

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF BROWNSBURG FOR PROPERTY LOCATED WITH THE PROPOSED WEST WYNNE FARMS DEVELOPMENT

WHEREAS, Site Solutions Group, LLC. ("Petitioner") of approximately 220 acres of real estate west of South Green Street / SR 267 on the north and south side of CR 300 North and on the north and south side of the proposed Northfield Drive alignment, in the Town of Brownsburg, Lincoln Township, Hendricks County, Indiana, Parcel Numbers 32-07-26-100-007.000-016, 32-07-26-100-006.000-016, 32-07-23-300-015.000-016, 32-07-26-150-002.000-016, 32-07-26-150-003.000-016, 32-07-26-150-004.000-016, 32-07-26-100-003.000-016, 32-07-26-100-004.000-016, 32-07-23-300-014.000-016, 32-07-23-300-013.000-016 ("Property") which real estate is more particularly described on Exhibit 'A' and generally depicted on Exhibit 'B', has filed a petition with the Town to amend the zoning of said real estate to Planned Development (PD) as described in Exhibit 'C'; and

WHEREAS, the Advisory Plan Commission for the Town of Brownsburg ("Commission") has considered said Zoning Map Amendment at public meetings, May 28, 2013, June 24, 2013, July 15, 2013 and on July 22, 2013 and by a vote of its members has made a FAVORABLE RECOMMENDATION that the zoning on the above-described Property be amended, subject to and conditioned upon the following:

1. Pursuant to the petitioner's West Wynne Farms Planned Development (PD) date July 23, 2013 as described in Exhibit 'C'.
2. That the commitments identified in Exhibit 'D' be executed by the owner on the Town's standard written commitment form, and recorded in the Office of the Recorder of Hendricks County, and the same be binding upon the owner and all subsequent owners of the real estate subject to this petition.
3. The recommendations within the Project Synopsis dated June 18, 2013.
4. The recommendations within the Road Improvement Summary date July 18, 2013
5. Site Development Plan Approval will be required pursuant to the applicable Zoning Ordinance regulations in place at the time an application is submitted.
6. Primary and Secondary Plat(s) will be required to subdivide the property pursuant to the Subdivision Control Ordinance of the Town.
7. The approval of the Report of Determination by the Plan Commission.

WHEREAS, the Commission has further found that the amendment does not adversely affect the Comprehensive Plan of the Town of Brownsburg but rather satisfies the current standards, and has been favorably recommended by the Commission to the Town Council;

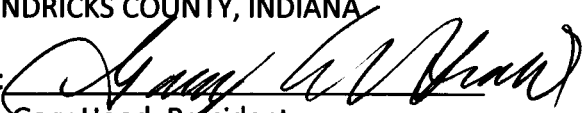
NOW, THEREFORE, BE IT ORDAINED by the Town Council as follows:

1. The petitioner shall assume and be responsible for payment of all costs incurred in the preparation and filing of all changes in this ordinance which are satisfactory to the Town of Brownsburg;
2. The zoning on the Property, as shown on the Official Zoning Map, shall be amended pursuant to the petitioner's West Wynne Farms Planned Development (PD) date July 23, 2013 as described in Exhibit 'C'.
3. That the commitments identified in Exhibit 'D' be executed by the owner on the Town's standard written commitment form, and recorded in the Office of the Recorder of Hendricks County, and the same be binding upon the owner and all subsequent owners of the real estate subject to this petition.
4. The recommendations within the Project Synopsis dated June 18, 2013.
5. The recommendations within the Road Improvement Summary date July 18, 2013.
6. Site Development Plan Approval will be required pursuant to the applicable Zoning Ordinance regulations in place at the time an application is submitted.
7. Primary and Secondary Plat(s) will be required to subdivide the property pursuant to the Subdivision Control Ordinance of the Town.

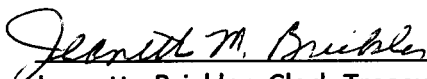
PASSED by the Town Council of the Town of Brownsburg, Indiana, this 26th day of September, 2013, by a vote of Five (5) ayes, and Zero (0) nays.

TOWN OF BROWNSBURG
HENDRICKS COUNTY, INDIANA

By:


Gary Hood, President

ATTESTED BY:


Jeanette Brickler, Clerk-Treasurer

This instrument was prepared by Todd A. Barker, AICP, Town of Brownsburg, 61 North Green Street, Brownsburg, Indiana. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law (Jonathan K. Blake).

EXHIBIT 'A'

LEGAL DESCRIPTION

All of the Northeast Quarter and a fractional part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 East, Lincoln Township, Hendricks County, Indiana, more fully described as follows:

Beginning at a R.R. Spike found marking the Northeast Corner of the Northwest Quarter of Section 26; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) along the East line of said Northwest Quarter, a distance of 1445.60 feet to an Iron Pipe with I.D. Cap found on the Westerly line of a parcel conveyed to the Indianapolis Water Company as described in Instrument No. 9800003900 of the records on file in the Office of the Hendricks County Recorder, said Westerly line also being the Easterly line of a 75' wide legal drain easement as per a survey by CrossRoad Engineers dated September 15, 1997; thence along said lines for the following six (6) courses: 1) South 55 degrees 36 minutes 57 seconds West a distance of 170.61 feet to an Iron Pipe with I.D. Cap found; 2) South 06 degrees 37 minutes 22 seconds West a distance of 617.30 feet to an Iron Pipe with I.D. Cap found; 3) South 25 degrees 20 minutes 06 seconds West a distance of 191.76 feet to an Iron Pipe with I.D. Cap Found; 4) South 35 degrees 48 minutes 46 seconds West a distance of 210.69 feet to an Iron Pipe with I.D. Cap found; 5) South 47 degrees 52 minutes 57 seconds West a distance of 89.78 feet to an Iron Pipe with I.D. Cap found; 6) South 65 degrees 34 minutes 36 seconds West a distance of 284.88 feet to an Iron Pipe with I.D. Cap found on the South line of the aforesaid Northwest Quarter; thence South 89 degrees 29 minutes 23 seconds West, along said South line, a distance of 598.85 feet to a 3/4" Iron Pipe with I.D. Cap set at the computed Southwest corner of the Southeast Quarter of said Northwest Quarter; Thence North 00 degrees 07 minutes 20 seconds East, along the West line of the East Half of said Northwest Quarter, a distance of 2669.38 feet to a P.K. Nail with I.D. Washer set marking the Northwest corner of the Northeast Quarter of said Northwest Quarter; thence North 89 degrees 25 minutes 51 seconds East, along the North line of said Northwest Quarter and along County Road 300 North, a distance of 1336.52 feet to the place of beginning, containing 74.826 acres, more or less and subject to all highways, rights-of-way and easements. And being subject to a 60' wide utility easement (as recorded in Inst. #9800003901), a 50' wide easement for ingress and egress (as recorded in Inst. #9800003902), a Highway Right-of-Way Agreement (as recorded in Inst. #2003-44818), a 30' wide storm sewer easement (as recorded in Inst. #2003-54107) and being subject to any other easements, rights-of-way or restrictions of record observable.

