

ORDINANCE NO. 2022- 08
OF THE TOWN OF ZIONSVILLE, INDIANA
AN ORDINANCE ESTABLISHING
PROMONTORY
PLANNED UNIT DEVELOPMENT DISTRICT

Plan Commission Petition No. 2022-07-Z

WHEREAS, I.C. 36-7-4-600, confers upon Zionsville Town Council the power to determine reasonable zoning requirements for property within the Town's corporate boundaries, and Section 7.3 of the Town of Zionsville Zoning Ordinance sets forth the process to amend the Town's Official Zone Map; and

WHEREAS, Section 194.140 of the Town of Zionsville Zoning Ordinance, as amended (the "Zoning Ordinance"), provides for the establishment of a Planned Unit Development District in accordance with the requirements of I.C. § 36-7-4-1500 et seq.; and

WHEREAS, the property described in Exhibit A to the Certification, attached hereto as Exhibit 1 (the "Real Estate"), in the Town of Zionsville, is currently zoned Rural AG (Rural Agricultural District); and

WHEREAS, the Town of Zionsville Advisory Plan Commission ("Plan Commission") certified on May 19, 2022 to the Zionsville Town Council a favorable recommendation for rezoning the Real Estate to the Promontory Planned Unit Development District ("the Promontory District") established by this planned unit development district ordinance ("the Promontory Ordinance"), with respect to the Real Estate; and

WHEREAS, the Zionsville Town Council has been requested to amend the Official Zone Map for the Town of Zionsville, Indiana, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF ZIONSVILLE, INDIANA, THAT: (i) pursuant to IC §36-7-4-1500 et seq., the Council adopts the Promontory Ordinance, as an amendment to the Zone Map, (ii) all prior ordinances or parts thereof inconsistent with any provision of the Promontory Ordinance and its exhibits are hereby made inapplicable to the use and development of the Real Estate, (iii) all prior commitments and restrictions applicable to the Real Estate shall be null and void and replaced and superseded by the Promontory Ordinance, and (iv) the Promontory Ordinance shall be in full force and effect from and after its passage and adoption by the Council.

Section 1. Applicability of Ordinance

Section 1.01 The Zone Map is hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the Promontory District.

Section 1.02 Development in the Promontory District shall be governed entirely by (i) the provisions of this Promontory Ordinance and its exhibits, (ii) those provisions of the Zoning Ordinance specifically referenced in the Promontory Ordinance, and (iii) those technical standards of the Town of Zionsville specifically made applicable in the Promontory Ordinance. In the event of a conflict or inconsistency between the Promontory Ordinance and the Zoning Ordinance, the provisions of the Promontory Ordinance shall apply. In the event a standard, required for the approval by the Town of a Development Plan, is not defined within the Promontory Ordinance, the provisions of the required standard within the Zoning Ordinance shall apply.

Section 1.03 The MRO (US Hwy 421 Michigan Road Overlay Corridor Ordinance) as identified on the Zone Map for the Town of Zionsville and standards for which are included in the Zoning Ordinance (the “Overlay District”) shall not apply to the use and development of the Real Estate.

Section 1.04 The subdivision of Real Estate shall be permitted within the Promontory District. Whenever a subdivision occurs, the regulations and procedures of the Subdivision Control Ordinance, Chapter 193 of the Town’s Code of Ordinances, and other applicable Town ordinances and standards shall apply. Unless a deviation from the standards in Ch. 193 is specifically addressed in the Promontory Ordinance, a waiver must be requested from the Plan Commission at the time of Primary Platting.

Section 2. Rules of Construction

Section 2.01 General Rules of Construction. The following general rules of construction and definitions shall apply to the Promontory Ordinance:

- A. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
- B. Words used in the present tense include the past and future tenses, and the future the present.
- C. The word “shall” indicates a mandatory requirement. The word “may” indicates a permissive requirement.

Section 3. Development Intent

Prom-on-tor-y

The dictionary would define it as a point of high land that juts out into a large body of water but Promontory is place with just that and so much more...

Set amongst a picturesque setting in Zionsville, Promontory emerges to tell its own story. A property so beautiful - but hardly visible from the very road that lies below - with rolling fields, mature trees and in the heart of this enclave, an expansive 35-acre lake. Within moments of arriving, you'll hear the waves rippling or see the sun casting its farewell to the day across the water. Promontory feels different...because it is different. It's a place where the NEW meets the FAMILIAR. Tranquil evenings spent paddle boarding to friends or simply, a peaceful afternoon in the sun with a fishing pole in hand.

This kind of living invites you outdoors, to explore and linger in nature's community - and quite possibly, providing the ideal balance for those seeking privacy and space. Promontory allows one to enjoy the conveniences of Zionsville, its schools and more, but also allows one to savor nature's beauty in large, 2 plus acre homesites, expansive settings and unobstructed views both on the water and off, as well as Equestrian fields for horses to roam (and their owners, too.) Here moments might be spent kayaking around the lake, cycling the country roads, greeting an equestrian sunrise or simply enjoying fireside family time by the water. Either way, it will feel special because it is special.

Promontory is the perfect balance of rural and traditional, quiet and lively and of course, water and land, meet. To visit or learn more about this incredible enclave, planned estate size homesites or custom homesite sizes, simply reach out below. More information will be forthcoming as Promontory comes to life. There's an adventure awaiting...

Section 4. [RESERVED]

Section 5. Accessory Buildings and Uses

All Accessory Structures and Accessory Uses allowed under the Zoning Ordinance shall be permitted in the Promontory District.

Section 5.01 Accessory Structures and Uses Architecture:

- A. Any detached Accessory Structure shall have on all sides the same architectural features and construction materials, and be architecturally compatible with the principal Building(s) with which it is associated. Any existing Accessory Structures and Accessory Uses within the Promontory District shall be permitted.
- B. Any detached Accessory Structure or Use that is to support the Development Amenities as depicted in Exhibit 6 (the "Conceptual Character Imagery – Accessory Buildings") shall be encouraged to have similar architectural features and aesthetic look as the primary buildings; however, such architectural features or materials are not required when they are not necessary for the structure's use.

Section 6. Lake and Equestrian District

The Lake and Equestrian District is coterminous with the boundaries of the Real Estate and is bordered to the west by US 421, the east by CR 1000 E and the north by CR 200 N as depicted on Exhibit 2 (the "Concept Plan") and (i) permits Dwellings of multiple sizes, and (ii) permits Development Amenities (e.g., commercial and residential horse barns, stalls, amenities, Accessory Uses, trails, pools and more) to be located in designated areas within the District.

Section 6.01 Permitted Uses in this District have been separated into Single-Family Residential Uses and those Development Amenity Uses commonly associated with a lakefront or equestrian lifestyle in order to permit various permitted uses within the development at designated areas once platted, as more clearly identified in Exhibit 3 (the "Permitted Uses and Development Standards Matrix").

- A. Permitted Uses within this District for Single-Family Residential Uses are specified in Exhibit 3 ("Single-Family Residential Use" column in Table). The Single-Family Residential Uses shall be permitted throughout the Real Estate, including within a Development Amenity Use area.
- B. Permitted Uses within this District for Development Amenity Uses or related uses are specified in Exhibit 3 (Use "Development Amenity Uses" column in Table).
- C. The Development Amenity Uses are further categorized as Equestrian Development Amenity Uses, Lakefront and Meeting Space Development Amenity Uses and Open Space Development Amenity Uses, and the uses shall only be permitted in those subareas as generally depicted on the Concept Plan.
- D. The Controlling Developer may add, remove, increase, decrease or modify those areas permitted for a Development Amenity Use in a final Development Plan, subject to final Plan Commission approval.

Section 6.02 Development Requirements:

- A. Applicable bulk requirements are contained within Exhibit 3 (the "Development Standards Matrix").
- B. Applicable landscaping requirements are contained in Section 8 of the Promontory Ordinance.
- C. Applicable lighting requirements are contained in Section 9 of the Promontory Ordinance.
- D. Applicable signage requirements are contained in Section 10 of the Promontory Ordinance.
- E. Applicable parking requirements are contained in Section 11 of the Promontory Ordinance.

- F. Applicable pedestrian circulation standards are contained in Section 12 of the Promontory Ordinance.
- G. Applicable environmental systems, drainage and street standards are contained in Section 13 of the Promontory Ordinance.
- H. Applicable open space and common area requirements are contained in Section 14 of the Promontory Ordinance.
- I. Any aspects of the development not specifically addressed in Sections 8 through 14 shall be subject to the applicable requirements of the Zoning Ordinance and Subdivision Control Ordinance, as well as current Town and Boone County standards as applicable.

Section 6.03 Architectural Standards are located in Exhibit 9 (the “Architectural Standards”) and shall be reviewed and administered by the Architectural Review Board (the “ARB”) with regard to Dwellings and by the Plan Commission with regard to Development Amenity Uses.

Section 6.04 The Conceptual Character Imagery of Building architecture is to represent quality and is contained within Exhibit 4 (the “Conceptual Character Imagery – Residential Buildings”) for Dwellings; Development Amenities are contained herein Exhibit 5 (the “Conceptual Character Imagery – Development Amenities”); and Accessory Buildings are contained herein Exhibit 6 (the “Conceptual Character Imagery – Accessory Buildings”).

Section 7. Golf Carts

Section 7.01 Golf Carts shall be permitted on all pathways, trails and roadways within the development regardless of jurisdiction. The carts shall be electric only.

Section 8. Landscaping Requirements

The landscaping in the Promontory District shall be a combination of native and ornamental plants and trees combined in design to compliment the existing landscape and architectural character of residential homes. Landscape treatment for buffers, greenspaces, roads, paths, service and parking areas, Amenity Areas and storm water areas shall be designed as an integral and coordinated part of the landscape plan for the development as a whole.

Section 8.01 General Landscaping Standards. Landscaping shall be integrated with, and compliment other functional and ornamental site design elements, where appropriate, such as hardscape materials, paths, sidewalks, fencing, or any water features.

- A. Plantings along Buildings and streets should be designed with repetition, structured patterns, and complementary textures and colors, to reinforce the overall character of the area. Alternate or pervious paving material and alternative planting media is

permitted in the areas where planting space is limited by restrictions such as Buildings, asphalt or concrete paving, parking lots, etc.

