

Wild Air
PLANNED UNIT DEVELOPMENT DISTRICT

ORDINANCE
2023-13

ZIONSVILLE, INDIANA

2023

TABLE OF CONTENTS

	<u>Page</u>
<u>Section 1. Applicability of Ordinance</u>	1
<u>Section 2. Rules of Construction</u>	2
<u>Section 3. Use Blocks Within The Wild Air Ordinance</u>	2
<u>Section 3.1. Senior Ranches Use Block</u>	2
<u>Section 3.2. Custom Estates Use Block</u>	3
<u>Section 3.3. Traditional Neighborhood Development Use Block</u>	4
<u>Section 3.4. Center Commons Use Block</u>	5
<u>Section 3.5. Cottages Use Block</u>	6
<u>Section 3.6. Senior Living Facility Use Block</u>	7
<u>Section 3.7. Civic Use Block</u>	7
<u>Section 3.8. Woodland Preservation Area Use Block</u>	8
<u>Section 4. Accessory Structures and Uses</u>	9
<u>Section 5. Landscaping Requirements</u>	9
<u>Section 6. Lighting Requirements</u>	14
<u>Section 7. Signage Requirements</u>	15
<u>Section 8. Parking Requirements</u>	19
<u>Section 9. Pedestrian Circulation</u>	21
<u>Section 10. Environmental Systems, Drainage and Streets and Streetscapes</u>	21
<u>Section 11. Additional Requirements and Standards</u>	23
<u>Section 12. Development Limits</u>	24
<u>Section 13. Declaration(s) of Covenants and Owners Association(s)</u>	24
<u>Section 14. Procedural Provisions</u>	24

<u>Section 15.</u>	<u>Controlling Developer’s Consent</u>	26
<u>Section 16.</u>	<u>Violations and Enforcement</u>	27
<u>Section 17.</u>	<u>Definitions</u>	27

SCHEDULE OF EXHIBITS

<u>Exhibit 1.</u>	<u>Legal Description</u>
<u>Exhibit 2.</u>	<u>Concept Plan</u>
<u>Exhibit 3.</u>	<u>Use Block Plan</u>
<u>Exhibit 4.</u>	<u>Use Table</u>
<u>Exhibit 5.</u>	<u>Development Standards Matrix</u>
<u>Exhibit 6.</u>	<u>Conceptual Character Imagery – Senior Ranches Use Block</u>
<u>Exhibit 7.</u>	<u>Conceptual Character Imagery – Custom Estates Use Block</u>
<u>Exhibit 8.</u>	<u>Conceptual Character Imagery – Traditional Neighborhood Development Use Block</u>
<u>Exhibit 9.</u>	<u>Conceptual Character Imagery – Center Commons Use Block</u>
<u>Exhibit 10.</u>	<u>Conceptual Character Imagery – Cottages Use Block</u>
<u>Exhibit 11.</u>	<u>Conceptual Character Imagery – Senior Living Facility Block</u>
<u>Exhibit 12.</u>	<u>Architectural Standards</u>
<u>Exhibit 13.</u>	<u>Pedestrian Circulation Plan</u>
<u>Exhibit 14.1.</u>	<u>Street Typology Plan and Street and Trail Standards</u>
<u>Exhibit 14.2.</u>	<u>Street Standards</u>
<u>Exhibit 15.</u>	<u>Conceptual Imagery – Development Common Area Details</u>

Note: All of the above Exhibits (1-15) are attached to this the Wild Air Ordinance, are incorporated by reference into this The Wild Air Ordinance, and are part of this the Wild Air Ordinance.

**ORDINANCE NO. 2023- 13
OF THE TOWN OF ZIONSVILLE, INDIANA**

**AN ORDINANCE ESTABLISHING
WILD AIR
PLANNED UNIT DEVELOPMENT DISTRICT**

Plan Commission Petition No. [2023-09-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 194.182 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 R-2 (Residential); and

WHEREAS, the Town of Zionsville Advisory Plan Commission certified on May 15, 2023 to the Zionsville Town Council a favorable recommendation for rezoning the Real Estate to the Wild Air Planned Unit Development District (the "Wild Air District") established by this planned unit development district ordinance (the "Wild Air Ordinance"), with respect to the real estate legally described in Exhibit 1 (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 Wild Air Ordinance, as an amendment to the Zone Map, (ii) all prior ordinances or parts thereof inconsistent with any provision of the Wild Air 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 Wild Air Ordinance, and (iv) the Wild Air Ordinance shall be in full force and effect from and after its passage and adoption by the Council.

Section 1. Applicability of Ordinance.

Section 1.1. The Zone Map is hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the Wild Air District.

Section 1.2. Development in the Wild Air District shall be governed entirely by (i) the provisions of this the Wild Air Ordinance and its exhibits, and (ii) those provisions of the Zoning Ordinance specifically referenced in the Wild Air Ordinance. In the event of a

conflict or inconsistency between the Wild Air Ordinance and the Zoning Ordinance, the provisions of the Wild Air Ordinance shall apply. In the event a standard, required for the approval by the Town of a Development Plan, is not defined within this the Wild Air Ordinance, the provisions of the required standard within the Zoning Ordinance shall apply.

Section 1.3. The subdivision of the land shall be allowed with the Wild Air District. Whenever a subdivision occurs, the regulations and procedures of the Subdivision Control Ordinance, Ch. 193 of the Town's code of ordinances, and other relevant town ordinances and standards shall apply. Unless a deviation from the standards in Ch. 193 is specifically addressed in the Wild Air Ordinance, a waiver must be requested from the Plan Commission at the time of Primary Platting.

Section 2. Rules of Construction.

Section 2.1. General Rules of Construction. The following general rules of construction and definitions shall apply to the Wild Air 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. Use Blocks Within the Wild Air Ordinance. The Use Blocks within the Wild Air District are as shown on Exhibit 3 (Use Block Plan).

Section 3.1. The Senior Ranches Use Block. This Block is located as shown on Exhibit 3 (Use Block Plan) and permits ranch-style homes.

- A. Permitted Uses:
 - (1) Permitted Uses within this Block shall be Single Family Dwellings and other authorized uses as set forth in Exhibit 4 (Use Table).
 - (2) Additional Requirements and Standards are included under Section 11 of the Wild Air Ordinance.
- B. Development Requirements:
 - (1) Applicable bulk requirements are contained within Exhibit 5 (Development Standards Matrix).

- (2) Applicable landscaping requirements are contained in Section 5 of the Wild Air Ordinance.
- (3) Applicable lighting requirements are contained in Section 6 of the Wild Air Ordinance.
- (4) Applicable signage requirements are contained in Section 7 of the Wild Air Ordinance.
- (5) Applicable parking requirements are contained in Section 8 of the Wild Air Ordinance.
- (6) Applicable pedestrian circulation standards are contained in Section 9 of the Wild Air Ordinance.
- (7) Applicable environmental systems, drainage and street standards are contained in Section 10 of the Wild Air Ordinance.

C. Dwellings shall comply with Exhibit 12 (Architectural Standards).

D. The Conceptual Character Imagery of Building Architecture is contained within Exhibit 6 (Conceptual Character Imagery – Senior Ranches Use Block).

Section 3.2. Custom Estates Use Block. This Block is located as shown on Exhibit 3 (Use Block Plan) and consists entirely of residential uses located in single, two-story and three-story buildings.

A. Permitted Uses:

- (1) Permitted Uses shall be Single Family Dwellings and other authorized uses as set forth in Exhibit 4 (Use Table).
- (2) Additional Requirements and Standards are included under Section 11 of the Wild Air Ordinance.

B. Development Requirements:

- (1) Applicable bulk requirements are contained within Exhibit 5 (Development Standards Matrix).
- (2) Applicable landscaping requirements are contained in Section 5 of the Wild Air Ordinance.
- (3) Applicable lighting requirements are contained in Section 6 of the Wild Air Ordinance.

- (4) Applicable signage requirements are contained in Section 7 of the Wild Air Ordinance.
- (5) Applicable parking requirements are contained in Section 8 of the Wild Air Ordinance.
- (6) Applicable pedestrian circulation standards are contained in Section 9 of the Wild Air Ordinance.
- (7) Applicable environmental systems, drainage and street standards are contained in Section 10 of the Wild Air Ordinance.

- C. Dwellings shall comply with Exhibit 12 (Architectural Standards)
- D. The Conceptual Character Imagery of Building Architecture is contained within Exhibit 7 (Conceptual Character Imagery – Custom Estates Use Block).

Section 3.3. Traditional Neighborhood Development Use Block. This Block is located as shown on Exhibit 3 (Use Block Plan).

A. Permitted Uses:

- (1) Permitted Uses are specified in Exhibit 4 (Use Table). Townhouses shall be permitted only on the east side of Marysville Road in this Block.
- (2) Additional Requirements and Standards are included under Section 11 of the Wild Air Ordinance.

B. Development Requirements:

- (1) Applicable bulk requirements are contained within Exhibit 5 (Development Standards Matrix).
- (2) Applicable landscaping requirements are contained in Section 5 of the Wild Air Ordinance.
- (3) Applicable lighting requirements are contained in Section 6 of the Wild Air Ordinance.
- (4) Applicable signage requirements are contained in Section 7 of the Wild Air Ordinance.
- (5) Applicable parking requirements are contained in Section 8 of the Wild Air Ordinance.

(6) Applicable pedestrian circulation standards are contained in Section 9 of the Wild Air Ordinance.

(7) Applicable environmental systems, drainage and street standards are contained in Section 10 of the Wild Air Ordinance.

C. Dwellings shall comply with Exhibit 12 (Architectural Standards)

D. The Conceptual Character Imagery of Building Architecture is contained within Exhibit 8 (Conceptual Character Imagery – Traditional Neighborhood Development Use Block).

Section 3.4. Center Commons Use Block. This Block is located as shown on Exhibit 3 (Use Block Plan) and permits a variety of housing options, including apartments, assisted living and independent living, and townhomes, together with neighborhood commercial and retail uses located in single-story, two-story and three-story buildings. The Center Commons Use Block also permits, among other permitted uses, cafés, an art gallery, and recreational facilities, as well as health and fitness facilities. The Center Commons Use Block is designed to create a compact, vibrant living environment that emphasizes walkability and building scale to encourage interaction.

A. Permitted Uses:

(1) Permitted Uses are specified in Exhibit 4 (Use Table).

(2) Additional Requirements and Standards are included under Section 11 of the Wild Air Ordinance.

B. Development Requirements:

(1) Applicable bulk requirements are contained within Exhibit 5 (Development Standards Matrix).

(2) Applicable landscaping requirements are contained in Section 5 of the Wild Air Ordinance.

(3) Applicable lighting requirements are contained in Section 6 of the Wild Air Ordinance.

(4) Applicable signage requirements are contained in Section 7 of the Wild Air Ordinance.

(5) Applicable parking requirements are contained in Section 8 of the Wild Air Ordinance.

(6) Applicable pedestrian circulation standards are contained in Section 9 of the Wild Air Ordinance.

(7) Applicable environmental systems, drainage and street standards are contained in Section 10 of the Wild Air Ordinance.

- C. The Conceptual Character Imagery of Building Architecture is contained within Exhibit 9 (Conceptual Character Imagery – Center Commons Use Block).

Section 3.5. Cottages Use Block. This Block is located as shown on Exhibit 3 (Use Block Plan).

A. Permitted Uses:

(1) Permitted Uses are specified in Exhibit 4 (Use Table).

(2) Additional Requirements and Standards are included under Section 11 of the Wild Air Ordinance.

B. Development Requirements:

(1) Applicable bulk requirements are contained within Exhibit 5 (Development Standards Matrix).

(2) Applicable landscaping requirements are contained in Section 5 of the Wild Air Ordinance.

(3) Applicable lighting requirements are contained in Section 6 of the Wild Air Ordinance.