EXHIBIT 'A' continued

ALSO:

A fractional part of the Southwest Quarter of Section 23, Township 16 North, Range 1 East, Lincoln Township, Hendricks County, Indiana, more fully described as follows:

Commencing at a R.R. Spike found marking the Southeast corner of the Southwest Quarter of Section 23; thence South 89 degrees 25 minutes 51 seconds West along the South line of said Quarter and along County Road 300 North, a distance of 870.47 feet to a P.K. Nail with I.D. Washer set and the place of beginning; thence continuing South 89 degrees 25 minutes 51 seconds West, along said South line and along said County Road, a distance of 866.60 feet to a P.K. Nail with I.D. Washer set at the Southeast corner of a parcel conveyed to Light Development Corporation as described in Deed Record 328, page 591 of the records on file in the Office of the Hendricks County Recorder; thence North 00 degrees 03 minutes 37 seconds East, along the East line of said parcel and parallel to the West line of the aforesaid Southwest Quarter, a distance of 2308.51 feet to the South line of a parcel conveyed to Terry Tate as described in Deed Record 344, page 767 of the records on file in the Office of the Hendricks County Recorder, said line also being the former Southerly right-of-way line of the CSX Transportation Railroad (for reference, an iron pin was found North 03 degrees 45 minutes 25 seconds West a distance of 0.59 feet); thence South 74 degrees 00 minutes 33 seconds East, along the South line of said parcel a distance of 526.72 feet to a 3/4" Iron Pipe with I.D. Cap set at the Southeast corner of said parcel; thence North 00 degrees 03 minute 37 seconds East, along the East line of said parcel and parallel to the aforesaid West line of the Southwest Quarter, a distance of 103.99 feet to a 3/4" Iron Pipe with I.D. Cap set on the Southerly right-of-way line of the CSX Transportation Railroad; thence South 74 degrees 00 minutes 33 seconds East, along said Southerly right-of-way line, a distance of 369.09 feet to a 3/4" Iron Pipe with I.D. Cap set; thence South 00 degrees 04 minutes 36 seconds East, parallel to the East line of said Southwest Quarter, a distance of 2157.12 feet to the place of beginning, containing 44.101 acres, more or less and subject to all highways, rights-of-way and easements of record.

ALSO:

A fractional part of the Southwest Quarter of Section 23, Township 16 North, Range 1 East, Lincoln Township, Hendricks County, Indiana, more fully described as follows:

Commencing at a Railroad spike found marking the Southeast corner of the Southwest Quarter of Section 23; thence South 89 degrees 25 minutes 51 seconds West, along the South line of said Quarter and along County Road 300 North a distance of 870.47 feet to a P.K. Nail with I.D.

EXHIBIT 'A' continued

Washer set; thence North 00 degrees 04 minutes 36 seconds West, parallel to the East line of said Quarter a distance of 2261.19 feet to a 3/4" iron pipe with I.D. Cap set on the Northerly right-of-way line of the CSX Transportation Railroad and the place of beginning; thence North 74 degrees 00 minutes 33 seconds West, along said Northerly right-of-way line and the extension thereof (now being the Northerly line of a parcel conveyed to Terry Tate as described in Deed Record 344, page 767 of the records on file in the Office of the Hendricks County Recorder), a distance of 895.54 feet to a 3/4" Iron Pipe with I.D. Cap set; thence North 00 degrees 03 minutes 37 seconds East, parallel to the West line of the Southwest Quarter, a distance of 159.60 feet to a 3/4" Iron Pipe with I.D. Cap set on the North line of the Northwest Quarter of the Southwest Quarter of Section 23 (as established in a survey by MSE Surveying dated December 11, 1991-Jeffrey A. Meyerrose R.L.S. #890003-IN); thence North 89 degrees 16 minutes 50 seconds East, along said North line, a distance of 377.90 feet to the Northwest corner of the Northeast Quarter of said Southwest Quarter (as established in said survey); thence North 89 degrees 30 minutes 26 seconds East, along the North line of the Northeast Quarter of said Southwest Quarter, a distance of 482.32 feet (for reference, an Iron Pin was found North 65 degrees 46 minutes 45 seconds West a distance of 0.54 feet); thence South 00 degrees 04 minutes 36 seconds East, parallel to the aforesaid East line of the Southwest Quarter of Section 23, a distance of 415.20 feet to the place of beginning, containing 5.685 acres, more or less and subject to all highways, rights-of-way and easements of record.

ALSO:

Part of the Northwest quarter of the Northwest quarter of Section 26, Township 16 North, Range 1 East of the Second Principal Meridian in Lincoln Township, Hendricks County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said quarter quarter section; thence South 89 degrees 12 minutes 36 seconds West (assumed bearing) on and along the North line of said quarter quarter section 450.00 feet; thence South 00 degrees 05 minutes 03 seconds East parallel to the East line of said quarter quarter section 817.78 feet; thence South 89 degrees 12 minutes 36 seconds West parallel to the aforesaid North line of said quarter quarter section 527.70 feet; thence South 00 degrees 05 minutes 03 seconds East parallel to the East line of said quarter quarter section 1850.46 feet to a point on the South line of said quarter quarter section; thence North 89 degrees 20 minutes 16 seconds East on and along said South line 977.68 feet to the Southeast corner of said quarter quarter section; thence North 00 degrees 05 minutes 03 seconds West on and along the East line of said quarter quarter section 2670.42 feet to the Point of Beginning. Containing 50.00 acres, more or less.

EXHIBIT 'A' continued

ALSO:

A part of the West half of the Southwest quarter of Section 23, Township 16 North, Range 1 East of the Second Principal Meridian in Hendricks County, Indiana, more particularly described as follows, to-wit:

Beginning at a stone at the Southwest corner of said Section 23; thence South 89 degrees 57 minutes 36 seconds East on and along the South line of said section 935.96 feet; thence North 00 degrees 37 minutes 26 seconds East 1375.48 feet; thence North 88 degrees 41 minutes 54 seconds West 602.89 feet; thence South 01 degree 13 minutes 58 seconds West 211.07 feet; thence North 88 degrees 47 minutes 11 seconds West 330.84 feet to a point on the West line of said Section; thence South 00 degrees 37 minutes 26 seconds West on and along the West line of said section 1184.50 feet to the Point of Beginning. Containing 28.16 acres, more or less.

ALSO:

Lots numbered 2, 3, and 4 in Minor Plat Numbered Four (4) in Lincoln Township, Hendricks County, Indiana, as per plat thereof recorded April 7, 1978, in Plat Book 9, page 111, in the Office of the Recorder of Hendricks County, Indiana.