- B. All trees, shrubs and ground covers shall be planted according to American Standard for Nursery Stock (ANSI Z60.1), and following the standards and best management practices (BMPs) published by the Indiana Department of Natural Resources, Division of Forestry Community Urban Forestry Program. Landscaping materials shall be appropriate for local growing and climatic conditions. Plant suitability, maintenance and compatibility with site construction features are critical factors that should be considered.
- C. Shade trees shall be at least two and one half (2.5) inches in caliper diameter when planted, as measured at six (6) inches above the ground. Ornamental trees shall be at least one and one half (1.5) inches caliper diameter when planted, as measured at six (6) inches above the ground. Evergreen trees shall be six (6) feet in height when planted and can be substituted for (in place of) shrubs with 1 (one) evergreen tree equal to three (3) shrubs. Shrubs shall be at least eighteen (18) inches in height when planted. Ornamental grasses of at least nine (9) inches in height when planted and that obtain a mature height of at least three (3) feet may be substituted (in place of) shrubs on a one to one (equivalent) basis. There shall be no minimum size for mitigation plantings.
- D. Existing vegetation may be used to achieve project landscaping requirements, as determined by the Controlling Developer, if (i) the vegetation located on the subject parcel is of suitable quality and health, and (ii) the vegetation is required to be preserved using accepted best management practices (BMP's) for tree protection during construction.
- E. Low maintenance plantings such as low mow turf and native prairie plantings may be used to minimize water use and mowing in open areas.
- F. All landscaping is subject to ARB approval.
- G. In addition to the requirements of Section 8.01.F. (above), any Material Alterations of landscaping approved as part of a Development Plan, may be approved by the Director or the Director's designee in order to conform to specific Site Conditions. Additional deviations or Material Alterations of landscaping may be approved by the Director or the Director's designee in order to conform to specific site conditions.
- H. All plantings shall comply with line of site requirements contained in the Zoning Ordinance.
- I. Any plantings within a right-of-way shall be maintained by the Controlling Developer or its successor.

Section 8.02 Areas to be Landscaped.

- A. Perimeter Buffering. See Section 8.03 below.
- B. Street Trees. See Section 8.04 below.
- C. Foundation Plantings. See Section 8.05 below.
- D. Parking Lot Plantings. See Section 8.06 below.
- E. Screening Areas. See Section 8.07 below.
- F. Storm Water Retention Ponds. See Section 8.08 below.

Section 8.03 Perimeter Buffering.

- A. Perimeter landscaping along the property lines shall be provided in the form of (i) a minimum ten (10) foot greenbelt buffer for portions of the Real Estate perimeter abutting Michigan Road, (ii) a minimum ten (10) foot greenbelt buffer for portions of Real Estate perimeter abutting CR 200 N, (iii) a minimum ten (10) foot greenbelt buffer for portions of Real Estate perimeter abutting CR 1000 E, (iv) a minimum fifteen (15) foot greenbelt buffer for portions of the Real Estate perimeter not abutting a street right-of-way along the southern boundary of the Real Estate, (v) no minimum buffer if within the Real Estate adjacent to other like uses within the Real Estate (vi) a buffer may be included between uses if Developer determines it is necessary.
- B. In an effort to retain the natural wooded habitat, trees may be preserved in lieu of plantings. Buffering may be composed of existing trees, natural woodland growth, creeks grass, ponds, storm water management elements, fountains, berms, equestrian and landscape areas. A masonry wall, mound or horse fencing may serve in lieu of buffer requirement. The incorporation of walkways and bikeways into the design is permitted; however, no buildings or accessory structures shall be established within areas designated for perimeter buffering, with the exception of gate houses or entrance structures. Ground mounted signs and lighting standards are permitted within areas designated for perimeter buffering. Existing buildings that may be located within required buffer areas shall be excluded from requirements in order to ensure they are preserved if deemed necessary.
- C. Landscape planting requirements of four (4) shade trees and three (3) ornamental trees per one hundred (100) linear feet shall be provided within the green belt buffer along US 421, CR 200 N, and CR 1000E in areas where the preservation of existing trees is unachievable.
- D. Landscape planting requirements of three (3) shade trees, two (2) ornamental trees, and nine (9) shrubs per one hundred (100) linear feet shall be provided for portions of the perimeter not abutting a public right-of-way (*i.e.*, southern boundary).

- E. Required buffer plantings may be grouped to allow a more natural planting scheme and to provide view sheds, where appropriate, into the District, and required buffer plantings may be computed as an average across the total linear footage of frontage. The maximum spacing between groupings shall be two hundred (200) linear feet.
- F. No perimeter buffering internal to the Lake and Equestrian District shall be required, except as required by Developer.

Section 8.04 [RESERVED].

Section 8.05 Foundation Planting Standards.

- A. Building base landscaping shall be provided at the base of all Building elevations that do not directly abut hardscapes, to soften and enhance the architectural lines of Buildings, frame the primary views to Buildings and public spaces, and blend architectural designs with the landscape. Foundation plantings shall be designed to appropriately complement a Building's use, setback, height, and architectural features. Window boxes for flowers and planters on front stoops and sidewalks are encouraged in areas where landscaping cannot be installed at the base of a Building due to the Building's proximity to a sidewalk, path, street, right-of-way or easement. Building base landscaping may help fulfill perimeter buffering requirements where applicable.
- B. The primary landscape materials used shall be shrubs, ground cover, and ornamental grasses.
- C. Sidewalks, plazas and/or terraces may be permitted in foundation planting areas.
- D. Outdoor dining, ingress areas, egress areas and service areas shall not require foundation plantings and shall be deducted from the overall length and size of the Building perimeter prior to calculating the required foundation planting area.
- E. Foundation planting areas need not be rectangular in shape as long as the required square footage is provided. Undulating, innovative and original designs are encouraged.
- F. For all Dwelling Buildings, three (3) shade trees, three (3) ornamental trees, and twenty-five (25) shrubs shall be planted per one hundred (100) linear feet of Building frontage on street right-of-way. Additional and more stringent requirements shall be governed by the ARB.
- G. For all Dwellings landscaping standards shall be defined by covenants based on lot and home sections and shall be administered and reviewed by the ARB.

Section 8.06 Parking Lot Plantings. Where parking lots are visible from the public right-of-way, the following requirements will apply and all Development Amenities or related uses shall be excluded:

- A. Lot Interior. A minimum of one (1) shade tree and three (3) shrubs per fifteen (15) parking spaces shall be provided, along with a minimum of four hundred (400) square feet of useable soil area being provided for every two (2) trees. Planting islands shall be a minimum of nine (9) feet wide. Planting islands shall be permitted to be utilized for stormwater management as part of a low impact development strategy.
- B. Lot Perimeter. A minimum five (5) foot wide perimeter planting strip shall be provided on all sides of a parking lot (except where parking areas abut curb-to-building sidewalk or adjacent Development Amenities).
- C. The planting strip shall contain three (3) shade trees and twenty (20) shrubs or ornamental grasses per one hundred (100) lineal feet of planting strip.
- D. Low walls may be used in lieu of fifty (50) percent of the required plantings. Walls or fences with a minimum height of forty-two (42) inches may be used in lieu of plantings.
- E. These requirements exclude areas where parking lot drive aisles discharge directly into a perimeter road. In areas where parking lot drive aisles abut to the right-of-way edge no shrubs will be required.
- F. Perimeter planting may occupy the same area as a required perimeter buffering but shall not be counted towards buffer planting requirements; provided, however that in areas where there exists a combination of buffer plantings and parking lot perimeter plantings, the required number of plantings shall not exceed eight (8) trees and forty (40) shrubs per one hundred (100) lineal feet.
- G. Additional Requirements. Required parking lot plantings may be grouped to allow a more natural planting scheme and to provide view sheds, where appropriate, into the Districts, and required plantings may be computed as an average across the total linear footage of frontage. Parking lot islands shall not be required for Development Amenity Uses.

Section 8.07 Screening Areas.

- A. Screening and landscaping shall prevent direct views of loading areas, ground mounted mechanical/telecommunication equipment and other service areas from adjacent residential properties or from the public right-of-way.
- B. Screening and buffering shall be achieved through walls, fences and landscaping, shall be a minimum of five (5) feet tall, and shall be visually impervious. Recesses in the Building or depressed access ramps may also be used.

Section 8.08 Storm Water Retention Ponds.

- A. Any new storm water retention ponds will be designed in a non-geometric shape, when possible. If landscaping, the primary landscaping materials used when adjacent to ponds shall be trees, shrubs, ground covers, ornamental grasses and wetland specific plantings, appropriately sited for a more natural, rather than engineered appearance. Landscaping may be blended into surroundings.
- B. Existing storm water retention ponds shall remain in place and additional plantings shall not be required but are permitted.

Section 8.09 Maintenance.

- A. Once developed, it shall be the responsibility of the owner(s) or applicable home owners' association, with respect to any portion of the Real Estate owned by such owner(s) and on which any landscaped area exists per the requirements of the Promontory Ordinance, to insure proper maintenance of landscaping in accordance with the Promontory Ordinance. This maintenance is to include, but is not limited to (i) mowing, tree trimming, planting, maintenance contracting, irrigation and mulching of planting areas, (ii) replacing dead, diseased, obtrusive or overgrown plantings with identical varieties or a suitable substitute, and (iii) keeping the area free of refuse, debris, rank vegetation and weeds. Street trees shall be maintained by the owner of the adjacent property.

Section 9. Lighting Requirements

Section 9.01 Street Lights.

- A. Street light design shall be consistent throughout the Real Estate. Street signage may be mounted to Street lights where necessary to reduce roadside clutter.
- B. The Controlling Developer or its successor-in-interest shall be responsible for the power costs and maintenance of all street lighting within the development.

Section 9.02 Site Lighting. All site lighting accessory to uses within the Real Estate shall comply with the following standards:

- A. All site lighting shall be coordinated throughout the Real Estate and be of uniform or comparable design and materials.
- B. Exterior lighting of the Building or site shall be designed so that (i) light is not directed off the site and (ii) the light source is shielded from direct offsite viewing.
- C. Exterior lighting shall be architecturally integrated with the Building style, material and color. Rooftop lighting is prohibited.
- D. All exterior ground-mounted architectural, display and decorative lighting shall be generated from concealed, where possible, on low level fixtures.

- E. Light fixtures in parking areas shall not exceed twenty-five (25) feet in height. The height of light fixtures within ninety (90) feet of detached single-family residential structures shall not exceed eighteen (18) feet.
- F. Lighting in all parking areas serving non-residential uses shall be designed and maintained so that it is reduced, to a lower level reasonably required for security purposes, during the hours that the associated uses are not open for business.
- G. The lighting of interior roundabouts shall be consistent with the balance of the site lighting plan.
- H. No neon lighting shall be permitted (i) on the exterior of or (ii) outside any Building unless approved by the ARB.
- I. Real or faux gas lights may be used without shielding.
- J. Low illumination around Development Amenity areas may be used.
- K. [RESERVED]
- L. The site lighting intensity within the development shall not exceed the limits and standards set forth in the Zoning Ordinance.

Section 10. Signage Requirements

Section 10.01 Entrance Signs. One entrance Identification Sign shall be permitted at each entrance off of (i) Michigan Road and (ii) CR 1000 E. Individual internal neighborhood signs or entryways to the Development Amenities within the Real Estate shall not be limited but shall be consistent, when possible, in character and style.

- A. Area: Maximum sign area per sign shall be seventy-five (75) square feet.
- B. Height: Maximum sign height shall be ten (10) feet.
- C. Location: Located outside of street right-of-way, unless an encroachment is permitted by the controlling jurisdiction. Additionally, the sign cannot be within the required vision clearance area.
- D. Design: All such signs must be of a similar design, lighting and style of construction, but may be a monument, pylon or other design meeting the requirements contained in this Section.
- E. Externally Illuminated. Signs shall be externally illuminated signs which are illuminated from a source which is external and not internal to the sign ("Externally Illuminated").

Section 10.02 Temporary Signs.

- A. Temporary Signs shall be permitted. Temporary signs shall include signs displayed for the marketing of real estate for sale and/or for lease and other temporary such purposes subject to the approval of the Controlling Developer.

