutes 59 seconds West along the North line thereof a distance of 330.88 feet to the Northwest corner of a tract of land described in Instrument Number 199909955060 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 02 minutes 10 seconds West along the West line thereof a distance of 984.63 feet to a capped rebar on the North line of a tract of land described in Instrument Number 200400083420 in said Recorder's Office; thence North 89 degrees 35 minutes 51 seconds East along the North line thereof a distance of 334.70 feet to a capped rebar marking the Northeast corner of said tract; thence South 00 degrees 11 minutes 51 seconds West along the East line thereof and along the East line of a tract of land described in Instrument Number 200500074587 in said Recorder's Office a distance of 1360.05 feet to the intersection of the East line of said tract and the West line of the East Half of said Southwest Quarter; thence South 00 degrees 02 minutes 10 seconds West along the West line thereof a distance of 162.22 feet to a capped rebar on the Northerly line of a 33 foot wide Gas Line Easement as recorded in Deed Record 176, Page 231 in said Recorder's Office, said point measuring 16.5 feet North and perpendicular to the centerline of an existing gas line; (the next 4 courses being parallel with and measuring 16.5 feet perpendicular to said existing gas line and along the Northerly line of said Easement) thence North 50 degrees 59 minutes 49 seconds East a distance of 1252.01 feet; thence North 53 degrees 27 minutes 51 seconds East a distance of 397.70 feet; thence North 50 degrees 59 minutes 48 seconds East a distance of 865.93 feet; thence North 53 degrees 56 minutes 17 seconds East a distance of 158.93 feet to a capped rebar on the West line of a tract of land.
described in Instrument Number 9709730812 in said Recorder's Office; (the next 3 courses being along the perimeter lines of said tract); thence North 00 degrees 03 minutes 15 seconds West a distance of 542.96 feet to a capped rebar; thence North 89 degrees 30 minutes 48 seconds East a distance of 591.13 feet to a capped "Hahn" rebar; thence South 00 degrees 45 minutes 45 seconds West a distance of 119.67 feet to a capped rebar on the Northerly line of said 33 foot wide Gas Line Easement as recorded in Deed Record 176, Page 231, said point measuring 16.5 feet North and perpendicular to the centerline of an existing gas line; (the next 2 courses being parallel with and measuring 16.5 feet perpendicular to said existing gas line and along the Northerly line of said Easement) thence North 66 degrees 31 minutes 16 seconds East a distance of 713.23 feet; thence North 23 degrees 10 minutes 49 seconds East a distance of 176.73 feet to the POINT OF BEGINNING. Containing 136.822 acres, more or less.

ALSO

Parcel 2 ("Schreiber Remainder B"): 

A part of the Southeast Quarter of Section 17, Township 18 North, Range 3 East, in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

BEGINNING at an Iron pin marking the Northeast corner of the Southeast Quarter of said Section 17; thence South 89 degrees 26 minutes 39 seconds West (bearings based on the Indiana State Plane Coordinate System, East Zone, NAD 83, CORS 96) along the North line thereof a distance of 562.25 feet to a "Mag" nail on the Northwesterly line of a 33 foot wide Gas Line Easement as recorded in Deed Record 176, Page 231 in the Office of the Recorder of Hamilton County, Indiana, said point measuring 16.5 feet Northwesterly and perpendicular to the centerline of an existing gas line; (the next 2 courses being parallel with and measuring 16.5 feet perpendicular to said existing gas line and along the Northwesterly line of said Easement) thence South 23 degrees 10 minutes 49 seconds West a distance of 176.73 feet to a 5/8 inch capped rebar marked "C2LS Firm #0035"; thence South 66 degrees 31 minutes 16 seconds West a distance of 713.23 feet to a 5/8 inch capped rebar marked "C2LS Firm #0035" on the East line of a tract of land described in Instrument Number 9709730812 in said Recorder's Office; thence South 00 degrees 45 minutes 45 seconds West along the East line thereof a distance of 545.89 feet to the Northwest corner of a tract of land described in Instrument Number 200200010702 in said Recorder's Office; thence North 89 degrees 30 minutes 48 seconds East along the North line thereof a distance of 383.41 feet to the Northeast corner of said tract; thence South 00 degrees 03 minutes 15 seconds East along the East line thereof a distance of 406.32 feet to the Southeast corner of said tract; thence South 89 degrees 30 minutes 48 seconds West along the South line thereof and along the South line of a tract of land described in Instrument Number 200100027371 in said Recorder's Office a distance of 183.90 feet to an Easterly corner of said tract; thence South 00 degrees 03 minutes 15 seconds East along the East line thereof a distance of 985.65 feet to the North right-of-way line of 146th Street as recorded in Instrument Number 2016013973 in said Recorder's Office; (the next 11 courses being along the North right-of-way of said 146th Street and along the West right-of-way of Towne Road as described in said Instrument Number 2016013973) thence North 89 degrees 35 minutes 51 seconds East
a distance of 409.99 feet; thence North 72 degrees 53 minutes 53 seconds East a distance of 52.20 feet; thence North 89 degrees 35 minutes 50 seconds East a distance of 75.00 feet; thence South 73 degrees 42 minutes 12 seconds East a distance of 52.20 feet; thence South 88 degrees 35 minutes 55 seconds East a distance of 95.30 feet to a point on a curve having a radius of 145.00 feet; thence Northeasterly along said curve to the left an arc distance of 226.88 feet, said curve being subtended by a long chord having a bearing of North 44 degrees 46 minutes 19 seconds East and a length of 204.44 feet; thence North 03 degrees 06 minutes 12 seconds West a distance of 93.98 feet to a point on a curve having a radius of 220.00 feet; thence Northeasterly along said curve to the right an arc distance of 345.58 feet, said curve being subtended by a long chord having a bearing of North 44 degrees 56 minutes 47 seconds East and a length of 311.13 feet; thence North 89 degrees 56 minutes 47 seconds East a distance of 5.32 feet; thence North 00 degrees 03 minutes 15 seconds West a distance of 45.85 feet; thence North 89 degrees 56 minutes 47 seconds East a distance of 50.00 feet to the East line of said Southeast Quarter; thence North 00 degrees 03 minutes 15 seconds West along the East line thereof a distance of 1881.33 feet to the POINT OF BEGINNING. Containing 55.014 acres, more or less.