EXHIBIT 'C'

PROPOSED ZONING ORDINANCE

See

WEST WYNNE FARMS

(PD – Planned Development)
Zoning Ordinance and Subdivision Controls
Amended July 23, 2013

WEST WYNNE FARMS

(PD - Planned Development)

Zoning Ordinance and Subdivision Controls Amended July 23, 2013

Petitioner/Developer:

Chris R. White

Site Solutions Group, LLC

15658 Bridgewater Club Boulevard

Carmel, IN 46033

(317) 523-6116

cwhite@sitesolutionsgroupllc.com

Legal Counsel:

Amy Comer Elliott

Comer Law Office

71 West Marion Street

Danville, IN 46122

(317) 745-4300

aelliott@comerlaw.com

Engineering Consultant:

Jerry W. Kittle

Innovative Engineering & Consulting, Inc.

755 W. Carmel Drive

Suite 207

Carmel, IN 46032

(317) 660-4236

jkittle@innovativeeci.com

INDEX

<u>Description</u>	<u>Page No.</u>
Purpose and Intent	1
Residential Development Standards	
Section 1 – Parcel N	5
Section 2 – Parcels O and P	8
Section 3 – Parcel Q	10
Commercial/Retail/Office Development Standards	
Section 4 – Parcels R & S	13
Architectural Commitments	
Section 5 - Residential – Single-Family	17
Section 6 - Residential –Multi-Family	20
Section 7 - Commercial/Retail	21
Landscape Commitments	
Section 8 - Residential	23
Section 9 - Commercial/Retail	25
Section 10 – Roadway & Sidewalk Standards	26
Section 11 - Open Space and Amenity Commitments	28
Section 12 - Signage	30
Section 13 – Definitions	36
Exhibit A - Legal Description	37
Exhibit B - Project Area Map	40
Exhibit C - Site Plan	41
Exhibit D - Commitments	42

PD Ordinance Purpose and Intent:

West Wynne Farms was originally zoned through Hendricks County in 2007. Since that time, the housing market has changed remarkably. Prior to 2007, Hendricks County experienced rapid growth for approximately twenty (20) years making it the second fastest growing county in the State of Indiana. The rapid decline of the national and local housing market and the economy in general in the years following 2007 are now stabilizing. Not surprisingly, based on its prior success, Hendricks County is one of the first counties to recover economically and begin to develop again.

Since 2007, land use conditions surrounding West Wynne Farms have changed, demanding more appropriate uses within West Wynne Farms than originally planned. Northfield Drive has been constructed west of the development through The Village of Heritage Hill. It has been constructed east of the development, as well. The development of West Wynne Farms will connect Northfield Drive from the southeastern side of Brownsburg through to the west end of Heritage Hill. The completion of Northfield Drive through the southern end of Brownsburg creates greater economic opportunities for Brownsburg with the development of larger scale commercial uses, apartments and empty nester rental villas. The use of the land within West Wynne Farms for these new uses allows for development on smaller parcels of ground, reducing urban sprawl and allowing greater open space and park lands.

Upon completion, the "West Wynne Farms" development shall comprise the following land-uses:

✓ Commercial/Retail/Office	51 acres *
✓ Empty Nester Rental Villas	33 acres *
✓ Apartments	26 acres *
✓ Single Family	63 acres *
✓ Northfield Drive (R.O.W.)	6 acres *
✓ Open Space	46 acres **

* Above acreages are approximate.

** A portion of the open space acreage shall be incorporated within the above described land-uses.

Commercial/Retail/Office

Such uses are designated for development upon "Parcels R and S". It is anticipated that the subject parcels shall evolve and develop as the remainder of the project progresses. Being

situated along the Northfield Drive and State Road 267 corridors, "Parcels R and S" represent effective land use practices when considering the anticipated future urbanization and development of the surrounding area. Providing for such uses within the "West Wynne Farms" development shall allow for the residents within and around West Wynne Farms to shop, conduct business, and to seek various professional services without traveling beyond the immediate area, and thus become less impacting upon infrastructure situated beyond the immediate area.

Apartments

Apartments are a designated to be developed and constructed upon "Parcel Q". The development of apartments reduces urban sprawl and creates greater fiscal opportunities for the Town of Brownsburg.

Empty Nester Villa Rentals

The need for various housing options for empty nesters and senior citizens continues to increase as baby boomers age. The villas are designated to be developed and constructed upon "Parcels O and P".

Single-Family

The single-family district, designated as "Parcel N" shall provide for housing types and market values for the "traditionally" defined or "nuclear" family.

Northfield Drive Right-of-Way

Tracts of land shall be reserved for the extension and construction of Northfield Drive. In consideration of current and future traffic demands, such improvement is essential for the implementation of the "Town of Brownsburg Thoroughfare Plan".

Open Space

Open space situated with-in individual neighborhoods and throughout the overall development shall provide passive and recreational amenities inclusive of pedestrian trails, bike paths, playgrounds within the single family district, and a pool and clubhouse within the apartment complex. Individual associations for the various uses within West Wynne Farms shall manage these amenities. Approximately twelve (12) acres of open space on the south side of the Northfield Drive extension shall be passive recreation. Approximately thirty-four (34) acres of passive and active recreational amenities shall be provided north of County Road 300 North and extending to the B&O Rails to Trails.

Comprehensive Plan

The 2012 Comprehensive Plan contains the following objectives which the amendment of West Wynne Farms will help achieve:

1. "Promote the flexible application of Land Use Plan, accommodating a variety of residential development that is consistent with the Plan but mindful of housing market demands, existing inventory and larger residential trends."
2. "Continue to encourage a mix of housing including owner- and renter- occupied single family detached homes, single family attached homes and multi-family development."
3. "Promote the development of senior housing to expand housing options and encourage older Brownsburg residents to age in place." The subject development will also allow Brownsburg residents to bring their aging parents to the community. Typically, retired senior citizens who are still living independently are a great asset to communities, being active in charitable and civic organizations and programs."
4. "Continue to promote office and employment uses in areas along Northfield Drive and the Ronald Reagan corridors."

5. "Determine the preferred route for the remaining segments of Northfield Drive and take steps necessary, including securing right-of-way, to complete the route encircling the core of Brownsburg."

The proposed changes to West Wynne Farms meets the intent of the PD district in that the development is a medium to large scale development providing for a wide range of uses, including three separate and distinct residential uses which provide a greater tax base to the Town than the mostly single family owner-occupied lots and homes currently permitted. In addition, the proposed changes include a greater amount of commercial development, including a large scale grocery store or similar use. Lastly, due to the decrease in urban sprawl, the amount of open space has nearly doubled providing the opportunity for the Town of Brownsburg to utilize a large portion of the open space for park lands. Because of these proposed changes, West Wynne mitigates monotony.

Lastly, the proposed PD amendment meets the requirements of *IC 36-7-4-1500* et seq. for the reason that the Developer has initiated the text amendment in the proper format and expresses in detailed terms the requirements that apply to each Parcel within the PD; has notified surrounding landowners and published notice of the public hearing according to Indiana law and the procedures adopted by the Brownsburg Plan Commission; the application has been considered by and received a recommendation from the Brownsburg Plan Commission as delegated to said Plan Commission by the Brownsburg Town Council; and thereafter been considered and adopted by the Brownsburg Town Council.

