

Bradley Ridge
PLANNED UNIT DEVELOPMENT DISTRICT

ORDINANCE
2024 -10

ZIONSVILLE, INDIANA

2024

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 Bradley Ridge Ordinance</u>	2
<u>Section 3.1. Residential & Lifestyle Use Block</u>	2
<u>Section 3.2. Intentionally Omitted</u>	3
<u>Section 3.3. Bradley Ridge Amenity & Nature Preservation Use Block</u>	3
<u>Section 4. Accessory Structures and Uses</u>	4
<u>Section 5. Landscaping Requirements</u>	4
<u>Section 6. Lighting Requirements</u>	10
<u>Section 7. Signage Requirements</u>	12
<u>Section 8. Parking Requirements</u>	14
<u>Section 9. Pedestrian Circulation</u>	15
<u>Section 10. Environmental Systems, Drainage and Streets and Streetscapes.....</u>	16
<u>Section 11. Additional Requirements and Standards</u>	18
<u>Section 12. Tree Preservation Areas, Ravine Preservation Areas, and Wildlife Preservation Corridors.</u>	19
<u>Section 13. Declaration(s) of Covenants and Owners Association(s)</u>	19
<u>Section 14. Procedural Provisions</u>	19
<u>Section 15. Controlling Developer’s Consent</u>	21
<u>Section 16. Violations and Enforcement</u>	22
<u>Section 17. Definitions.....</u>	22

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 – Residential & Lifestyle Use Block</u>
<u>Exhibit 7.</u>	<u>Intentionally Omitted</u>
<u>Exhibit 8.</u>	<u>Conceptual Character Imagery – Bradley Ridge Amenity & Nature Preservation Use Block</u>
<u>Exhibit 9.</u>	<u>Street Typology Plan and Street and Trail Standards</u>
<u>Exhibit 10.</u>	<u>Pedestrian Thoroughfare Plan (Trails)</u>
<u>Exhibit 11.</u>	<u>Tree Preservation Areas</u>

Note: All of the above Exhibits (1-11) attached to this the Bradley Ridge Ordinance are incorporated by reference into this the Bradley Ridge Ordinance, and are part of this the Bradley Ridge Ordinance.

ORDINANCE NO. 2024- 10
OF THE TOWN OF ZIONSVILLE, INDIANA

**AN ORDINANCE ESTABLISHING
BRADLEY RIDGE
PLANNED UNIT DEVELOPMENT DISTRICT**

Plan Commission Petition No. [2023-28-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 AG (Agriculture), R-1 (Residential) and R-2 (Residential); and

WHEREAS, the Town of Zionsville Advisory Plan Commission certified on March 18, 2024 to the Zionsville Town Council a favorable recommendation for rezoning the Real Estate to the Bradley Ridge Planned Unit Development District (the "Bradley Ridge District") established by this planned unit development district ordinance (the "Bradley Ridge Ordinance"), with respect to the Real Estate; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF ZIONSVILLE, INDIANA, THAT: (i) pursuant to IC §36-7-4-1500 *et seq.*, the Council adopts the Bradley Ridge Ordinance, as an amendment to the Zone Map, (ii) all prior ordinances or parts thereof inconsistent with any provision of the Bradley Ridge 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 Bradley Ridge Ordinance, and (iv) the Bradley Ridge 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 Bradley Ridge District.

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

event of a conflict or inconsistency between the Bradley Ridge Ordinance and the Zoning Ordinance, the provisions of the Bradley Ridge 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 Bradley Ridge Ordinance, the provisions of the required standard within the Zoning Ordinance shall apply.

Section 1.3. The subdivision of the land shall be allowed within the Bradley Ridge 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 Bradley Ridge Ordinance, a waiver must be requested from the Plan Commission at the time of Primary Platting.

Section 1.4. The US Hwy 421 Michigan Road Overlay Corridor Ordinance shall not apply to the use and development of the Real Estate.

Section 2. Rules of Construction.

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

Section 3.1. Residential & Lifestyle 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 Bradley Ridge 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 Bradley Ridge Ordinance.
 - (3) Applicable lighting requirements are contained in Section 6 of the Bradley Ridge Ordinance.
 - (4) Applicable signage requirements are contained in Section 7 of the Bradley Ridge Ordinance.
 - (5) Applicable parking requirements are contained in Section 8 of the Bradley Ridge Ordinance.
 - (6) Applicable pedestrian circulation standards are contained in Section 9 of the Bradley Ridge Ordinance.
 - (7) Applicable environmental systems, drainage and street standards are contained in Section 10 of the Bradley Ridge Ordinance.
- C. The Conceptual Character Imagery of Building Architecture is contained within Exhibit 6 (Conceptual Character Imagery – Residential & Lifestyle Use Block).
- D. The total number of Single Family Dwellings on the east side of Eagle Creek and within the Residential & Lifestyle Use Block shall be 250. The total number of Single Family Dwellings on the west side of Eagle Creek and within the Residential & Lifestyle Use Block shall be 40. No Single Family Dwellings shall be constructed within the Indianapolis Executive Airport Protection Area (*i.e.*, the “Tier 1 Zone”) as depicted on Exhibit 2 (Concept Plan). Notwithstanding the foregoing sentence, the Controlling Developer expressly reserves, and does not waive, any rights, claims, or damages to, or arising from, any condemnation claim, proceeding and/or cause of action pertaining to the Indianapolis Executive Airport Protection Area, including, without limitation, any claim or condemnation under Indiana Code §8-22-3-14.

Section 3.2. Intentionally Omitted.

Section 3.3. Bradley Ridge Amenity & Nature Preservation 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 Bradley Ridge 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 Bradley Ridge Ordinance.
- (3) Applicable lighting requirements are contained in Section 6 of the Bradley Ridge Ordinance.
- (4) Applicable signage requirements are contained in Section 7 of the Bradley Ridge Ordinance.
- (5) Applicable parking requirements are contained in Section 8 of the Bradley Ridge Ordinance.
- (6) Applicable pedestrian circulation standards are contained in Section 9 of the Bradley Ridge Ordinance.
- (7) Applicable environmental systems, drainage and street standards are contained in Section 10 of the Bradley Ridge Ordinance.

- C. The Conceptual Character Imagery of Building Architecture is contained within Exhibit 8 (Conceptual Character Imagery – Bradley Ridge Amenity & Nature Preservation Use Block).

Section 4. Accessory Structures and Uses. Accessory Structures and Accessory Uses shall be permitted in the Bradley Ridge 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 Residential & Lifestyle 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 Bradley Ridge 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 complement 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. No trees, shrubs, or ground covers considered invasive species, as determined by Indiana Department of Natural Resources Terrestrial Plant Rule (312 IAC 18-3-25) will be allowed.
- 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. Native, 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 a minimum of 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. Native, 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 plantings made to mitigate and replace plantings removed from a regulated floodway.
- D. Existing native 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 native 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; provided, however, the Director may not require a tree survey or an inventory where the Controlling Developer demonstrates that the existing native vegetation will remain in place and be substantially undisturbed.

- E. Low maintenance plantings such as native wildflowers, 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; provided, however, reasonable efforts shall be made to avoid removal of existing, mature trees. Any removed plantings shall be replaced by the Controlling Developer.
- I. Within the Residential & Lifestyle Use Block, each lot shall have a minimum of three (3) trees in the front yard and a minimum of three (3) trees in the rear yard.

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 Detention 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 thirty (30) 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 Bradley Ridge District, (iii) the greenbelt buffer referred to in clause

- (ii) shall be extended laterally thirty (30) feet from the lot line of proposed lots, and (iv) a buffer may be included between uses if the Controlling Developer determines it is necessary. No greenbelt buffer shall be required along CR 950 E for the portion of the Real Estate within the Tier 1 Zone or along CR 950 E or CR 200 S for portions of the Real Estate within the no structures area as depicted on Exhibit 2 (Concept Plan). Greenbelt buffer widths shall be measured from proposed right-of-way lines as determined by the Town of Zionsville, Boone County Highway Department, or the Indiana Department of Transportation, as applicable.
- 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, landscaped mound or fencing (or any combination thereof) may serve in lieu of any buffer requirement required within the Bradley Ridge 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 100 feet of any vehicle entrance within areas designated for perimeter buffering as approved by the Director or the Director's designee.
- 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; provided, however, the Director may not require a tree survey or inventory where the Controlling Developer demonstrates that the existing vegetation will remain in place and be substantially undisturbed.
- 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 as approved by the Director or the Director's designee. 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 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 native and 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 and replacement of dead or otherwise unsafe, street trees shall be by the Controlling Developer or its successor in interest.

Section 5.5. Foundation Planting Standards. Within the Bradley Ridge Amenity & Nature Preservation Use Block, 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 Bradley Ridge Amenity & Nature Preservation 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 three (3) shade trees and twenty (20) shrubs and/or native, ornamental grasses per one hundred (100) linear 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 shall 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 and service areas, as well as ground mounted mechanical/telecommunication equipment, 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 Bradley Ridge Ordinance, to insure proper maintenance of landscaping in accordance with the Bradley Ridge 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 and debris. 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 and street signage within the development.
- C. No street lights will be required at the County Road 950E entrance, except to the extent required by the Zionsville Fire Department. Reflectors approved by the Town may be used in lieu of lighting.
- D. Street lights will be installed at street intersections and at a separation distance not less than 300 feet or greater than 600 feet.
- E. Street lights will incorporate baffling/shielding or other design element to reduce light spillage.

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 directed downward and 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 upward or off the site (ii) the light source is shielded from direct offsite viewing, and (iii) light is not directed upward.
- 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 low level fixtures and shall not be directed upward.
- 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 not directed upward and is reduced to a lower illumination 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. Up to two (2) monument style, Entrance Identification Signs shall be permitted at the US 421 entrance to the Real Estate. One (1) monument style Entrance Identification Sign shall be permitted at the County Road 200 South entrance to the Real Estate. One (1) monument style Entrance Identification Sign shall be permitted at the County Road 950 E 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 for the US 421 entrance(s) shall be seventy-five (75) square feet per sign. Maximum sign area for the County Road 200 South and County Road 950 E entrances, respectively, shall be forty (40) square feet.
- B. Height: Maximum sign height for the US 421 entrance(s) shall be ten (10) feet. Maximum sign height for the County Road 200 and County Road 950 E South entrances, respectively, shall be eight (8) feet.
- C. Location: Located outside of proposed rights-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. Light shall not be directed upward or laterally.

Section 7.2. Cultural/Entertainment Use Signs. Cultural/Entertainment Uses within the Bradley Ridge Amenity & Nature Preservation Use Block shall be permitted signs per the requirements of this Section.

- A. **Total Signs.** Each Cultural/Entertainment Use shall be permitted a total of two (2) signs.
- B. **Sign Type.** A sign may be a Wall Sign, Window Sign, Projecting Sign, Porch Sign, Canopy Sign or Awning Sign.
- C. **Maximum Sign Area.**
 - 1. Wall Sign: maximum of one per façade up to fifteen percent (15%) of the wall area corresponding to the location of the Cultural/Entertainment Use within a Building;
 - 2. Projecting Sign: twenty (20) square feet;
 - 3. Porch Sign: six (6) square feet;
 - 4. Awning Signs or Canopy Signs: ten percent (10%) of the subject use's awning or canopy;
 - 5. Window Signs: a maximum of five percent (5%) of the window surface area on which it is placed or viewed.

- D. Illumination; Visibility. Halo-lit, Externally Illuminated, or Internally Illuminated shall be permitted; provided no lighting shall be directed upward or laterally. No sign shall be visible from any County Road adjacent to the Bradley Ridge District up to a height of five (5) feet above the road.

Section 7.3. 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. Temporary signs shall not be lighted.

Section 7.4. Portable Temporary Signs. Portable Temporary Signs shall be permitted. Portable Temporary Signs shall include portable signs displayed outside an Amenity Area or Cultural/Entertainment 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. Any lighting shall not be directed upward.

Section 7.5. 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 subject to approval by the Controlling Developer.

Section 7.6. 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 7.7. No Neon. No Sign on the Real Estate shall include an exposed neon lighting source.

Section 7.8. Bradley Ridge 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. Any lighting shall not be directed upward.

Section 7.9. 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 Indiana Manual on Uniform Traffic Control Devices 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 are required. Parking Spaces (i) within driveways (tandem spaces in front of garages); (ii) for golf carts; and (iii) within garages shall count toward this requirement.
- B. For Cultural/Entertainment Uses, two (2) spaces per one thousand (1000) square feet of Gross Floor Area of the related Building or use shall be encouraged but may be adjusted as determined by Controlling Developer.
- C. For Recreational Uses, Controlling Developer shall determine the number of required parking spaces needed based on the number of residents. Notwithstanding the foregoing, any Cultural/Entertainment Use or Recreational Use which includes a Building (*e.g.*, clubhouse) shall provide no fewer than one (1) space per one thousand (1,000) square feet of Gross Floor Area of the related Building.
- D. Off-street parking areas for two (2) or more different uses may be provided collectively, as one parking area, so long as the total number of spaces provided is not less than the total of the minimum required spaces for each individual use; provided, however, that where it is established to the Department's satisfaction that adjacent buildings have uses that require parking at complementary times of the day, or complementary days of the week, then the total number of shared parking spaces provided shall be less than the total of the minimum number of spaces required for each individual use.
- E. Parking areas may be constructed with parking bumpers in lieu of the required curb in areas necessary to accommodate storm water management practices.
- F. The minimum dimensions of a 90-degree oriented parking space shall be nine (9) feet in width and eighteen (18) feet in length.
- G. 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.