(4) Applicable signage requirements are contained in Section 7 of the Wild Air Ordinance.

(5) Applicable parking requirements are contained in Section 8 of the Wild Air Ordinance.

(6) Applicable pedestrian circulation standards are contained in Section 9 of the Wild Air Ordinance.

(7) Applicable environmental systems, drainage and street standards are contained in Section 10 of the Wild Air Ordinance.

- C. Dwellings shall comply with Exhibit 12 (Architectural Standards)

- D. The Conceptual Character Imagery of Building Architecture is contained within Exhibit 10 (Conceptual Character Imagery – Cottages Use Block).

Section 3.6. Senior Living Facility Use Block. This Block is located as shown on Exhibit 3 (Use Block Plan).

A. Permitted Uses:

- (1) Permitted Uses are specified in Exhibit 4 (Use Table).
- (2) Additional Requirements and Standards are included under Section 11 of the Wild Air Ordinance.

B. Development Requirements:

- (1) Applicable bulk requirements are contained within Exhibit 5 (Development Standards Matrix).
- (2) Applicable landscaping requirements are contained in Section 5 of the Wild Air Ordinance.
- (3) Applicable lighting requirements are contained in Section 6 of the Wild Air Ordinance.
- (4) Applicable signage requirements are contained in Section 7 of the Wild Air Ordinance.
- (5) Applicable parking requirements are contained in Section 8 of the Wild Air Ordinance.
- (6) Applicable pedestrian circulation standards are contained in Section 9 of the Wild Air Ordinance.
- (7) Applicable environmental systems, drainage and street standards are contained in Section 10 of the Wild Air Ordinance.

- C. The Conceptual Character Imagery of Building Architecture is contained within Exhibit 11 (Conceptual Character Imagery – Senior Living Facility Use Block).

Section 3.7. Civic Use Block. This Block is located as shown on Exhibit 3 (Use Block Plan).

A. Permitted Uses:

- (1) Permitted Uses are specified in Exhibit 4 (Use Table).
- (2) Additional Requirements and Standards are included under Section 11 of the Wild Air Ordinance.

B. Development Requirements:

- (1) Applicable bulk requirements are contained within Exhibit 5 (Development Standards Matrix).
- (2) Applicable landscaping requirements are contained in Section 5 of the Wild Air Ordinance.
- (3) Applicable lighting requirements are contained in Section 6 of the Wild Air Ordinance.
- (4) Applicable signage requirements are contained in Section 7 of the Wild Air Ordinance.
- (5) Applicable parking requirements are contained in Section 8 of the Wild Air Ordinance.
- (6) Applicable pedestrian circulation standards are contained in Section 9 of the Wild Air Ordinance.
- (7) Applicable environmental systems, drainage and street standards are contained in Section 10 of the Wild Air Ordinance.

Section 3.8. Woodland Preservation Area Use Block. This Block is located as shown on Exhibit 3 (Use Block Plan) and reserves approximately thirty (30) acres of wooded greenspace in the southwest portion of the development as a naturally preserved amenity. This Block is not intended for any type of development activity, but rather is intended to remain undisturbed greenspace as an amenity.

A. Permitted Uses:

- (1) Permitted Uses are limited to a park and permitted Accessory Uses as set forth in Exhibit 4 (Use Table).

B. Development Requirements:

- (1) The Woodland Preservation Area shall be left naturally preserved, except for the removal of dead or dying trees and vegetation, brush clearing, and forest management practices designed to assure the continued vitality of the area as an Indiana woodland. Walking trails and enhancement of this area consistent with a natural recreational area

shall be permitted. In addition, surface water and drainage improvements may be installed within this area where shown on the Concept Plan.

- (2) The Woodland Preservation Area may be dedicated to the Town of Zionsville as a public park with the consent of the Controlling Developer and the Town of Zionsville.

Section 4. Accessory Structures and Uses. Accessory Structures and Accessory Uses shall be permitted in the Wild Air District to the extent set forth in Exhibit 4 (Use Table) and shall comply with the Standards set forth in Exhibit 5 (Development Standards Matrix) applicable to such Accessory Structures. Except for Accessory Structures in the Custom Estates Use Block or Traditional Neighborhood Development Use Block, 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.

Section 5. Landscaping Requirements. The landscaping in the Wild Air District shall be a combination of native and ornamental plants and trees combined in design to complement 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 5.1. 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. To the extent existing vegetation will be used to achieve project landscaping requirements, the Controlling Developer or its successor shall provide a tree survey and/or tree inventory with its petition for Development Plan approval.
- 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. 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.
- G. All plantings shall comply with Vision Clearance Area requirements contained in the Town of Zionsville Subdivision Control Ordinance.
- H. Any plantings within a right-of-way shall be maintained by the Controlling Developer or its successor. If the Town's Department of Public Works or the County Highway Department must remove any plantings for street or utility repairs, they shall not be required to be replaced by the Town or County.

Section 5.2. Areas to be Landscaped.

- A. Perimeter Buffering. See Section 5.3 below.
- B. Street Trees. See Section 5.4 below.
- C. Foundation Plantings. See Section 5.5 below.

- D. Parking Lot Plantings. See Section 5.6 below.
- E. Screening Areas. See Section 5.7 below.
- F. Storm Water Retention Ponds. See Section 5.8 below.

Section 5.3. 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 all roadways, (ii) a minimum thirty (30) foot greenbelt buffer between proposed lots and existing residential lots adjacent to the Wild Air District, and (iii) a buffer may be included between uses if the Controlling 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 and landscape areas. A masonry wall, mound or fencing (or any combination thereof) may serve in lieu of any buffer requirement required within the Wild Air District; provided that: (i) such wall, mound or fencing is at least six (6) feet in height; and (iii) permitted fence or wall materials consist of wood, brick, masonry or other similar durable materials as approved by the Director. 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.
- C. Landscape planting minimum 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. To the extent existing trees and vegetation will be used to achieve project buffering requirements, the Controlling Developer or its successor shall provide a tree survey and/or tree inventory with its petition for Development Plan approval.
- D. 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.

- E. There are no minimum Bufferyard requirements between Use Blocks required by this Ordinance.

Section 5.4. Street Trees.

- A. Medium or large growing shade trees shall be planted parallel to each street, in planting strips. Street trees shall be planted a minimum of twenty-five (25) feet and a maximum of forty-five (45) feet on center. In areas of high pedestrian and commercial activity, tree wells shall be covered with decorative grates or pavers in order to maximize uninterrupted pedestrian pathways. Where ample passage area is provided, tree planting areas shall be treated as planting beds to soften the hardscape. Street trees shall not be required along and adjacent to Alleys.
- B. In instances where street trees are required within perimeter buffer areas all street trees shall count toward the perimeter buffer planting standards provided above in Section 5.3.
- C. No street trees shall be planted in conflict with drainage or utility easements or structures and underground detention (unless permitted by the Director), or within Vision Clearance Areas.
- D. Street tree species shall be selected from the Town's published list of recommended street trees. Street trees shall be pruned to a minimum height of nine (9) feet over sidewalks and fourteen (14) feet over streets, to allow free passage along sidewalks and streets.
- E. Any damage caused by the root system of the street trees to the surrounding trails, sidewalks, streets curbs or publicly owned underground piping, shall be repaired by the Developer or its successor in interest.
- F. The removal of dead or otherwise unsafe, street trees shall be by the Controlling Developer or its successor in interest.

Section 5.5. Foundation Planting Standards. 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.

- A. Within the Center Commons Use Block, Civic Use Block, and Senior Living Facility Use Block a minimum planting area of three (3) feet in depth shall be installed along the front and sides of Building(s).
- 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.

Section 5.6. Parking Lot Plantings. Where parking lots are visible from the public right-of-way, the following requirements will apply:

- A. Lot Interior. A minimum of one (1) shade tree and three (3) shrubs per fifteen (15) parking spaces shall be provided. 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 Amenity Areas).
 - 1. The planting strip shall contain four (4) shade trees and twenty-five (25) shrubs and/or ornamental grasses per one hundred (100) lineal feet of planting strip.
 - 2. Walls or fences with a minimum height of forty-two (42) inches may be used in lieu of fifty (50) percent of the required plantings.
 - 3. 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.
 - 4. 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.

5. Existing vegetation may be credited towards perimeter planting strips around parking lots on a one-to-one basis for trees provided the existing trees are healthy and have a minimum 3" diameter at breast height. In addition, existing trees may be substituted for three (3) shrubs. The planting strip where credited must be placed within a woodland preservation easement and there should be no limit to the width of this planting strip when crediting existing trees. To the extent existing trees and vegetation will be used to satisfy parking lot perimeter planting requirements, the Controlling Developer or its successor shall provide a tree survey and/or tree inventory with its petition for Development Plan approval.
- C. Additional Requirements. Required parking lot plantings may be grouped to allow a more natural planting scheme and to provide view sheds, where appropriate, and required plantings may be computed as an average across the total linear footage of frontage.

Section 5.7. Screening Areas. 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. Screening and buffering shall be achieved through walls, fences and landscaping that meets the requirements of Section 5.6B, 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 5.8. Storm Water Retention Ponds. Storm water retention ponds will be designed in a non-geometric shape. The primary landscaping materials used when adjacent to ponds shall be shrubs, ground covers, ornamental grasses and wetland specific plantings, appropriately cited for a more natural rather than engineered appearance.

Section 5.9. Maintenance. Once developed, it shall be the responsibility of the applicable owner(s) or homeowners' 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 Wild Air Ordinance, to insure proper maintenance of landscaping in accordance with the Wild Air 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 Controlling Developer or its successor.

Section 6. Lighting Requirements.

Section 6.1. 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.
- C. Street lights will be installed at street intersections and at a separation distance not less than 300 feet or greater than 600 feet.

Section 6.2. 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 Use Blocks 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 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. No neon lighting shall be permitted (i) on the exterior of or (ii) outside any Building.
- H. The site lighting intensity within the development shall not exceed the limits and standards set forth in the Zoning Ordinance.

Section 7. Signage Requirements.

Section 7.1. Entrance Signs. One monument style, entrance Identification Sign shall be permitted at each entrance to the Real Estate. Individual internal neighborhood signs or entryways to the Amenity Areas 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 Town of Zionsville. Additionally, no sign shall be within the required Vision Clearance Areas.
- D. Illumination: Signs may be externally or internally illuminated signs.

Section 7.2. Commercial Building Signs. Single-Tenant and Multi-story Buildings with the first floors occupied primarily by Retail & Service Uses shall be permitted signs per the requirements of this Section.

- A. Wall Signs. Wall Signs shall be permitted. No individual roof signs shall be allowed.
 - 1. Businesses are permitted one wall sign per façade up to fifteen percent (15%) of the wall area corresponding to the business location within a Building.
 - 2. Signs are not required to face a public street frontage.
 - 3. Signs shall fit within the horizontal and vertical elements of the Building and shall not obscure details of the Building. No sign shall be allowed to extend above the roofline of a Building.
 - 4. Illumination: Halo-lit, Externally Illuminated, or Internally Illuminated shall be permitted.
- B. Projecting Signs, Porch Signs, Canopy Signs and Awning Signs.
 - 1. Projecting Signs, Porch Signs and Awning Signs shall be permitted.
 - 2. One (1) Projecting Sign or Porch Sign shall be permitted, per business, in addition to permitted Wall Signs; provided, however, that a business with more than one façade (such as a business on the corner of a multi-tenant building) shall be permitted two (2) such Signs.
 - 3. Canopy or Awning Signs may be placed on more than one awning per business provided that they do not exceed the maximum Sign Area

limitations. Any letters or logos on an Awning Sign will be a maximum of eight (8) inches in height.