Section 1: Parcel N: Single Family Residential, Detached

<u>District Intent</u>	<u>Permitted Uses</u>	<u>Special Exception Uses</u>
The purpose of Parcel N is to permit moderate density single-family detached homes on medium sized lots for new development with water and sewer connections	Farm Dwelling (pre-existing structures)	Assisted Living Facility
	Single-Family Dwellings	Education Institution, excluding K-12
	Passive/Active Recreation Areas	Educational Institution, K-12
	Day Care in Home	Religious Places of Worship
	Home Occupations as permitted by the Brownsburg Zoning Ordinance (2/1/13)	Non-commercial Recreation Publicly Owned Buildings and Facilities

District Development Standards

- 1. Minimum Lot Area: 10,000 square feet
- 2. Minimum Lot Width: 70 feet, measured at the building setback.
- 3. Minimum Lot Frontage: 40 feet
- 4. Maximum Lot Coverage: 40%
- 5. Minimum Floor Living Area: 1,500 square feet, single story
2000 square feet, multi-story
- 6. Maximum Height:
 - Primary Structure: 40 feet
 - Accessory Structure: 18 feet
- 7. Minimum Front Yard Setback: 30 feet (primary and accessory structures)
- 8. Minimum Side Yard Setback: 10 feet minimum (primary and accessory structures)
- 9. Minimum Rear Yard Setback:
 - Primary Structure: 15 feet
 - Accessory Structure: 10 feet
- 10. Minimum Distance Between Buildings: 20 feet
- 11. Maximum Number of Primary Structures 1

12. Additional Standards

A. Minimum Off-Street Parking and Loading Requirements

Minimum off-street parking and loading requirements shall be as regulated by the Brownsburg Zoning Ordinance adopted February 1, 2013 for the R3 District.

B. Sign Requirements

Sign requirements shall be as regulated by the Brownsburg Zoning Ordinance adopted February 1, 2013 for the R3 District.

C. Landscaping Requirements

Landscaping shall be as regulated in this Ordinance Section 8.

D. Architectural Standards

Architectural requirements shall be as regulated in this Ordinance Section 5.

13. Development standards not specifically addressed herein shall comply with the development standards required in District R3 of the Brownsburg Zoning Ordinance adopted February 1, 2013, including, but not limited to, environmental, fences and walls, and lighting.

Section 2: Parcels O and P: Multi-Family Residential

<u>District Intent</u>	<u>Permitted Uses</u>	<u>Special Exception Uses</u>
The purpose of Parcels O and P is to permit moderate density multi-family buildings in the form of one story senior/ empty nester apartments with water and sewer connections	Farm Dwelling (pre-existing structures)	Assisted Living Facility
	Multi-Family apartments	Education Institution, excluding K-12
	Passive/Active Recreation Areas	Educational Institution, K-12
	Day Care in Home	Non-commercial Recreation
	Home Occupations as permitted by the Brownsburg Zoning Ordinance (2/1/13)	Publicly Owned Buildings and Facilities
		Group Home
	Hospital/Emergency Care Facility	
	Nursing Home	
	Religious Places of Worship	

District Development Standards

1. Density: 6 dwelling units per acre
2. Maximum Lot Coverage: 60 percent
3. Minimum Living Area: 1200 square feet
4. Maximum Height: 35 feet
5. Minimum Front Yard Setback: 20 feet the edge of pavement on private streets
6. Minimum Rear Yard Setback:
 - All Structures: 15 feet
7. Minimum Distance Between Principal Buildings: 20 feet
8. Maximum Number of Buildings Per Lot:
 - Parcel O: 20
 - Parcel P: 10
9. Additional Standards
 - A. Minimum Off-Street Parking and Loading Requirements
Minimum off-street parking and loading requirements shall be as regulated by the Brownsburg Zoning Ordinance adopted February 1, 2013 for the M2 District.
 - B. Sign Requirements
Sign requirements shall be as regulated by the Brownsburg Zoning Ordinance adopted February 1, 2013 for the M2 District.
 - C. Landscaping Requirements
Landscaping shall be as regulated by the Brownsburg Zoning Ordinance adopted February 1, 2013 for the M2 District.
 - D. Architectural Requirements
Architectural requirements shall be regulated in this Ordinance Chapter 6.
 - E. In "Parcel P", no dwelling shall be built east of a parallel line that is 1,295 feet from the west property line (centerline of SR 267) of West Wynne Farms.

10. Development standards not specifically addressed herein shall comply with the development standards required in District M2 of the Brownsburg Zoning Ordinance adopted February 1, 2013, including, but not limited to, environmental, fences and walls, and lighting.

Section 3: Parcel Q: Multi-Family Residential

<u>District Intent</u>	<u>Permitted Uses</u>	<u>Special Exception Uses</u>
The purpose of Parcel Q is to permit moderate to high density multi-family buildings with water and sewer connections	Farm Dwelling (pre-existing structures)	Assisted Living Facility
	Multi-Family apartments	Education Institution, excluding K-12
	Garages and carports, detached	Educational Institution , K-12
	Passive/Active Recreation Areas	Religious Places of Worship
	Day Care in Home	Non-commercial Recreation
	Signs, as regulated within this Ordinance	Publicly Owned Buildings and Facilities
	Home Occupations as permitted by the Brownsburg Zoning Ordinance (2/1/13)	

District Development Standards

1. Density 12 dwelling units per acre
2. Maximum Lot Coverage: 60 percent
3. Minimum Living Area:
 - One Bedroom: 700 square feet
 - Two Bedroom: 900
 - Average: 1000 square feet
4. Maximum Height:
 - Primary Structures: 50 feet to peak
 - Accessory Structures: 20 feet
5. Minimum Front Yard Setback: 20 feet from the edge of pavement on private streets
6. Minimum Side Yard Setback: 15 feet
7. Minimum Rear Yard Setback:
 - Primary Structures: 15 feet
 - Accessory Structures: 0 feet (incl. garages and Carports)
8. Minimum Distance Between Principal Buildings: 20 feet
9. Maximum Number of Buildings Per Lot: 25 (including primary and accessory structures)
10. Additional Standards

F. Minimum Off-Street Parking and Loading Requirements

Minimum off-street parking and loading requirements shall be as regulated by the Brownsburg Zoning Ordinance adopted February 1, 2013 for the M3 District.

G. Sign Requirements

Sign requirements shall be as regulated in this Ordinance Section 12.

H. Landscaping and Buffer Requirements

Landscaping shall be as regulated by the Brownsburg Zoning Ordinance adopted February 1, 2013 for the M3 District and by Commitments recorded _____, 2013 in the Office of the Recorder of Hendricks County, Indiana as Instrument Number _____ and attached to this Ordinance as Exhibit D.

