

ORIGINAL

STATE OF INDIANA)
COUNTY OF LAKE)

BEFORE THE TOWN OF CEDAR LAKE,
LAKE COUNTY, INDIANA
TOWN COUNCIL
(Petitioner, Warren Vesely)

2004 050935

CONTRACTUAL COMMITMENT

RECITALS

WHEREAS, Warren Vesely, Petitioner herein, and Daniel Hoffman, owner, have applied for zoning district map amendment of a parcel of real property located in the vicinity of 9602 West 133rd Avenue, in the Town of Cedar Lake, Lake County, Indiana, (hereinafter "Town") which is legally described on Exhibit "A" attached hereto; and

WHEREAS, the subject real property is a parcel presently located in a B-1 Neighborhood Zoning District classification in the Town; and

WHEREAS, Petitioner, Warren Vesely, has applied to the Town through its Plan Commission, for an amendment of Zoning District classification from B-1 Neighborhood Business Zoning District to B-3 General Business Zoning District Classification; and

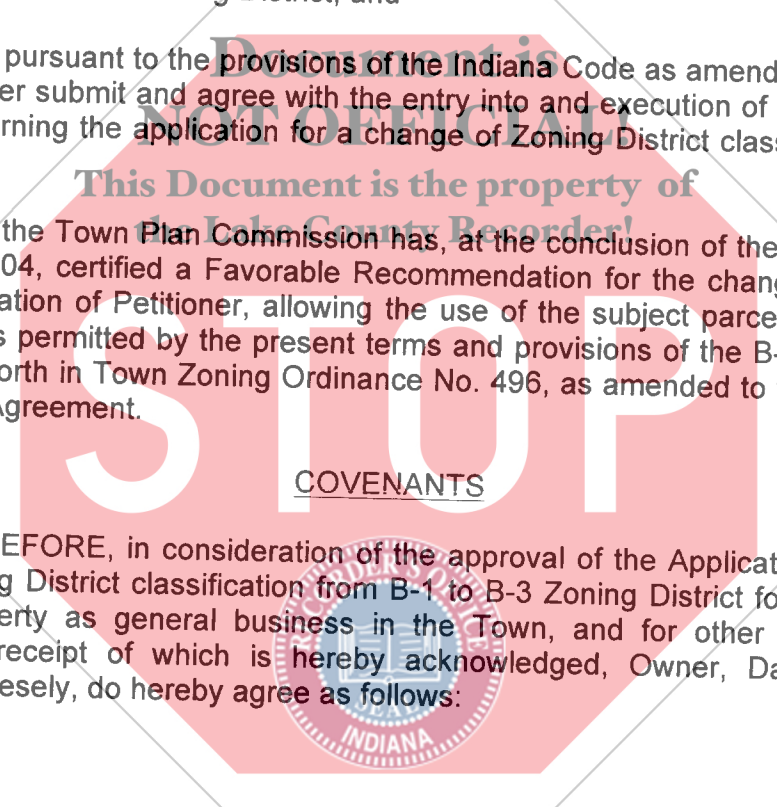
WHEREAS, on February 18, 2004, Petitioner appeared before the Town Plan Commission for a Public Hearing on the application for a zone map amendment and change of Zoning District classification from B-1 to B-3 Zoning District; and

WHEREAS, pursuant to the provisions of the Indiana Code as amended from time to time, Petitioner and Owner submit and agree with the entry into and execution of a written Contractual Commitment concerning the application for a change of Zoning District classification from B-1 to B-3; and

WHEREAS, the Town Plan Commission has, at the conclusion of the Public Hearing held on February 18, 2004, certified a Favorable Recommendation for the change of Zoning District classification application of Petitioner, allowing the use of the subject parcel of real property for general business as permitted by the present terms and provisions of the B-3 General Business Zoning District set forth in Town Zoning Ordinance No. 496, as amended to the date of the entry of this Contractual Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the approval of the Application of the Petitioner for change of Zoning District classification from B-1 to B-3 Zoning District for use of the subject parcel of real property as general business in the Town, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Owner, Daniel Hoffman, and Petitioner, Warren Vesely, do hereby agree as follows:



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1. The following conditions for use of the parcel shall be followed and strictly enforced, namely:

- a. The uses of the subject parcel shall be restricted and limited to those permitted uses in the B-3 General Business Zoning District as presently set forth on this date in Town Zoning Ordinance 496, as amended, namely: (see attached Exhibit "B" which is incorporated herein by reference)

2. That this Contractual Commitment concerning the parcel of real property located in the vicinity of 6902 West 133rd Avenue, Cedar Lake, Indiana, and legally described in Exhibit "A" attached hereto, shall be filed and recorded in the Office of the Recorder of Lake County, Indiana, upon its acceptance by the Town of Cedar Lake, Lake County, Indiana.