Section 10.03 Portable Temporary Signs. Portable Temporary Signs shall be permitted. Portable Temporary Signs shall include portable signs displayed outside a Development Amenity Use used to advertise daily specials or other temporary information displayed during business hours. Such signs shall not be larger than eight (8) square feet in Sign Area and shall not exceed four (4) feet in height when placed on the ground.

Section 10.04 Incidental Signs. Signs less than three (3) square feet in Sign Area and less than three (3) feet in height where ground mounted shall be permitted and shall be approved by the Controlling Developer.

Section 10.05 Banners. Decorative poles, street light poles or otherwise, with fabric banners are not defined as a sign and any copy (letters and /or logos) on a banner shall be limited to six (6) square feet in area. These fabric banners may depict or advertise community, town and other off premise events, businesses or users.

Section 10.06 No Neon. No Sign on the Real Estate shall include an exposed neon lighting source.

Section 10.07 Promontory Internal Signage. All signs pertaining to directions, identification, golf cart crossings, gate openings, trails and other amenities throughout the Real Estate shall adhere to a consistent look and style but shall not be limited in quantity or size, but rather be used as needed throughout in addition to the street sign system.

Section 10.08 Sign Conceptual Character Imagery. Conceptual Character Imagery of some forms of permitted signage are illustrated in Exhibit 10 (the "Development Common Area Details").

Section 11. Parking Requirements

Section 11.01 Automobile Parking.

- A. A minimum of two (2) spaces per Dwelling are required. Parking Spaces (i) within driveways (tandem spaces in front of garages) (ii) for golf carts and (iii) within garages shall count toward this requirement.
- B. For Development Amenity Uses, two (2) spaces per one thousand (1000) square feet of GFA shall be encouraged but may be adjusted based on number of resident members, golf cart users as determined by Controlling Developer.

- C. For Development Amenity Uses, Controlling Developer shall determine number of parking spaces needed, based on membership and residents.
- D. Off-street parking areas for two (2) or more different uses may be provided collectively, as one parking area, so long as the total number of spaces provided is not less than the total of the minimum required spaces for each individual use; provided, however, that where it is established to the Department's satisfaction that adjacent buildings have uses that require parking at complementary times of the day, or complimentary days of the week, then the total number of shared parking spaces provided shall be less than the total of the minimum number of spaces required for each individual use.
- E. Combined parking shall be designed and constructed so as to create a desirable, efficient, and well-planned off-street parking area with functional and aesthetic value, attractiveness and compatibility with adjacent land uses.
- F. Adjacent/adjoining parking lots shall be interconnected by internal driveway and coordinated to accommodate pedestrian access.
- G. Paths within parking lots of more than one row shall be integrated to accommodate pedestrians safely from parking areas to sidewalks, walkways and/or Buildings(s). Such paths may be identified by striping only.
- H. Parking areas may be constructed without required curb in areas necessary to accommodate storm water management practices. Parking bumpers will be provided in instances where curb is deleted.
- I. In surface parking lots and on street parking areas minimum dimensions of a 90-degree oriented parking space shall be nine (9) feet in width and eighteen (18) feet in length.
- J. Internal parking lot drive aisles shall be a minimum of twenty-four (24) feet in width as measured from the outside edge of the parking space to the outside edge of the parking space perpendicular to and on the opposite side of the drive aisle.
- K. Within Amenity Areas, golf cart parking may be provided, as necessary, and as determined by the Controlling Developer.
- L. Parking along the private streets within the development shall be prohibited.

Section 11.02 Bicycle Parking and Building Amenities.

- A. Bicycle parking may be provided throughout the site, including within Amenity Areas, in order to encourage alternative means of transportation to the site.

Section 12. Pedestrian Circulation

Specific provisions for incorporating pedestrian and bicycle access, circulation and amenities shall be included in the development of the Real Estate.

Section 12.01 Sidewalks and paths within public street right-of-way shall meet the requirements of the Strategic Trails Implementation Plan, or successor plan, for the Town of Zionsville.

Section 12.02 In an effort to promote a rural lifestyle, sidewalks or trails as walkways shall not be required along interior private streets. Alternative pedestrian facilities shall be provided as depicted in Exhibit 2 (the "Concept Plan").

Section 12.03 Walkways shall be designed to allow pedestrians to access Buildings and Development Amenities.

Section 12.04 Walkways shall be provided on at least one side of all non-residential Buildings and shall provide access between rear parking areas and principal Building entrances. The minimum width for such walkways shall be five (5) feet.

Section 12.05 Crosswalks shall not be required within private streets.

Section 12.06 Pedestrian access shall be coordinated with adjoining properties with existing trails or sidewalks that adjoin Promontory. If no existing trails or walks exist, no connections shall be provided, except as provided below.

- A. While installation of perimeter pathways is not required at the time of primary platting where no existing trails, sidewalks or pathways adjoin Promontory, such perimeter pathways shall be installed at the sole cost of the Controlling Developer, or its successor-in-interest, and at such time as a public pathway is extended to the property line of the Real Estate through property contiguous to the north or south and, in such event, shall be extended across the Real Estate continuously along US 421 so the perimeter pathway extends the full length of the Real Estate from north to south, starting from the contiguous property boundary.
- B. If a public pathway is extended to the property line of the Real Estate upon property contiguous to the west or east, such pathway shall be extended across the Real Estate continuously along CR 200 N, so that the perimeter pathway extends the full width of the Real Estate from east to west, starting from the contiguous property boundary.
- C. If a public pathway is extended to the north or south property lines along CR 1000 E, extension to the Promontory trail system shall be constructed by the Controlling Developer, or its successor-in-interest, and the trail along the east edge of Promontory shall be allowed for public use.
- D. The Declaration of Covenants for the Promontory development shall include a reserve account sufficiently funded for construction and installation of the perimeter pathways as and when required by this Section.

Section 12.07 Construction of walkways and paths within natural common areas may be permitted to be comprised of crushed limestone aggregate, mulch or a similar material and shall not have a minimum width requirement in order to minimize the impact of the improvements on the natural environment.

Section 12.08 Internal multi-purpose pathways shall be five (5) feet in minimum width and comprised of either asphalt, concrete, masonry pavers or any combination of those or other equivalent materials. Internal multi-purpose pathways shall be at the Controlling Developer's discretion as to location and number.

Section 12.09 All walkways, sidewalks and paths shall be maintained by the Controlling Developer or its successor in interest.

Section 13. Environmental Systems, Drainage and Streets and Streetscapes

Section 13.01 The development will adhere to, or exceed, the terms and conditions of the Zionsville Stormwater Control Ordinance and Technical Standards.

Section 13.02 Low Impact Development (LID) techniques shall be encouraged as an environmental system to help attain water quality standards in conjunction with development of the storm water conveyance plan for the Promontory District. Examples of such systems include the use of bioswales, bioretention, rain gardens, infiltration trenches and permeable pavers/pavement.

Section 13.03 Development within the Promontory District shall be in accordance with a drainage plan approved by the Director or the Director's designee and the Boone County Surveyor's Office, which plan shall accommodate detention volume for the fully developed site and include standards and practices governing run-off, and regulating release rates. The approved drainage plan may include variations from the Zionsville Stormwater Control Ordinance taking into account the unique nature of the Real Estate, as well as its topography, natural features, and limited infrastructure, subject to the written approval of Town's staff. All stormwater infrastructure shall be designed by an engineering professional licensed in the State of Indiana. All stormwater infrastructure shall remain privately owned and maintained.

Section 13.04 Detention/retention in Residential or Development Amenity areas may be used for other phases or sites. Detention may be shared.

Section 13.05 Alleys shall be permitted based on the following standards:

- A. An Alley shall be a perpetual easement or private way and shall not be dedicated to the public.
- B. May be used in Lake and Equestrian District with residential Dwellings utilizing the alley for rear access to garages.

C. Permeable Pavers may be used for the pavement section of Alleys.

D. Utilities may be located within Alleys.

Section 13.06 In an effort to promote a rural streetscape, curbing shall not be required within the Development. Open drainage shall be utilized as much as possible, where feasible, as determined by Controlling Developer. Typical section shall be in accordance with Exhibit 8 (the “Typical Section”).

Section 13.07 Streets within the Promontory District shall be private and gated. Controlling Developer shall coordinate with the Zionsville Fire Department for gated access requirements (*i.e.*, Knox Box). All streets will comply with the applicable provisions of the Zionsville Fire Protection Ordinance as it pertains and applies to gates, turning radii, construction standards and materials at the time of the enactment of this the Promontory Ordinance, unless specified otherwise in Exhibit 7 (the “Street and Trail Standards”) or other parts of the Promontory Ordinance.

Section 13.08 Any parcel or User within the Promontory District, served by a private drive or private street shall not be required to maintain a minimum frontage on a public right of way. Multiple users or Dwellings may be served by a single private drive. In such cases, appropriate ingress/egress easements along with a plan for future drive maintenance shall be established.

Section 13.09 Exhibit 7 (the “Street and Trail Standards”) also contains additional street and trail standards for the Promontory District.

Section 13.10 Site Access.

- A. The number and configuration of vehicular access drives into the Real Estate shall be as generally illustrated in Exhibit 2, (the “Concept Plan”).
- B. One (1) full access drive cuts / street intersections shall be permitted along CR 1000 E. The configuration of this entrance will be reviewed and approved by Boone County and the Town during the Development Plan process.
- C. One (1) full access drive cuts / street intersections shall be permitted along US 421 contingent upon the approval from the Indiana Department of Transportation (INDOT), and may cause the described layout to be minimally altered.
- D. One (1) full access temporary access drive for construction shall be permitted along CR 200 N. This drive will be removed at the completion of the development by the Controlling Developer (*i.e.*, at such time as Controlling Developer has conveyed all the lots comprising the Real Estate to individual homeowners and the Development Amenities to the owners’ association).

Section 14. Additional Requirements and Standards

Section 14.01 Minimum Open Space Requirements. Without the approval of the Plan Commission, there shall be no less than twenty percent (20%) of the Real Estate reserved for Open Space. All Open Space, trails, parks, lakes, ponds and Development Amenities shall be included in Open Space.

Section 14.02 Common Area Details. Conceptual imagery can be found in Exhibit 10 (the “Development Common Area Details”) and includes but is not limited to a conceptual idea for quality of entryways, bridges, street lighting and other aesthetic details.

Section 14.03 Public Art. Public Art shall be permitted and may be included as part of a Development Plan. Public Art shall be displayed in a location that is visually accessible to the public and shall not be a sign as regulated under by this Ordinance.

Section 14.04 Gated Streets. Gated and private streets shall be permitted.

Section 14.05 Premises Identification. Premises identification shall meet the requirements of the postal numbering system provided by the Director for the Town of Zionsville and the U.S. Postal Service.

Section 14.06 Home Occupations. Home Occupations shall meet the requirements of Article 11.2 Definitions of the Zoning Ordinance and as further regulated in the internal Declaration of Covenants of the District.

Section 14.07 Outdoor Storage. Outdoor Storage shall be permitted on a limited basis as depicted in Exhibit 3 (the “Permitted Uses and Development Standards Matrix”).