I. Architectural Requirements

Architectural requirements shall be as regulated in this Ordinance Section 6.

11. Development standards not specifically addressed herein shall comply with the development standards required in District M3 of the Brownsburg Zoning Ordinance adopted February 1, 2013, including, but not limited to, environmental, fences and walls, and lighting.

Section 4: Parcels R and S: Commercial/Retail/Office

<u>District Intent</u>	<u>Permitted Uses</u>	<u>Special Exception Uses</u>
The purpose of Parcels R and S is to permit low, medium and high intensity commercial uses for new development with more than one principal use or building permitted per lot with water and sewer connections	Farm Dwelling (pre-existing structures) Wind turbine, small Agricultural Roadside Stands Educational Institution Passive/Active Recreation Areas Religious Places of Worship Animal grooming Auction (indoor) Automotive (Type 1) Bakery Bank, ATM, Drive-up Banquet Hall Bar, Tavern, Brew Pub Barber/Beauty Shop Broadcast Studio Car rental Catering service Club or Lodge Coffee shop Coin laundry Computer service Copy center, Printing Delicatessen Design services Donation collection point Dry cleaning, processing Dry cleaning, pick up/drop off Express shipping center Exterminator Funeral home Gas station Hospice care facility Hotel, motel Ice cream shop Media rental Medical clinic Mobile device dealer Nail salon	Wind turbine, large Automotive (Types 2 and 3) Crematory Recycling collection point Transit station (local hub) Contractor Services (Parcel R) Research & Testing Laboratories

Permitted Uses (continued)

Nursing Home
Office, general
Office, medical
Party facility
Pharmacy
Photography studio
Printing, commercial
Recreation center (indoor)
Recreation center (outdoor)
Repair shop, electronics
Repair shop, equipment
Restaurant, all
Retail, all
Seamstress/tailor
spa
studio arts
tanning salon
theater, movie (indoor)
trade or business school
veterinary clinic
wellness facility
Day care center
Assisted Living Facility
Financial Institution
Fitness Center & Gym
Grocery Store
Contractor Services (Parcel S)
Warehouses (Parcel S)
Self Storage (Parcel S)
Publicly Owned Buildings

District Development Standards

1. Minimum Lot Area: None
2. Minimum Lot Width: 50 feet, measured at the building setback.
3. Maximum Lot Coverage:
 - All Structures: 50%
 - Impervious Surface: 90%
4. Maximum Height:
 - Primary Structures: 50 feet
 - Accessory Structure: 20 feet
5. Minimum Front Yard Setback:
 - From Subdivision Street: 0 feet (primary and accessory structures)
 - From External Street: 30 feet
6. Minimum Side Yard Setback:
 - 10 feet minimum along perimeter
 - 0 feet along internal property lines
7. Minimum Rear Yard Setback:
 - Primary Structure: 15 feet
 - Accessory Structure: 10 feet
8. Minimum Distance Between Buildings: 10 feet
9. Maximum Number of Buildings Per Lot: 5
10. Additional Standards
 - A. Minimum Off-Street Parking and Loading Requirements
 - Minimum off-street parking and loading requirements shall be as regulated by the Brownsburg Zoning Ordinance adopted February 1, 2013 for District C2.
 - B. Sign Requirements
 - Sign requirements shall be as regulated in this Ordinance Section 12.

C. Landscaping Requirements

Landscaping shall be as regulated in this Ordinance Section 9.

D. Architectural Requirements

Architectural requirements shall be as regulated in this Ordinance Section 7.

E. CONTRACTORS SERVICES, WAREHOUSES AND SELF STORAGE

1. Contractor Services, warehouses and self-storage uses shall be permitted in Parcel S only and only as designated on the Land Use Map attached as Exhibit "C".

2. Contractors Services shall be permitted only within the Flex Space, allowing for offices in the front of the unit and warehousing in the rear of the unit

10. Development standards not specifically addressed herein shall comply with the development standards required in District C2 of the Brownsburg Zoning Ordinance adopted February 1, 2013, including, but not limited to, environmental, fences and walls, and lighting.

5.01 PURPOSE

The purpose of the Residential Architectural Commitments is to establish the character, value, look, and style of the single-family detached dwellings for Parcel N.

5.02 GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or expanded upon, shall provide architectural elements within the following provisions of this Section. Builders shall submit for the Developer's review all proposed building elevations with all exterior materials specified.

5.03 DESIGN STANDARDS

All single-family dwellings shall be in accordance with the following standards and specifications:

- A. Front elevations shall consist of one of the following:
 - 1. 100% brick, stone, or cultured stone, excluding windows and doors, up to eight (8') feet in height or equivalent square footage coverage. This requirement may also be met by utilizing a Masonite or wood and/or cement based siding product in lieu of vinyl on 100% of all elevations of the home or building.
 - 2. 80% brick, stone or cultured stone, excluding windows and doors, up to eight feet (8') in height or equivalent square footage, provided a minimum twenty-four inch (24") wainscot of brick, stone or cultured stone is utilized on the side and rear elevations.
 - 3. Homes on corner lots shall be considered to have two front elevations.
- B. Window grids on all operable non-casement windows on all elevations.
- C. Chimney chases must be enclosed.
- D. Lighting fixtures required on both sides of garage door.
- E. All roof pitches should be 6/12 minimums, exclusive of porches, bump-outs, or dormers.
- F. All vinyl siding shall be a minimum 0.044.
- G. No homes shall have the same front elevation or exact color scheme within a 3-lot "snapshot" on the same side of the street, or of the home immediately across the street from the center of the 3-lot "snapshot".
- H. Minimum two (2)-car garage.
- I. All front entry doors must include sidelights or transoms.
- J. All operable windows on the front of the home shall have shutters.
- K. A concrete patio (80 sq. ft. min.) must be provided at the rear elevation.
- L. Asphalt/Fiberglass shingles.

- M. Roofs shall extend with “overhangs” a minimum of twelve (12”) inches on all sides of the home, except where brick extends to the eave in which there will be an eight (8) inch overhang.
- N. In addition, at least three (3) of the items below:
1. Dormers on front elevation roof;
 2. Reverse gable or hip roof on front elevation roof;
 3. Covered front porch (minimum 16 square feet);
 4. Decorative front door surround, trim molding or header;
 5. Garage bump-out (minimum 2 feet) with minimum 2 foot setback from garage plane where plane is closer to street than that of the front door;
 6. Dimensional “shaped” shingle for entire roof;
 7. Accent siding, decorative vents, or accents in gable peak or face on front elevation;
 8. Shutters on all windows (on side and rear elevations [in addition to those already required at front elevations]);
 9. Keystone or decorative brick or wood surround on one or more windows or doors on front elevation;
 10. Bay or “boxed-out” window on front elevation;
 11. Decorative trim molding at gutter height on front elevation;
 12. Brick full height of front façade including gables;
 13. Brick wainscot around sides and rear elevations;
 14. Additional wall mounted exterior lights, or post mounted decorative yard lights as approved by covenants.
- O. Furthermore, homes with rear and side elevations facing parks, trails, community open space, exterior Town/County/State roadways, or Northfield Drive shall comply with the following (with credit given here only if option not chosen from “additional requirements” above:
1. If at least a four (4’) foot Wainscot of brick on rear elevation and a minimum eighty (80 SF) square foot covered or screened porch is provided, pick at least one (1) item as specified below:
 - a. Finished space “pop-out”;
 - b. Bay Window;
 - c. Reverse Gable;
 - d. Dormer;
 - e. Dormer;
 - f. Hip Roof;
 - g. Accent Siding;
 - h. Shutters on all appropriate windows;
 - i. Dimensional (shaped) Shingles;
 - j. Decorative Trim Molding at gutter height;
 - k. Window Grids;
 - l. Raised Wood Deck (8’ x 10’ minimum); deck may be constructed in lieu of required concrete patio.
 - m. Additional Landscaping of either one (1) 2” caliper shade or ornamental tree, or one four-six (4’-6’) tall evergreen tree.