- H. 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 and Enclosure Requirements.

- A. Off-street loading and service areas shall be required for Cultural/Entertainment Uses within the Bradley Ridge Amenity & Nature Preservation Use Block on the Real Estate. The number, size, configuration and distribution of these areas shall be as shown on an approved Development Plan.
- B. Dumpsters, recycling facilities and, if applicable, grease or other cooking refuse containers shall be placed to the rear or side of Buildings.
- C. Dumpsters, recycling facilities and, if applicable, grease or other cooking refuse containers shall be fully enclosed on all four sides except for doors or gates, which shall be kept closed unless loading or unloading. The minimum height of an enclosure shall be the greater of (i) six (6) feet or (ii) the height of the dumpster and/or container plus two (2) feet. The enclosure shall be architecturally compatible with the principal Building and integrated into the overall site layout.

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 (*i.e.*, perimeter pathways) shall meet the recommendations of the Strategic Trails Implementation Plan of the Comprehensive Plan, except that no perimeter pathway shall be required along County Road 950 East if a Waiver is granted by the Plan Commission at the Development Plan stage. Such paths may be constructed in phases as parcels or sections are platted and developed within the Bradley Ridge District. The trail along Eagle Creek shall be completed within two (2) years of the beginning of construction on the Real Estate located on the west side of Eagle Creek.

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 Bradley Ridge District and shall comply with Exhibit 10.

Section 9.3. Walkways shall be designed to allow pedestrians to access Buildings and Amenity Areas.

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 9.6. Construction of walkways, paths and trails within natural common areas shall be permitted to be comprised of crushed limestone aggregate, mulch or a similar natural material and shall not have a minimum width requirement in order to minimize the impact of the improvements on the natural environment. Walkways, paths and trails within natural common areas shall be at the Controlling Developer's discretion as to location and number.

Section 9.7. Internal multi-purpose pathways shall be five (5) feet in minimum width and comprised of either asphalt, concrete, masonry pavers or any combination of those or other equivalent materials. Internal multi-purpose pathways shall be at the Controlling Developer's discretion as to location and number.

Section 9.8. The Pedestrian Thoroughfare Plan (Trails) is attached hereto as Exhibit 10.

Section 9.9. The trail along Eagle Creek shall be paved at twelve (12) feet in width with two foot (2') soft shoulders (turf or crushed aggregate) on each, adhere to the Americans with Disabilities Act trails standards concerning running and cross slopes, and be permitted for pedestrians, bicycles, and golf carts (golf cart access shall be for Bradley Ridge residents and guests only). All bridge structures and ramps shall be constructed in compliance with the Americans with Disabilities Act and include pedestrian railings. Any bridge rating shall meet or exceed the standard to accommodate the Zionsville Fire Department off-road 6X6 ATV ambulance. The trail along Eagle Creek shall be contained in an easement conveyed (not to exceed 18-feet in width) to the Town of Zionsville Parks Department.

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 Bradley Ridge 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 Bradley Ridge 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. Intentionally Omitted.
- C. Permeable Pavers may be used as set forth in Exhibit 9, item 17.
- D. Utilities may be located within Alleys, with the prior approval of the Town's Department of Public Works.

Section 10.5. All streets within the Bradley Ridge District are intended to be private. 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 9 (Street Typology and Street and Trail Standards), accepted during the development plan review process, or other parts of the Bradley Ridge Ordinance.

Section 10.6. Any parcel or User within the Bradley Ridge 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. Streets within the Bradley Ridge District may have gated entries.

Section 10.8. Exhibit 9 (Street Typology and Street and Trail Standards) also contains additional street and trail standards for the Bradley Ridge District.

Section 10.9. The number and configuration of vehicular access drives into the Real Estate shall be as generally illustrated in Exhibit 2 (Concept Plan), consisting of the following: (i) a maximum of one (1) vehicular ingress and egress drive off US 421; (ii) a maximum of one vehicular ingress and egress drive off CR 200 South; and (iii) one ingress and egress drive off CR 950 East.

Section 10.10. The Controlling Developer may, in its sole discretion, apply for, and secure from the Indiana Department of National Resources, approval of a vehicular bridge over Eagle Creek; as well as such other crossings over Eagle Creek, including those for pedestrians, bicycles, and/or golf carts. The approval of any such crossings shall not affect, impair or limit access off CR 950 E or any other perimeter roadway. The Controlling Developer shall have no obligation to secure approvals for, or construct, any crossings, vehicular or otherwise over Eagle Creek.

Section 11. Additional Requirements and Standards

Section 11.1. 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 by this Bradley Ridge Ordinance. Any placement of public art in a public right-of-way shall require the prior approval of the Town, Boone County Highway Department, or Indiana Department of Transportation, as appropriate. Any placement of public art outside a public right-of-way shall not be visible from any county road.

Section 11.2. 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 11.3. 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 11.4. Outdoor Storage. Outdoor Storage shall be permitted on a limited basis as depicted in Exhibit 4 (Use Table).

Section 11.5. 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 11.6. 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 11.7. Service Connection Screening. Mechanical equipment, gas meters, and electric meters shall be screened in a manner consistent with Section 5.7 of the Bradley Ridge 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 11.8. Phasing. The Bradley Ridge District may be developed in phases as determined by the Controlling Developer.

Section 11.9. Public Utilities. The uses within the Residential & Lifestyle Use Block and the Bradley Ridge Amenity & Nature Preservation Use Block shall be connected to water and sewer utilities. No on-lot drinking water wells or sewage disposal systems will be allowed.

Section 12. Tree Preservation Areas, Ravine Preservation Areas, and Wildlife Preservation Corridors.

Section 12.1. Eagle Creek Tree Preservation Area. The area measured fifty feet (50') from top of bank on each side of the Eagle Creek shall be a tree preservation area from which no trees shall be removed, except to the extent required for the installation of infrastructure, utilities, roadways, curbs, or trails, or in order to remove damaged or diseased trees or trees less than six (6) inches in diameter measured at forty-eight (48) inches from the ground (the "Eagle Creek Tree Preservation Area"). The Eagle Creek Tree Preservation Area is depicted on Exhibit 2 (Concept Plan).

Section 12.2. Ravine Preservation Areas. For lots within a Ravine Preservation Area, a minimum thirty (30) foot rear setback shall be maintained for tree preservation area. Within such thirty (30) foot rear setback, no trees shall be removed, except to the extent required for the installation of infrastructure, utilities, roadways, curbs, or trails, or in order to remove damaged or diseased trees or trees less than six (6) inches in diameter measured at forty-eight (48) inches from the ground. Ravine Preservation Areas are depicted on Exhibit 11 (Tree Preservation Areas).

Section 12.3. Wildlife Preservation Corridors/Designated Preservation Areas. No trees shall be removed from areas within Wildlife Preservation Corridor/Designated Preservation Area, as depicted on Exhibit 11 (Tree Preservation Areas), except to the extent required for the installation of infrastructure, utilities, roadways, curbs, or trails, or in order to remove damaged or diseased trees or trees less than six (6) inches in diameter measured at forty-eight (48) inches from the ground.

Section 12.4. Greenbelt Tree Preservation Area. No trees shall be removed from areas within a Greenbelt Tree Preservation Area, as depicted on Exhibit 11 (Tree Preservation Areas), except to the extent required for the installation of infrastructure, utilities, roadways, curbs or trails, or in order to remove damaged or diseased trees or trees less than six (6) inches in diameter measured at forty-eight (48) inches from the ground.

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 Recreational Use Buildings, Cultural/Entertainment Use Buildings and Dwelling Buildings.

Section 14. Procedural Provisions.

Section 13.1. Approval or Denial of Plats.

- A. With respect to any portion of the Bradley Ridge 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 Bradley Ridge 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 Bradley Ridge District on which lots are developed. Platting of lots within the Bradley Ridge 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 Bradley Ridge Ordinance. All secondary plats for any portion of the Bradley Ridge 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 (as determined by the Director or the Director's designee) substantially conforms with the corresponding approved primary plat.
- C. The combination of platted lots (or portions of platted lots) is anticipated and may be permitted and approved administratively without the approval of the Plan Commission.

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, 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 Bradley Ridge Ordinance.

Section 14.3. Modification of Development Requirements. The Plan Commission may, upon petition of the Controlling Developer, modify any requirements specified in this the Bradley Ridge 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 Bradley Ridge 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 Bradley Ridge 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 Bradley Ridge 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 the terms of the Bradley Ridge Ordinance and/or the Zoning 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;
- E. Any text amendments, variances, modifications of development requirements or other variations to the terms and conditions of this the Bradley Ridge Ordinance; and/or

- F. Variances from any standard or use contained in the Bradley Ridge Ordinance or the Zoning Ordinance.

Section 16. Violations and Enforcement. All violations and enforcement of the Bradley Ridge 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 Bradley Ridge Ordinance, shall have the meanings set forth below in this Section 17 and (iii) of all other capitalized terms included in the Bradley Ridge 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 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 12 hereof.

Block(s): Any one or any combination of the (i) Residential & Lifestyle Use Block, or (ii) Bradley Ridge Amenity & Nature Preservation 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.

BZA: The Town's Board of Zoning Appeals.

Campground: A place used for camping which may be equipped with outdoor cooking facilities, water and/or restrooms. Any campground will not be open to the general public.

Center, Community: A place, structure, area, or other facility used for an providing religious, fraternal, social, and/or recreational programs designed to accommodate and serve the residents of the community and their guests.

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. This use is to be located in the trail cabin and may include the sale of ice cream and other refreshments for residents and their guests walking up for service.

Cultural/Entertainment Use Building(s): Any Building occupied primarily by any Cultural/Entertainment Use.

Bradley Ridge Amenity & Nature Preservation Use Block: The Block identified on Exhibit 3 (Use Block Plan) as the “Bradley Ridge Amenity & Nature Preservation Use Block.”

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 Bradley Ridge 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; 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 Bradley Ridge 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. The Conceptual Character Imagery establishes a benchmark for the quality of the development.

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

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

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

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 Bradley Ridge 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.

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

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

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.

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.

Greenbelt Tree Preservation Area. The areas as depicted on Exhibit 11 (Tree Preservation Areas) within a greenbelt as required under Section 5.3. identified for tree preservation in accordance with Section 12.4.

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.

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

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.

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.

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, residents or customers.

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.

Plan Commission: The Zionsville Plan Commission.

Private Park: A private outdoor area and supporting facilities (e.g., trails, benches, shelters) designed and used for outdoor recreational activities, including hiking, walking, bicycling, fishing, and camping.

Ravine Preservation Area: The wooded areas as depicted on Exhibit 11 (Tree Preservation Areas) containing lots equipped with a minimum thirty (30) foot rear setback for tree preservation in accordance with Section 12.2.

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

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. No outdoor theatres, concerts or similar uses are allowed.

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

Residential & Lifestyle Use Block: The Block identified on Exhibit 3 (Use Block Plan) as the “Retail & Lifestyle Use Block.”

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, wine bar, wine tasting room, a brew pub, tavern, or ice cream shop. Any such facility must be for residents and their guests only and in connection with the operation of the Clubhouse and pool or Private Recreational Facility.

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.

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.

Sign: Any type of sign as further defined and regulated by this the Bradley Ridge 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, 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.

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.

Subdivision 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.

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 Residential & Lifestyle Use Block and Bradley Ridge Amenity & Nature Preservation 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 Bradley Ridge District.

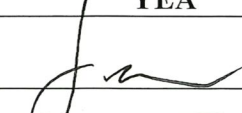
Wildlife Preservation Corridor/Designated Preservation Area: The corridors or areas depicted on Exhibit 11 (Tree Preservation Areas) reserved for tree preservation in accordance with Section 12.3.

Wine Bar/Tasting Room: A bar, venue or small restaurant that serves mainly wines. Any such use must be for residents and their guests only and in connection with the operation of the Clubhouse and pool or Private Recreational Facility.

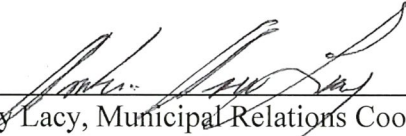
Zone Map: The Town's official Zone Map corresponding to the Zoning Ordinance.

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

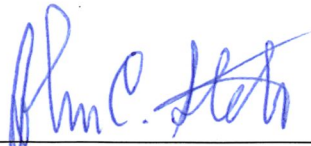
**TOWN COUNCIL OF THE TOWN
OF ZIONSVILLE, BOONE COUNTY, INDIANA
(Signatures of Council Members)**

	YEA	NAY
Jason Plunkett, President		
Brad Burk, Vice-President		
Tim McElderry		
Craig Melton		
Evan Norris		
Sarah Esterline Sampson		
Joe Stein		

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville mayor John Stehr on the 11th day of April, 2024 at 8:00 A.M./P.M.