4. Maximum Sign Area: (i) twenty (20) square feet for a Projecting Sign, (ii) six (6) square feet for a Porch Sign and (iii) ten (10) percent of the overall face of the subject tenant's awnings or canopy for Awning Signs or Canopy Signs, respectively.
5. Projecting Signs and Awning Signs shall be a minimum of eight (8) feet above the adjacent sidewalk grade.

C. Window Signs, Murals and Wall Scape Signs.

1. Window Signs shall not exceed 5% of the window surface area on which it is placed or through which it is viewed. The sign surface area of window signs shall be calculated separately from the calculation of other building identification signs and shall not be included in the total area of other building identification signs permitted.
2. Murals, painted on or applied to a wall of a Building, which do not contain moving parts or internal lights, shall not constitute a Wall Sign and shall be permitted within the Center Commons Use Block.
 - a. Not more than three (3) murals may advertise goods, products, services or facilities at a different location other than the location at which the mural is installed.
 - b. Murals may depict or advertise community, town and other off premise events, businesses or users.
 - c. If a mural is illuminated, indirect lighting shall be used.
 - d. A maximum of five (5) murals are permitted.
3. Wall scape signs are contained in frame system assemblies, are flush mounted to the exterior Building skin, which do not contain moving parts or internal lights, shall not constitute a Wall Sign and shall be permitted within the Center Commons Use Block.
 - a. The wall scape sign may depict or advertise community, town and other off premise events, businesses or users. The sign within the frame may change from time to time without the need to obtain additional signage permits.
 - b. If a wall scape sign is illuminated, indirect lighting shall be used.

- c. A wall scape sign shall be permitted a maximum Sign Area of two hundred (200) square feet.
- d. A maximum of five (5) wall scape signs are permitted.

Section 7.3. Dwelling Building Signs (Senior Living Facility, Multi-Family Dwelling within Center Commons Use Block, and Clubhouse within the Cottages Block Use).

- A. Ground Signs shall be permitted per Dwelling Building, up to fifty (50) square feet in Sign Area and no more than six (6) feet in height.
- B. Illumination: Halo-lit, Externally Illuminated, or Internally Illuminated.
- C. Any other Signage for a residential use, not covered in The Wild Air Woods Ordinance shall meet the requirements of Section 194.166, Urban Sign District, of the Zoning Ordinance.

Section 7.4. Recreational Uses and Public Park Areas.

- A. Signs for Recreational Uses identified in Exhibit 4 (Use Table) shall be monument-style Ground Signs, up to fifty (50) square feet in Sign Area and no more than six (6) feet in height.
- B. Signage identifying, or within, a Public Park shall be consistent with the practices of the Town of Zionsville and the Zionsville Park Board.

Section 7.5. 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 purposes not to exceed thirty (30) consecutive days subject to the approval of the Controlling Developer or its successor.
- B. Temporary Signs shall not exceed eight (8) square feet in Sign Area and shall not exceed four (4) feet in height when placed on the ground.

Section 7.6. Portable Temporary Signs. Portable Temporary Signs shall be permitted. Portable Temporary Signs shall include portable signs displayed outside an Amenity Area or Retail & Service 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 7.7. 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 7.8. 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, civic and other off premise events, businesses or users.

Section 7.9. No Neon. No Sign on the Real Estate shall include an exposed neon lighting source.

Section 7.10. Wild Air Internal Signage (Non-Regulatory). All signs pertaining to directions, identification, pedestrian 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. All such signage will be maintained by the Controlling Developer or its successor in interest. With the prior approval of the Town's Department of Public Works or the Boone County Highway Department, non-regulatory and other permitted signage may be placed within a roundabout; provided, such signage does not impact vision area or cause other safety or maintenance concerns. Any such signage shall not exceed six (6) square feet in Sign Area and shall not exceed four (4) feet in height when placed on the ground.

Section 7.11. Regulatory Signs. Regulatory signage including but not limited to street signs, stop signs, speed limits sign may have decorative posts and hardware provided they meet MUTCD requirements. Any decorative posts, signs or hardware will be maintained by the Controlling Developer or its successor in interest.

Section 8. Parking Requirements.

Section 8.1. Automobile Parking.

- A. A minimum of two (2) spaces per Dwelling, Single-Family including Townhouses are required. Parking Spaces within driveways (tandem spaces in front of garages) meet this requirement.
- B. For Retail & Service Uses, two (2) spaces per one thousand (1000) square feet of GFA shall be encouraged but may be adjusted as determined by Controlling Developer.
- C. For Multi-Family Dwellings, one and one-half spaces for each efficiency or one-bedroom unit and two spaces for each unit with two or more bedrooms.
- D. For the Cottages Use Block, minimum one (1) space per employee plus two (2) visitor spaces.
- E. For the Civic Use Block, Off-street parking shall comply with the Zoning Ordinance.

- F. For the Senior Living Facility Use Block, minimum one (1) space per six (6) residents plus one (1) space per employee shall be provided.
- G. 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.
- H. Parking areas may be constructed with parking bumpers in lieu of the required curb in areas necessary to accommodate storm water management practices.
- I. The 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.

Section 8.2. 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 8.3. Off-Street Loading, Stacking and Service Area Requirements.

- A. Off-street loading and service areas shall be required for office and commercial Uses on the Real Estate. The number, size, configuration and distribution of these areas shall be as shown on an approved Development Plan.
- B. Loading docks, solid waste facilities, recycling facilities, and other service areas shall be placed to the rear or side of Buildings.
- C. Screening and additional requirements are addressed in Section 5.7 of the Wild Air Ordinance.

Section 9. Pedestrian Circulation. Specific provisions for incorporating pedestrian and bicycle access, circulation and amenities shall be included in the development of the Real Estate.

Section 9.1. Sidewalks and paths at the roadway frontage within the development limits within existing public street right-of-way shall meet the recommendations of the Strategic Trails Implementation Plan of the Comprehensive Plan including a 12' multi-use path on the west side of Marysville Road, a 15' multi-use path along the north side of Oak Street along the frontage of the development, a 12' multi-use path along the south side of County Road 550 along the frontage of the development, and a 10' multi-use path shall be provided along Cruse Road in compliance with the Typical Street Cross Section of a Collector Road from the Town of Zionsville Design and Construction Standards. Such paths may be constructed in phases as parcels are developed within the Wild Air District.

Section 9.2. Sidewalks, paths and/or walkways shall be provided on a minimum of one side of all interior streets and shall allow for pedestrian mobility within the Wild Air District and shall comply with Exhibit 14.

Section 9.3. Walkways shall be designed to allow pedestrians to access Buildings and Amenity Areas, and shall connect to sidewalks and paths within the public rights-of-way along Oak Street and Marysville Road.

Section 9.4. 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 9.5. Crosswalks shall be installed at strategic locations to facilitate safety where pedestrian and vehicular conflicts exist.

Section 9.7. Construction of walkways and paths within public park and Preservation Areas shall be permitted to be comprised of crushed limestone aggregate 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 9.8. [RESERVED]

Section 9.9. The proposed conceptual pedestrian circulation is depicted on Exhibit 13 (Pedestrian Circulation Plan). As final development plans are brought forth all proposed walkways and paths will be depicted within those plans to ensure compliance with the requirements of this Section 9.

Section 10. Environmental Systems, Drainage and Streets and Streetscapes.

Section 10.1. The development will adhere to, or exceed, the terms and conditions of the Zionsville Stormwater Control Ordinance and Technical Standards.

Section 10.2. 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 Wild Air District. Examples of such systems include the use of bioswales, bioretention, rain gardens, infiltration trenches and permeable pavers/pavement. Any such systems shall be privately owned and maintained.

Section 10.3. Development within the Wild Air District shall be in accordance with a drainage plan approved by the Town's Department of Public Works, which plan shall accommodate detention volume for the fully developed site and include standards and practices governing run-off, water quality, and regulating release rates. 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, except non-LID stormwater improvements within Public Right-of-Way and downstream infrastructure to the outfall of that section of infrastructure.

Section 10.4. Alleys shall be permitted based on the following standards:

- A. All Alleys shall be a perpetual easement or private way and shall not be dedicated to the public.
- B. Alleys may be used in Traditional Neighborhood Development and Custom Estate Blocks with residential Dwellings utilizing the alley for rear access to garages and driveways which will meet off-street parking requirements.
- C. Permeable Pavers may be used as set forth in Exhibit 14, item 10.
- D. Utilities may be located within Alleys.

Section 10.5. All streets within the Wild Air District are intended to be public if accepted by the Town and/or County. All streets will comply with the applicable provisions of the Town and/or County's Street Design and Construction Standards as well as any requirements of the Zionsville Fire Protection Ordinance at the time of the development plan approval, unless specified otherwise in Exhibit 14 (Street Typology and Street and Trail Standards), accepted during the development plan review process, or other parts of the Wild Air Ordinance.

Section 10.6. Any parcel or User within the Wild Air 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 10.7. Exhibit 14 (Street Typology and Street and Trail Standards) also contains additional street and trail standards for the Wild Air District.

Section 10.8. The number and configuration of vehicular access drives into the Real Estate shall be as generally illustrated in Exhibit 2 (Concept Plan).

Section 11. Additional Requirements and Standards

Section 11.1. Common Area Details. Conceptual imagery can be found in Exhibit 15 (Conceptual Imagery - Development Common Area Details) and includes but is not limited to a conceptual idea for quality of entryways, common areas, street lighting and other aesthetic details.

Section 11.2. 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 Wild Air Ordinance. Any placement of public art in a right-of-way shall require the prior approval of the Town.

Section 11.3. 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 11.5. Home Occupations. Home Occupations shall meet the requirements of the Zoning Ordinance and as further regulated in the internal Declaration of Covenants of the District.

Section 11.6. Outdoor Storage. Outdoor Storage shall be permitted on a limited basis as depicted in Exhibit 4 (Use Table).

Section 11.7. Outdoor Display. Any display of goods or merchandise outdoors in connection with a Retail & Service Use shall be governed by the Declaration of Covenants.

Section 11.8. 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 4 (Use Table).

Section 11.9. Service Connection Screening. Mechanical equipment, gas meters, and electric meters shall be screened in a manner consistent with Section 5.7 of the Wild Air 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 11.10. The Wild Air District may be developed in phases as determined by the Controlling Developer.

Section 12. Development Limits.

Section 12.1. Permitted Retail Intensity. There shall be no more than 20,000 square feet of Office and Retail & Service Uses within the Center Commons Use Block area.

Section 12.2. Maximum Dwellings, Multi-Family. There shall be no more than a total of Three Hundred (300) Multi-Family Dwelling Units within the development.

Section 12.3. Maximum Dwellings, Single-Family.

- A. There shall be no more than One Hundred Seventy-Five (175) Dwellings on the west side of Marysville Road. All such Dwellings shall be Single-Family Dwellings.
- B. There shall be no more than Two Hundred Sixty (260) Single-Family Dwellings on the east side of Marysville Road.

Section 12.4. Modification of Development Limits. Any modification to this Section shall require a public hearing before the Plan Commission, a recommendation of the Plan Commission, and final adoption by the Zionsville Town Council as required by Section 194.146(B)(2) of the Zoning Ordinance.

Section 13. Declaration(s) of Covenants and Owners Association(s). 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 shall establish an Architectural Review Board, which shall establish guidelines regarding the design and appearance of all Office Buildings, Commercial Buildings and Dwelling Buildings.

Section 14. Procedural Provisions.

Section 14.1. Approval or Denial of Plats.

- A. With respect to any portion of the Wild Air District, 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 Wild Air Ordinance shall be applied, provided that development of the parcels conform to an approved Development Plan.