2. If no brick on rear elevation, then a minimum eighty (80 SF) square foot covered or screened porch is required, and pick at least two (2) items as specified below:
 - a. Finished space "pop-out";
 - b. Bay Window;
 - c. Reverse Gable;
 - d. Dormer;
 - e. Dormer;
 - f. Hip Roof;
 - g. Accent Siding;
 - h. Shutters on all appropriate windows;
 - i. Dimensional (shaped) Shingles;
 - j. Decorative Trim Molding at gutter height;
 - k. Window Grids;
 - l. Raised Wood Deck (8' x 10' minimum); deck may be constructed in lieu of required concrete patio.
 - m. Additional Landscaping of either one (1) 2" caliper shade or ornamental tree, or one four-six (4'-6') tall evergreen tree.

6.01 PURPOSE

The purpose of the following Architectural Commitments is to establish the character, value, look, and style of the multi-family buildings for Parcels O, P and Q.

6.02 GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or expanded upon, shall provide architectural elements within the following provisions of this Section. The Builders shall submit for the Developers review all proposed building elevations with all exterior materials specified.

6.03 DESIGN STANDARDS

All multi-family buildings shall be in accordance with the following standards and specifications:

- A. For Parcel O only the front elevations shall consist of the following:
 - i. Front
 - 1. Minimum 80% brick, stone or cultured stone, excluding windows and doors, up to eight feet (8') in height or equivalent square footage.
 - ii. Side
 - 1. Minimum twenty-four inch (24") wainscot of brick, stone or cultured stone is utilized.
 - iii. Rear
 - 1. Minimum twenty-four inch (24") wainscot of brick, stone or cultured stone is utilized.
 - iv. Concrete block is not a permitted exterior finish material.
- B. For Parcel P elevations shall consist of the following:
 - i. Front
 - 1. Minimum 80% brick, stone or cultured stone, excluding windows and doors, up to eight feet (8') in height or equivalent square footage,
 - ii. Rear
 - 1. Minimum 80% brick, stone or cultured stone, excluding windows and doors, up to eight feet (8') in height or equivalent square footage is utilized on the rear for elevations for buildings abutting and facing the south property line of Parcel P.
 - iii. Southern Façade of the southernmost building along the east property line
 - 1. Minimum 80% brick, stone or cultured stone, excluding windows and doors, up to eight feet (8') in height or equivalent square footage is utilized on the southernmost elevation of the building abutting and facing the south property line of Parcel P.

- iv. All other Side and Rear elevations of other buildings shall not be required to have a brick or stone elevation on the side or rear.
- C. Concrete block is not a permitted exterior finish material.
- B. For Parcel Q only, the front, side and rear of any building elevation shall consist of the following:
 - iv. 50% brick, stone, or cultured stone, excluding windows and doors, up to sixteen feet (16') in height or equivalent square footage coverage.
 - v. Concrete block is not a permitted exterior finish material.
- C. Buildings in Parcels O and P shall be limited to one story.
- D. Asphalt/Fiberglass shingles or Standing Seam metal roof.
- E. Rooftop canopy and telecommunication equipment shall be fully screened on all sides using parapets, penthouse screens or other similar methods, which are integrated into the overall building design.
- F. Window grids on all operable non-casement windows on all elevations.
- G. Chimney chases must be enclosed.
- H. Roof pitches shall be 5/12 minimums, exclusive of porches, bump-outs, and dormers.
- I. All vinyl siding shall be a minimum of 0.046 in Parcels O, P and 0.44 in parcel Q.
- J. All front entry doors must include sidelights or transoms or a window in the door in Parcels O and P.
- K. Windows on the front of the home in Parcels O and P shall have shutters, where applicable.
- L. A keystone or decorative brick surround shall be provided on one or more windows or doors on the front elevation when brick is used.
- M. All side elevation windows shall be treated by shutters or decorative headers.
- N. All utility panels shall be screened or located in an area not visible from a public roadside.
- O. Roofs shall extend with "overhangs" a minimum of twelve (12") inches on all sides of the buildings except where brick extends to the eave in which there will be an eight (8) inch overhang.
- P. There shall be no accessory structures in Parcels O and P. Accessory structures are permitted in Parcel Q. Accessory structures shall not include mailboxes and trash compactor structures.

7.01 PURPOSE

The purpose of the Commercial/Retail/Office Architectural Commitments is to establish the character, value, look, and style of the Commercial/Retail buildings.

7.02 GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or enlarged upon, shall provide architectural elements within the following provisions of section. Builders and/or developers of individual parcel(s) shall submit for the review and approval by the developer of the overall West Wynne Farms project all proposed building elevations with all exterior materials specified.

7.03 DESIGN STANDARDS

All Commercial/Retail/Office buildings shall be in accordance with the following standards and specifications:

- A. The buildings will be a combination of masonry, glass, decorative architectural block and dryvit. Split face Block shall not comprise more than 30% of any façade. Plain concrete block is not a permitted exterior finish material (with exception of loading areas not directly visible from a public street). Highly reflective materials shall be prohibited.
- B. Front and side facades for all corner lots shall be of the same materials and similarly detailed.
- C. All entrances shall be defined by architectural elements such as pediments, plasters, columns, awnings and other design elements appropriate to the architectural style and details of the building as a whole, or shall project or be recessed by not less than four (4) feet. All entrances shall be covered.
- D. The roofs shall be gabled or hip, full or parapet, and shall be clad in wood shingles, slate, asphalt/fiberglass shingles or standing seam metal.
- E. Dormers shall be designed with the correct details, proportion and style consistent with the overall building composition and roofed with symmetrical gable, hip or barrel roofs. Belvederes, cupolas, and pergolas are permitted if appropriate to the style, well proportioned, and fully detailed.
- F. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof or flat black.
- G. Rooftop canopy and telecommunication equipment shall be fully screened on all sides using parapets, penthouse screens, or other similar methods, which are integrated into the overall building design.
- H. Gutters and downspouts shall be appropriate to, or visually integrated with, the architectural style of the structure.
- I. All trash collection facilities shall be masonry enclosed with decorative gates located in discrete but accessible areas.