ATTEST: 
Amy Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**


John Stehr, Mayor

4-11-2024
DATE

**MAYOR'S
VETO**

John Stehr, Mayor

DATE

EXHIBIT 1

LEGAL DESCRIPTION

Tax Parcel No.06-08-11-000-001.003-016

Part of the Northwest Quarter of Section 11, Township 18 North, Range 2 East, Boone County, Indiana, being that 13.523 acre tract of land shown on the plat of an original boundary survey of said tract certified by Paul E. Klodzen, PS #LS20400015 on August 12, 2019 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 11; thence North 01 degrees 16 minutes 10 seconds West (basis of bearings is Indiana State Plane Grid Bearing, West Zone) along the West line of said Northwest Quarter 1150.49 feet to a 5/8" rebar with cap stamped "Cripe Firm No. 0055" (hereafter referred to as "rebar") on a fence line and the POINT OF BEGINNING; thence North 88 degrees 20 minutes 41 seconds East along an existing fence and the easterly extension thereof 770.68 feet to the centerline of US 421; thence North 21 degrees 01 minutes 07 seconds West along said centerline 695.20 feet; thence continuing along said centerline North 20 degrees 55 minutes 07 seconds West 415.95 feet; thence South 72 degrees 30 minutes 26 seconds West along an existing fence 412.30 feet to a "rebar" on the West line of said Northwest Quarter; thence South 01 degrees 16 minutes 10 seconds East along said West line 936.04 feet to the POINT OF BEGINNING, containing 13.523 acres, more or less.

Tax Parcel No.06-08-11-000-001.002-016 and 06-08-10-000-025.001-016

Part of the Southeast Quarter of the Northeast Quarter of Section 10 and part of the Southwest Quarter of the Northwest Quarter of Section 11, all in Township 18 North, Range 2 East, Union Township, Boone County, Indiana, more fully described by: Beginning at the Southwest corner of the Northwest Quarter of said Section 11; thence South 89°06'34" West 346.93 feet; thence North 04°31'01" East 224.17 feet; thence North 83°39'43" West 271.34 feet to a point in the approximate center line of Eagle Creek Legal Open Drain as located November, 1998; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 07°29'45" East 119.50 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 29°00'06" East 127.60 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 57°59'07" West 281.51 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 31°55'22" West 181.11 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 77°44'08" West 110.11 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 31°25'13" West 125.90 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 00°04'25" West 210.17 feet; thence North 88°26'23" East 1781.49 feet to a

point in the center line of U.S. Highway 421 (Michigan Road); thence along the center line of said U.S. Highway 421, South 20°40'18" East 528.36 feet; thence South 65°23'51" West 512.11 feet; thence South 38°48'51" West 172.46 feet; thence South 56°11'56" West 91.21 feet; thence South 74°53'18" West 293.83 feet; thence South 01°21'00" West 201.47 feet to the Point of Beginning, containing 33.1470 acres, more or less.

Tax Parcel No. 06-08-10-000-025.002-016

Part of the Northeast Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 3.990 acre tract of land shown on the plat of an original boundary survey of said tract certified by Paul E. Klodzen, PS #LS20400015 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 10; thence North 87 degrees 26 minutes 18 seconds East along the North line of said Section 1345.11 feet to a railroad spike at the Northwest corner of the East Half of said Northeast Quarter; thence South 01 degrees 03 minutes 06 seconds East along the West line of said East Half 1474.78 feet to a stone and the POINT OF BEGINNING; thence North 87 degrees 24 minutes 57 seconds East 356.43 feet to the centerline of Eagle Creek (the following 7 courses are along said centerline); (1) thence South 27 degrees 37 minutes 40 seconds East 47.07 feet; (2) thence South 05 degrees 09 minutes 10 seconds West 146.42 feet; (3) thence South 16 degrees 56 minutes 24 seconds East 83.15 feet; (4) thence South 56 degrees 46 minutes 12 seconds East 61.72 feet; (5) thence North 81 degrees 48 minutes 35 seconds East 31.80 feet; (6) thence South 33 degrees 09 minutes 11 seconds East 79.11 feet; (7) thence South 28 degrees 32 minutes 07 seconds East 69.42 feet; thence South 89 degrees 20 minutes 54 seconds West 540.95 feet to the West line of said East Half and a 5/8" rebar with cap stamped "Cripe Firm No. 0055"; thence North 01 degrees 03 minutes 06 seconds West along said West line 413.72 feet to the POINT OF BEGINNING, containing 3.990 acres, more or less.

Tax Parcel No. 06-08-10-000.025.000-016

Part of the Northeast and Southeast Quarters of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 33.512 acre tract of land shown on the plat of an original boundary survey of said tract certified by Paul E. Klodzen, PS #LS20400015 on April 28 , 2021 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Beginning at a wood post marking the Northeast corner of the Southeast Quarter of said Section 10; thence South 00 degrees 36 minutes 58 seconds East along the East line of said Southeast

Quarter 1313.37 feet to a 5/8 inch “rebar” with cap stamped “Cripe Firm No. 0055” (hereafter called “rebar”) marking the Southeast corner of the Northeast Quarter of said Southeast Quarter; thence South 88 degrees 49 minutes 12 seconds West along the North boundary of Instrument Number 201300010719 as recorded in the Office of the Recorder of Boone County, Indiana a distance of 950.96 feet to an existing old woven wire fence and a “rebar” (the following four courses are generally along said fence line); (1) thence North 35 degrees 35 minutes 02 seconds East 49.03 feet to a “rebar”; (2) thence North 04 degrees 32 minutes 01 seconds West 639.78 feet to a “rebar”; (3) thence North 05 degrees 50 minutes 23 seconds West 208.55 feet to a “rebar”; (4) thence North 02 degrees 31 minutes 20 seconds East 417.66 feet to the North line of said Southeast Quarter and a “rebar”; thence North 88 degrees 10 minutes 58 seconds East along said North line 137.88 feet to a “rebar”; thence North 01 degrees 03 minutes 06 seconds West 722.55 feet to the Southeast corner of Instrument Number 2020005784 as recorded in said Recorder’s Office and the centerline of Eagle Creek (the following six courses are along said centerline; (1) thence South 37 degrees 38 minutes 50 seconds East 55.38 feet; (2) thence South 46 degrees 30 minutes 28 seconds East 116.43 feet; (3) thence South 66 degrees 09 minutes 50 seconds East 134.24 feet; (4) thence South 52 degrees 04 minutes 49 seconds East 68.84 feet; (5) thence South 25 degrees 39 minutes 26 seconds West 109.22 feet; (6) thence South 13 degrees 02 minutes 36 seconds West 140.95 feet to a westerly extension of a South boundary of Instrument Number 2020005783 as recorded in said Recorder’s Office (the following three courses are along the lines of said Instrument; (1) thence South 84 degrees 35 minutes 19 seconds East 289.27 feet to a “rebar”; (2) thence South 03 degrees 35 minutes 25 seconds West 224.17 feet to a “rebar”; (3) thence North 88 degrees 10 minutes 58 seconds East 346.93 feet to the Point of Beginning containing 33.512 acres, more or less.

Part of Parcel Number: 06-08-10-000-006.000-016 (new Parcel No. 06-08-10-000-006.003-016)

Part of the Northwest Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 13.220 acre tract of land shown on the plat of an original boundary survey of said tract certified by Claude M. Quillen, PS #LS20200002 on May 9, 2022 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 10; thence North 87 degrees 26 minutes 18 seconds East 614.39 feet along the North line of the Northeast Quarter to the Point of Beginning; thence continuing North 87 degrees 26 minutes 18 seconds East 730.72 feet along said North line to Northwest corner of the Northeast Quarter of Section 10, thence North 87 degrees 24 minutes 57 seconds East 99.51 feet along North line of said East Half, to a cut “X” on the concrete bridge over Eagle Creek, the next (6) (six) courses are along said Eagle Creek:

(1) thence South 21 degrees 01 minutes 09 seconds East 157.56 feet;

- (2) thence South 16 degrees 24 minutes 04 seconds East 183.50 feet;
- (3) thence South 09 degrees 50 minutes 15 seconds West 70.46 feet;
- (4) thence South 14 degrees 51 minutes 10 seconds West 113.35 feet;
- (5) thence South 38 degrees 12 minutes 43 seconds West 103.62 feet;
- (6) thence South 49 degrees 01 minutes 03 seconds West 72.32 feet;

thence North 89 degrees 56 minutes 16 seconds West 885.37 feet to the center of a County Road; thence North 10 degrees 16 minutes 21 seconds East along the center of said County Road 602.51 feet to the Point of Beginning containing 13.220 acres, more or less.

Parcel Number 06-08-10-000-006.002-016

Part of the Northeast Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 12.597 acre tract of land shown on the plat of an original boundary survey of said tract certified by Claude M. Quillen, PS #LS20200002 on May 9, 2022 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 10; thence North 01 degrees 16 minutes 10 seconds West (Basis of bearings is Indiana State Plane Grid Bearing, West Zone) along the West line of said Southeast Quarter 1150.49 feet to a ground 5/8" rebar with cap stamped "Cripe Firm No. 0055" (hereafter referred to as "rebar") on a fence line and the POINT OF BEGINNING; thence South 88 degrees 19 minutes 50 seconds West along an existing fence 771.17 feet; thence North 04 degrees 13 minutes 10 seconds West along an existing fence and the southerly extension thereof 100.47 feet; thence North 01 degrees 23 minutes 05 seconds West along an existing fence 212.32 feet; thence North 00 degrees 21 minutes 44 seconds East along an existing fence 82.12 feet; thence North 02 degrees 09 minutes 20 seconds West along an existing fence 66.97 feet; thence North 55 degrees 42 minutes 02 seconds East along an existing fence 99.43 feet; thence North 56 degrees 05 minutes 27 seconds East along an existing fence 761.50 feet; thence North 72 degrees 30 minutes 26 seconds East along an existing fence 52.95 feet; thence South 01 degrees 16 minutes 10 seconds East along the East line of section 10, a distance of 936.04 feet to a found "rebar" and the Point of Beginning, Containing 12.597 acres, more or less.

Parcel Numbers: 06-08-10-000-006.000-016 and 06-08-11-000-001.000-016

A part of the West Half of the Northeast Quarter and a part of the North Half of the Southeast Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows: Begin at the northwest corner of the northeast quarter aforesaid,

run thence east along and with the north line thereof 614.40 feet to the place of beginning of the within described tract, said point being in the center line of county road running in a northerly and southerly direction as the same is now established; thence southwesterly deflecting right 102 degrees 49 minutes along and with the aforesaid county road 853.48 feet; thence continue southwesterly along and with the aforesaid center line deflecting left 4 degrees 36 minutes a distance of 409.55 feet; thence southerly deflecting left 4 degrees 22 minutes a distance of 1373.80 feet to a point where said center line crosses the north line of the southeast quarter of said Section 10 aforesaid; thence continue southwestwardly along and with the center line of the aforesaid county road and deflecting right 4 degrees 43 minutes a distance of 980.10 feet; thence eastwardly deflecting left 97 degrees 10 minutes a distance of 1545.72 feet to a point in an existing fence line as described in a Quit Claim Deed from Omer S. Bruner and Adah C. Bruner, husband and wife, to Harrison M. Bennett, recorded in the office of the Recorder of Boone County, Indiana, June 21, 1950; thence northwestwardly along and with the aforesaid existing fence and deflecting left 92 degrees 09 minutes (described in the aforesaid deed as being north 2 degrees 30 minutes west) a distance of 366.96 feet to an existing elm tree an actual point; thence northwestwardly deflecting left 4 degrees 06 minutes along and with the aforesaid existing fence a distance of 207.08 feet (described by the aforesaid deed as being north 11 degrees 30 minutes west 207.08 feet); thence northeastwardly deflecting right 9 degrees 55 minutes along and with the aforesaid existing fence a distance of 417.76 feet to a point in the north line of the southeast quarter of said Section 10 (the last above described course being described in the aforesaid deed as north 4 degrees east 415.00 feet to the northwest corner of the tract); thence westwardly along and with the north line of the southeast quarter aforesaid 411.00 feet to the southeast corner of the west half of the northeast quarter of said Section 10; thence north along and with the east line of said west half quarter section 2623.50 feet to a point in the north line thereof, thence westwardly along and with the said north line 731.62 feet to the place of beginning, containing 85.946 acres, more or less.

ALSO, a part of the Southeast Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows, to-wit: Beginning at the southwest corner of said quarter section running thence east upon and along the south line of said quarter section 833.75 feet to a point in the center line of Big Eagle Creek; thence in a northeasterly direction upon and along the center line of said creek to the point of intersection of the center line of said creek with the north line of the east line of said quarter section, thence west upon and along the north line of the southeast quarter of the southeast quarter of said section 31.54 feet to a point; thence north 284.46 feet to a point; thence west 1545.72 feet to a point; thence south 7 degrees 45 minutes west 592.02 feet to a point, thence west 111.38 feet to a point in the west line of the southeast quarter of said section, thence south upon and along the west line of said quarter section 1073.16 feet to the place of beginning, containing 49.64 acres, more or less.

EXCEPT THEREFROM: A part of the Southeast Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, described as follows: Commencing at the southwest

corner of quarter section; thence Easterly 833.75 feet along the south line of said section to the centerline of Eagle Creek; thence Northeasterly 27.12 feet along said centerline to the north boundary of County Road 200 South and the point of beginning of this description; thence Westerly 518.01 feet along the boundary of said County Road 200 South; thence North 86 degrees 46 minutes 57 seconds East 325.35 feet; thence North 88 degrees 01 minute 40 seconds East 203.06 feet to the center line of said Eagle Creek; thence Southwesterly 22.32 feet along said center line to the point of beginning and containing 0.135 acres, more or less.