Section 14.08 Outdoor Display. A Development Amenity shall be permitted to display goods or merchandise outdoors.

Section 14.09 Temporary Uses. Temporary Uses, including Construction Facilities, Model Homes, Outdoor Sales, Outdoor Special Events, Tents, Seasonal Outdoor Sales, shall be permitted as set forth in Exhibit 3 (the “Permitted Uses and Development Standards Matrix”).

Section 14.10 Service Connection Screening. Mechanical equipment, gas meters, and electric meters shall be screened in a manner consistent with Section 8.07 of the Promontory Ordinance and shall be visually screened, where possible. Recesses in Buildings incorporating gates and other screening methods incorporated into the building design shall meet all applicable building code requirements. Essential mechanical or utilitarian rooftop appurtenances shall be screened, and upon the approval by the appropriate authority, such items and their screening may be erected to the minimum height appropriate unless prohibited by other laws or ordinances. Such appurtenances shall be defined as, but not limited to cooling towers, elevator bulkheads, conveyors, heating ventilation air conditioning equipment (HVAC), and rooftop stairway access structures.

Section 14.11 Unless utilities are anticipated to be provided to the site, private utilities (drinking water well and on-site sewage disposal system) shall be permitted, subject to the following conditions. The Controlling Developer shall provide evidence of the suitability of each proposed lot to support a drinking water well and on-site sewage disposal system at the time of primary platting.

A. For on-site sewage disposal systems, this evidence shall include:

- Designating a location for a septic system that meets all setback requirements of the Boone County Health Department.
- Completion and analysis of soil borings by a registered soil scientist indicating the suitability of the location for a septic field.
- Preliminary layout of an underdrain system with a suitable outlet.

B. For drinking water wells, this evidence shall include:

- Test well data at a sufficient number of locations throughout the development to ensure that wells are suitable. The sufficiency of the data shall be as interpreted by the Town Engineer in conjunction with the Boone County Health Department.
- A location designation on the plat that meets all separation requirements of the Boone County Health Department.

C. This evidence and information shall be subject to review and approval by the Town and Boone County Health Department as part of primary platting.

Section 14.12 [RESERVED]

Section 14.13 Alternative Water Supply. The development shall be permitted to use an alternative water supply source for fire protection purposes as part of a fire protection system serving the community, including Development Amenities and other permitted uses. The system shall meet the minimum standards for fire protection as set forth by the Town and administered by the Zionsville Fire Department. Appropriate access easements and drives shall be incorporated in to the development as needed to access all proposed fire protection facilities. Design standards and specifications for the fire protection system (including water source, equipment specifications, back-up power, piping, pressure and volumetric requirements, and hydrant type and location) shall be provided at the time of primary platting and shall be subject to the Town's approval, including approval by the Zionsville Fire Department. Operation and Maintenance responsibilities for any proposed fire facilities shall be defined in the Declaration of Covenants of the development.

Section 15. Declaration(s) of Covenants and Owners Association(s)

Section 15.01 Declarations of Covenant(s) shall be prepared by the Controlling Developer and recorded with the Recorder of Boone County, Indiana. There may be multiple Declaration(s) of Covenants applicable to different portions of the Real Estate, and multiple

corresponding Owners' Association(s). The Declaration(s) of Covenants may establish an Architectural Review Board ("ARB"), which shall establish guidelines regarding the design and appearance of all Dwelling Buildings and residential uses. The Declaration of Covenants shall provide for each owner's acknowledgement of the right-to-farm as set forth in Exhibit 11.

Section 15.02 The Declaration of Covenants shall also provide for the common ownership, operation and maintenance of the dam. This documentation shall be provided as part of the primary platting process.

Section 16. Procedural Provisions

Section 16.01 Approval or Denial of Plats.

- A. With respect to any portion of the Promontory District other than the areas on which lots are developed for Detached Dwellings, the platting into smaller sections shall be permitted, but shall not be required in order to divide the Real Estate into smaller areas for purposes of conveying title to a parcel or creating separate tax parcels. Platting or otherwise dividing the Real Estate into smaller parcels for the purpose of conveying title or creating separate tax parcels shall not create property lines to which setback or any other standards of this the Promontory Ordinance shall be applied, provided that development of the parcels conforms to an approved Development Plan.
- B. Primary and secondary platting shall be required with respect to any portion of the Promontory District on which lots are developed. Platting of lots within the Promontory District shall meet the requirements of the Town's Subdivision Control Ordinance, unless a deviation from the standards in Ch. 193 is specifically addressed in the Promontory Ordinance. All secondary plats for any portion of the Promontory District may be approved administratively by the Department, and may not require a public hearing before the Plan Commission, so long as the proposed secondary plat substantially conforms with the corresponding approved primary plat.
- C. The combination of platted lots (or portions of platted lots) is anticipated and shall be permitted and approved administratively without the approval of the Plan Commission.
- D. If there is a Substantial Alteration in an approved primary plat, review and approval of the amended plans shall be made by the Plan Commission, or a committee thereof, pursuant to the Plan Commission's Rules of Procedure. Minor Alterations and Material Alterations may be approved by the Director.

Section 16.02 Approval or Denial of Development Plans.

- A. Development Plan approval shall be required for the construction of the overall development, or each section thereof if the development is constructed in multiple phases. No Development Plan approval shall be required for individual dwellings. Development Plan approval shall be required for Development Amenity Uses.

- B. Development Plan (DP) approval by the Plan Commission, as prescribed in the Zoning Ordinance, shall be necessary prior to the issuance of a building permit for each Development Amenity Use.
- C. The Plan Commission shall review a Development Plan (DP) application to determine if the Development Plan (DP) satisfies the Development Requirements specified within the Promontory Ordinance.
- D. If there is a Substantial Alteration in an approved DP, review and approval of the amended plans shall be made by the Plan Commission, or a committee thereof, pursuant to the Plan Commission's Rules of Procedure. Minor Alterations and Material Alterations may be approved by the Director.

Section 16.03 Modification of Development Requirements. The Plan Commission may, upon petition of the Controlling Developer, modify any requirements specified in this the Promontory Ordinance. However, any approval of such waiver is subject to all of the following criteria:

- A. The proposal must be in harmony with the purposes and the land-use standards contained in the Promontory Ordinance.
- B. The proposal must enhance the overall development plan, the adjoining streetscapes, and the overall Development.
- C. The proposal must not produce a site plan or street/circulation system that would be impractical or detract from the appearance of the development plan or the Promontory District, and must not adversely affect emergency access or deprive adjoining noncommercial properties of adequate light and air.
- D. In granting a waiver from the Development Requirements, the Commission may impose such conditions that will, in its judgment, secure the purposes of the Promontory Ordinance.
- E. This Section does not affect the right of an applicant to petition the BZA for a variance from development standards.

Section 16.04 Variance of Development Requirements: The BZA may authorize variances from other terms not defined herein of the Promontory Ordinance, subject to the procedure prescribed in the Zoning Ordinance.

Section 17. Controlling Developer's Consent

Section 17.01 Without the written consent of the Controlling Developer (or its successor-in-interest under the Declaration of Covenants), no other developer, user, owner, or tenant may obtain any permits or approvals, whatsoever, with respect to the Real Estate or any portion

thereof and, as such, and by way of example but not by limitation, none of the following may be obtained without the approval and consent of the Controlling Developer:

- A. Improvement location permits for any improvements within the Real Estate;
- B. Sign permits for any Signs within the Real Estate;
- C. Building permits for any Buildings, excluding accessory buildings or gatehouses in the Lake and Equestrian District or at a main entrance, within the Real Estate;
- D. DP, or primary or secondary plat approval for any part of the Real Estate; and
- E. Any text amendments, variances, modifications of development requirements or other variations to the terms and conditions of this the Promontory Ordinance.

Section 18. Violations and Enforcement

Section 18.01 All violations and enforcement of the Promontory Ordinance shall be subject to the Zoning Ordinance.

Section 19. Definitions

The definitions (i) of the uses set forth in Exhibit 3 (the “Permitted Uses and Development Standards Matrix”), unless otherwise defined below in this Section 19, shall be the same as set forth in the Zoning Ordinance, (ii) of the capitalized terms set forth below in this Section 19, as they appear throughout the Promontory Ordinance, shall have the meanings set forth below in this Section 19 and (iii) of all other capitalized terms included in the Promontory Ordinance and not defined below in this Section 19, shall be the same as set forth in the Zoning Ordinance.

Accessory Structure: A structure which is subordinate to a Building or primary use located on the Real Estate and which is not used for permanent human occupancy.

Accessory Use: A use subordinate to the primary use, located on the real estate or in the same Building as the primary use, and incidental to the primary use.

Amenity Area: An area as depicted on Exhibit 2 delineating the Equestrian Development Amenity Subareas, the Lakefront and Meeting Space Development Amenity Subareas, or the Open Space Development Amenity Subarea.

Architectural Review Board. A board, established by the Declaration(s) of Covenants, responsible for reviewing all improvements after the initial, original construction of Buildings, Dwellings, and other improvements. In the case of improvements in the Lake and Equestrian District such review will occur prior to the initial original construction as well as after as outlined above.

Architectural Standards: The Architectural Standards attached hereto and incorporated herein by reference as Exhibit 9 (the “Architectural Standards”). Such standards will be created and administered by Architectural Review Board.

Building: A structure having a roof supported by columns and walls, for the shelter, support, enclosure or protection of persons, animals, chattel, or property. When separated by party walls, each portion of such a building may be considered a separate Building.

Building Height: The vertical distance from the finished first floor elevation to the highest point of the roof, excluding parapet walls, and entry elements for a flat roof, to the deck line of a mansard roof and to the mean height between the eaves and the ridge for gable, hip and gambrel roofs.

BZA: The Town’s Board of Zoning Appeals.

Concept Plan: The Concept Plan is attached hereto and incorporated herein by reference as Exhibit 2 (the “Concept Plan”). The Concept Plan depicts a projected layout of the internal drives, Building areas, and existing Development Amenity Buildings permitted by this the Promontory Ordinance. The Concept Plan is conceptual and preliminary, only, and the final site plan(s) shall comply with the Development Requirements and may vary from the Concept Plan with respect to, among other things, the size, location, and configuration of walkways, drives, building pads, landscape areas and parking areas may change; provided, however, the Zionsville Plan Commission shall have final approval authority concerning a final plan through its Development Plan approval process.

Conceptual Character Imagery: These are comprised of photographs, elevations and renderings and are intended to generally and conceptually illustrate an application of the Development Requirements and elements of the anticipated character of the Promontory District. While the Conceptual Character Imagery are representative in nature and are not intended to specify exactly what will be built and developed, they do fairly and accurately depict the scale of buildings, quality of materials, as well as the look and feel of the contemplated improvements. For instance, final Buildings designs will comply with the Architectural Standards, but may vary from the Conceptual Character Imagery of Buildings (e.g., the use of stone in lieu of brick or vice versa). The Conceptual Character Imagery establishes a benchmark for the quality of the Buildings.

Controlling Developer: The Controlling Developer shall mean Windy Hills Farm LLP until the earlier of (i) Windy Hills Farm LLP no longer owns any portion of the Real Estate; or, (ii) Windy Hills Farm LLP transfers or assigns, in writing, its rights as Controlling Developer. Such Rights may be transferred by the Controlling Developer, in its sole discretion, in whole or in part, but only by a written instrument, signed by the Controlling Developer.