ALL OF WHICH IS AGREED TO THIS _____ DAY OF MARCH, 2004.

PETITIONER

By: Warren Vesely

OWNER

By: Daniel Hoffman



STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

Before me, a Notary Public, in and for said County and State, personally appeared Petitioner, Warren Vesely, and acknowledged the execution of the foregoing Instrument. In Witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

December 3, 2010

Margo A. Nagy
Notary Public
A resident of Lake County
MARGO A. NAGY
Printed Signature

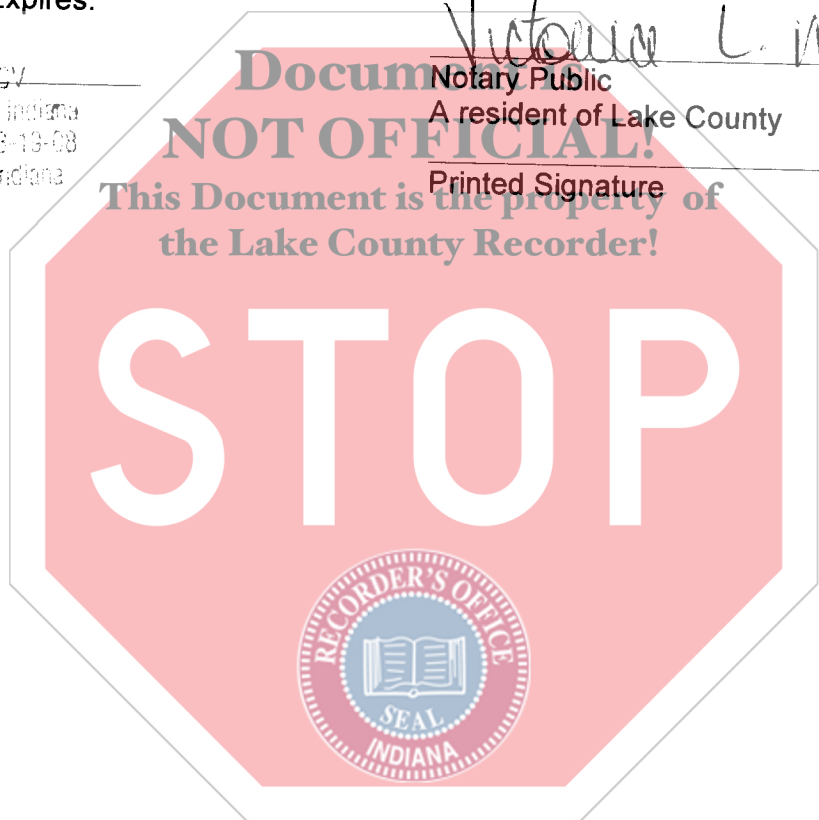
STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

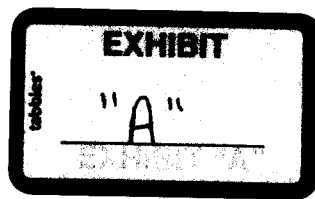
Before me, a Notary Public, in and for said County and State, personally appeared Owner, Daniel Hoffman, and acknowledged the execution of the foregoing Instrument. In Witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

VICTORIA L. MULLER
Notary Public, Lake County, Indiana
My Commission Expires 03-19-08
Resident of Lake County, Indiana