FURTHER EXCEPTING THEREFROM: Part of the Northwest Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 13.220 acre tract of land shown on the plat of an original boundary survey of said tract certified by Claude M. Quillen, PS #LS20200002 on May 9, 2022 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 10; thence North 87 degrees 26 minutes 18 seconds East 614.39 feet along the North line of the Northeast Quarter to the Point of Beginning; thence continuing North 87 degrees 26 minutes 18 seconds East 730.72 feet along said North line to Northwest corner of the Northeast Quarter of Section 10, thence North 87 degrees 24 minutes 57 seconds East 99.51 feet along North line of said East Half, to a cut "X" on the concrete bridge over Eagle Creek, the next (6) (six) courses are along said Eagle Creek:

- (1) thence South 21 degrees 01 minutes 09 seconds East 157.56 feet;
- (2) thence South 16 degrees 24 minutes 04 seconds East 183.50 feet;
- (3) thence South 09 degrees 50 minutes 15 seconds West 70.46 feet;
- (4) thence South 14 degrees 51 minutes 10 seconds West 113.35 feet;
- (5) thence South 38 degrees 12 minutes 43 seconds West 103.62 feet;
- (6) thence South 49 degrees 01 minutes 03 seconds West 72.32 feet;

thence North 89 degrees 56 minutes 16 seconds West 885.37 feet to the center of a County Road; thence North 10 degrees 16 minutes 21 seconds East along the center of said County Road 602.51 feet to the Point of Beginning containing 13.220 acres, more or less.

FURTHER EXCEPTING THEREFROM: Part of the Northeast Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 3.990 acre tract of land shown on the plat of an original boundary survey of said tract certified by Paul E. Klodzen, PS #LS20400015 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 10; thence North 87 degrees 26 minutes 18 seconds East along the North line of said Section 1345.11 feet to a railroad spike at the Northwest corner of the East Half of said Northeast Quarter; thence South 01 degrees 03 minutes 06 seconds East along the West line of said East Half 1474.78 feet to a stone and the POINT OF BEGINNING; thence North 87 degrees 24 minutes 57 seconds East 356.43 feet to the centerline of Eagle Creek (the following 7 courses are along said centerline); (1) thence South 27 degrees 37 minutes 40 seconds East 47.07 feet; (2) thence South 05 degrees 09 minutes 10 seconds West 146.42 feet; (3) thence South 16 degrees 56 minutes 24 seconds East 83.15 feet; (4) thence South 56 degrees 46 minutes 12 seconds East 61.72 feet; (5) thence North 81 degrees 48 minutes 35 seconds East 31.80 feet; (6) thence South 33 degrees 09 minutes 11 seconds East 79.11 feet; (7) thence South 28 degrees 32 minutes 07 seconds East 69.42 feet; thence South 89 degrees 20 minutes 54 seconds West 540.95 feet to the West line of said East Half and a 5/8" rebar with cap stamped "Cripe Firm No. 0055"; thence North 01 degrees 03 minutes 06 seconds West along said West line 413.72 feet to the POINT OF BEGINNING, containing 3.990 acres, more or less.

ALSO, part of the east half of the Northeast Quarter of Section 10, Township 18 North, Range 2 East, described as follows: Beginning at the Northwest corner of the east Half of the Northeast Quarter of Section 10, Township 18 North, Range 2 East; thence south 90 rods Deed (south 01 degrees 34 minutes 39 seconds west - assumed bearing 1476.34 feet measured) on the west line of said east half to a cornerstone; thence north 90 degrees 00 minutes 00 seconds east parallel with the north line of said east half 351 feet more or less to the centerline of Eagle Creek; thence northerly with the meanderings of said centerline to the north line of said east half; thence south 90 degrees 00 minutes 00 seconds west 133.53 feet to the place of beginning, containing 5.8 acres, more or less.

ALSO, a part of the Southeast Quarter of the Northeast Quarter of Section Ten (10), Township Eighteen (18) North, Range Two (2) East, and a part of the West Half of Section Eleven (11), Township Eighteen (18) North, Range Two (2) East of the Second Principal Meridian, situated in Union Township, Boone County, Indiana, and containing 83.11 acres, more or less, and more particularly described as follows: Beginning at the southeast corner of the southeast quarter of the northeast quarter of Section 10, Township 18 North, Range 2 East and running thence west 1353.80 feet to the southwest corner of the southeast quarter of the northeast quarter of Section 10; thence north 1147 feet following the quarter-quarter section line; thence east 2136.42 feet to the center of U.S. #421 (Old Michigan Road); thence south 20 degrees east 1963 feet following the center of U.S. #421; thence west 1462.30 feet; thence north 700.50 feet following the section line to the place of beginning.

EXCEPT THEREFROM THE FOLLOWING: Part of the Southeast Quarter of the Northeast Quarter of Section 10 and part of the Southwest Quarter of the Northwest Quarter of Section 11, all in Township 18 North, Range 2 East, Union Township, Boone County, Indiana, more fully described by: Beginning at the Southwest corner of the Northwest Quarter of said Section 11;

thence South 89°06'34" West 346.93 feet; thence North 04°31'01" East 224.17 feet; thence North 83°39'43" West 271.34 feet to a point in the approximate center line of Eagle Creek Legal Open Drain as located November, 1998; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 07°29'45" East 119.50 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 29°00'06" East 127.60 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 57°59'07" West 281.51 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 31°55'22" West 181.11 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 77°44'08" West 110.11 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 31°25'13" West 125.90 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 00°04'25" West 210.17 feet; thence North 88°26'23" East 1781.49 feet to a point in the center line of U.S. Highway 421 (Michigan Road); thence along the center line of said U.S. Highway 421, South 20°40'18" East 528.36 feet; thence South 65°23'51" West 512.11 feet; thence South 38°48'51" West 172.46 feet; thence South 56°11'56" West 91.21 feet; thence South 74°53'18" West 293.83 feet; thence South 01°21'00" West 201.47 feet to the Point of Beginning, containing 33.1470 acres, more or less.

ALSO, a part of the West Half of the Southwest Quarter of Section 11, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows: Commencing at the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 11, and run thence east 40 rods 24 links, thence south 79 rods 23 links to the South line of said section, thence east on the section line 41 rods 3 links to the southeast corner of said half quarter section, thence north 80 rods, thence north 37 rods 1 link, thence west 81 rods 23 links to a point in the west line of said half quarter section, thence south 37 rods 1 link to the place of beginning, containing 38.99 acres, more or less.

ALSO, a part of the Northeast Quarter of the Southwest Quarter of Section 11, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows: Commencing at the northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 11, and run thence east 19 rods 20 links to a point in the centerline of the Michigan Road, thence north 20 degrees west along said center line 39 rods 3 links, thence west 7 rods 3 links to a point in the west line of the northeast quarter of the southwest quarter of said Section 11; thence south 37 rods 3 links to the place of beginning, containing 3 acres, more or less.

ALSO, a part of the Southeast Quarter of the Southwest Quarter of Section 11, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows: Commencing at the northwest corner of said quarter quarter section and run thence east 19 rods 20 links to a point in the center line of the Michigan Road, thence in a southwesterly direction 23 rods 10 links to a point in the west line of said quarter quarter section, thence north 5 rods 20 links to the place of beginning, containing 0.35 of an acre, more or less.

ALSO, the West Half of the Southwest Quarter of the Southwest Quarter of Section 11, Township 18 North, Range 2 East of the Second Principal Meridian, containing 20 acres, more or less.

ALSO, part of the Southeast Quarter of the Southwest Quarter of Section 11, Township 18 North, Range 2 East of the Second Principal Meridian, being more particularly described as follows: Beginning at a point in the west line thereof distant north 689.4 feet of the southwest corner thereof, thence north in and along said west line 534.6 feet, thence northeastwardly 341.5 feet to a point in the centerline of Michigan Road which is northwestwardly therein 1425 feet of the south line of said quarter quarter section, thence southeastwardly in and along said centerline 525 feet, thence southwestwardly 523.5 feet to the place of beginning, containing 5.21 acres, more or less.