County: Boone County, Indiana.

Declaration(s) of Covenants: Declaration(s) of Covenants, Conditions and Restrictions applicable to the Real Estate, or any portion thereof, which may be prepared and recorded by the Controlling Developer in the office of the Recorder of Boone County, Indiana, and which may, from time to time, be amended.

Department: The Town of Zionsville Department of Community & Economic Development.

Detached Dwelling: A Dwelling that is not attached to another Dwelling and is developed with no party-walls and with open yards on at least three sides. The term Detached Dwelling does not include mobile homes, recreational or motor vehicles.

Development Amenity Building(s): Any Building, occupied primarily by any Development Amenity Use.

Development Amenity Uses: The Uses identified on Exhibit 3 (the “Permitted Uses and Development Standards Matrix”) under the heading of Development Amenity Uses.

Development Plan (“DP”): A specific plan for the development of the Real Estate, or any portion thereof, that contains the plan documentation and supporting information required, including but not limited to the site plan, overall plan, building elevations, sign plan, landscape plan and lighting plan, which is submitted for approval, showing proposed locations of site improvements, facilities, buildings, structures, and elevations.

Development Requirements: Written development standards and any written requirements specified in the Promontory Ordinance, which must be satisfied in connection with the approval of a Development Plan.

Development Standards Matrix: Exhibit 3 (the “Permitted Uses and Development Standards Matrix”) identifying the bulk requirements applicable to each District and/or use.

Director and/or Director, Plan: The director of Planning & Economic Development for the Town of Zionsville, Indiana.

Dwelling: A Building intended for occupancy by a residential user.

Dwelling Building: A Building used for a Dwelling.

Gross Floor Area or GFA: The sum of the total horizontal areas of the several floors of a building(s), measured from the interior faces of exterior walls. The term Gross Floor Area shall include basement, elevator shafts, stairwells of each story and garages. Floor space used for mechanical equipment, attic space, interior balconies and mezzanines shall be excluded.

Home Occupation: An Accessory Use conducted in a Dwelling that is clearly incidental and secondary to the Use of the Dwelling for dwelling purposes.

Loft: One or more rooms which are connected together and located above the first floor of any building occupied by a non-residential use and which (i) are arranged, designed, used, and intended for use by one or more human beings for owner occupancy, rental or lease on a monthly or longer basis, and (ii) include lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.

Material Alteration: Any change to any plan approved as part of a Development Plan that involves the substitution of one material, species, element, etc. for another of equivalent quality.

Minor Alteration: Any change to any plan approved as part of a Development Plan and/or the Use District Plan that involves the revision of less than fifteen percent (15%) of the plan's total area or approved materials and cannot include an increase in the amount of approved units, an increase in the amount of approved retail square footage, an increase in the amount of approved office square footage, a decrease in the amount of required open space, or the elimination of required plantings.

Open Space: An area of land not covered by Buildings, parking structures, parking lots, or Accessory Structures except for recreational structures. Open Space may include nature areas, streams, creeks, ponds, lakes and floodplains, meadows or open fields containing baseball, football and soccer fields, swimming pools, bicycle paths, green belt buffers, plazas etc. Open Space does not include street right-of-way, platted residential lot area, or private yards; however, it shall include pedestrian walks and paths.

Owners Association(s): Owners Association(s) established by the Declaration(s) of Covenants.

Parking Space: An area, unenclosed or enclosed in a Building or in an Accessory Building, permanently reserved for the temporary storage of one automobile and connected with a street or alley.

Plan Commission: The Zionsville Plan Commission.

Real Estate: The Real Estate legally described in Exhibit 1 (the "Real Estate").

Recreational Facilities: Tennis and paddle tennis courts, indoor or outdoor swimming pools, recreational practice fields, basketball or racquetball courts, outdoor sand volleyball, playgrounds, cart paths, trails, outdoor event/tent facility, picnic pavilions, outdoor fire pits, small amphitheater or outdoor movie screen, tree house and security house.

Residential Building: Any Building, occupied primarily by any residential uses.

Sign: Any type of sign as further defined and regulated by this the Promontory Ordinance and the Zoning Ordinance. Any structure, fixture, placard, announcement, declaration, device demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Sign Area: The area of a sign shall be computed to include the area within a combination of the smallest regular geometric forms together containing the copy and the logo of the sign. Maximum sign area shall be the maximum sign area for each side of a multi-sided sign. Frames and structures, including decorative, colored and lit backgrounds, not containing advertising matter shall not be included in the computation of sign area.

Sign, Height of Ground: The vertical distance measured from the ground level upon which the sign is established to the height of the upper limit of the Sign frame or structure.

Sign, Identification: A sign that is limited to the name and/or address of a building, the Promontory development itself, institution or person; to the activity carried on in the building or institution; the occupation of the person; and/or the logo.

Substantial Alteration: Any change to any plan approved as part of a Development Plan and/or the Use District Plan that involves the revision of fifteen percent (15%) or more of the plan's total area or approved materials.

Town: The Town of Zionsville, Indiana.

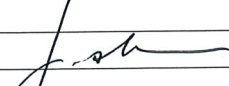
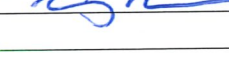
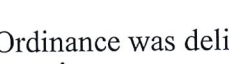
Use Table: The Use Table attached hereto and incorporated herein by reference as Exhibit 3 (the "Permitted Uses and Development Standards Matrix") identifying the Single-Family Residential Uses and the Development Amenity Uses.

User: An owner or tenant of a particular area within the Promontory District.

Zone Map: The Town's official Zone Map corresponding to the Zoning Ordinance.

Zoning Ordinance: Town of Zionsville Zoning Ordinance, as amended.

**TOWN COUNCIL OF THE TOWN
OF ZIONSVILLE, BOONE COUNTY, INDIANA
(Signatures of Council Members)**

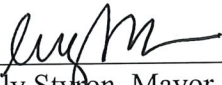
	YEA	NAY
Jason Plunkett, President		
Brad Burk, Vice-President		
Josh Garrett		
Alex Choi		
Joe Culp		
Craig Melton		
Bryan Traylor		

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville mayor
Emily Styron on the 7th day of June, 2022 at 900 A.M./P.M.

ATTEST: _____

Amy Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**



Emily Styron, Mayor

6/8/2022

DATE

**MAYOR'S
VETO**

Emily Styron, Mayor

DATE

EXHIBIT 1

Real Estate

Parcel 1:

Part of the North Half of Section 27, part of the Southeast Quarter of Section 27 and part of the Northeast Quarter of Section 28, all in Township 19 North, Range 2 East, Union Township, Boone County, Indiana, and more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 27; thence along the East line thereof, South 00 degrees 21 minutes 22 seconds West 2635.51 feet to the Northeast corner of the Southeast Quarter of said Section 27; thence along the East line thereof, South 00 degrees 17 minutes 29 seconds West 997.26 feet; thence North 89 degrees 50 minutes 17 seconds West 1265.27 feet to the Southeast corner of the Crane Property as recorded in Deed Record 254, Pages 11-12, Boone County Recorder's Office (the next four courses are along the Easterly and Northerly lines of said Crane Property) (1) thence North 02 degrees 14 minutes 02 seconds West 1096.26 feet; (2) thence parallel with the South line of said North Half, North 89 degrees 55 minutes 24 seconds West, 2577.17 feet; (3) thence North 00 degrees 18 minutes 28 seconds West 400.48 feet; (4) thence parallel with the South line of said North Half, North 89 degrees 55 minutes 24 seconds West 875.57 feet to a point on the center line of U.S. Highway 421, also known as the Michigan Road; thence along the center line of said U.S. Highway 421, North 19 degrees 51 minutes 48 seconds West 2264.42 feet to a point on the North line of said Section 28; thence along said North line, North 89 degrees 45 minutes 36 seconds East 227.18 feet to the Northwest corner of the Northwest Quarter of said Section 27; thence along the North line of said Northwest Quarter Section, North 89 degrees 50 minutes 53 seconds East 2658.22 feet to the Northwest corner of the Northeast Quarter of said Section 27; thence along the North line of said Northeast Quarter Section, South 89 degrees 48 minutes 17 seconds East, 2668.38 feet to the point of beginning, containing 321.4784 acres, more or less.

Excepting therefrom the following:

Part of the land described in a Quitclaim Deed conveyed to Windy Hills Farm, LLC, recorded as Instrument No. 201500005327, in the Office of the Recorder of Boone County, Indiana, also part of the Northeast Quarter and the Southeast Quarter of Section 27, Township 19 North, Range 2 East in Union Township, Boone County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 27; thence South 01 degrees 01 minutes 46 seconds East (Indiana State Plane Coordinate System- West Zone, NAD 83) along the East line of said Northeast Quarter 2637.54 feet to the Northeast corner of the Southeast Quarter of said Section 27; thence South 01 degrees 06 minutes 38 seconds East along the East line of said Southeast Quarter 997.26 feet to the Southeast corner of land described in said Instrument No. 201500005327; thence South 88 degrees 45 minutes 35 seconds West along the Southern boundary of said described land 1265.27 feet to the Southeast corner of the Crane Property as described in Deed Record 254, pages 11-12, recorded in said Recorder's Office; thence North 03 degrees 38 minutes 09 seconds West along the Eastern boundary of said Crane Property 1096.26 feet; thence North 01 degrees 01 minutes 46 seconds West 70.28 feet; thence North 88 degrees 58 minutes 14 seconds East 813.70 feet; thence North 01 degrees 01 minutes 46 seconds West parallel with the East line of said Northeast Quarter 2472.14 feet to the North line of said Northeast Quarter; thence North 88 degrees 45 minutes 08 seconds East along said North line 500.00 feet to the POINT OF BEGINNING, containing 62.856 acres, more or less.

Parcel 2:

Part of the land described in a Quitclaim Deed conveyed to Windy Hills Farm, LLC, recorded as Instrument No. 201500005327, in the Office of the Recorder of Boone County, Indiana, also part of the Northeast Quarter and the Southeast Quarter of Section 27, Township 19 North, Range 2 East in Union Township, Boone County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 27; thence South 01 degrees 01 minutes 46 seconds East (Indiana State Plane Coordinate System- West Zone, NAD 83) along the East line of said Northeast Quarter 2637.54 feet to the Northeast corner of the Southeast Quarter of said Section 27; thence South 01 degrees 06 minutes 38 seconds East along the East line of said Southeast Quarter 997.26 feet to the Southeast corner of land described in said Instrument No. 201500005327; thence South 88 degrees 45 minutes 35 seconds West along the Southern boundary of said described land 1265.27 feet to the Southeast corner of the Crane Property as described in Deed Record 254, pages 11-12, recorded in said Recorder's Office; thence North 03 degrees 38 minutes 09 seconds West along the Eastern boundary of said Crane Property 1096.26 feet; thence North 01 degrees 01 minutes 46 seconds West 70.28 feet; thence North 88 degrees 58 minutes 14 seconds East 813.70 feet; thence North 01 degrees 01 minutes 46 seconds West parallel with the East line of said Northeast Quarter 2472.14 feet to the North line of said Northeast Quarter; thence North 88 degrees 45 minutes 08 seconds East along said North line 500.00 feet to the POINT OF BEGINNING, containing 62.856 acres, more or less.