- J. All proposed storage and loading areas shall be screened or hidden. No storage or loading area shall be parallel to State Road #267, County Road 300N or the proposed Northfield Drive.
- K. All exterior mechanical equipment shall be screened or hidden. No mechanical equipment shall be permitted parallel to State Road 267, County Road 300S or the proposed Northfield Drive (unless contained in an underground vault, flush with the ground. Said vault shall be screened with landscaping).
- L. Exterior sidewalks, steps, and ramps shall be masonry, stone, brick pavers, poured or pre-cast concrete.
- M. Parking lots shall be concrete, asphalt paving or brick pavers or any combination thereof with the exception of the warehouses/self storage area. Temporary Stone parking shall be permitted in the warehouse/ self storage area for a period not to exceed two years for phasing purposes only.
- N. All proposed plans for the Commercial/Retail/Office parcels shall comply with all current Town, County, and State regulations and approvals, which are de-signed and intended to safeguard the quality of storm water runoff.
- O. Height and width ratio requirements shall be as follows:
 - Width:
 - 1. Facades less than twelve (12) lineal feet long, shall not require any fenestration.
 - 2. Facades greater than twelve (12) lineal feet shall require thirty (30) percent fenestration.
 - 3. Facades greater than seventy-five (75) lineal feet shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed seventy-five (75) lineal feet.
 - 4. Facades shall include a repeating pattern with no less than three (3) of the following elements: color change, texture change, material change, fenestration change (windows, doors, openings, etc.), or profile change (turns & projections, etc.).
 - Height:
 - 1. The height of a building shall not exceed three (3) stories. This measurement shall be from the exterior grade of the building to the mean ridgeline on hip or gabled rooflines.
 - 2. The maximum height of a story shall be thirteen (13) feet clear.
 - 3. The height limit shall not apply to masts, belfries, clock towers, cupolas, chimneys, machine rooms, or similar structures.

8.01 PURPOSE

The purpose of the residential landscape commitments is to establish the character, value, look, and to buffer the single-family attached and detached and multi-family areas from other land uses within the development.

8.02 GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or expanded upon, shall provide landscape design elements within the following provisions of this section. Builders shall submit for the Developer's review all proposed site and development plans having all plant materials and specifications listed

8.03 DESIGN STANDARDS

- A. All single-family detached structures and lots shall be in accordance with the following standards and specifications:
1. Where rear lot lines of residential districts abut State Road #267, Northfield Drive, County Road 300 North, a minimum forty (40) foot landscape buffer shall be provided. Said buffer shall include four (4) to six (6) feet high undulating mounds, having 1 of the following type of tree for every 20 lineal feet of buffer area; shade trees measuring a minimum 2-1/2" caliper, ornamental trees measuring a minimum 1-1/2" caliper, and 6-8 feet tall conifers.
 2. Where rear lot lines of residential districts abut Open Space(s) and Amenity area(s) measuring a minimum of five (5) acres (excluding Open Space[s] containing retention pond facilities), shade trees measuring a minimum 2-1/2" caliper shall be planted so that a minimum of six (6) trees occur every one hundred (100) lineal feet.
 3. Where residential lots that are developed along the perimeter of the development, however do not abut any of the aforementioned roadways, a landscape buffer zone, measuring a minimum ten (10) feet wide, shall be made a part of the residential lot. Such landscape buffers and lots shall be encumbered by a landscape easement, to be made a part of and pursuant to the recording of the final plat and "Covenants and Restrictions". Lots adjoining Wynne Farms along eastern boundary of West Wynne Farms are exempt from this requirement.
 4. All residential lots that are developed along the perimeter of the development shall install either a shade tree measuring a minimum 2-1/2 inch caliper, or a six (6) foot high conifer in the rear yard. Said plantings shall be installed within the 10' landscape buffer easement, by the builder, with the homeowner/ or HOA assuming responsibility for maintenance after the initial warranty period depending on if it is located on a common area or on a lot.
 5. Existing tree(s) to remain, having a caliper of four (4) inches or greater on any lot, shall have snow fencing, or like material, installed at the drip line of the existing tree(s) by the builder for protection during building construction. Maintenance of

tree protection practices shall be the sole responsibility of the builder until ownership of the lot is conveyed to the homeowner.

6. All lots shall be finished graded pursuant to the elevations provided upon the approved plot plan. All front and side yards shall be sodded to the rear side corners of the house.
 7. All rear yards shall be finished graded for proper drainage, seeded and hydro-mulched as a minimum.
 8. A minimum of two (2) of any combination of the following 2-1/2" caliper shade tree, or 1-1/2" caliper ornamental tree, or evergreen tree, measuring a minimum of six (6) feet in height, shall be planted in the front yard.
 9. Foundation landscaping in front yards shall include a minimum of ten (10) deciduous and/or evergreen shrubs at twenty-four (24) inches high. All foundation landscaping shall be placed within a natural mulch bed.
 10. All mailboxes shall be of common post design, box size, and color, as approved by the Developer.
- B. All single-family attached homes shall be in accordance with the following standards and specifications:
1. Landscaping shall be installed when the parcel is being developed with for sale units.
 2. All lots shall be finished graded pursuant to the elevations provided upon the approved plot plan. All front and side yards shall be sodded to the rear side corners of the structure.
 3. All rear yards shall be finished graded for proper drainage, seeded and hydro mulched as a minimum.
 4. A minimum of one (1) 2-1/2" caliper shade tree, or one (1) 1-1/2" caliper ornamental tree, or one (1) evergreen tree, measuring a minimum of six (6) feet in height, shall be planted in the front yard of each building.
 5. Foundation landscaping in front yards shall include a minimum of ten (10) deciduous and/or evergreen shrubs at twenty-four (24) inches high. All foundation landscaping shall be placed within a natural mulch bed.
 6. All mailboxes shall be of common post design, box size, color, and location, as approved by the Developer.

Where rear yards meet between internal neighborhoods (parcels), a minimum of one (1) 2-1/2" caliper shade tree or one (1) 6' tall conifer shall be planted by the builder within ten (10') feet of the rear property line. Such landscape buffers and lots shall be encumbered by a landscape easement, to be made a part of and pursuant to the recording of the final plat and "Declaration of Covenants, Conditions, and Restrictions". The homeowner and or the HOA in the event it is common area or in a buffer landscaped easement shall be responsible for maintaining said tree(s) after the initial warranty period.

9.01 PURPOSE

The purpose of the commercial/retail/office landscape commitments is to establish the character, value, look, and to buffer of the commercial/retail/office parcels from other land uses within the development.

9.02 GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or enlarged upon, shall provide landscape design elements within the following provisions of this section. Builders shall submit for the Developer's review all proposed site and development plans having all plant materials and specifications listed.