EXHIBIT 2

CONCEPT PLAN

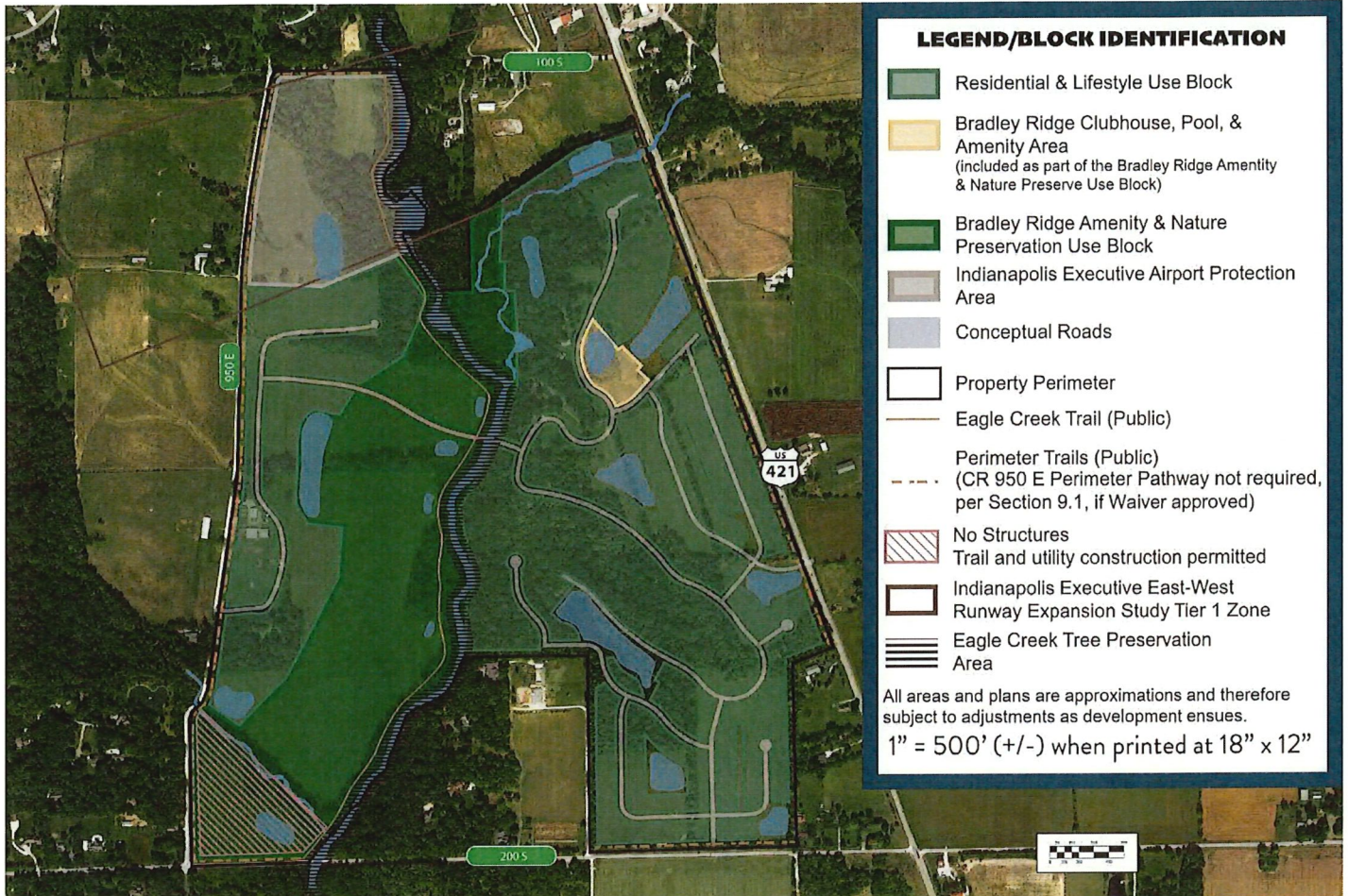


EXHIBIT 3

USE BLOCK PLAN

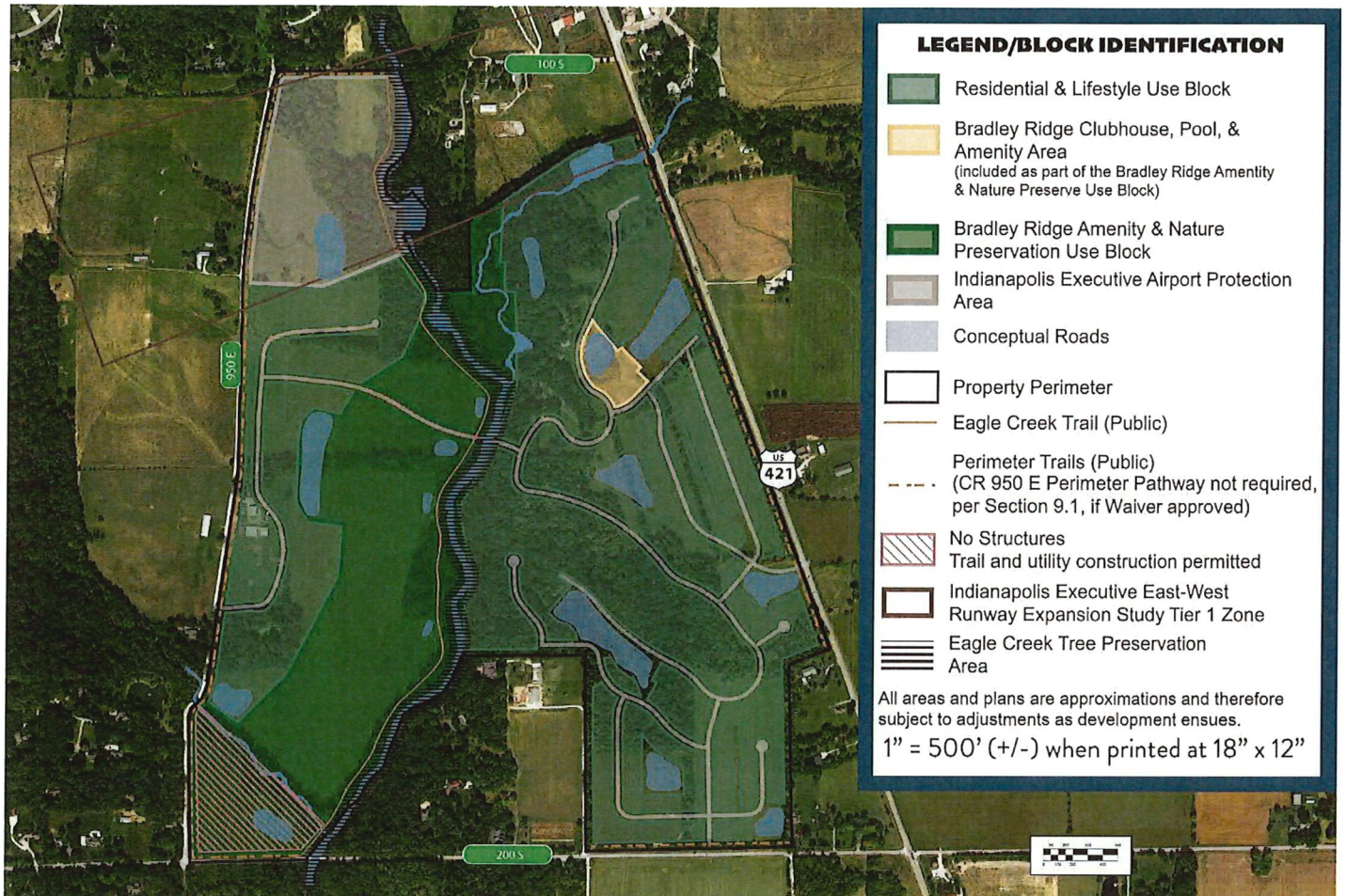


EXHIBIT 4

USE TABLE

USE BLOCK LEGEND

R&L = Residential & Lifestyle Use Block

BRA&NP = Bradley Ridge Amenity & Nature
Preservation Use Block

LEGEND

P = Permitted

SE = Special Exception

A = Accessory Use

Blank = Not Permitted

Residential Uses	R&L	BRA&NP
Dwellings, Single-Family	P	
Home Occupation	P	
Home, Model	P	
House, Guest	P	
Private Swimming Pool	A	P
Amenity Area	P	P
Cultural/Entertainment Uses		
Art & Music Center		P
Coffee Shop*		P
Restaurant**		P
Event Center; Meeting or Party Hall; Shelter House		P
Museum		P
Ice Skating Rink (outdoor/temporary)		A
Pub**		P
Wine Bar/Tasting Room**		P
Recreational Facility, Private	P	P
Clubhouse (with private pool)	P	P
Recreational		
Campground		P
Center, Community		P
Facility, Health and Fitness	P	P
Trails	P	P
Open Space	P	P
Club or Lodge, Private		P
Sports Field/Outdoor Courts***	P	P
Chip & Putt Course****	P	P
Private Park	P	P
Miscellaneous		
Lake or Pond, Artificial	P	P
Private Garden Plots	A	P

Entryway Feature/Gatehouses (manned or unmanned for aesthetics)	P	P
Restroom Facility (Non-public)		P
Temporary Uses		
Construction Facility	P	P
Display, Outdoor		P
Homes, Model	P	
Special Event, Outdoor		P
Parking		
Parking Area	A	P

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.

- * Proposed use at trail cabin for residents and guests only.
- ** To be within the Clubhouse, Private Recreational Facility, or adjacent pool area and for residents and guests only.
- *** Pickleball courts shall be on the east side of Eagle Creek only and shall be indoors or screened for noise attenuation.
- **** Located on east side of Eagle Creek only.

EXHIBIT 5

DEVELOPMENT STANDARDS MATRIX

Single-family Detached Residential Uses: The following standards shall apply to all single-family residential uses in the Residential & Lifestyle Use Block. The subarea standard applicable to a specific area of the Real Estate shall be determined by the Developer at the time of the primary plat for that particular area of the Real Estate.

Block Subarea	Minimum Lot			Minimum Setbacks				Max. Bldg. Height ¹	Maximum Percentage of Dwelling Units in Subarea
	Width	Lot Frontage	Area (SF)	Front	Side	Rear	Building Separation		
A	150'	30'	20,000	25'	10'	30'	20'	45'	No Maximum
B	120'	30'	15,000	25'	8'	30'	20'	45'	No Maximum
C	110'	30'	12,500	25'	8'	30'	20'	45'	No Maximum
D	105'	30'	12,500	25'	8'	30'	20'	45'	No Maximum
E	90'	30'	10,000	25'	8'	10'	20'	40'	Total Lots E through G shall not exceed 40% of total lots TOTAL Lots E-J shall not exceed 50%
F	80'	25'	10,000	25'	8'	10'	16'	40'	
G	70'	20'	7,750	20'	5'	10'	10'	35'	
H	65'	20'	7,750	20'	5'	10'	10'	35'	Total Lots H through J shall not exceed 30% of total lots TOTAL Lots E-J shall not exceed 50%
I	60'	20'	7,500	20'	5'	10'	10'	35'	
J	50'	18'	7,250	20'	4'	10'	8'	35'	

¹ A clubhouse or other building in the Bradley Ridge Amenity & Nature Preservation Use Block shall not exceed sixty (60') feet in height.

Accessory Uses (applicable in all Use Block)

	Minimum Building Setbacks			
	Front	Side	Rear	Building Separation
Accessory Uses	N/A	5'	10'	No Minimum Building separation between a primary structure and an Accessory Structure.

EXHIBIT 6

CONCEPTUAL CHARACTER IMAGERY – RESIDENTIAL & LIFESTYLE USE BLOCK

Residential



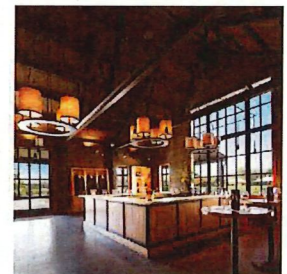
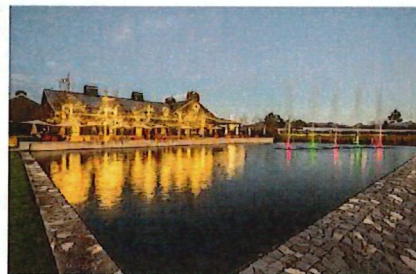
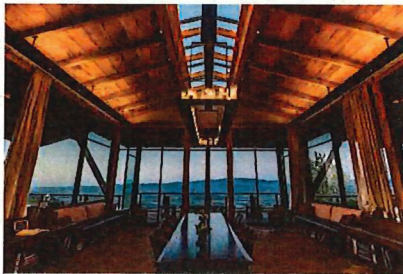
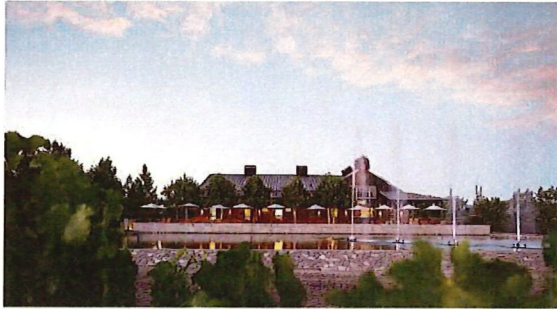
EXHIBIT 7

INTENTIONALLY OMITTED

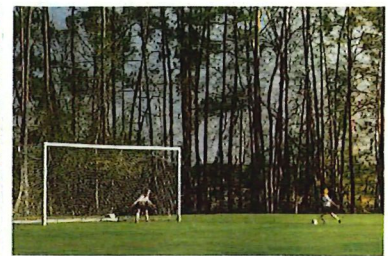
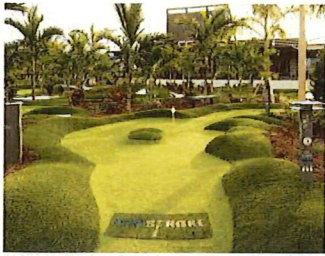
EXHIBIT 8

CONCEPTUAL CHARACTER IMAGERY – BRADLEY RIDGE AMENITY & NATURE PRESERVATION USE BLOCK

Clubhouse Architecture



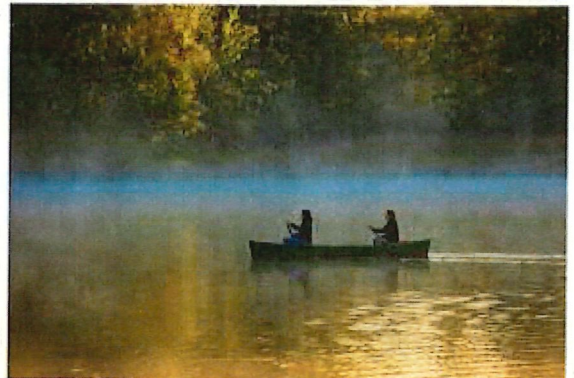
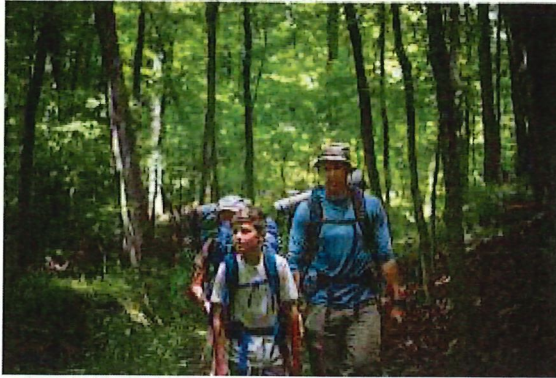
Amenities



Amenities



Nature & Lifestyle



 HENKE
DEVELOPMENT
GROUP

EXHIBIT 9

STREET TYPOLOGY PLAN AND STREET AND TRAIL STANDARDS

The following standards shall apply to Bradley Ridge:

1. Pavement sections shall comply with the standards for the Town and/or County.
2. Roadways and pedestrian walks & paths, both public and private, are permitted within Open Space at the Controlling Developer's discretion.
3. Trailways may connect to existing trailways or paths at the discretion of the Developer.
4. Utilities, irrigation systems, signage, lighting and similar infrastructure may be located within the public rights-of-way at Developer's discretion and will require a Consent to Encroach Agreement with the Town of Zionsville or the County, as applicable.
5. The minimum horizontal centerline radius for all public streets shall be 100 feet provided that safe stopping sight distance is provided with the right-of-way.
6. The minimum tangent between reverse curves for all public streets shall be zero (0) feet.
7. The minimum curb radius at an intersection for public streets shall be 20 feet with a right-of-way radius of 10 feet with the exception of public streets within the District where the minimum right-of-way radius is zero (0) feet.
8. The minimum curb radius at an intersection with a public street for alleys, private streets, frontage places and/or curb cuts shall be 20 feet.
9. Roadways may curve tighter than prescribed in the Zoning Ordinance in an effort to preserve natural features.
10. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet and a minimum pavement diameter of seventy six (76) feet, or other approved arrangement for the turning of all vehicles conveniently within the right-of-way.
11. Private drives are permitted to allow access to multiple Dwelling lots in the Residential & Lifestyle Use Block.
12. The maximum length of a cul-de-sac street shall not exceed 800 feet but may be extended with an in street cul-de-sac.
13. Concrete sidewalks shall be a minimum of five (5) feet wide, 4 inches thick, placed on a grade and shall not be required along a side of any street if no Dwellings are platted on that side or so as to minimize impact of natural habitat.
14. Asphalt walking, bike and multi-purpose paths shall have a pavement section consisting of 110 lbs/sy of #11 bituminous surface placed over 220 lbs/sy of #8 bituminous surface placed over 6" of compacted #53 aggregate base.
15. The use of "Permeable Pavers" may be used in alleys, parking lanes, parking lots, crosswalks and/or gutters at the Controlling Developer's discretion. "Permeable Pavers" and/or other alternative Low Impact Development (LID) pavement sections may also be used in travel lanes. If Permeable Pavers are used for construction, these pavement sections will be privately maintained.

16. 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, as applicable, Construction Standards, respectively.
17. 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.
18. Lots within the Residential & Lifestyle Use Block shall be permitted to be served by a private drive and will not require minimum frontage on a public right-of-way.