- B. Primary and secondary platting shall be required with respect to any portion of the Wild Air District on which lots are developed. Platting of lots within the Wild Air District shall meet the requirements of the Town's Subdivision Control Ordinance, unless a deviation from the standards in such Subdivision Control Ordinance is specifically addressed in the Wild Air Ordinance. All secondary plats for any portion of the Wild Air 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 14.2. 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 an individual, Single-Family Dwelling Unit. However, Single-Family Development Plan approval shall be required for the overall Single-Family Dwelling subdivision, including any community clubhouse and community amenities or other improvements owned by the respective homeowners' association for the neighborhood.
- B. Development Plan approval by the Plan Commission, as prescribed in the Zoning Ordinance, shall be necessary prior to the issuance of a building permit for each Use, other than an individual Dwelling, Single-Family.
- C. The Plan Commission shall review a Development Plan application to determine if the Development Plan satisfies the Requirements specified within the Wild Air Ordinance.
- D. If there is a Substantial Alteration in an approved Development Plan, 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 14.3. Modification of Development Requirements. The Plan Commission may, upon petition of the Controlling Developer, modify any requirements specified in this the Wild Air Ordinance. However, any approval of such modification shall require a public hearing before the Plan Commission, and final adoption by the Zionsville Town Council as required by Section 194.146(B)(2) of the Zoning Ordinance:

- A. The proposal must be in harmony with the purposes and the land-use standards contained in the Wild Air 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 Wild Air 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 Wild Air Ordinance.
- E. This Section does not affect the right of an applicant to petition the BZA for a variance from development standards.

Section 14.4. Variance of Development Requirements: The BZA may authorize variances from other terms not defined herein of the Wild Air Ordinance, subject to the procedure prescribed in the Zoning Ordinance and Section 15 hereof.

Section 15. Controlling Developer's Consent. Without the written consent of the Controlling Developer (or its successor), 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 within the Real Estate;

- D. Development Plan, 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 Wild Air Ordinance.

Section 16. Violations and Enforcement. All violations and enforcement of the Wild Air Ordinance shall be subject to Sections 194.235 to 194.240 of the Zoning Ordinance.

Section 17. Definitions. The definitions (i) of the uses set forth in Exhibit 4 (Use Table), unless otherwise defined below in this Section 17, shall be the same as set forth in the Zoning Ordinance, (ii) of the capitalized terms set forth below in this Section 17, as they appear throughout the Wild Air Ordinance, shall have the meanings set forth below in this Section 17 and (iii) of all other capitalized terms included in the Wild Air Ordinance and not defined below in this Section 17, 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.

Alley: A permanent public or private service way providing a secondary means of access to abutting lands.

Amenity Area: An area which is developed for the active or passive recreation and enjoyment of the occupants of a dwelling or dwellings. Such area may be for either private or public use and may be under either individual or common ownership.

Architectural Review Board: A board, established by a Declaration(s) of Covenants, responsible for reviewing all improvements after the initial, original construction of Buildings, Dwellings, and other improvements as described in Section 20 hereof.

Architectural Standards: The Architectural Standards attached hereto and incorporated herein by reference as Exhibit 12 (Architectural Standards).

Art Gallery: A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised or exhibited to the general public.

Automated Teller Machine (ATM): A mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility.

Block(s): Any one or any combination of the (i) Senior Ranches Use Block, (ii) Custom Estates Use Block, (iii) Traditional Neighborhood Development Use Block, (iv) the Center Commons Use Block, (v) Cottages Use Block; (vi) Civic Use Block; and (vii) Senior Living Facility Use Block as depicted on Exhibit 3 (Use Block Plan) or as context requires.

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 first finished 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.

Building, Multi-tenant, Ground Floor: An Office or Commercial Building, occupied by two (2) or more businesses.

BZA: The Town's Board of Zoning Appeals

Café: A small restaurant selling light meals and drinks.

Catering Establishment: An establishment providing meals and/or refreshments for public or private entertainment for a fee.

Center, Art and Music: A structure or complex of structures for housing the visual and/or performing arts.

Center, Civic, Community, or Convention: A place, structure, area, or other facility used for providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Center Commons Use Block: The Block identified on Exhibit 3 (Use Block Plan) as the "Center Commons Use Block."

Center, Surgery: An establishment that delivers surgical procedures on an outpatient basis and requiring less than a twenty-four-hour stay.

Center, Urgent Care: An establishment that delivers generally non-surgical physician services on an emergency or immediate basis or without the requirement of an appointment for such services.

Civic Use Block: The Block identified on Exhibit 3 (Use Block Plan) as the "Civic Use Block."

Clinic or Medical-Health Center: An establishment where human patients are admitted for special study and treatment by two or more licensed physicians, licensed professionals or dentists, and their professional associates.

Club or Lodge, Private: An association organized and operated on a non-profit basis for persons who are bona fide members paying dues, which association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available.

Coffee Shop: An establishment that primarily serves coffee of various types, notably espresso, latte, and cappuccino.

Commercial Building(s): Any Building occupied primarily by any Retail & Service or Cultural/Entertainment Use. Office buildings, Senior Living Facilities and Dwellings are not within this definition of Commercial Buildings.

Concept Plan: The Concept Plan is attached hereto and incorporated herein by reference as Exhibit 2 (Concept Plan). The Concept Plan depicts a potential layout of the internal drives, Building areas, Buildings, and parking areas permitted by this the Wild Air 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 Wild Air 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.

Construction Facility: Temporary buildings or structures incidental to construction operations used during construction development.

Continuing Care: The provision of lodging, nursing, medical or other health related services to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year.

Continuing Care Retirement Community ("CCRC"): A place where Continuing Care is provided to senior citizens and which may include support services and facilities, including without limitation, (i) indoor recreation (including swimming pool, solarium and lounges), (ii) physical therapy, (iii) entertainment rooms, (iv) exercise rooms, (v) libraries, (vi) computer rooms, (vii) kitchen, food service, and dining rooms, (viii) automatic teller machines, (ix) administrative offices, (x) storage spaces, (xi) chapels, (xii) gift shops, (xiii) hair stylist/barber shops, and (xiv) assisted living and/or nursing beds. As a use a CCRC is permitted and regulated as and under the category of a Nursing/Retirement/Convalescent Facility set forth in the Exhibit 4 (Use Table).

Controlling Developer: The Controlling Developer shall mean Old Town Land Development, LLC, until (i) Old Town Land Development, LLC no longer owns any portion of the Real Estate; or, (ii) Old Town Land Development, LLC 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.

Cottages Use Block: The Block identified on Exhibit 3 (Use Block Plan) as the “Cottages Use Block.”

Cultural/Entertainment Uses: The Uses identified on Exhibit 4 (Use Table) under the heading of Cultural/Entertainment Uses.

Custom Estates Use Block: The Block identified on Exhibit 3 (Use Block Plan) as the “Custom Estates Use Block.”

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 Community & Economic Development Department.

Development Plan: 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 by the Plan Commission, showing proposed locations of site improvements, facilities, buildings, structures, and elevations.

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

Development Standards Matrix: Exhibit 5 (Development Standards Matrix) identifying the bulk requirements applicable to each Block.

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

Display, Outdoor: The temporary showing of materials or products in an unroofed and/or unenclosed area for a period less than twelve (12) hours.

Dry Cleaning Without On-Site Plant: An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without an on-site plant and without the maintenance or operation of any laundry or dry cleaning equipment on the premises.

Dwelling: A portion of a building intended for occupancy by a residential user. A Dwelling includes an Attached Dwelling. Dwelling does not include a living unit within a CCRC.

Dwelling Building: A Building comprised primarily of Dwellings.

Dwelling, Multi-Family: A building consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and party walls. The term Dwelling, Multi-Family does not include Townhouses. This is intended to describe an apartment building or buildings.

Dwelling, Single-Family. An individual, detached building containing one dwelling unit.

Dwelling, Two-Family. A building consisting of two dwelling units which may be either attached side by side or one above the other, and each dwelling unit having a separate or combined entrance.

Dwelling Unit. A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including eating, lawful cooking, sleeping space and sanitary facilities reserved solely for the occupants thereof. The term shall not include mobile dwellings, modular dwellings and manufactured dwellings, as well as recreational vehicles.

Educational Uses: The Uses identified on the Use Table under the heading of Educational Uses.

Entryway Feature: Hardscaping utilized at the entrance of a development that portrays a development theme; or character complementary to the overall development and nearby developed area.

Event Center; Meeting or Party Hall: A building designed for public assembly or private gatherings, containing at least one room having an area with a minimum of 400 square feet.

Facility, Health and Fitness: A place to exercise although not necessarily under the supervision of a physical therapist, occupational therapist, exercise physiologist, or other similar health care provider.

Facility, Occupational Therapy: A place where therapy in which the principal element is some form of productive or creative activity is provided.

Facility, Physical Therapy: A place where treatment of disease and injury by mechanical means such as exercise, heat, light, and massage is provided.

Facility, Rehabilitation: A place used to assist humans to achieve or to restore good health or useful life through therapy, treatment and education.

General Retail: Enclosed establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Grocery: A store that primarily retails a general range of food products, which may be fresh or packaged, as well as a variety of household goods and products.

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, Model: A finished, residential unit, including units in a multiple-family structure for which a certificate of occupancy could be obtained, located in a residentially zoned district but utilized as an example of a product offered for sale to purchasers (by a realtor, builder, developer, or contractor). The dwelling house may be furnished but not occupied as a residence while being used as a Model Home.

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

House, Guest: Living quarters within a detached accessory building located on the same premises with the main residence building for use by temporary guests of the occupants of the main residence building, and not rented or otherwise used as a separate Dwelling.

Institution, Financial: Any Building wherein the primary occupation is concerned with such Federal- or State regulated businesses as banking, savings and loans, loan companies and investment companies.

Institutional Uses: The Uses identified on the Exhibit 4 (Use Table) under the heading of Institutional Uses.

Kindergarten (Pre-School): A school for children primarily between the ages of three and five, whose only function is providing preparation for elementary school. A Kindergarten (Pre-School) will not provide daycare services.

Lake or Pond, Artificial: A man-made body of water of 1,000 square feet or greater in area.

Library: A public facility for the use, but not sale, of literary, musical, artistic, or referenced materials.

Loft: One or more rooms which are connected together and located above the first floor of any building in the Center Commons Use Block 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.

Masonry Material: Brick, brick veneer, cultured stone, or cementitious siding.

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 Block 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.

Miscellaneous Uses: The Uses identified on the Exhibit 4 (Use Table) under the heading of Miscellaneous Uses.

Mixed-Use Building: A type of commercial property that includes both commercial and residential space.

Museum: An Institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction or enjoyment, a collection of artifacts and materials of historical interest.

Office Building: Any Building, occupied primarily by any Office Uses, other than a sales/rental office for the sales and/or rental of Dwellings located temporarily in Dwellings.

Office, General: A place of business used exclusively for office purposes where no product or commodity for retail sale is located or sold, including but not limited to sales offices, real estate offices, financial offices and Professional Offices. May also include data processing and analysis facilities, insurance offices, office buildings, office spaces, offices uses, co-working spaces, travel service bureaus, and utility company business offices.

Office, Professional: The office of a recognized profession maintained for the conduct of that profession. A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof; requiring advanced study in a specialized field; or any occupation requiring licensing by the State and maintenance of professional standards applicable to the field.

Office Uses: The Uses identified on the Exhibit 4 (Use Table) under the heading of Office Uses.

Open Space: Land areas, free of Buildings, carefully designed and specialized in function, which act as neighborhood focal points, and allow for passive or active recreation.

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

Park, Public: A public space and supporting facilities designed and used for a variety of recreational activities, a greater part of which take place outside of any Building.

Parking Area: An area, paved with a hard surface in accordance with the current standards of the Town designed or used for the temporary parking of more than two (2) motor vehicles and available for public Use, whether free or for compensation, or as an accommodation for clients or customers.

Parking Lot, Commercial Parking Area: Any area of land used or intended for off-street parking and operated for remuneration.