EXHIBIT 2

Concept Plan

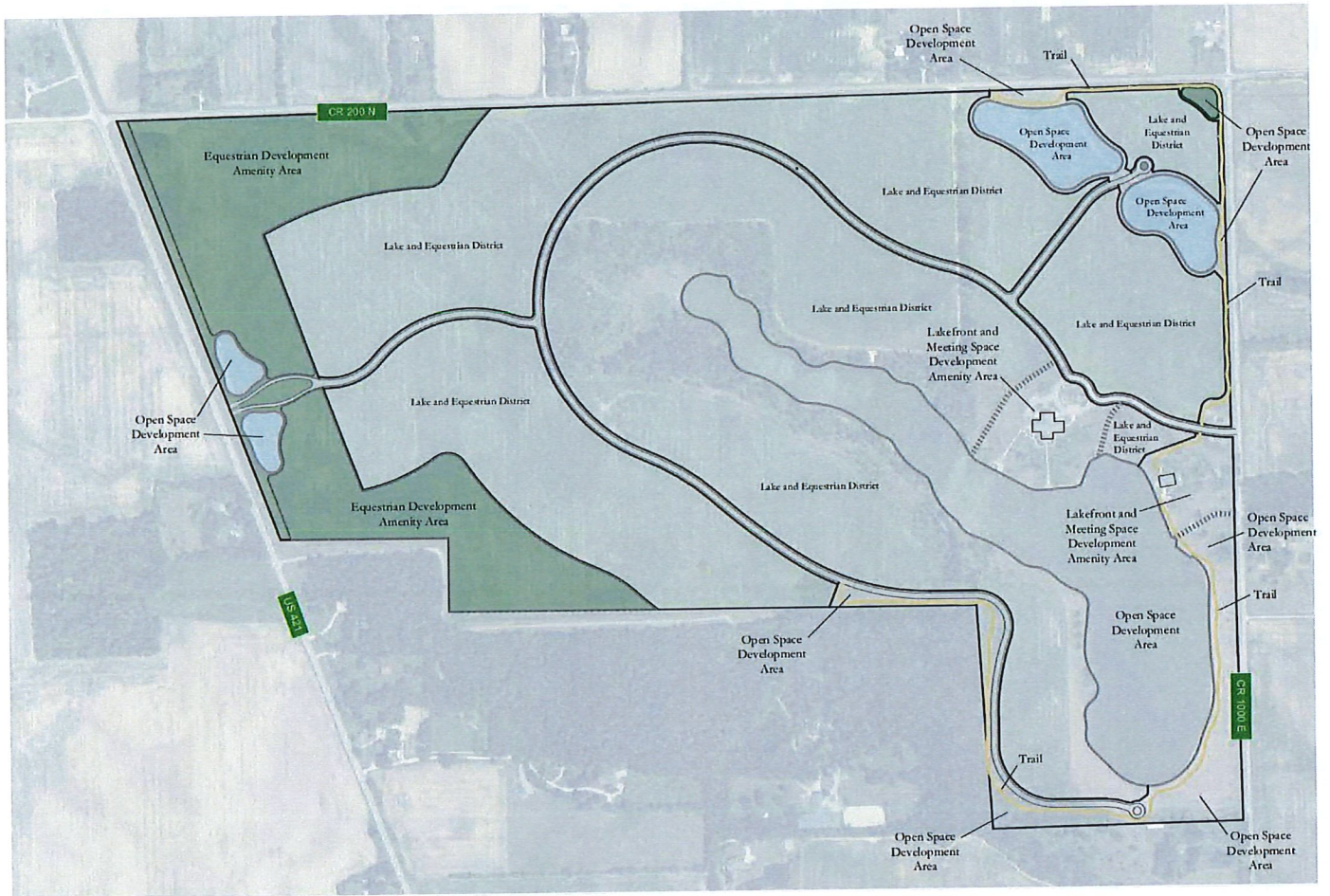


EXHIBIT 3

Permitted Uses and Development Standards Matrix

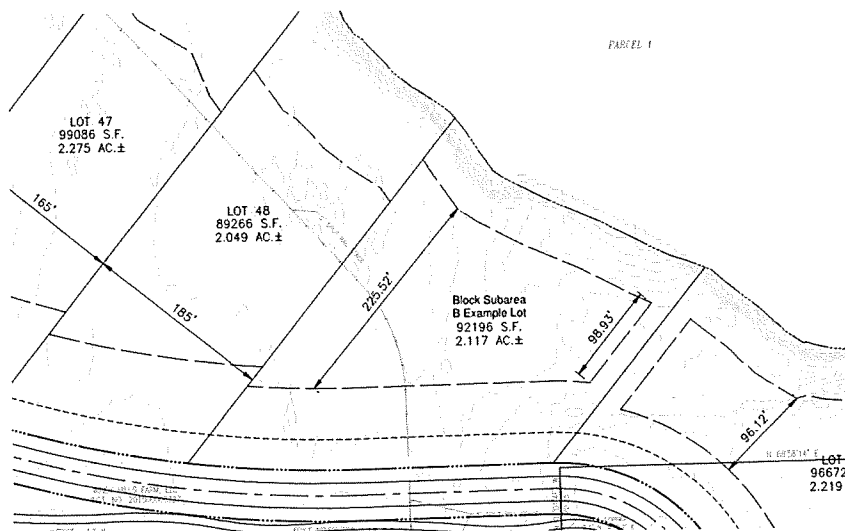
Single-family Residential Uses: The standards set forth herein shall apply to all single-family residential uses in the District. The District subarea standard to apply to a specific area of the Real Estate shall be determined by the Developer at the time of the primary plat for that particular area of the Real Estate.

Block Subarea	Minimum Lot			Minimum Setbacks				Max. Bldg. Height	Max Percentage of Dwelling Units in Subarea ³
	Width	Lot Frontage	Area (acres)	Front	Side	Rear ¹	Building Separation		
A	160'	N/A	2	150'	20'	150'	40'	N/A	No Maximum
B ²	N/A	N/A	2	30'	20'	30'	40'	N/A	25%

¹ Lakeside living focused Accessory Buildings shall be allowable within the rear building setback line.

² Block Subarea B shall only be used in areas where Subarea A is infeasible due to physical lot constraints. For the avoidance of doubt, a depiction of physical lot constraints is depicted below.

³ The total number of residential dwellings shall not exceed 80 dwelling units.



Single-Family Residential Uses
Single-Family Dwelling
Home Occupation
Model Homes
Guest House (accessory to a Detached Dwelling)
Private Swimming Pool, etc.
Loft
Construction Facility

Development Amenity Uses
A. Equestrian Development Amenity Uses.
General Offices (as an accessory use)
Professional Office (as an accessory use)
Training Facility (as an accessory use)
Riding Stable
Open Space
Special Event, Outdoor
Community Event Barn
Picnic Area
Private Club or Lodge
Country Club
B. Lakefront and Meeting Space Development Amenity Uses.
Boat House
Boat Rental
Open Space
Special Event, Outdoor
Private Club or Lodge
General Offices (as an accessory use)
Professional Office (as an accessory use)
Café (as an accessory use)
Coffee Shop (as an accessory use)
Tavern/Brewpub/Microbrewery (as an accessory use)
Community Center
Meeting House
Country Club
Recreational Facility
Health/Fitness Facility (as an accessory use)
Swimming Pool
Fishing/Boat Pier
Tennis Court
C. Open Space Development Amenity Use
Open Space
Recreational Facility, Outdoor

Parks
Basketball Court, Soccer/Athletic Fields
Disc Golf
Picnic Area
Playground
Volleyball/Beach Volleyball
Tennis/Pickleball
Fire Pits
Outdoor Event/Tent Facility