EXHIBIT 10

PEDESTRIAN THOROUGHFARE PLAN (TRAILS)

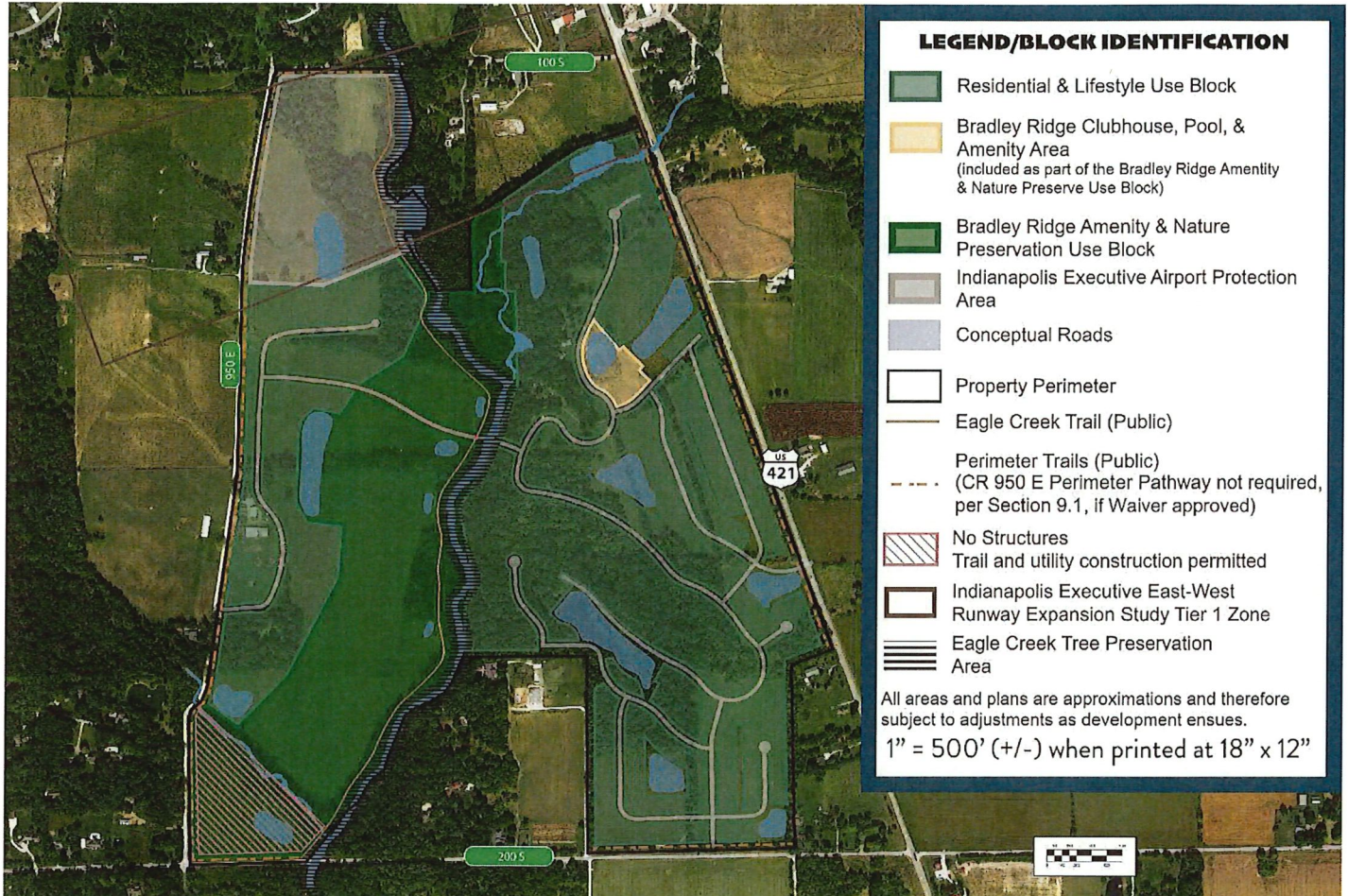
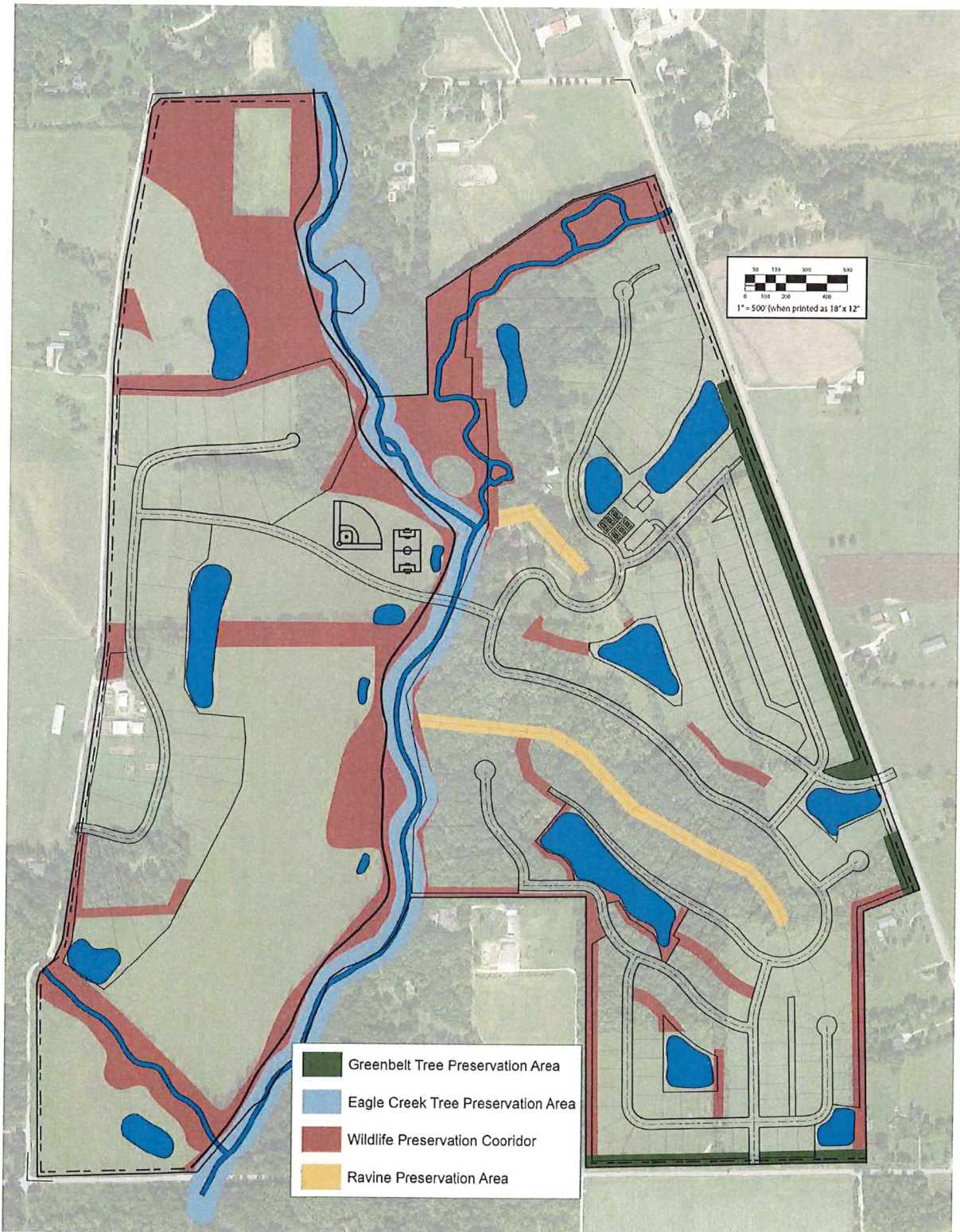


EXHIBIT 11

TREE PRESERVATION AREAS



ZIONSVILLE PLAN COMMISSION

Docket Number 2023-28-Z

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE VOLUNTARILY MADE IN CONNECTION WITH A REZONING PER THE TOWN OF ZIONSVILLE ZONING ORDINANCE

In accordance with Indiana Code 36-7-4-1015, Henke Development Group, LLC (the “Initial Owner”), represents and warrants that Initial Owner are the owners of certain real estate located in Boone County, Indiana, which real estate is more particularly described in Exhibit A attached hereto (the “Real Estate”), and as an Owner of said Real Estate, each has authority to and does hereby voluntarily makes the following COMMITMENTS concerning the use and development of the Real Estate. The following “COMMITMENTS” shall be binding on the Real Estate and each of the Owners of the Real Estate, and other persons or entities acquiring an interest herein. Said Initial Owner and subsequent owners of the Real Estate are referred to herein, as “Owners,” and “Owner” shall refer to (i) Initial Owner during Initial Owner’ period of ownership of the Real Estate and (ii) each subsequent owner of the Real Estate during such subsequent owner’s period of ownership of the Real Estate.

STATEMENT OF COMMITMENTS:

Initial Owner, upon approval of Docket Number 2023-28-Z by the Plan Commission of the Town of Zionsville, Indiana, voluntarily agree and commit as follows:

1. If the Indiana Department of Natural Resources requires mitigation of any wetland on the Real Estate, then such mitigation shall be performed as required by applicable law, including regulations promulgated by and through the U.S. Army Corps of Engineers and/or the Indiana Department of Natural Resources.
2. Owner is responsible for repaving the County Road 950 E, the County Road 200 S, and the County Road 100 S along the full frontage of the development in accordance with Boone County Highway Department standards. The Owner may provide a payment to Boone County Highway Department in lieu of repaving. The payment amount may be calculated by the Owner and provided to the Boone County Highway Department for review and approval. If a payment is made in lieu of repaving, such amount shall be paid within 90 days of Development Plan Approval for areas adjoining/abutting County Roads. In no event shall the repaving be completed prior to issuance of 50% of the Certificates of Occupancy.
3. Owner shall make ongoing payments to the Boone County Highway Department for efforts related to dust control and roadway maintenance of the unimproved roadway along the County Road 950 E and the County Road 100 S along the full frontage of the development until such time as these roads are improved. Mitigation measures shall be in accordance with the current Boone County Dust Control Ordinance.
4. Owner shall acquire appropriate INDOT permits for access along US 421
5. Any location with access to a County Road shall require a permit from the Boone County Highway Department. Permit should be in accordance with the current applicable ordinance and standards.

6. Construction traffic shall not use County Road 100 S.
7. County Road 950 E construction traffic will be limited to those times during the development of those areas adjoining or abutting CR 950 E.
8. Owner shall submit applicable permits to Boone County Highway Department prior to construction activities.
9. Owner may seek road impact fee credits from the Town of Zionsville relative to any roadway improvements in accordance with applicable law.
10. Owner shall install signage detailing the Town of Zionsville's Golf Cart Ordinance at the north and south ends of the trail adjacent to Eagle Creek where the trail intersects the main east/west adjoining roads.

These COMMITMENTS shall be executed and recorded by Initial Owner in the Office of the Boone County Recorder, Boone County, Indiana, and shall be considered a covenant running with the land and encumbering the Real Estate.

If Initial Owner fail to cause these COMMITMENTS to be recorded in accordance with the terms of the preceding paragraph, and a subsequent Owner fails to perform and/or comply with these COMMITMENTS, the Town of Zionsville shall be entitled to receive from Initial Owner jointly and/or severally, any and all damages which arise from this failure and shall be entitled to injunctive relief to terminate any non-compliance herewith.

These COMMITMENTS may be modified or terminated only by the agreement of the then-applicable Owner and a decision of the Town Council made after a public hearing for which proper notice is given, including hearings for other land use or zoning approvals involving the Real Estate or any portion thereof.

These COMMITMENTS may be enforced either individually or collectively by the Town of Zionsville Plan Commission, the Director of Planning for the Town of Zionsville, the Town and/or owners of any parcel of ground adjoining the Real Estate. Owner shall indemnify the Town of Zionsville Plan Commission and the Town and hold the Town of Zionsville Plan Commission and the Town and their respective authorized representatives, including the Director of Planning for the Town, harmless from any liability, expense (including reasonable attorney fees and court costs), costs, or damages which result from Owner's failure to perform Owner's obligations under the terms and conditions of these COMMITMENTS.

In the event it becomes necessary to enforce these COMMITMENTS in a court of competent jurisdiction and Owner is found to be in violation of these COMMITMENTS, Owner shall pay all reasonable costs and expenses the Town and the Town's Plan Commission and other authorized representative(s) incur in the enforcement of these COMMITMENTS, including reasonable attorney fees, expert witness fees, and court costs.

Owner shall be responsible, at its expense, for recording these Statements of Commitments in the Office of the Recorder of Boone County, Indiana, and shall promptly provide the Planning Department of the Town of Zionsville with a copy of such recording as a condition precedent to commencing any work upon the Real Estate or receiving a permit therefor.

Initial Owner represent and warrant to the Town that (i) Initial Owner are the sole owners of all the Real Estate (subject to matters of record), (ii) that execution of these COMMITMENTS by the undersigned on behalf of Initial Owner has been duly authorized and is voluntarily undertaken and requires no authorization of a third party, and (iii) that these COMMITMENTS shall be binding upon Initial Owner as to all the particulars herein, and Initial Owner agree that these COMMITMENTS shall be considered COVENANTS running with the land and encumbering the Real Estate, including any portion thereof.

If at any time the Real Estate is owned by more than one party those parties shall jointly and severally constitute an "Owner" during their period of joint ownership of the Real Estate.

[Remainder of Page Intentionally Left Blank; Signature Page Follows]

IN WITNESS WHEREOF, Owner has executed this instrument this _____ day of _____, 202__.

“INITIAL OWNER”

HENKE DEVELOPMENT GROUP, LLC

By:_____

Printed:_____

Its:_____

STATE OF _____)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, as _____ of Henke Development Group, LLC, an Indiana limited liability company, who, on behalf of such company, acknowledged the executed of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, 202__.

Notary Public

[SEAL]

Printed:_____

EXHIBIT A
LEGAL DESCRIPTION OF THE REAL ESTATE

Tax Parcel No.06-08-11-000-001.003-016

Part of the Northwest Quarter of Section 11, Township 18 North, Range 2 East, Boone County, Indiana, being that 13.523 acre tract of land shown on the plat of an original boundary survey of said tract certified by Paul E. Klodzen, PS #LS20400015 on August 12, 2019 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 11; thence North 01 degrees 16 minutes 10 seconds West (basis of bearings is Indiana State Plane Grid Bearing, West Zone) along the West line of said Northwest Quarter 1150.49 feet to a 5/8" rebar with cap stamped "Cripe Firm No. 0055" (hereafter referred to as "rebar") on a fence line and the POINT OF BEGINNING; thence North 88 degrees 20 minutes 41 seconds East along an existing fence and the easterly extension thereof 770.68 feet to the centerline of US 421; thence North 21 degrees 01 minutes 07 seconds West along said centerline 695.20 feet; thence continuing along said centerline North 20 degrees 55 minutes 07 seconds West 415.95 feet; thence South 72 degrees 30 minutes 26 seconds West along an existing fence 412.30 feet to a "rebar" on the West line of said Northwest Quarter; thence South 01 degrees 16 minutes 10 seconds East along said West line 936.04 feet to the POINT OF BEGINNING, containing 13.523 acres, more or less.