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

Parking Structure: A Building or other Structure designed or used for the temporary parking of vehicles and available for public or private use, whether free or for compensation, or as an accommodation for clients or customers.

Personal Services, General: An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barbershops, and tailor and seamstress shops.

Pet Grooming: A commercial establishment where a pet may be bathed, brushed, clipped or styled.

Plan Commission: The Zionsville Plan Commission.

Real Estate: The Real Estate legally described in Exhibit 1 (Legal Description).

Recreational Facility, Commercial Indoor: Any area of land, Buildings and/or facilities used or intended for indoor recreational purposes and operated for remuneration. This may include indoor sports facilities, and indoor tennis and racquetball facilities.

Recreational Facility, Commercial Outdoor: Any area of land, buildings and/or facilities used or intended for outdoor recreational purposes and operated for remuneration. This may include outdoor theaters.

Recreational Facility, Private: A private recreational facility for use solely by the residents and guests of a particular residential development or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

Recreational Uses: The Uses identified on the Use Table under the heading of “Recreational Uses.”

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

Residential Uses: The Uses identified on the Exhibit 4 (Use Table) under the heading of “Residential Uses.”

Restaurant: An establishment which is primarily engaged in serving food and beverages which are consumed on its premises by its customers seated at tables and/or counters either inside or outside the building thereon, and, as an accessory use thereto, may be engaged in providing customers with take-out service of food and beverages for off-site consumption. This includes a delicatessen, a brew pub, tavern, or ice cream shop.

Restaurant With Walk-Up Food Sales: An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-service basis. Customer orders

and/or service may be by means of a walk-up counter or window designed to accommodate pedestrian customers. Consumption may be either on or off the premises.

Restroom Facility: Any Building or facility situated on public or private property equipped with toilets or washbowls, or other similar facilities, erected and maintained for use by members of the general public for personal hygiene and comfort.

Retail & Service Uses: The Uses identified on the Exhibit 4 (Use Table) under the heading of Retail & Service Uses.

Riding Stable: Any stable for the housing of horses which is operated for remuneration, hire, sale, or stabling; or, any stable with a capacity of more than four (4) horses which is not related to the ordinary operation of a farm, whether or not such stable is operated for remuneration, hire, sale or stabling.

Sales, Outdoor: The short-term outdoor display of products or merchandise in an unroofed and/or unenclosed area by a business permanently established on the premise of which the sale is located. This shall include, but is not limited to grand opening sales, sidewalk sales, food stands, kiosks, and specialty sales.

Sales, Seasonal Outdoor: This short-term sale of agricultural products that are seasonal in nature, including produce, nursery stock, Christmas trees, pumpkins, farmers' markets, and other similar products as qualified by the Director.

Senior Living Facility: Means individually or collectively an assisted living facility, an independent living facility, a dementia care facility for persons with Alzheimer's disease and other forms of memory impairment, a skilled nursing facility containing residential units and common facilities or a CCRC.

Senior Ranches Use Block: The Block identified on Exhibit 3 (Use Block Plan) as the "Senior Ranches Use Block."

Senior Living Facility Use Block: The Block identified on Exhibit 3 (Use Block Plan) as the "Senior Living Facility Use Block."

Sign: Any type of sign as further defined and regulated by this the Wild Air Ordinance and of 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, Awning: A building identification sign or graphic printed on or in some fashion attached directly to the material of an awning.

Sign, Canopy: A sign that is part of or attached to a canopy over a door, entrance or window.

Sign, Directory: A sign identifying the names and locations of the occupants of a building. A directory sign may utilize changeable copy. For the purpose of this Ordinance a directory sign is not counted as a Ground Sign even if it is supported from the ground.

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 Area.

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

Sign, Porch: A sign attached to a porch or overhang.

Sign, Projecting: A sign attached to and support by a Building and which extends out at any angle there from.

Sign, Window: Any sign placed inside of, or upon, a window pane or glass which is intended to be seen from the exterior of the window.

Special Event, Outdoor: Short-term cultural, community and entertainment events that take place outdoors shall be considered special events, including but not limited to fund-raising activities by not-for-profit organizations, car washes, walks, runs and bike events, concerts, or festivals.

Sports Field/Outdoor Courts: Any land area or field intended for use by visitors for organized and unorganized recreational athletic uses, including pickleball courts, basketball courts and tennis courts.

Storage, Outdoor: The storage of inventory, displays and merchandise in connection with Outdoor Sales and Seasonal Outdoor Sales.

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

Substantial Control Ordinance: Town of Zionsville Subdivision Control Ordinance, as amended.

Temporary Uses: The Uses identified on the Exhibit 4 (Use Table) under the heading of "Temporary Uses."

Town: The Town of Zionsville, Indiana.

Townhouse: A Dwelling that has two or three levels and that is attached to a similar Dwelling by a shared wall (or walls). Townhouses are not Multi-Family Dwellings.

Traditional Neighborhood Development Use Block: The Block identified on Exhibit 3 (Use Block Plan) as the “Traditional Neighborhood Development Use Block.”

Trail: A path or track across land for recreational purposes which may be dedicated for public use or reserved for private use.

Use Block Plan: The Use Block Plan attached hereto and incorporated herein by reference as Exhibit 3 (Use Block Plan) illustrating the Cottages Use Block, Senior Ranches Use Block, Custom Estates Use Block, Traditional Neighborhood Development Use Block, Woodland Preservation Area use Block, Center Commons Use Block, Senior Living Use Block and Civic Use Block.

Use Table: The Use Table attached hereto and incorporated herein by reference as Exhibit 4 (Use Table) identifying the Blocks and the Uses permitted within each Block.

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

Woodland Preservation Area: The area identified on the Exhibit 2 (Concept Plan) as the “Woodland Preservation Area.”

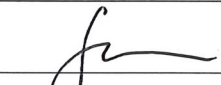
Woodland Preservation Area Use Block: The Block identified on Exhibit 3 (Use Block Plan) as “Woodland Preservation Area Use Block.”

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

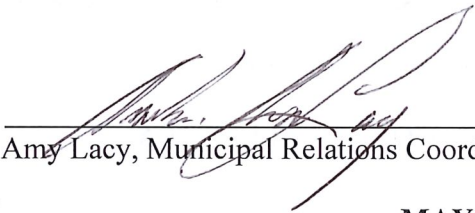
Zoning Ordinance: Town of Zionsville Zoning Ordinance, as amended.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

**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 6th day of June, 2023 at 9⁰⁰ A.M./P.M.

ATTEST: 
Amy Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**


Emily Styron, Mayor

6/8/2023
DATE

**MAYOR'S
VETO**

Emily Styron, Mayor

DATE

EXHIBIT 1

LEGAL DESCRIPTION

Part of the Southeast Quarter and part of the Southwest Quarter of Section 33, Township 18 North, Range 2 East and Part of the Northeast Quarter and Part of the Northwest Quarter of Section 4, Township 17 North, Range 2 East all in Eagle Township, Boone County, Indiana more fully described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 33; thence along the approximate center line of County Road 550 South and the Quarter Section line, North 88°29'42" East 1788.00 feet to the Point of Beginning, thence continuing along the approximate center line of County Road 550 South and the Quarter Section line; North 88°29'42" East 913.00 feet, thence along a West described line of the Michael Hoover & Marcia Hoover Property recorded in Deed Record 206, Page 607, Boone County Recorder's Office, South 00°18'56" East 657.64 feet, thence along the approximate center line of County Road 575 South and a South described line of said Hoover Property a South described line of the Clay T. Barnes & Karen E. Barnes Property recorded as Instrument #0010436 a South described line of the L. Chris Noel Jr. & Sara J. Noel Property recorded in Deed Record 216, Page 654 and a South described line of the Gary S. Rabb & Debra S. Rabb Property recorded as Instrument #200700009487, North 88°27'00" East 2686.85 feet; thence along the approximate center line of County Road 900 East and the Section line, South 00°58'22" West 662.32 feet; thence along a North described line of the Eva C. Lear living Trust Property recorded as Instrument #98010180, South 88°33'57" West 658.82 feet; thence along a West described line of said Lear Property, South 00°58'22" West 1322.90 feet; thence along a South described line of said Lear Property and the Section line, North 88°40'39" East 302.26 feet; thence along a West described line of the Lake View Subdivision Section 3 Property recorded in Plat Book 4, Page 176, South 00°41'30" East 545.68 feet; thence along a North described line of the Lake View Subdivision Section 4 Property recorded in Plat Book 4, Page 177, South 88°30'38" West 224.05 feet; thence along a West line of said Lake View Section 4 Property, South 00°36'43" East 536.45 feet; thence along a North described line of the Michael T. Snyder & Carol L. Snyder Property recorded as Instrument #9800698, South 88°33'38" West 574.50 feet; thence along a West described line of said Snyder Property, South 00°36'46" East 564.50 feet; thence along the approximate center line of State Road 334 and the Quarter-Quarter Section line, South 88°33'38" West 990.05 feet; thence along an East described line of the William C. Mosqueda & Bridgett Mosqueda Property recorded as Instrument #200600010161, North 00°53'33" West 256.00 feet; thence along a North described line of said Mosqueda Property and a North described line of the Stephen J. Robinson Property recorded as Instrument #0204860, South 88°30'38" West 340.00 feet; thence along an East described line of the Carey R. Wasem & Tracey M. Montgomery Property recorded in Deed Record 25, Page 142 an East described line of the Mary R. Clark Property recorded as Instrument #0104301 an East described line of the Barbara Trinchieri & Ronald Trinchieri Property recorded as Instrument #200700009369 an East described line of the Annie Ottinger Revocable Trust Property recorded as Instrument #9803364 an East described line of the Sharon M. Weller Property recorded in Deed Record 249, Page 485 an East described line of the Daniel L. Armstrong & Nancy R. Armstrong Property recorded as Instrument #9705663 and the Quarter Section line, North 00°53'33" West 900.45 feet; thence along a North described line of said

Armstrong Property a North described line of the Michael Giles & Jennifer Giles Property recorded as Instrument #200700005952 a North described line of the Anelia T.N. Ray Property recorded as Instrument #200700010699 a North described line of the Larry F. Randel & Martha E. Randel Property recorded in Deed Record 221, Page 551, and a North described line of the Jon M. Valentine & Angela K. Valentine Property recorded as Instrument #9811414, South 88°20'15" West 1494.32 feet; thence along an East described line of the Daniel J. Robinson & Carolyn O. Robinson Property recorded as Instrument #9700239, North 00°43'54" West 499.08 feet; thence along a North described line of said Robinson Property and the Section line, South 88°15'56" West 405.79 feet; thence along an East described line of the Philip D. Zaneteas & Bettina Benedict Zaneteas Property recorded in Deed Record 243, Page 687 an East described line of the Philip Dean Zaneteas Living Trust Property recorded as Instrument #200700008562 an East described line of the Wayne J. Kramer & Christi J. Kramer Property recorded in Deed Record 243, Page 539 and East described line of the James E. Weaver & Virlee R. Weaver Property recorded as Instrument #0509637 an East described line of the Richard A. Anderson & Kathleen D. Anderson Property recorded as Instrument #9809132 and an East described line of the Mark A. Genung & Cathy A. Genung Property recorded as Instrument #200700005608, North 00°18'56" West 1593.15 feet; thence along a South described line of the Peter D. Dykema & Leigh A. Dykema Property recorded In Deed Record 230, Page 855, North 88°29'42" East 836.00 feet; thence along an East described line of said Dykema Property, North 00°18'56" West 1042.00 feet to the Point of Beginning containing 269.483 Acres, more or less.