ALSO

PARCEL 3 (Easement Area):

A part of the Southwest Quarter of Section 17, Township 18 North, Range 3 East, in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Those portions of the following two easements located within Hamilton County Tax Parcel Numbers 08-09-17-00-00-009.000 and 08-09-17-00-00-008.001, said Parcels described in Instrument Number 199909955060 in the Office of the Recorder of Hamilton County, Indiana, and being west of the west property line of the Miller Property, as described in Instrument Number 9709730812 recorded in said Recorders Office: 1) Easement for Buckeye Pipeline Company, a thirty-three (33) foot wide easement as described in D.R. 176, Page 231; 2) Right-of-Way Easement for Socony-Vacuum Oil Company, Inc., being fifty (50) feet wide as described in M.R. 34, Page 263.

MJG Properties, LLC (from Instrument No. 200500014560):

Part of the Northeast Quarter of Section 9, Township 18 North, Range 3 East, Second Principal Meridian, Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the northwest corner of the Northeast Quarter of Section 9, Township 18 North, Range 3 East, Second Principal Meridian, Washington Township, Hamilton County, Indiana; thence North 89 degrees 58 minutes 41 seconds East (Indiana State Plane Coordinate System-East Zone NAD83) a distance of 181.00 feet on the north line of said Northeast Quarter to the northeast corner of the real estate described in Deed Book 305 Page 665, in the Office of the Recorder, Hamilton County, Indiana, said corner being the point of beginning of the herein described parcel; thence South 00 degrees 08 minutes 09 seconds West 1314.99 feet on the east line of the real estate described in said Deed Book 305 page
665, and the southerly prolongation thereof to a 5/8 inch diameter rebar with cap marked Weihe Engineers 0012 ("capped rebar") on the south line of the North Half of said Northeast Quarter; thence North 89 degrees 54 minutes 49 seconds East 762.15 feet on the south line of the North Half of said Northeast Quarter to a "capped rebar"; thence North 00 degrees 08 minutes 09 seconds East 1314.06 feet to a pk nail on the north line of said Northeast Quarter; thence South 89 degrees 58 minutes 41 seconds West 762.15 feet on the north line of said Northeast Quarter to the point of beginning, containing 23.00 acres, more or less.

Homann Parcel (from Instrument #2014032821):

PARCEL 1:

Part of the Northwest Quarter of Section 17, Township 18 North, Range 3 East of the Second Principal Meridian, in Hamilton County, Indiana, described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section; thence South 00 degrees 31 minutes 20 seconds West (assumed bearing) 926.78 feet to a mag nail set at the POINT OF BEGINNING; thence South 88 degrees 30 minutes 33 seconds East 355.80 feet to a 5/8 inch rebar with red cap stamped FIRM 0066, (hereafter referred to as rebar); thence South 00 degrees 37 minutes 49 seconds East 107.23 feet to a rebar; thence South 20 degrees 36 minutes 32 seconds East 216.78 feet to a rebar; thence South 53 degrees 09 minutes 01 second East 124.95 feet to a rebar; thence South 84 degrees 58 minutes 32 seconds East 95.85 feet to a rebar; thence North 01 degree 29 minutes 53 seconds East 236.92 feet to an existing corner post; thence North 83 degrees 27 minutes 59 seconds East 85.98 feet to a rebar; thence North 09 degrees 55 minutes 50 seconds East 65.30 feet to a rebar; thence North 87 degrees 09 minutes 41 seconds West 89.40 feet to a rebar; thence North 03 degrees 54 minutes 49 seconds West 174.29 feet to a rebar; thence South 83 degrees 43 minutes 11 seconds West 354.47 feet to a rebar; thence North 01 degree 18 minutes 05 seconds West 197.68 feet to a rebar; thence South 89 degrees 22 minutes 02 seconds West 368.24 feet to a rebar; thence North 01 degree 13 minutes 48 seconds West 218.81 feet to a rebar; thence South 89 degrees 50 minutes 31 seconds West 1360.14 feet to a rebar; thence South 00 degrees 19 minutes 30 seconds West 919.69 feet to a rebar; thence South 89 degrees 48 minutes 03 seconds West 998.63 feet to a rebar; thence South 00 degrees 31 minutes 20 seconds West 30.00 feet; thence South 89 degrees 50 minutes 47 seconds West 1008.00 feet to a mag nail on the West line of said Quarter Section, which lies North 00 degrees 31 minutes 20 seconds East 1201.20 feet from the Southwest corner of said Quarter Section; thence North 00 degrees 31 minutes 20 seconds East, along the West line of said Quarter Section, 499.53 feet to the point of beginning and containing 32.694 acres, more or less.

(NOTE: the foregoing Parcel 1 consists of 3 separate presently existing tax parcels and Grantor does not wish to combine these parcels with this deed)

PARCEL 2:

Part of the northwest quarter of Section 17, Township 18 North, Range 3 east of the Second Principal Meridian, in Hamilton County, Indiana, described as follows:
Commencing at the southwest corner of said quarter section; thence north 00 degrees 31 minutes 20 seconds east 1121.20 feet to a mag nail set with washer, stamped "firm 0066" at the point of beginning; thence continuing along said west line, north 00 degrees 31 minutes 20 seconds east 80.00 feet; thence north 89 degrees 50 minutes 47 seconds east, parallel with the south line of said quarter section, 1008.00 feet; thence south 00 degrees 31 minutes 20 seconds west, parallel with the west line of said quarter section, 110.00 feet to a 5/8 inch rebar. With red cap stamped "firm 0066"; thence south 89 degrees 50 minutes 47 seconds west, parallel with the south line of said quarter section, 991.50 feet to a 5/8 inch rebar with red cap stamped firm 0066; thence north 00 degrees 31 minutes 20 seconds east, parallel with the west line of said quarter section, 16.50 feet to the point of beginning.

**Karen Koss Parcel (from Instrument #2016054888):**

Part of the Northwest Quarter of Section 17, Township 18 North, Range 3 East of the Second Principal Meridian, in Hamilton County, Indiana, described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section; thence South 00 degrees 31 minutes 20 seconds West (assumed bearing) 454.85 feet to mag nail at the POINT OF BEGINNING; thence South 88 degrees 56 minutes 49 seconds East 643.23 feet to a 5/8 inch rebar with red cap stamped FIRM 0066, (hereafter referred to as rebar); thence South 01 degree 13 minutes 48 seconds West 218.81 feet to a rebar; thence North 89 degrees 22 minutes 02 seconds East 368.24 feet to a rebar; thence South 01 degree 18 minutes 05 seconds West 218.81 feet to a rebar; thence North 83 degrees 43 minutes 11 seconds West 354.47 feet to a rebar; thence South 03 degrees 54 minutes 49 seconds West 174.29 feet to a rebar; thence South 87 degrees 09 minutes 41 seconds East 89.40 feet to a rebar; thence South 01 degrees 55 minutes 50 seconds West 65.30 feet to a rebar; thence South 83 degrees 27 minutes 59 seconds West 85.98 feet to an existing corner post; thence South 01 degree 29 minutes 53 seconds West 236.92 feet to a rebar; thence North 84 degrees 58 minutes 32 seconds West 95.85 feet to a rebar; thence North 53 degrees 09 minutes 01 second West 124.95 feet to a rebar; thence North 20 degrees 36 minutes 32 seconds West 216.78 feet to a rebar; thence North 00 degrees 37 minutes 49 seconds West 107.23 feet to a rebar; thence North 88 degrees 30 minutes 33 seconds West 355.80 feet to a mag nail on the West line of said Quarter Section; thence North 00 degrees 31 minutes 20 seconds East, along said West line, 471.93 feet to the point of beginning and containing 10.683 acres, more or less.

(End of Legal Description)