Victoria L. Muller
Notary Public
A resident of Lake County
Printed Signature

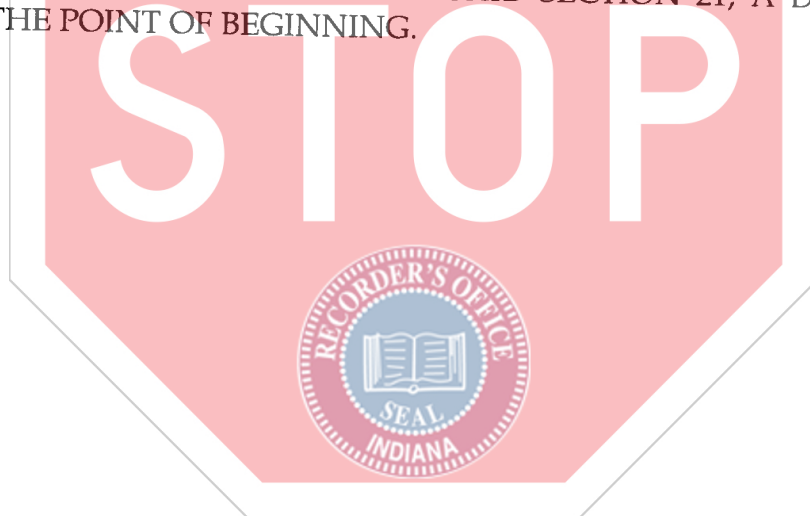


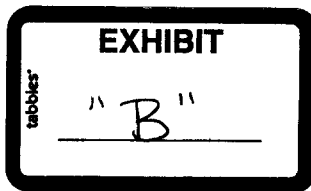


A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2nd P.M., IN LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF SECTION 21, WHICH IS 170 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION 21, THE POINT OF BEGINNING; THENCE WEST ON THE SOUTH LINE OF SECTION 21, A DISTANCE OF 60 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SECTION 21, A DISTANCE OF 250 FEET; THENCE EAST ON A LINE PARALLEL TO THE SOUTH LINE OF SECTION 21, A DISTANCE OF 60 FEET; THENCE SOUTH 250 FEET TO THE POINT OF BEGINNING.

AND:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 21, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SECTION 21, WHICH IS 170 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH PARALLEL TO THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 50 FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 50 FEET; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION 21, A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.





TITLE XIV -- GENERAL BUSINESS (B-3) ZONING DISTRICT

SECTION 1: Intended Purposes.

The General Business (B-3) Zoning District is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Neighborhood Business (B-1) Zoning District or the Community Business (B-2) Zoning District. The General Business (B-3) Zoning District is intended to serve predominantly motorists.

The following provisions shall apply to General Business (B-3) Zoning Districts:

- A. All business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, unless authorized as a variance, and except as otherwise permitted herein for specific uses.
- B. Goods sold shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
- C. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.
- D. Where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a minimum height of six (6) feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
- E. Sign requirements shall be in accordance with the provisions set forth in TITLE XXII of this Zoning Ordinance, as amended from time to time.
- F. Parking spaces shall be in accordance with the provisions set forth in TITLE XXVII of this Zoning Ordinance, as amended from time to time.

SECTION 2: Use Regulations.

- A. The following shall apply to the General Business (B-3) Zoning District as permitted uses:
 - (1) Any Business or commercial uses permitted in the Community Business (B-2) Zoning District, subject to the regulations of this Zoning Ordinance, as amended from time to time, for this Zoning

District;

- (2) Amusement establishments such as bowling alleys, pool halls, dancing halls, gymnasiums, swimming pools and skating rinks, and other similiar uses;
- (3) Automobile repair stations;
- (4) Automobile service centers;
- (5) Automobile service stations;
- (6) Automobile, recreational vehicles (snowmobiles, motorcycles, boats, etc.), and equipment sales, including used car sales;
- (7) Blueprinting and photocopying establishments;
- (8) Building materials sales, with accessory enclosed (fenced) storage;
- (9) Caskets and casket supplies;
- (10) Catering establishments;
- (11) Contractors' and construction offices, storage of construction equipment;
- (12) Clubs and lodges, private, fraternal or religious;
- (13) Extermination Shops;
- (14) Frozen food shops, including locker rental in conjunction therewith;
- (15) Garages, public;
- (16) Garden supply centers with open lot sales;
- (17) Machinery and equipment sales, including service, repair or reconditioning of all machinery within enclosed buildings;
- (18) Meat markets, including the processing and sale of meat and meat products when conducted as a part of the retail business of the premises;
- (19) Monument sales;
- (20) Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles;
- (21) Parking lots, automobile;

- (22) Plumbing showrooms and shops;
- (23) Radio and television service and repair shops;
- (24) Typewriter, adding machine and home computer sales and service establishments;
- (25) Undertaking establishments and funeral parlors;
- (26) Hotels and motels;
- (27) Body or Fender Works;
- (28) Automobile Painting.

B. The following uses shall apply to the General Business (B-3) Zoning District, provided that where they are located within One Hundred Fifty (150) feet of a more restrictive Zoning District, they shall be conducted wholly within a building, except for the Off-Street loading or unloading of delivery vehicles which are incidental thereto as required in TITLE XXVII:

- (1) Agricultural implements, automobile or trailer sales - provided that any display or storage area shall be developed as required in this Zoning Ordinance, and that any incidental repair of implements, automobiles or trailers shall be conducted and confined wholly within a building where the mechanical power employed in the operation of any machine or tool does not exceed twelve (12) horsepower;
- (2) Building material sales yard including the sale of lumber, rock, sand and gravel, but excluding concrete mixing;
- (3) Carpenter, cabinet, plumbing or sheet metal fabricating shops, but excluding the manufacturing of any such products;
- (4) Farm and contractor's equipment storage yard or plant;
- (5) Feed or fuel yard;
- (6) Ice manufacturing or cold storage;
- (7) Public utility service yard or electrical receiving or transforming station;
- (8) Trade or business school or other similar private school operating as a commercial enterprise;
- (9) Warehousing;