And also,

A part of the Northeast Quarter of the Northeast Quarter of Section 4, Township 17 North, Range 2 East, Eagle Township, Boone County, Indiana, more fully described by:

Beginning at the Southwest corner of said Quarter Quarter Section; thence along the Quarter Quarter Section line, North 01°33'33" East 564.00 feet; thence parallel with the South line of said Quarter Quarter Section and along the Southerly described line of the Sylvester Johnson, Jr. Property as recorded in Deed Record 162, Page 355, Boone County Recorder's Office, South 89°19'06" East 317.25 feet; thence South 02°19'49" West 564.13 feet to a point which bears South 89°19'06" East 317.25 feet from the point of beginning; thence along the approximate center line of State Road 334 and the South line of said Quarter Quarter Section, North 89°19'06" West 309.66 feet to the Point of Beginning, containing 4.0580 Acres, more or less, and being subject to the Right of Way for State Road 334 on and along the entire Southerly described boundary.

Parcel No. 06-08-33-000-001.000-005

Parcel No. 06-04-04-000-019.000-005

Parcel No. 06-04-04-000-017.000-005

Parcel No. 06-04-04-000-075.001-005

EXHIBIT 2

CONCEPT PLAN



EXHIBIT 3

USE BLOCK PLAN

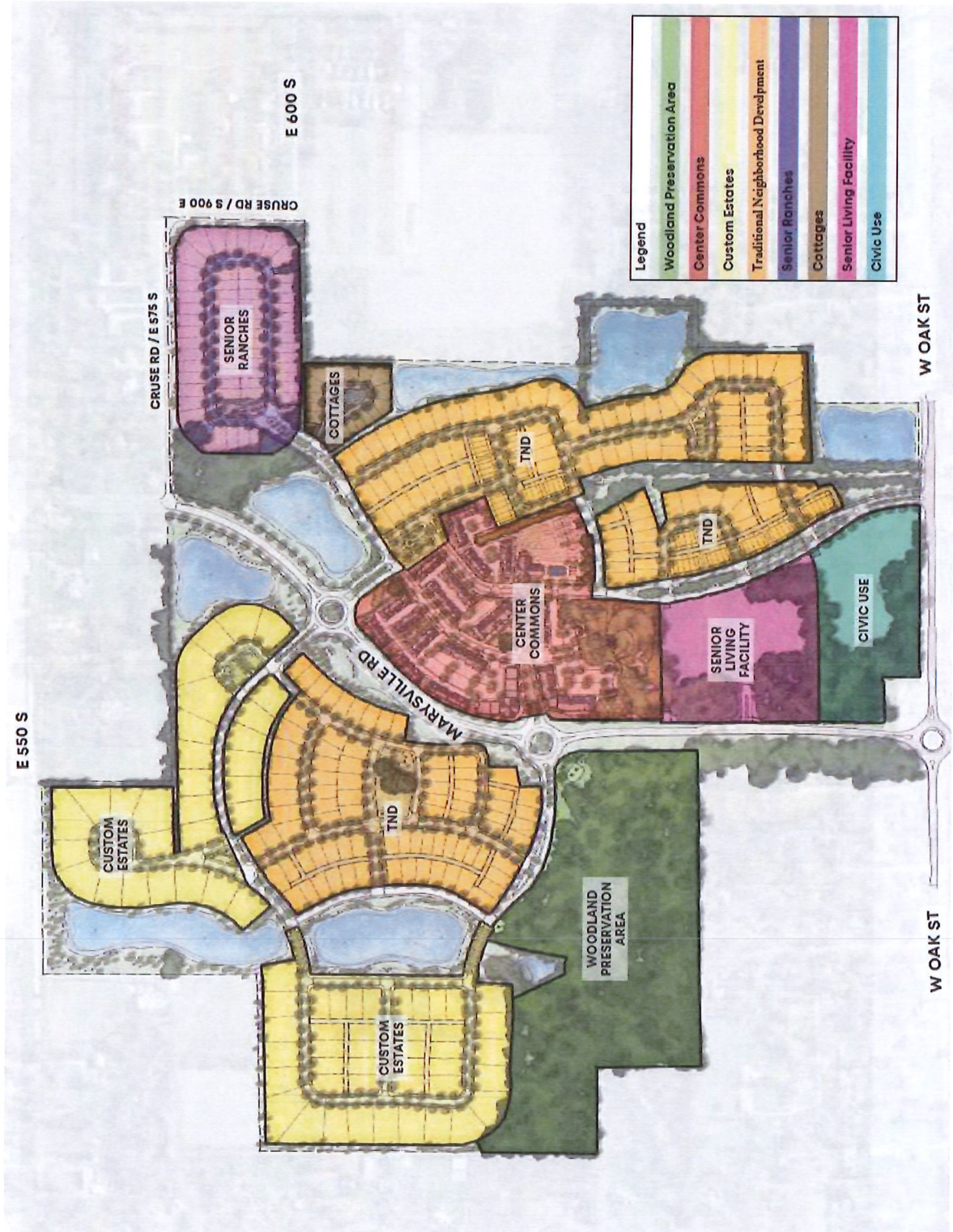


EXHIBIT 4

USE TABLE

USE BLOCK LEGEND

C1U = Cottages Use Block

TNDU = Traditional Neighborhood Development Use Block

SLFU = Senior Living Facility Use Block

CCU = Center Commons Use Block

CE = Custom Estates Use Block

SR = Senior Ranches Use Block

C2U = Civic Use Block

WPAU = Woodland Preservation Area Use Block

LEGEND

P = Permitted

SE = Special Exception

A = Accessory Use

Blank = Not Permitted

	USE BLOCKS							
Residential Uses	C1U	TNDU	SLFU	CCU	CE	SR	C2U	WPAU
Dwellings, Single-Family	P	P			P	P		
Dwelling, Two-Family	P							
Townhouse		P						
Dwelling, Multi-Family				P				
Mixed Use Buildings (Residential & Commercial)			P	P				
Home Occupation	P	P		P	P	P		
Bed & Breakfast Inn				P				
Home, Model	P	P	P	P	P	P		
House, Guest	P			P	P			
Senior Living Facility/CCRC			P					
Private Swimming Pool	A	A	A	A	A	A	A	
Loft				P				
Amenity Area	P	P	P	P	P	P	P	

Office Uses	C1U	TNDU	SLFU	CCU	CE	SR	C2U	WPAU
Clinic or Medical Health Center			P	P				
Office, General			P	P				
Office, Professional				P				
Center, Surgery			P	P				

Institutional Uses	C1U	TNDU	SLFU	CCU	CE	SR	C2U	WPAU
Facility, Rehabilitation			P	P				
Facility, Occupational Therapy			P	P				
Facility, Physical Therapy			P	P				
Library			P					

Educational Uses	C1U	TNDU	SLFU	CCU	CE	SR	C2U	WPAU
Kindergarten (Preschool)				P			P	

Retail & Service Uses	C1U	TNDU	SLFU	CCU	CE	SR	C2U	WPAU
General Retail Sales				P				
General Personal Services				P				
Automated Teller Machine (ATM)				P				
Café/Coffee Shop			P	P			P	
Drug Store				P				
Dry Cleaning Establishment (w/out on-site plant)				P				
Institution, Financial (without drive-thru)				P				
Pet Grooming				P				

Cultural/Entertainment Uses	C1U	TNDU	SLFU	CCU	CE	SR	C2U	WPAU
Art Gallery				P			P	
Art & Music Center				P			P	
Catering Establishment				P				
Restaurant			P	P			P	
Restaurant, with walk-up			P	P			P	
Event Center; Meeting or Party Hall			P	P			P	
Museum				P			P	
Ice Skating Rink (outdoor / Temporary)				A			A	

Recreational	C1U	TNDU	SLFU	CCU	CE	SR	C2U	WPAU
Recreational Facility, Commercial Indoor			P	P			P	
Recreational Facility, Commercial Outdoor			P	P			P	
Center; Civic, Community or Convention							P	
Facility, Health and Fitness	P	P	P	P			P	
Trails	P	P	P	P			P	A
Open Space	P	P	P	P			P	
Club or Lodge, Private			P	P			P	
Recreational Facility, Private	P	P	P	P			P	
Park, Public		P	P	P			P	P
Park, Private			P	P			P	
Riding Stable							P	

Sports Fields/Outdoor Courts	P	P	P	A			P	
------------------------------	---	---	---	---	--	--	---	--

Miscellaneous	C1U	TNDU	SLFU	CCU	CE	SR	C2U	WPAU
Lake or Pond, Artificial	P	P	P	P	P	P	P	P
Private Garden Plots	A	A	P	P	P	P	P	
Entryway Feature/Gatehouses (manned or unmanned for aesthetics)	P	P	P	P	P	P	P	
Restroom Facility				P			P	

Temporary Uses	C1U	TNDU	SLFU	CCU	CE	SR	C2U	WPAU
Construction Facility	P	P	P	P	P	P	P	
Display, Outdoor			P	P	P	P	P	
Homes, Model	P	P	P	P	P	P		
Sales, Outdoor				P				
Sales, Seasonal Outdoor				P				
Special Event, Outdoor			P	P			P	
Storage, Outdoors				P				

Transportation & Communication Uses	C1U	TNDU	SLFU	CCU	CE	SR	C2U	WPAU
Commercial Parking Lot				P				
Commercial Parking Structure				P				
Private Parking Structure	P	P	P	P			A	
Parking Area	A	A	A	P			P	A

Any Use not referenced in the Use Table is not permitted; provided, however, the Director may approve such other Accessory Uses as are customary and incidental to any permitted use.

EXHIBIT 5

DEVELOPMENT STANDARDS MATRIX

The District Block area development standards are provided below. Note: lot width shall be measured at the front setback line. Front setback line shall not apply to side yards on corner lots.

The Civic Use Block and Senior Living Facility Block areas shall also comply with the Development Standards and Development Plan standards of sections 194.060 Urban B-2: Urban General Business District subsections C & D respectively.

Legend

CEU-R = Custom Estates Use Block – Lots with Alleys

CEU-F = Custom Estates Use Block – Lots without Alleys

TNDU-T = Traditional Neighborhood Development Use Block – Townhouse Lots

TNDU-R = Traditional Neighborhood Development Use Block – Single Family Lots with Alleys

TNDU-F = Traditional Neighborhood Development Use Block – Single Family without Alleys

CCU = Center Commons Use Block

SRU = Senior Ranches Use Block

C1U = Cottages Use Block

SLFU = Senior Living Facility Use Block

C2U = Civic Use Block

Block Area	Minimum Lot			Minimum Setbacks***				Max. Bldg. Height	Maximum Percentage of Dwelling Units in Use Block*
	Width at Front Setback	Lot Frontage	Area (SF)	Front	Side	Rear	Building Separation		
CEU-R	80'	45'	11,900	20'	10'	20'**	20'	35'	40%
CEU-F	110'	45'	18,000	25'	10'	30'	20'	35'	100%
TNDU-T	22' (per unit)	22	1,670	10'	N/A'	18'***	15'	40'	0% West 40% East
TNDU-F	62'	45'	7,400	10'	5'	20'	10'	35'	70%
TNDU-R	50'	45'	5,400	10'	5'	18'***	10'	35'	70%
CCU	N/A	N/A	N/A	10'****	N/A	N/A	20'	50'	N/A
SRU	47'	25'	5,500	16'	5'	15'	10'	35'	N/A
C1U	30'	20'	2,400	20'	5'	15'	10'	35'	N/A
SLFU	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50'	N/A
C2U	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50'	N/A

* Represents maximum number of lots within each use block. For example, within the Traditional Neighborhood Development Use Block 0%-70% of lots may be single family dwelling lots with alleys, 0%-70% of lots may be single family dwelling lots without alleys, and 0%-40% of lots may be townhouse lots (except west of Marysville Road where townhouses are prohibited).

** For homes adjacent to Alleys, the Rear Yard Setback shall apply from the limits of Alley (Common Area / Private Right-of-Way) to Building.

*** The minimum side and rear setbacks for any Accessory Structure shall be 5' side and 10' rear. There shall be no minimum Building separation between a primary structure and an accessory structure.