Tax Parcel No.06-08-11-000-001.002-016 and 06-08-10-000-025.001-016

Part of the Southeast Quarter of the Northeast Quarter of Section 10 and part of the Southwest Quarter of the Northwest Quarter of Section 11, all in Township 18 North, Range 2 East, Union Township, Boone County, Indiana, more fully described by: Beginning at the Southwest corner of the Northwest Quarter of said Section 11; thence South 89°06'34" West 346.93 feet; thence North 04°31'01" East 224.17 feet; thence North 83°39'43" West 271.34 feet to a point in the approximate center line of Eagle Creek Legal Open Drain as located November, 1998; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 07°29'45" East 119.50 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 29°00'06" East 127.60 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 57°59'07" West 281.51 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 31°55'22" West 181.11 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 77°44'08" West 110.11 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 31°25'13" West 125.90 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North 00°04'25" West 210.17 feet; thence North 88°26'23" East 1781.49 feet to a point in the center line of U.S. Highway 421 (Michigan Road); thence along the center line of said U.S. Highway 421, South 20°40'18" East 528.36 feet; thence South 65°23'51" West 512.11 feet; thence South 38°48'51" West 172.46 feet; thence South 56°11'56" West 91.21 feet; thence South 74°53'18" West 293.83 feet; thence South 01°21'00" West 201.47 feet to the Point of Beginning, containing 33.1470 acres, more or less.

Tax Parcel No. 06-08-10-000-025.002-016

Part of the Northeast Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 3.990 acre tract of land shown on the plat of an original boundary survey of said tract certified by Paul E. Klodzen, PS #LS20400015 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 10; thence North 87 degrees 26 minutes 18 seconds East along the North line of said Section 1345.11 feet to a railroad spike at the Northwest corner of the East Half of said Northeast Quarter; thence South 01 degrees 03 minutes 06 seconds East along the West line of said East Half 1474.78 feet to a stone and the POINT OF BEGINNING; thence North 87 degrees 24 minutes 57 seconds East 356.43 feet to the centerline of Eagle Creek (the following 7 courses are along said centerline); (1) thence South 27 degrees 37 minutes 40 seconds East 47.07 feet; (2) thence South 05 degrees 09 minutes 10 seconds West 146.42 feet; (3) thence South 16 degrees 56 minutes 24 seconds East 83.15 feet; (4) thence South 56 degrees 46 minutes 12 seconds East 61.72 feet; (5) thence North 81 degrees 48 minutes 35 seconds East 31.80 feet; (6) thence South 33 degrees 09 minutes 11 seconds East 79.11 feet; (7) thence South 28 degrees 32 minutes 07 seconds East 69.42 feet; thence South 89 degrees 20 minutes 54 seconds West 540.95 feet to the West line of said East Half and a 5/8" rebar with cap stamped "Cripe Firm No. 0055"; thence North 01 degrees 03 minutes 06 seconds West along said West line 413.72 feet to the POINT OF BEGINNING, containing 3.990 acres, more or less.

Tax Parcel No. 06-08-10-000.025.000-016

Part of the Northeast and Southeast Quarters of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 33.512 acre tract of land shown on the plat of an original boundary survey of said tract certified by Paul E. Klodzen, PS #LS20400015 on April 28 , 2021 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Beginning at a wood post marking the Northeast corner of the Southeast Quarter of said Section 10; thence South 00 degrees 36 minutes 58 seconds East along the East line of said Southeast Quarter 1313.37 feet to a 5/8 inch "rebar" with cap stamped "Cripe Firm No. 0055" (hereafter called "rebar") marking the Southeast corner of the Northeast Quarter of said Southeast Quarter; thence South 88 degrees 49 minutes 12 seconds West along the North boundary of Instrument Number 201300010719 as recorded in the Office of the Recorder of Boone County, Indiana a distance of 950.96 feet to an existing old woven wire fence and a "rebar" (the following four courses are generally along said fence line); (1) thence North 35 degrees 35 minutes 02 seconds East 49.03 feet to a "rebar"; (2) thence North 04 degrees 32 minutes 01 seconds West 639.78 feet to a "rebar"; (3) thence North 05 degrees 50 minutes 23 seconds West 208.55 feet to a "rebar"; (4) thence North 02 degrees 31 minutes 20 seconds East 417.66 feet to the North line of said

Southeast Quarter and a “rebar”; thence North 88 degrees 10 minutes 58 seconds East along said North line 137.88 feet to a “rebar”; thence North 01 degrees 03 minutes 06 seconds West 722.55 feet to the Southeast corner of Instrument Number 2020005784 as recorded in said Recorder’s Office and the centerline of Eagle Creek (the following six courses are along said centerline; (1) thence South 37 degrees 38 minutes 50 seconds East 55.38 feet; (2) thence South 46 degrees 30 minutes 28 seconds East 116.43 feet; (3) thence South 66 degrees 09 minutes 50 seconds East 134.24 feet; (4) thence South 52 degrees 04 minutes 49 seconds East 68.84 feet; (5) thence South 25 degrees 39 minutes 26 seconds West 109.22 feet; (6) thence South 13 degrees 02 minutes 36 seconds West 140.95 feet to a westerly extension of a South boundary of Instrument Number 2020005783 as recorded in said Recorder’s Office (the following three courses are along the lines of said Instrument; (1) thence South 84 degrees 35 minutes 19 seconds East 289.27 feet to a “rebar”; (2) thence South 03 degrees 35 minutes 25 seconds West 224.17 feet to a “rebar”; (3) thence North 88 degrees 10 minutes 58 seconds East 346.93 feet to the Point of Beginning containing 33.512 acres, more or less.

Part of Parcel Number: 06-08-10-000-006.000-016 (new Parcel No. 06-08-10-000-006.003-016)

Part of the Northwest Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 13.220 acre tract of land shown on the plat of an original boundary survey of said tract certified by Claude M. Quillen, PS #LS20200002 on May 9, 2022 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 10; thence North 87 degrees 26 minutes 18 seconds East 614.39 feet along the North line of the Northeast Quarter to the Point of Beginning; thence continuing North 87 degrees 26 minutes 18 seconds East 730.72 feet along said North line to Northwest corner of the Northeast Quarter of Section 10, thence North 87 degrees 24 minutes 57 seconds East 99.51 feet along North line of said East Half, to a cut “X” on the concrete bridge over Eagle Creek, the next (6) (six) courses are along said Eagle Creek:

- (1) thence South 21 degrees 01 minutes 09 seconds East 157.56 feet;
- (2) thence South 16 degrees 24 minutes 04 seconds East 183.50 feet;
- (3) thence South 09 degrees 50 minutes 15 seconds West 70.46 feet;
- (4) thence South 14 degrees 51 minutes 10 seconds West 113.35 feet;
- (5) thence South 38 degrees 12 minutes 43 seconds West 103.62 feet;
- (6) thence South 49 degrees 01 minutes 03 seconds West 72.32 feet;

thence North 89 degrees 56 minutes 16 seconds West 885.37 feet to the center of a County Road; thence North 10 degrees 16 minutes 21 seconds East along the center of said County Road 602.51 feet to the Point of Beginning containing 13.220 acres, more or less.

Parcel Number 06-08-10-000-006.002-016

Part of the Northeast Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 12.597 acre tract of land shown on the plat of an original boundary survey of said tract certified by Claude M. Quillen, PS #LS20200002 on May 9, 2022 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 10; thence North 01 degrees 16 minutes 10 seconds West (Basis of bearings is Indiana State Plane Grid Bearing, West Zone) along the West line of said Southeast Quarter 1150.49 feet to a ground 5/8" rebar with cap stamped "Cripe Firm No. 0055" (hereafter referred to as "rebar") on a fence line and the POINT OF BEGINNING; thence South 88 degrees 19 minutes 50 seconds West along an existing fence 771.17 feet; thence North 04 degrees 13 minutes 10 seconds West along an existing fence and the southerly extension thereof 100.47 feet; thence North 01 degrees 23 minutes 05 seconds West along an existing fence 212.32 feet; thence North 00 degrees 21 minutes 44 seconds East along an existing fence 82.12 feet; thence North 02 degrees 09 minutes 20 seconds West along an existing fence 66.97 feet; thence North 55 degrees 42 minutes 02 seconds East along an existing fence 99.43 feet; thence North 56 degrees 05 minutes 27 seconds East along an existing fence 761.50 feet; thence North 72 degrees 30 minutes 26 seconds East along an existing fence 52.95 feet; thence South 01 degrees 16 minutes 10 seconds East along the East line of section 10, a distance of 936.04 feet to a found "rebar" and the Point of Beginning, Containing 12.597 acres, more or less.

Parcel Numbers: 06-08-10-000-006.000-016 and 06-08-11-000-001.000-016

A part of the West Half of the Northeast Quarter and a part of the North Half of the Southeast Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows: Begin at the northwest corner of the northeast quarter aforesaid, run thence east along and with the north line thereof 614.40 feet to the place of beginning of the within described tract, said point being in the center line of county road running in a northerly and southerly direction as the same is now established; thence southwesterly deflecting right 102 degrees 49 minutes along and with the aforesaid county road 853.48 feet; thence continue southwesterly along and with the aforesaid center line deflecting left 4 degrees 36 minutes a distance of 409.55 feet; thence southerly deflecting left 4 degrees 22 minutes a distance of 1373.80 feet to a point where said center line crosses the north line of the southeast quarter of said Section 10 aforesaid; thence continue southwestwardly along and with the center line of the aforesaid county road and deflecting right 4 degrees 43 minutes a distance of 980.10 feet; thence eastwardly deflecting left 97 degrees 10 minutes a distance of 1545.72 feet to a point in an existing fence line as described in a Quit Claim Deed from Omer S. Bruner and Adah C. Bruner, husband and wife, to Harrison M. Bennett, recorded in the office of the Recorder of Boone County, Indiana, June 21, 1950; thence northwestwardly along and with the aforesaid existing fence and deflecting left 92 degrees 09 minutes (described in the aforesaid deed as being north 2 degrees 30 minutes west) a distance of 366.96 feet to an existing elm tree an actual point; thence northwestwardly deflecting left 4 degrees 06 minutes along and with the aforesaid existing fence a distance of 207.08 feet (described by the aforesaid deed as being north 11 degrees 30 minutes west 207.08 feet); thence northeastwardly deflecting right 9 degrees 55

minutes along and with the aforesaid existing fence a distance of 417.76 feet to a point in the north line of the southeast quarter of said Section 10 (the last above described course being described in the aforesaid deed as north 4 degrees east 415.00 feet to the northwest corner of the tract); thence westwardly along and with the north line of the southeast quarter aforesaid 411.00 feet to the southeast corner of the west half of the northeast quarter of said Section 10; thence north along and with the east line of said west half quarter section 2623.50 feet to a point in the north line thereof, thence westwardly along and with the said north line 731.62 feet to the place of beginning, containing 85.946 acres, more or less.

ALSO, a part of the Southeast Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows, to-wit: Beginning at the southwest corner of said quarter section running thence east upon and along the south line of said quarter section 833.75 feet to a point in the center line of Big Eagle Creek; thence in a northeasterly direction upon and along the center line of said creek to the point of intersection of the center line of said creek with the north line of the east line of said quarter section, thence west upon and along the north line of the southeast quarter of the southeast quarter of said section 31.54 feet to a point; thence north 284.46 feet to a point; thence west 1545.72 feet to a point; thence south 7 degrees 45 minutes west 592.02 feet to a point, thence west 111.38 feet to a point in the west line of the southeast quarter of said section, thence south upon and along the west line of said quarter section 1073.16 feet to the place of beginning, containing 49.64 acres, more or less.

EXCEPT THEREFROM: A part of the Southeast Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, described as follows: Commencing at the southwest corner of quarter section; thence Easterly 833.75 feet along the south line of said section to the centerline of Eagle Creek; thence Northeasterly 27.12 feet along said centerline to the north boundary of County Road 200 South and the point of beginning of this description; thence Westerly 518.01 feet along the boundary of said County Road 200 South; thence North 86 degrees 46 minutes 57 seconds East 325.35 feet; thence North 88 degrees 01 minute 40 seconds East 203.06 feet to the center line of said Eagle Creek; thence Southwesterly 22.32 feet along said center line to the point of beginning and containing 0.135 acres, more or less.

FURTHER EXCEPTING THEREFROM: Part of the Northwest Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 13.220 acre tract of land shown on the plat of an original boundary survey of said tract certified by Claude M. Quillen, PS #LS20200002 on May 9, 2022 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 10; thence North 87 degrees 26 minutes 18 seconds East 614.39 feet along the North line of the Northeast Quarter to the Point of Beginning; thence continuing North 87 degrees 26 minutes 18 seconds East 730.72 feet along said North line to Northwest corner of the Northeast Quarter of Section 10, thence North 87 degrees 24 minutes 57 seconds East 99.51 feet along North line of said East Half, to a cut "X" on the concrete bridge over Eagle Creek, the next (6) (six) courses are along said Eagle Creek:

- (1) thence South 21 degrees 01 minutes 09 seconds East 157.56 feet;
- (2) thence South 16 degrees 24 minutes 04 seconds East 183.50 feet;
- (3) thence South 09 degrees 50 minutes 15 seconds West 70.46 feet;
- (4) thence South 14 degrees 51 minutes 10 seconds West 113.35 feet;
- (5) thence South 38 degrees 12 minutes 43 seconds West 103.62 feet;
- (6) thence South 49 degrees 01 minutes 03 seconds West 72.32 feet;

thence North 89 degrees 56 minutes 16 seconds West 885.37 feet to the center of a County Road; thence North 10 degrees 16 minutes 21 seconds East along the center of said County Road 602.51 feet to the Point of Beginning containing 13.220 acres, more or less.