EXHIBIT 4

Conceptual Character Imagery - Residential Buildings



EXHIBIT 5

Conceptual Character Imagery – Development Amenities

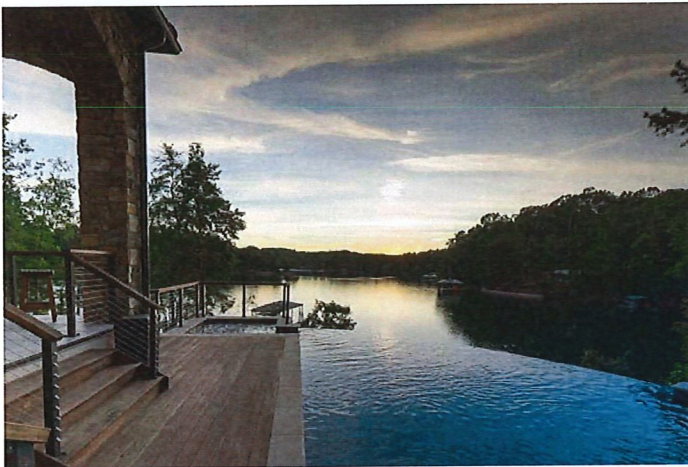


EXHIBIT 6

Conceptual Character Imagery - Accessory Buildings

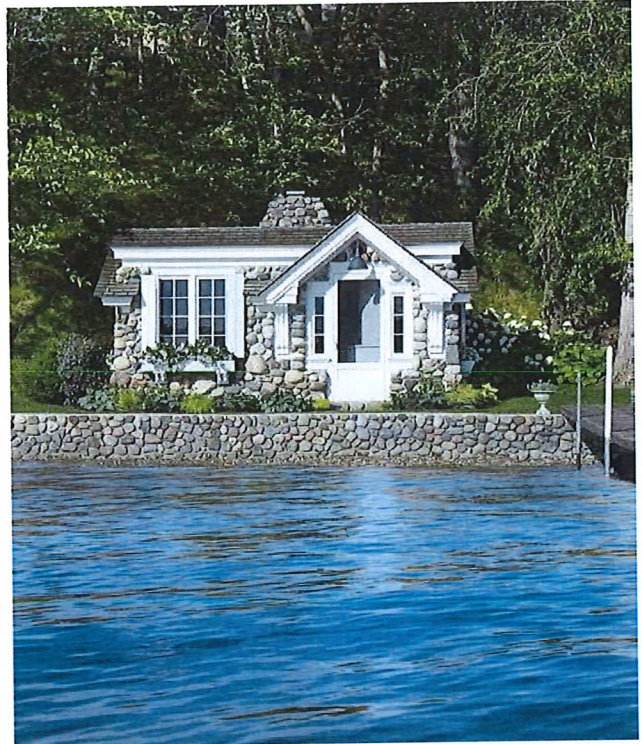


EXHIBIT 7

Street and Trail Standards

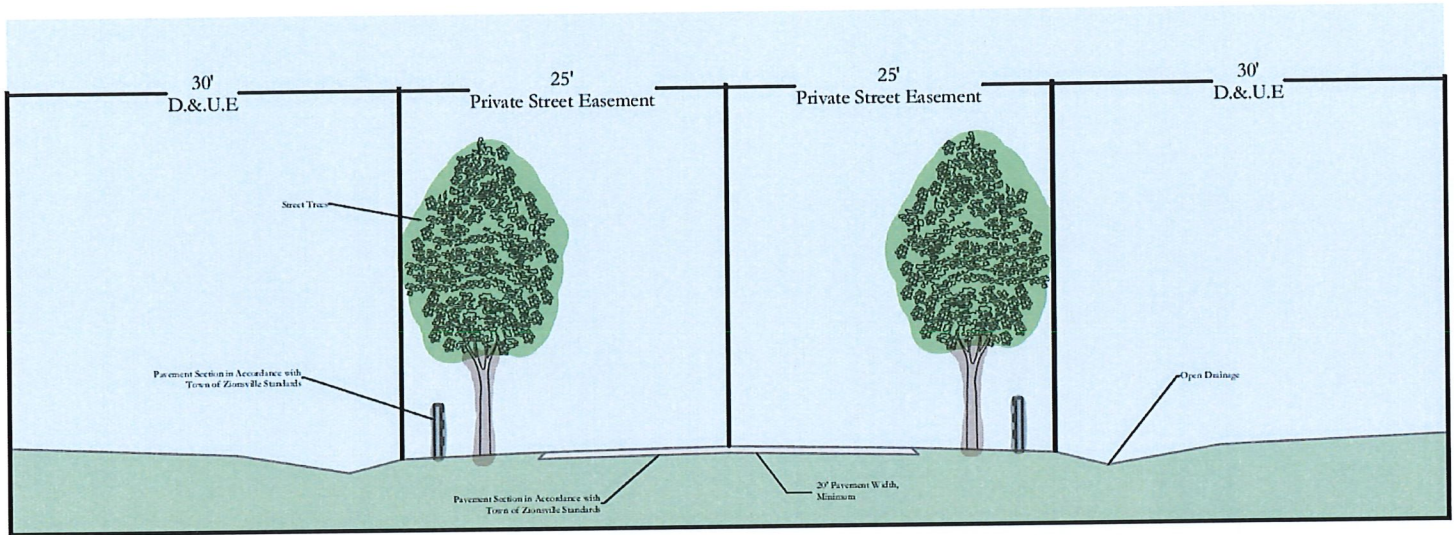
The following standards shall apply to Promontory:

1. Pavement sections (material thicknesses and compaction requirements only) within the interior of the development shall comply with the local street standards for the Town and/or County. Refer to Exhibit 8 to proposed typical section.
2. Pedestrian walks & paths, both public and private, are permitted within areas delineated as "Open Space" at the Controlling Developer's discretion.
3. Trailways shall connect to existing trailways or paths as set forth in Section 12.06 of the Promontory Ordinance.
4. Utilities, irrigation systems, signage, lighting, landscaping and similar infrastructure may be located within the rights-of-way and utility easements at Developer's discretion and shall require a Consent to Encroach Agreement with the Town of Zionsville, the County or INDOT (as applicable).
5. The minimum horizontal centerline radius for all streets shall be 100 feet provided that safe stopping sight distance is provided with the right-of-way.
6. The minimum tangent between reverse curves for all streets shall be zero (0) feet.
7. The minimum radius at an intersection for streets shall be 20 feet with a right-of-way radius of 10 feet with the exception of streets within the District where the minimum right-of-way radius is zero (0) feet.
8. The minimum radius at an intersection with a private street for alleys, other private streets, frontage places and/or street cuts shall be 20 feet.
9. Roadways may curve tighter than prescribed in the Zoning Ordinance and/or Subdivision Control Ordinance in an effort to preserve natural features.
10. All cul-de-sacs shall terminate in a circular right-of-way with a minimum pavement diameter of one hundred (100) feet or other approved arrangement for the turning of all vehicles conveniently within the private street.
11. Private drives are permitted to allow access to multiple Dwelling lots in the Promontory District.
12. The maximum length of a cul-de-sac shall not exceed 800 feet, but may be extended with an in street cul-de-sac.
13. The posted and design speed limit for all private streets in Promontory shall be 20 mph.
14. The maximum vertical grade of roadways shall not exceed 12%.
15. Decorative street blades and posts shall be permitted in accordance with the signage depicted in Exhibit 10. These shall be privately owned and maintained.
16. Concrete sidewalks shall be a minimum of five (5) feet wide, 4 inches thick, placed on a grade and shall not be required alongside any street. Sidewalks shall be placed at the discretion of the Controlling Developer.

17. Except for walkways and paths within natural common areas as described in Section 12.07 (which may be comprised of limestone aggregate, mulch or a similar material), any asphalt walking, bike and multi-purpose paths shall have a pavement section consisting of 330 lbs/sy of 12.5mm surface placed over 6" of compacted #53 aggregate base.
18. The use of "Permeable Pavers" may be used in alleys, parking lanes, parking lots, crosswalks and/or gutters at the Controlling Developer's discretion. "Permeable Pavers" and/or other alternative Low Impact Development (LID) pavement sections may also be used in travel lanes. If Permeable Pavers are used for construction, these pavement sections will be privately maintained.
19. Placement of asphalt pavement and concrete curb infrastructure within public right-of-way shall be in accordance with the current standards of the Town of Zionsville, Boone County or Indiana Department of Transportation, as applicable.
20. If the Town is petitioned to take over private streets and/or alleys within the Real Estate, the street or alley must be improved to the current governing Town standards as determined by the Town's Engineer prior to acceptance at the sole expense of the petitioner unless otherwise waived by majority passage of the Zionsville Town Council.
21. In conjunction with other Low Impact Development (LID) practices (i.e. bioswales in common area median, rain gardens adjacent to right-of-way or permeable pavers) the minimum street grade shall be 0%. If no LID practices are used, the minimum street grade shall be 0.5% (1/2%).
22. A driveway may be located within 75' of the intersection of two streets; provided, the intersection has a posted stop sign or other traffic calming element approved by the Town.

EXHIBIT 8

Typical Section



Promontory
Typical Private Street Section

EXHIBIT 9

Architectural Standards

Part 1. Guidelines and Objectives:

- A. The purpose of these architectural guidelines is to establish design parameters for the development of Promontory District.
- B. These guidelines describe an architectural style with a flexible design framework where diverse and creative solutions can coexist in a pleasant and harmonic environment.

Part 2. Architectural Style (non-residential uses):

A. Building Massing:

- 1. Flat or sloping roofs with overhangs or articulated cornices will be utilized in many instances in order to create a framework which will be enhanced with horizontal or vertical features to pronounce the focal points of the Buildings.
- 2. The dimensions and size of the Buildings are "human-scales" to properly relate to the user and to provide a sense of familiarity and comfort.
- 3. Building facades may be complemented with trellises, canopies and colonnades to create a diversity of experiences to be enjoyed by the user and to provide shelter from the elements.
- 4. All of these elements, strategically located, serve as visual landmarks to define public spaces and to enhance the sense of order.

B. Materials and Exterior Building Finishes (non-residential uses):

- 1. All buildings shall be designed and constructed with building materials and colors to follow a consistent architectural theme. All exterior sides of the Building shall be finished in approved materials and colors by the Architectural Review Board or Primary Developer. The selection of materials for Development Amenities within Promontory shall be evaluated based on their permanence, ability to withstand weather conditions and visual appearance. Materials located in close contact with the public shall be more authentic in character, whereas materials placed above eight (8) feet may be more synthetic in nature.
- 2. Any number of materials may be used for the design of Development Amenities within Promontory. The following is a list of acceptable materials:
 - a. Face brick
 - b. C.M.U. (concrete masonry units)
 - c. Concrete brick
 - d. Glass block
 - e. Cast Stone
 - f. Poured concrete
 - g. Precast concrete
 - h. Colored/decorative concrete
 - i. Limestone
 - j. Simulated stone
 - k. Terracotta
 - l. Fiber Cement Siding
 - m. Stained wood- only in locations minimally exposed to weather
 - n. Stucco

- o. EIFS (limited to areas 8' above grade)
 - p. Glass (clear, color, sand blast, etched, etc)
 - q. Storefront (aluminum, wood, steel)
 - r. Curtain wall
 - s. Exposed structure
 - t. Concrete, brick, or asphalt pavers
 - u. Porcelain and/or ceramic tile
 - v. Textured paint
 - w. Clay or colored concrete roof tiles
 - x. Dimensional asphalt shingle roof
 - y. Standing seam metal roof
 - z. Slate roof
 - aa. Synthetic slate roof
 - bb. Synthetic Terracotta roof
 - cc. Aluminum or Metal roof/architectural features as accents
- C. Primary Facades: All primary facades of a Building, which for purposes of this Exhibit 9 is the front façade, shall be designed with consistent style, detail and trim features. The front façade shall incorporate Building elements such as lighting fixtures and changes in wall surfaces, including awnings, canopies, arcades, colonnades, alcoves, accents, windows, entry configurations, cornices, pilasters, columns or other elements that contribute to the human scale of the Building.
- D. Secondary Facades: Side and rear facades shall be finished in colors similar to the colors of the primary facades. Secondary facades immediately adjacent to a primary façade shall wrap around the Building by incorporating Building materials and detailing of the primary façade for a minimum of 30 percent of the overall wall length, measured from the primary façade.
- E. All rooftop HVAC equipment shall be screened from view from within the property when standing at ground level.
- F. Any visible roof penetrations for venting or other purposes shall be painted to match the surrounding color palette or be painted flat black.
- G. Fixed Awnings: Fixed awnings of fabric are approved.
- H. Fences and Screening: Fence construction along the front façade shall be decorative, such as wrought iron style, decorative wood, or a courtyard wall. Ground level mechanical/telecommunication equipment visible from a public street shall be screened with suitable landscaping, walls, or fencing in general architectural compatibility with the Building(s) with which it is associated.
- I. Lighting and Streetscape Signage: All uses shall be encouraged to utilize architecturally similar street lighting throughout the development, as well as entryway and street signage to create a cohesive look. While not all elements shall be identical, a complimentary use of materials, colors, fonts or locations shall be encouraged when possible.
- J. Colors: The overall color palette of Promontory may vary but a consistent aesthetic shall be encouraged so there are not buildings or dwellings which feature too bright or neon colors.

Part 3. Design Categories:

- A. In order to better identify the specific design intent for possible uses, these guidelines are divided into design categories associated with the different type of uses. These design categories encompass possible but not required uses in Promontory. The following is a list of such categories:
- | | |
|--------------------------|--------|
| 1. Residential | Part 4 |
| 2. Development Amenities | Part 5 |

Part 4. Residential:

- A. Residential uses will be the heart of the community and neighborhood.
- B. Architectural Style:
 - 1. The architectural style of the residential uses shall be determined by the Controlling Developer or ARB in accordance with the Declaration of Covenants.
- C. Residential building mass will be varied by integrating individual porches when appropriate. Individual porches will also provide privacy for residents.
- D. Garages designed for golf carts shall be permitted and may be located on side or rear facades of Dwellings, as approved by Primary Developer or ARB.
- E. Golf carts shall be permitted as a means of transportation throughout Promontory.

Part 5. Development Amenities:

- A. The selection of architectural amenities shall be complementary to the architectural character of Promontory. The amenities shall convey a sense of warmth and comfort and be visually appealing and properly integrated into the fabric of Promontory. The materials used for the selected amenities shall be durable and functional.
- B. Natural and paved trail ways shall be approved to use throughout so as to minimize impact to nature.