**** A 10' setback shall be provided adjacent to public Right-of-Way to allow for D&U Easement.

EXHIBIT 6

CONCEPTUAL CHARACTER IMAGERY – SENIOR RANCHES USE BLOCK



EXHIBIT 7

CONCEPTUAL CHARACTER IMAGERY – CUSTOM ESTATES USE BLOCK



EXHIBIT 8

CONCEPTUAL CHARACTER IMAGERY – TRADITIONAL NEIGHBORHOOD DEVELOPMENT USE BLOCK



EXHIBIT 9

CONCEPTUAL IMAGERY – CENTER COMMONS USE BLOCK

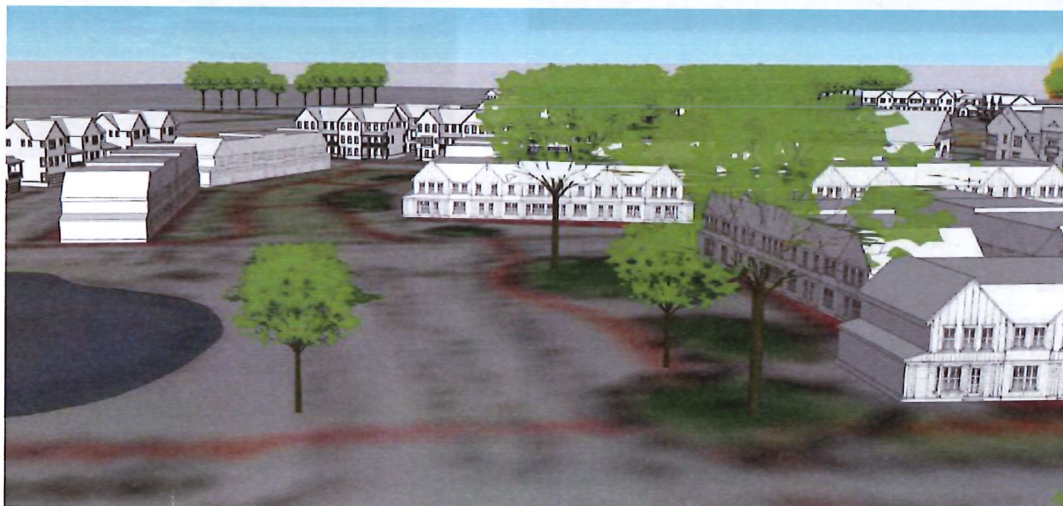


EXHIBIT 10

CONCEPTUAL CHARACTER IMAGERY – COTTAGES USE BLOCK



EXHIBIT 11

CONCEPTUAL CHARACTER IMAGERY – SENIOR LIVING FACILITY USE BLOCK



EXHIBIT 12

ARCHITECTURAL STANDARDS

The following standards shall apply to all Single-Family Dwellings and Townhouses:

- A. Conceptual Character Imagery Exhibits: The "Character Exhibits", attached hereto are hereby incorporated to capture the intended architectural style to be constructed. It is not the intent to limit the architecture shown in the Character Exhibits, but to establish a benchmark for quality, vision, and appearance of architecture within the development. The Director shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance.
- B. Four-Side Architecture - Design detailing shall be continued completely around the building where additional sides face a public way or common area consistent with the building's intended architectural style. Detailing elements shall include, but are not limited to, style of windows, window placement, trim detailing, roof design, and Exterior Materials, unless otherwise required by this Ordinance.
- C. Vinyl and aluminum siding shall be prohibited.
- D. Exterior Trim Materials - Wood, fiber cement or equivalent trim shall be used for corners, frieze boards, window trim, door trim, and as a transitional material between two different Exterior Materials, provided, however, trim shall not be required for windows, doors, corners, and the like that are surrounded by Masonry Materials; and provided further, that if windows have shutters, then such windows shall not require a trim wrap. Required trim shall be a minimum of five and one-half inches (5 and 1/2") wide.
- E. All homes shall have a minimum of three (3) windows on all four (4) sides of the home, or as deemed architecturally appropriate by the Controlling Developer. For the purposes of this calculation, a double window shall be counted as two (2) windows. Controlling Developer may allow minimum windows on sides of homes to be placed on front or back where the side does not face Common Areas or Right-of-Way for Senior Ranches and Cottages where it may be deemed appropriate in relation to the home floorplan. Windows on garage doors shall count towards the minimum requirement for the Senior Ranches.
- F. All homes shall have a minimum of 12" roof overhangs.
- G. Roof Pitches - Homes designed in the Midcentury Modern, Modern Prairie, or other modern styles that typically have low slope roofs may have a minimum roof pitch of 4:12 for the main roof. The minimum roof pitch for the main roof of all other architectural styles shall be 6:12. Gable, dormer and porch roof pitches may vary to achieve various architectural styles. The building permit application shall indicate whether the home is designed in a modern architectural style.

- H. Roofing Materials - All homes shall have dimensional or architectural grade shingles. Full metal roofs will be allowed as deemed architecturally appropriate by the Controlling Developer. Metal accent roofs may be used as coverings over a porch, a window seat, a bump-out, a dormer, or similar architectural feature.
- I. All homes must have at least a 2-car attached garage and meet the following requirements:
- i. For front loading garages, a two-bay garage door width may not exceed forty percent (40%) of the linear footage of the front elevation of the home and the garage doors must be set back at least five (5) feet behind the front façade of the home, including porches. For the purpose of the standard, a third car bay shall not be included in calculating the linear footage of the front elevation of the home.
 - ii. Two (2) dusk-to-dawn coach lights shall be provided on all garages.
 - iii. If a home has a three car garage, the third car bay shall be setback behind the Established Front Yard a minimum of two (2) feet.
 - iv. All garage elevations shall (i) include at least two (2) design elements or windows to vary the appearance of the garage façade and (ii) be painted a color to match the Exterior Material or a color to accent the Exterior Material. Design elements include the garage door, garage hardware, garage door header, roof gable brackets, multiple building materials, gable accent windows and gable decorative louver.
- J. Front Building Façade Requirements - At a minimum each Dwelling shall utilize the following architectural elements on the Front Building Façade:
- i. Wood, Fiber Cement Siding, or equivalent trim at corners, frieze boards, window and door wraps, and as transitional material between two different Exterior Materials.
 - ii. Architecturally enhanced / decorative trim or masonry detailing (i.e. arches, cornices, crossheads, ornate moldings, pediments, or shutters).
 - iii. Roof design featuring a hip roof; dormers (a minimum of two (2) dormers); a reverse gable; a shed roof accent; or, two (2) or more roof planes.
 - iv. All one-story dwellings shall have a minimum of four (4) windows on the Front Façade and all two-story dwellings shall have a minimum of six (6) windows on the Front Façade.
- K. Side Building Façade Requirements - All Dwellings (i) on Corner Lots (side facing a street) or (ii) with a Side Lot Line abutting a Common Area (side facing the common area) which have a gable end on the side Building Façade shall incorporate a minimum of one (1) of the following elements on the side Building Façade and shall be consistent with elements included on the Front Building Façade:
- i. A change in the exterior color separated by trim;
 - ii. A change in the Exterior Material pattern separated by trim;
 - iii. A gable end architectural detail (e.g., brackets, louvers, pediment, corbel, decorative window detail created with shutters, etc.)
 - iv. A minimum of ten (10) square foot gable window;
 - v. A gable peak with a change in Exterior Material; or
 - vi. A projecting chimney running the full height of the side Building Façade constructed with Masonry Material.

- L. Streetscape Diversity - Single-Family Dwellings located within three (3) Lots with a Front Lot Line abutting the same Street and Single Family Dwellings located across the street or diagonally opposite shall, at the time of the issuance of the Certificate of Occupancy:
- i. Be a significantly different front Building Facade (i.e. architectural style, roof lines, window placement, proportion of siding materials). Minor variations in architectural features or materials (i.e. shutters, door styles, siding patterns) shall not qualify as significantly different if the Dwelling on the adjacent Lot is of a similar floorplan; and
 - ii. Have a different primary siding color than the adjacent Lot.

EXHIBIT 13

PEDESTRIAN CIRCULATION PLAN



EXHIBIT 14

STREET TYPOLOGY PLAN AND STREET AND TRAIL STANDARDS

The following standards shall apply to Wild Air:

1. Pavement sections shall comply with the standards for the Town and/or County (where the County has jurisdiction)
2. Typical roadway sections shall comply with the standards for the Town and/or County (where the County has jurisdiction) except as shown on Exhibit 14.1 and typical sections in Exhibit 14.2.
3. Roadways and pedestrian walks & paths, both public and private, are permitted within the "Open Spaces" at the Controlling Developer's discretion.
4. Utilities, irrigation systems, signage, lighting and similar infrastructure may be located within the public rights-of-way at the Controlling Developer's discretion and with a Consent to Encroach Agreement with the Town of Zionsville or the County, as applicable. Any such facilities shall be maintained by the Developer or its successor in interest unless owned by a private utility company which shall be responsible for maintenance of its facilities.
5. The minimum horizontal centerline radius for all public streets shall be 150 feet provided that safe stopping sight distance is provided with the right-of-way. Minimum roadway radii may be reduced where approved by the Town's Department of Public Works and Fire Department as well as the Boone County Highway Dept (if applicable) during the Development Plan review process provided a minimum of 25' radius is provided on the inside back of curb
6. The minimum tangent between reverse curves for all public streets may be reduced to zero (0) feet.
7. The minimum curb radius between an alley and a road shall be 15 feet.
8. If not otherwise part of the Wild Air Pedestrian Circulation Plan as shown on Exhibit 13, trails or sidewalks shall not be required along a side of any street if no Dwellings are platted on that side as to minimize impact of natural habitat.
9. Asphalt walking, bike and multi-use paths shall have a pavement section that meets the Town of Zionsville construction standards.
10. Pavers may be used in alleys, parking lanes, parking lots, crosswalks and/or gutters at the Controlling Developer's discretion subject to the approval of the Town's Department of Public Works and/or County Highway Department for any such items to be include within the Right-of Way. Pavers or alternative pavement sections may also be used in travel lanes. If pavers are used for construction within the Right-of-

Way, these pavement sections will be maintained by the Developer or its successor in interest.

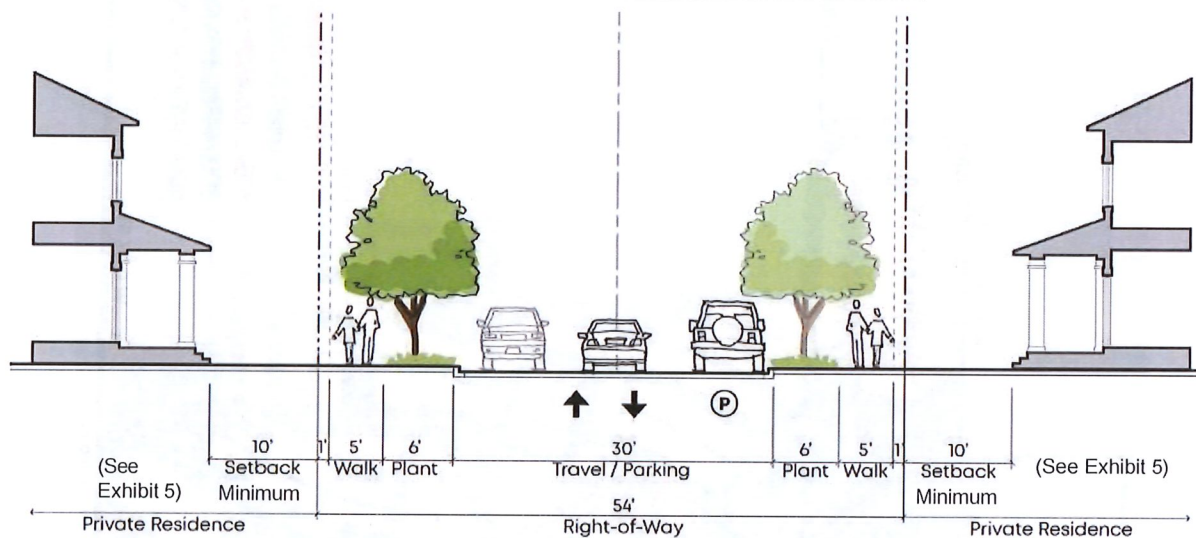
11. Placement of asphalt pavement and concrete curb infrastructure within public right-of-way shall be in accordance with the Town of Zionsville or Boone County standards. Any variance from this must be approved by the Town at the Development Plan review and may require maintenance by the Controlling Developer and their successors.
12. If the Town is petitioned to take over private streets and/or alleys within the Real Estate, and 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.
13. Rear Load lots within the Traditional Neighborhood Development Use Block shall be permitted to be served by a private drive / alley and will not require minimum frontage on a public right-of-way.
14. Dead end Alleys may be permitted where shown in the Concept Plan and as otherwise approved by the Plan Commission in connection with a Development Plan, subject to the approval of the Fire Department and, if trash service by the Town is contemplated in the future, by the Town Department of Public Works.
15. Section 193.052-B-18(b) of the Subdivision Control restricting driveways within 75 feet of intersections shall not apply to the Wild Air District, except on Marysville Road, Oak Street, or any new collector streets.