FURTHER EXCEPTING THEREFROM: Part of the Northeast Quarter of Section 10, Township 18 North, Range 2 East, Boone County, Indiana, being that 3.990 acre tract of land shown on the plat of an original boundary survey of said tract certified by Paul E. Klodzen, PS #LS20400015 as Cripe project number 170447-39000 (all references to monuments and courses herein are as shown on said plat of survey) more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 10; thence North 87 degrees 26 minutes 18 seconds East along the North line of said Section 1345.11 feet to a railroad spike at the Northwest corner of the East Half of said Northeast Quarter; thence South 01 degrees 03 minutes 06 seconds East along the West line of said East Half 1474.78 feet to a stone and the POINT OF BEGINNING; thence North 87 degrees 24 minutes 57 seconds East 356.43 feet to the centerline of Eagle Creek (the following 7 courses are along said centerline); (1) thence South 27 degrees 37 minutes 40 seconds East 47.07 feet; (2) thence South 05 degrees 09 minutes 10 seconds West 146.42 feet; (3) thence South 16 degrees 56 minutes 24 seconds East 83.15 feet; (4) thence South 56 degrees 46 minutes 12 seconds East 61.72 feet; (5) thence North 81 degrees 48 minutes 35 seconds East 31.80 feet; (6) thence South 33 degrees 09 minutes 11 seconds East 79.11 feet; (7) thence South 28 degrees 32 minutes 07 seconds East 69.42 feet; thence South 89 degrees 20 minutes 54 seconds West 540.95 feet to the West line of said East Half and a 5/8" rebar with cap stamped "Cripe Firm No. 0055"; thence North 01 degrees 03 minutes 06 seconds West along said West line 413.72 feet to the POINT OF BEGINNING, containing 3.990 acres, more or less.

ALSO, part of the east half of the Northeast Quarter of Section 10, Township 18 North, Range 2 East, described as follows: Beginning at the Northwest corner of the east Half of the Northeast Quarter of Section 10, Township 18 North, Range 2 East; thence south 90 rods Deed (south 01 degrees 34 minutes 39 seconds west - assumed bearing 1476.34 feet measured) on the west line of said east half to a cornerstone; thence north 90 degrees 00 minutes 00 seconds east parallel with the north line of said east half 351 feet more or less to the centerline of Eagle Creek; thence northerly with the meanderings of said centerline to the north line of said east half; thence south 90 degrees 00 minutes 00 seconds west 133.53 feet to the place of beginning, containing 5.8 acres, more or less.

ALSO, a part of the Southeast Quarter of the Northeast Quarter of Section Ten (10), Township Eighteen (18) North, Range Two (2) East, and a part of the West Half of Section Eleven (11),

Township Eighteen (18) North, Range Two (2) East of the Second Principal Meridian, situated in Union Township, Boone County, Indiana, and containing 83.11 acres, more or less, and more particularly described as follows: Beginning at the southeast corner of the southeast quarter of the northeast quarter of Section 10, Township 18 North, Range 2 East and running thence west 1353.80 feet to the southwest corner of the southeast quarter of the northeast quarter of Section 10; thence north 1147 feet following the quarter-quarter section line; thence east 2136.42 feet to the center of U.S. #421 (Old Michigan Road); thence south 20 degrees east 1963 feet following the center of U.S. #421; thence west 1462.30 feet; thence north 700.50 feet following the section line to the place of beginning.

EXCEPT THEREFROM THE FOLLOWING: Part of the Southeast Quarter of the Northeast Quarter of Section 10 and part of the Southwest Quarter of the Northwest Quarter of Section 11, all in Township 18 North, Range 2 East, Union Township, Boone County, Indiana, more fully described by: Beginning at the Southwest corner of the Northwest Quarter of said Section 11; thence South $89^{\circ}06'34''$ West 346.93 feet; thence North $04^{\circ}31'01''$ East 224.17 feet; thence North $83^{\circ}39'43''$ West 271.34 feet to a point in the approximate center line of Eagle Creek Legal Open Drain as located November, 1998; thence along the approximate center line of said Eagle Creek Legal Open Drain, North $07^{\circ}29'45''$ East 119.50 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North $29^{\circ}00'06''$ East 127.60 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North $57^{\circ}59'07''$ West 281.51 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North $31^{\circ}55'22''$ West 181.11 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North $77^{\circ}44'08''$ West 110.11 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North $31^{\circ}25'13''$ West 125.90 feet; thence along the approximate center line of said Eagle Creek Legal Open Drain, North $00^{\circ}04'25''$ West 210.17 feet; thence North $88^{\circ}26'23''$ East 1781.49 feet to a point in the center line of U.S. Highway 421 (Michigan Road); thence along the center line of said U.S. Highway 421, South $20^{\circ}40'18''$ East 528.36 feet; thence South $65^{\circ}23'51''$ West 512.11 feet; thence South $38^{\circ}48'51''$ West 172.46 feet; thence South $56^{\circ}11'56''$ West 91.21 feet; thence South $74^{\circ}53'18''$ West 293.83 feet; thence South $01^{\circ}21'00''$ West 201.47 feet to the Point of Beginning, containing 33.1470 acres, more or less.

ALSO, a part of the West Half of the Southwest Quarter of Section 11, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows: Commencing at the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 11, and run thence east 40 rods 24 links, thence south 79 rods 23 links to the South line of said section, thence east on the section line 41 rods 3 links to the southeast corner of said half quarter section, thence north 80 rods, thence north 37 rods 1 link, thence west 81 rods 23 links to a point in the west line of said half quarter section, thence south 37 rods 1 link to the place of beginning, containing 38.99 acres, more or less.

ALSO, a part of the Northeast Quarter of the Southwest Quarter of Section 11, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows: Commencing at the northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 11, and run thence east 19 rods 20 links to a point in the centerline of the Michigan Road, thence north 20 degrees west along said center line 39 rods 3 links, thence west 7 rods 3

links to a point in the west line of the northeast quarter of the southwest quarter of said Section 11; thence south 37 rods 3 links to the place of beginning, containing 3 acres, more or less.

ALSO, a part of the Southeast Quarter of the Southwest Quarter of Section 11, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows: Commencing at the northwest corner of said quarter quarter section and run thence east 19 rods 20 links to a point in the center line of the Michigan Road, thence in a southwesterly direction 23 rods 10 links to a point in the west line of said quarter quarter section, thence north 5 rods 20 links to the place of beginning, containing 0.35 of an acre, more or less.

ALSO, the West Half of the Southwest Quarter of the Southwest Quarter of Section 11, Township 18 North, Range 2 East of the Second Principal Meridian, containing 20 acres, more or less.

ALSO, part of the Southeast Quarter of the Southwest Quarter of Section 11, Township 18 North, Range 2 East of the Second Principal Meridian, being more particularly described as follows: Beginning at a point in the west line thereof distant north 689.4 feet of the southwest corner thereof, thence north in and along said west line 534.6 feet, thence northeastwardly 341.5 feet to a point in the centerline of Michigan Road which is northwestwardly therein 1425 feet of the south line of said quarter quarter section, thence southeastwardly in and along said centerline 525 feet, thence southwestwardly 523.5 feet to the place of beginning, containing 5.21 acres, more or less.

PRIVATE COMMITMENTS

The undersigned, Henke Development Group, LLC (“Henke”), commits and agrees to the following, for the benefit of the Save Rural Zionsville, c/o Anthony S. Ridolfo, Hackman Hulett LLP, 135 North Pennsylvania Street, Suite 1610, Indianapolis, Indiana 46204. These private commitments are to: (i) assure that certain additional language and assurances are added to the final Covenants governing the Bradley Ridge community and are taken from sample Covenants provided to Save Rural Zionsville and their legal counsel; and (ii) evidence Henke’s agreement on issues outside the PUD. All capitalized terms not defined herein shall be defined in the final Covenants governing the Bradley Ridge community in a manner consistent with the sample Covenants previously provided to Save Rural Zionsville.

1. The following Covenants shall be included in the final Covenants governing Bradley Ridge (and which will be substantially similar to that of Holliday Farms):

SECTION 6.01 GENERAL USE RESTRICTIONS

The Property may be used for those purposes as provided in the PUD. The PUD contains certain provisions which allow various land uses of the real property within the Property. Master Declarant, and its successor-in-interest reserves solely unto itself the right and the power to assign and reassign various land uses to real property within the Property as provided by the PUD, and to inaugurate and implement variations from, modifications to, or amendments of the PUD and any other governmental plans, land development regulations, development orders and development permits applicable to the Property, including providing any required consents in order to seek a modification, on a variance from, the PUD, subject to approval by the Town of Zionsville and/or Boone County, as applicable. The Master Declarant shall further have the right, in Master Declarant’s sole discretion, to modify or grant variances from any of the provisions contained in this Article VI, subject to approval by the Town and/or County, as applicable.

SECTION 6.03 ARCHITECTURAL REVIEW BOARD

(a)(vii) To permit variances to any development standards (subject to Zionsville Board of Zoning Appeals approval) and/or criteria in this Master Declaration, any Neighborhood Declaration, or the Architectural Planning Criteria.

SECTION 6.09 CONSTRUCTION

New section. If Henke determines to build a vehicular bridge across Eagle Creek, and such a bridge is approved and constructed, construction traffic for the property west of Eagle Creek shall be strictly prohibited from using CR 950 East. Construction traffic for the property east of Eagle Creek shall be strictly prohibited from using CR 950 East. Developer will install commercially reasonable signage to direct construction traffic away from prohibited areas.

SECTION 6.19 GARBAGE, TRASH AND REFUSE

All garbage, trash and refuse containers must be placed in walled-in, sight-screened or fenced-in areas so that they shall not be readily visible from any adjacent streets or Plots.

SECTION 7.02 ADDITIONAL EASEMENTS

(g) Tree Preservation Easements (the “Preservation Areas”), if any, are shown on the Plat as “Tree Preservation Easements”. As shown, Tree Preservation Areas are located in Common Areas and upon Plots or lots. Except as noted below, each Designated Builder, and/or Owner shall endeavor to preserve trees within the Preservation Easements on Plots or lots and shall not remove trees, small trees and/or underbrush within the Preservation Areas (unless approved by the Architectural Review Board:

(i) The clearing of dead trees by the Master Declarant or the Master Association shall be allowed;

(ii) The removal of trees and underbrush by the Master Declarant as necessary for the installation of utilities, drainage improvements and infrastructure, landscaping, walls and fencing shall be allowed; only the Master Declarant may remove trees and underbrush in Common Areas.

(iii) The removal of trees for public health and safety shall be allowed, but only when such removal is first approved by the Architectural Review Board, unless there exists an emergency necessitating immediate removal, in which case the removal may occur before the approval of the Architectural Review, provided that the Architectural Review Board shall thereafter review the circumstances surrounding the removal.

SECTION 6.44 RESIDENTIAL SQUARE FOOTAGE

Minimum Residential Square Footage. The minimum Residential Square Footages for Residences shall be as follows: (i) with respect to lots or Plots with a Plot Width that is between 65 feet and less than 100 feet in width, the first floor above grade shall be a minimum of 1,500 Residential Square Feet for single story Residences and 1,000 Residential Square Feet for two story Residences, (ii) with respect to lots or Plots with a Plot Width that is between 100 feet and less than 120 feet in width, the first floor above grade shall be a minimum of 2,000 Residential Square Feet for single story Residences and 1,000 Residential Square Feet for two story Residences, (iii) with respect to lots or Plots with a Plot Width that is between 120 feet and less than 150 feet in width, the first floor above grade shall be a minimum of 2,200 Residential Square Feet for single story Residences and 1,250 Residential Square Feet for two story Residences, (iv) with respect to lots or Plots with a Plot Width that is between 150 feet and less than 200 feet in width, the first floor above grade shall be a minimum of 2,500 Residential Square Feet for single story Residences and 1,500 Residential Square Feet for two story Residences, (v) with respect to lots or Plots with a Plot Width that is 200 feet or more in width, the first floor above grade shall be a minimum of 2,000 Residential Square Feet for single story Residences and 2,500 Residential

Square Feet for two story Residences; provided, however, that such minimum Residential Square footages may be increased or decreased, on a Residence by Residence basis, until the Master Turnover Date by the Declarant, in its sole discretion, and after the Master Turnover Date, by the Architectural Review Board, in its sole discretion, and will be evidenced not by an amendment to this Master Declaration but only by written approval by the Master Declarant or the Architectural Review Board, as applicable.

2. These Private Commitments may be enforced either individually or collectively by the Town of Zionsville Plan Commission, the Director of Planning for the Town of Zionsville, the Town and/or owners of any parcel of ground adjoining the Bradley Ridge Planned Unit Development District, their successors- in-interest and assigns.

HENKE DEVELOPMENT GROUP, LLC

By:_____

Printed:_____

Title:_____