EXHIBIT 10

Development Common Area Details



Signage



Lighting



Fencing

EXHIBIT 11

Right to Farm

Owner voluntarily agrees and commits that the issuance of their permit to construct a single family residence in the Promontory Planned Unit Development District is conditioned upon the following:

Owner hereby acknowledges the existence of IND. CODE § 32-30-6-9 and that the Owner has requested approval to locate a single-family residence upon the Real Estate in the Promontory Planned Unit Development District. Furthermore, the undersigned recognize and hereby each acknowledge agreement that an agricultural operation or any of its appurtenances is not and does not become a nuisance, private or public, by any changed conditions in the vicinity of the Real Estate after the agricultural operation has been in operation continuously on said locality for more than one (1) year if the following conditions exist:

1) There is no significant change in the type of operation. A significant change in the type of agricultural operation does not include the following:

A) The conversion from one type of agricultural operation to another type of agricultural operation;

B) A change in the ownership or size of the agricultural operation;

C) The:
i) enrollment; or
ii) reduction or cessation of participation;

of the agricultural operation in a government program.

D) Adoption of new technology by the agricultural operation.

2) The operation would not have been a nuisance at the time the agricultural or industrial operation began on that locality.



Town of Zionsville | 1100 West Oak Street | Zionsville, Indiana 46077 | www.zionsville-in.gov

**CERTIFICATION TO THE TOWN COUNCIL
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

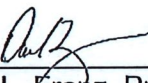
May 19, 2022

To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4, on May 17, 2022, the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 5 in favor and 1 opposed, gave a Favorable Recommendation to proposal 2022-07-Z to amend the Zoning Map (the "Map") of the Town of Zionsville (Legal Description attached, "Exhibit A"). Proposal 2022-07-Z recommends that 321.48± acres described in the Petition be rezoned from the Rural (AG) Agricultural Zoning District to the Planned Unit Development (PUD) District.

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2022-07-Z to amend the Zoning Map (a copy of which is attached to this Certification and incorporated here by this reference, ("Exhibit B")) to the Town Council of Zionsville, Indiana, with a Favorable Recommendation.

TOWN OF ZIONSVILLE ADVISORY PLAN COMMISSION



David L. Franz, President



Wayne DeLong, AICP, CPM
Secretary, Town of Zionsville Advisory Plan Commission

EXHIBIT "A"

Legal Description

Parcel 1:

Part of the North Half of Section 27, part of the Southeast Quarter of Section 27 and part of the Northeast Quarter of Section 28, all in Township 19 North, Range 2 East, Union Township, Boone County, Indiana, and more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 27; thence along the East line thereof, South 00 degrees 21 minutes 22 seconds West 2635.51 feet to the Northeast corner of the Southeast Quarter of said Section 27; thence along the East line thereof, South 00 degrees 17 minutes 29 seconds West 997.26 feet; thence North 89 degrees 50 minutes 17 seconds West 1265.27 feet to the Southeast corner of the Crane Property as recorded in Deed Record 254, Pages 11-12, Boone County Recorder's Office (the next four courses are along the Easterly and Northerly lines of said Crane Property) (1) thence North 02 degrees 14 minutes 02 seconds West 1096.26 feet; (2) thence parallel with the South line of said North Half, North 89 degrees 55 minutes 24 seconds West, 2577.17 feet; (3) thence North 00 degrees 18 minutes 28 seconds West 400.48 feet; (4) thence parallel with the South line of said North Half, North 89 degrees 55 minutes 24 seconds West 875.57 feet to a point on the center line of U.S. Highway 421, also known as the Michigan Road; thence along the center line of said U.S. Highway 421, North 19 degrees 51 minutes 48 seconds West 2264.42 feet to a point on the North line of said Section 28; thence along said North line, North 89 degrees 45 minutes 36 seconds East 227.18 feet to the Northwest corner of the Northwest Quarter of said Section 27; thence along the North line of said Northwest Quarter Section, North 89 degrees 50 minutes 53 seconds East 2658.22 feet to the Northwest corner of the Northeast Quarter of said Section 27; thence along the North line of said Northeast Quarter Section, South 89 degrees 48 minutes 17 seconds East, 2668.38 feet to the point of beginning, containing 321.4784 acres, more or less.

Excepting therefrom the following:

Part of the land described in a Quitclaim Deed conveyed to Windy Hills Farm, LLC, recorded as Instrument No. 201500005327, in the Office of the Recorder of Boone County, Indiana, also part of the Northeast Quarter and the Southeast Quarter of Section 27, Township 19 North, Range 2 East in Union Township, Boone County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 27; thence South 01 degrees 01 minutes 46 seconds East (Indiana State Plane Coordinate System-West Zone, NAD 83) along the East line of said Northeast Quarter 2637.54 feet to the Northeast corner of the Southeast Quarter of said Section 27; thence South 01 degrees 06 minutes 38 seconds East along the East line of said Southeast Quarter 997.26 feet to the Southeast corner of land described in said Instrument No. 201500005327; thence

South 88 degrees 45 minutes 35 seconds West along the Southern boundary of said described land 1265.27 feet to the Southeast corner of the Crane Property as described in Deed Record 254, pages 11-12, recorded in said Recorder's Office; thence North 03 degrees 38 minutes 09 seconds West along the Eastern boundary of said Crane Property 1096.26 feet; thence North 01 degrees 01 minutes 46 seconds West 70.28 feet; thence North 88 degrees 58 minutes 14 seconds East 813.70 feet; thence North 01 degrees 01 minutes 46 seconds West parallel with the East line of said Northeast Quarter 2472.14 feet to the North line of said Northeast Quarter; thence North 88 degrees 45 minutes 08 seconds East along said North line 500.00 feet to the POINT OF BEGINNING, containing 62.856 acres, more or less.

Parcel 2:

Part of the land described in a Quitclaim Deed conveyed to Windy Hills Farm, LLC, recorded as Instrument No. 201500005327, in the Office of the Recorder of Boone County, Indiana, also part of the Northeast Quarter and the Southeast Quarter of Section 27, Township 19 North, Range 2 East in Union Township, Boone County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 27; thence South 01 degrees 01 minutes 46 seconds East (Indiana State Plane Coordinate System-West Zone, NAD 83) along the East line of said Northeast Quarter 2637.54 feet to the Northeast corner of the Southeast Quarter of said Section 27; thence South 01 degrees 06 minutes 38 seconds East along the East line of said Southeast Quarter 997.26 feet to the Southeast corner of land described in said Instrument No. 201500005327; thence South 88 degrees 45 minutes 35 seconds West along the Southern boundary of said described land 1265.27 feet to the Southeast corner of the Crane Property as described in Deed Record 254, pages 11-12, recorded in said Recorder's Office; thence North 03 degrees 38 minutes 09 seconds West along the Eastern boundary of said Crane Property 1096.26 feet; thence North 01 degrees 01 minutes 46 seconds West 70.28 feet; thence North 88 degrees 58 minutes 14 seconds East 813.70 feet; thence North 01 degrees 01 minutes 46 seconds West parallel with the East line of said Northeast Quarter 2472.14 feet to the North line of said Northeast Quarter; thence North 88 degrees 45 minutes 08 seconds East along said North line 500.00 feet to the POINT OF BEGINNING, containing 62.856 acres, more or less.

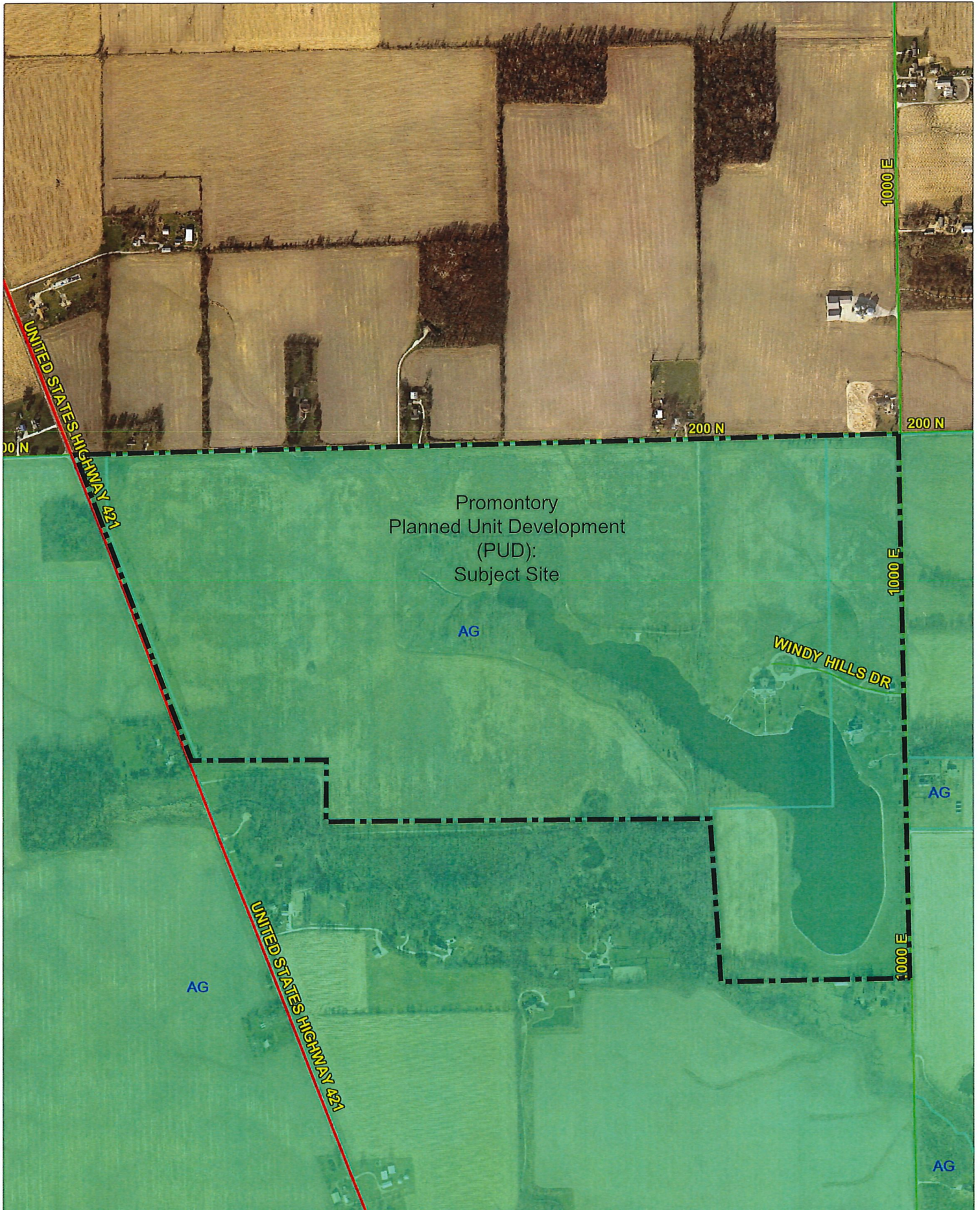


EXHIBIT "B" - Zoning Map for 2022-07-Z