EXHIBIT 14.1



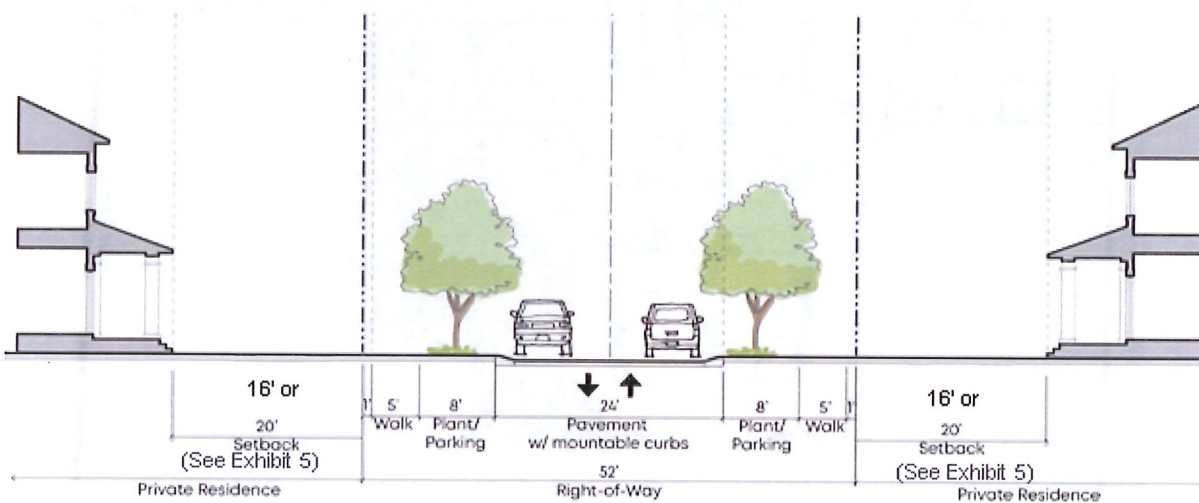
EXHIBIT 14.2

LOCAL STREET TYPICAL SECTION



Note: Local Street shall have minimum 10' D&U Easements on either side of Right-of-Way

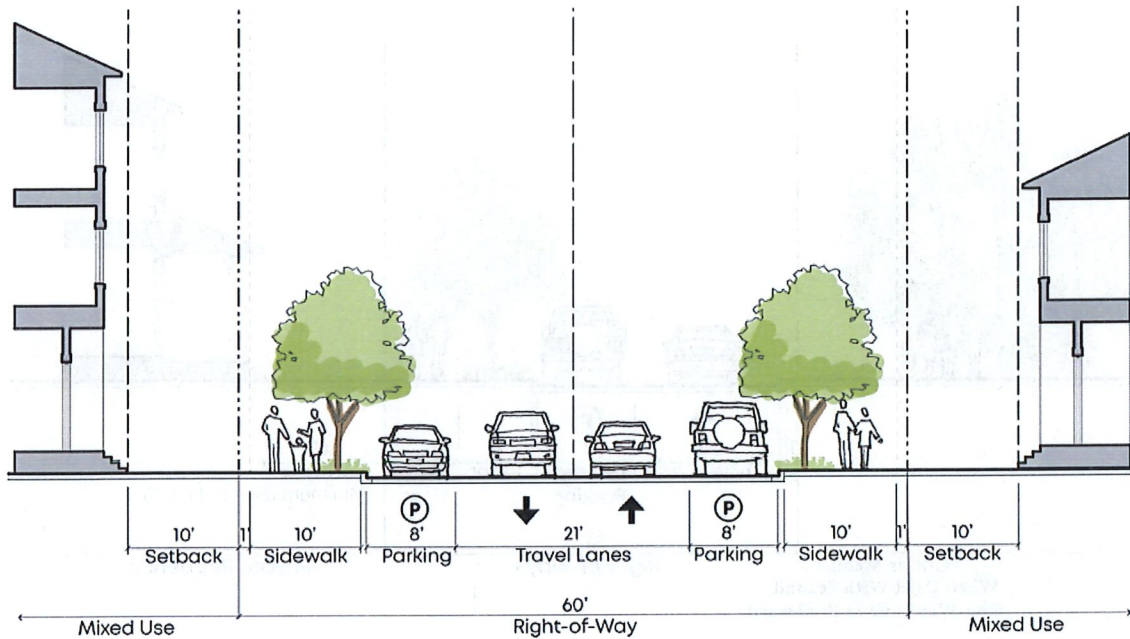
TWO-WAY LANE TYPICAL SECTION



Notes:

1. Two Way Lanes shall have minimum 15' min D&U Easements on either side of Right-of-Way
2. Building setback may be reduced to 16' for outdoor living areas (e.g. front porches)
3. Parking is not permitted in roadway. However, bumpouts may be provided in road section to provide street parking.
4. Sidewalk is only required on one side of the street in the Cottages section.

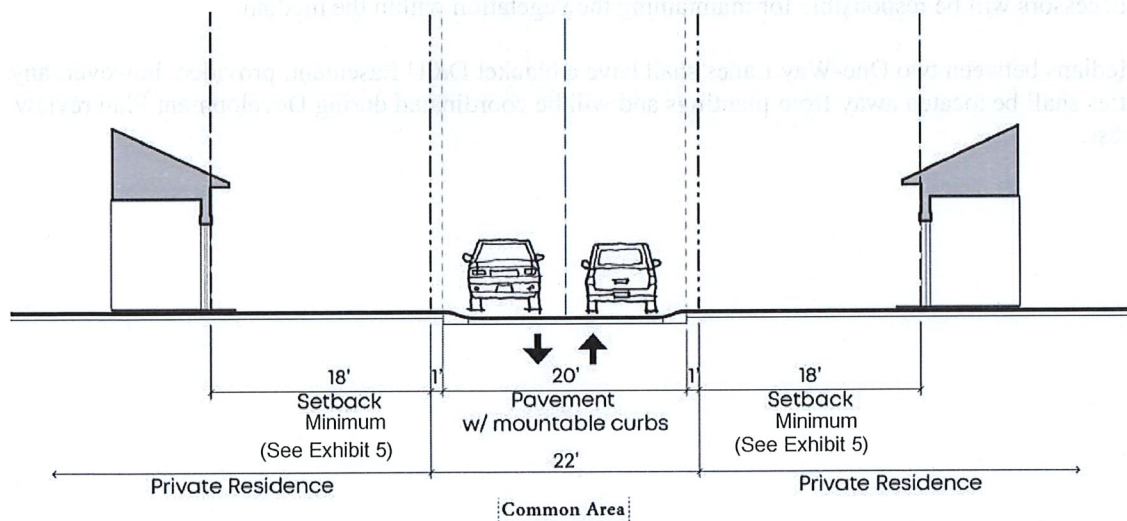
GATEWAY STREET TYPICAL SECTION



Notes:

1. Gateway Street shall have 10' D&U Easements on either side of Right-of-Way
2. Gateway Street is proposed to be public. However, any surface material that varies from Town standards must be privately maintained if required by the Town.

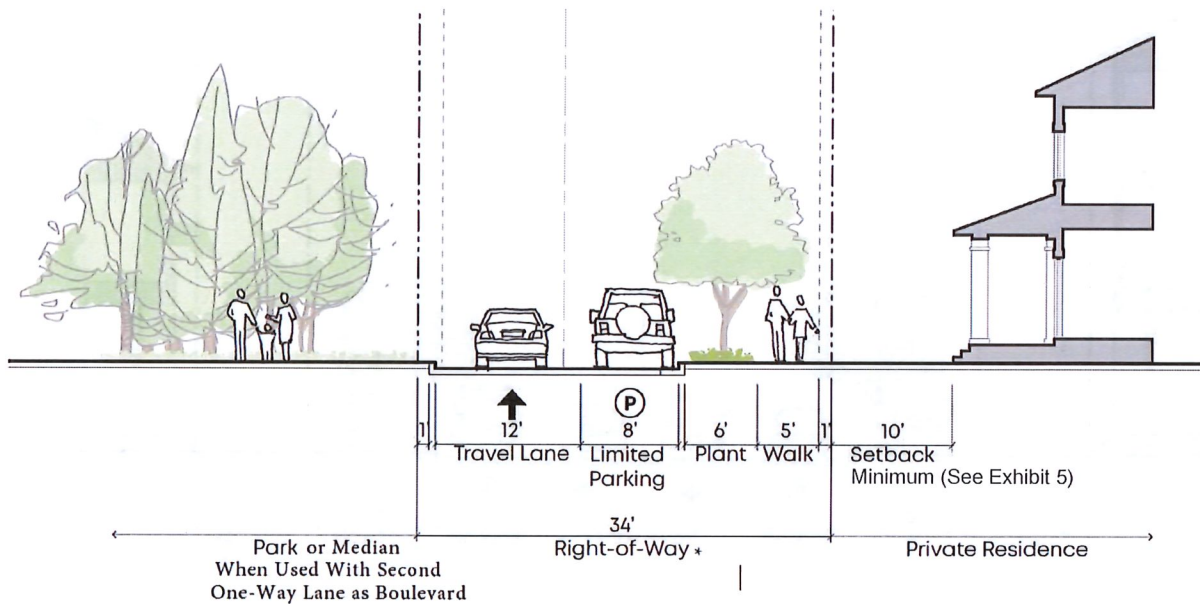
ALLEY TYPICAL SECTION



Notes:

1. All Alleys are private and shall be considered Common Areas.
2. Alley cross sections shall be crowned or pitched to one side and asphalt pavement.
3. Alleys shall have a minimum 10' D&U Easements on either side of the Common Area limits.
4. For homes on alleys, the setback from the alley shall be the Rear Yard Setback.

ONE-WAY LANE TYPICAL SECTION



Notes:

1. One-Way Lane shall have a 10' D&U Easement on Private Residence side of the Right-of-Way.
2. Where two One-Way Lanes are used to provide a boulevard roadway, the *Right-of-Way shall extend through the median which shall be a minimum of six feet wide. However, the Controlling Developer or its successors will be responsible for maintaining the vegetation within the median.
3. Medians between two One-Way Lanes shall have a blanket D&U Easement; provided, however, any utilities shall be located away from plantings and will be coordinated during Development Plan review process.

EXHIBIT 15

CONCEPTUAL IMAGERY – DEVELOPMENT COMMON AREA DETAILS