9.03 DESIGN STANDARDS

A. All commercial/retail/office development shall be in accordance with the following standards and specifications except for parking:

1. Landscaping shall have any combination of materials selected from Section 9.03.B. which equals or exceeds a Unit Value of 5.0 for each one-hundred (100) lineal feet of property along the external limits of the real estate contained within this ordinance, provided that at least 10% of the Unit Value shall be derived from deciduous shade trees ("overstory"), or deciduous ornamental trees ("understory"), and at least 75% of the Unit Value shall be derived from evergreen trees, evergreen shrubs – narrow spread, or earthen mounds.
2. Parking lots shall include landscape islands every thirty (30) parking spaces, a minimum of ten (10') feet in width and the length of a parking space. If parking spaces are nose to nose, the island shall be the length of two spaces.
3. All parking lanes shall begin and end with a landscape island the length of two (2) spaces end-to-end, and a measuring a minimum of ten (10') feet in width.
4. Parking islands shall include a minimum of two (2) 2-1/2" caliper shade tree with turf or a mulch material that is complimentary to the building(s) color scheme.
5. Perimeter parking screening will be provided and shall include shrubs at a minimum of 3 feet in height that forms an opaque screen and visual barrier within 2 years of planting. The unit value for perimeter parking screening may count toward the overall unit value required in 9.03.A.1.

B. Unit Values (minimum sizes at time of planting)

1.	Deciduous Shade/Overstory Tree – 2 ½" Caliper	0.75
2.	Evergreen Tree – 9' Tall	0.75
3.	Deciduous Ornamental/Understory Tree – 1 ½" Caliper	0.50
4.	Evergreen Tree – 6' Tall	0.50
5.	Evergreen Shrub with Narrow Spread – 4' Tall	0.25
6.	Hedge Plant – 24" to 30" Spread	0.05
7.	Earthen Mound – 3' Tall	0.50
8.	Earthen Mound – 6' Tall	1.00
9.	Earthen Mound – 9' Tall	1.50

10.01 PURPOSE

The purpose of this section is to provide standards and specifications applicable to the construction of streets, alleyways, sidewalks, and pedestrian walkways within West Wynne Farms.

10.02 DESIGN STANDARDS

All streets internal to West Wynne Farms shall be designed and constructed pursuant to the standards and specifications contained in the Brownsburg Subdivision Control Ordinance effective 1/01/2004. Additionally, the following standards are permitted:

- A. Stamped or colored asphalt and/or concrete shall be allowed at intersections, entries, and pedestrian crosswalks. All maintenance of streets involving colored asphalt or concrete, which are dedicated to the public, shall remain with the public entity accepting the subject improvement. The public entity accepting and maintaining those streets, which have been approved and containing decorative paving materials, shall have the inherent right to remove and replace such areas with non-decorative materials.
- B. Subsurface drains (SSD) shall be installed under concrete curbs pursuant to the standards and specifications of the governing jurisdiction at the time of platting. All residential lots shall be permitted to receive a lateral from the SSD to allow for sump pump and downspout connection discharge. Private streets with an inverted crown section shall have sub-surface drains located in the low areas of the street along the centerline or low spot and not beneath the curbs or a continuous sub-surface line.
- C. Developer has the option to delay placing the surface coat of asphalt streets with-in each phase until an eighty (80) percent build-out is achieved, or within three (3) years following the recording date of the final plat, whichever occurs sooner, provided that an acceptable surety is posted to guaranty such improvement and an acceptable binder course with adequate sealer is utilized and approved by the Town of Brownsburg Street Department.
- D. Reverse curves with less than one-hundred (100) feet of tangency shall be permitted.
- E. Roadways shall be permitted to intersect along horizontal curves provided that the intersecting roadway centerline is external and radial to the opposing curve.
- F. The developer has the option of posting Performance Bonds and Maintenance Bonds, or other forms of sureties, in accordance with the standards established in the Town of Brownsburg Subdivision Control Ordinance.

- G. Roadways within Parcels O, P and Q shall be private roads constructed to the thickness standards of the Town of Brownsburg or equivalent structural strength, and a width of twenty-four feet (24').
- H. The streets and public rights-of-way within Parcels O, P and Q shall be privately owned and maintained by the property owner. The streets and rights-of-way may become publicly owned and maintained only upon the express written consent of the governmental body having jurisdiction.
- I. Five (5) foot wide concrete sidewalks shall be installed along interior and exterior roads. In some locations, an eight (8) foot wide asphalt trail may be constructed in lieu of the aforementioned concrete sidewalk.

10.03 STREET SIGNS.

At the Developer's discretion, custom signage may be substituted for standard street signage as specified in the "Brownsburg Sub-division Control Ordinance"; provided, that such custom signage is approved by the Street Department and Planning and Building Department of the Town of Brownsburg, shall be installed at the Developer's expense, and maintained by the owner of or an authorized management organization for the parcel(s) in which such signage is placed.

11.01 PURPOSE

The purpose of the open space and amenities within the development is to enhance the overall preservation of native grounds, create active and passive areas for recreational enjoyment, and to serve as buffers between various land use types.

11.02 PARCEL M

The purpose of "Parcel M" is to create passive and/or active open space and parklands which the Developer shall have the option of donating/dedicating to the Town of Brownsburg for public use.

11.03 GENERAL COMMITMENTS

- A. All playground equipment shall meet International Play Equipment Manufacturers Association (IPEMA) certification and the U.S. Consumer Product Safety Performance Specifications. In addition, all structures shall meet ADA (American Disabilities Act) guidelines.
- B. Playground surfacing materials shall comport to the cushioning standards of the Consumer Product Safety Commission.
- C. All parks, trails, and open space shall be maintained and insured by a Homeowners Association, to be established through the establishment of appropriate covenants and restrictions.
- D. All multi-use paths shall either be asphalt or concrete constructed to a minimum width of eight (8) feet.
- E. Multi-use paths along State Road 267 and Northfield Drive shall conform to the standards of the Town of Brownsburg's adopted Greenways Plan.
- F. Total area designated for open space shall not be less than 25% of the total West Wynne Farms acreage.

11.04 DESIGN STANDARDS FOR PARCEL N.

In its sole discretion, the Developer may choose to incorporate relatively small amenities to serve the recreational needs of residents which shall be owned and maintained by the Homeowners Association. These areas shall contain a minimum of three (3) of the following options:

- 1. Pavilion;
- 2. "Tot-lot" consisting of a multi-use play structure(s);
- 3. Bench seating;
- 4. Bicycle rack(s);
- 5. Water feature (e.g. fountain, reflecting pool);
- 6. Shuffleboard court(s);
- 7. Quarter- to half-scale basketball court (court size determined by overall parklet design area and layout);

8. Landscaping within parklets shall consist of no fewer than twelve (12) shade trees at 1-1/2" caliper and nine (9) conifers at 5 feet minimum height.

The amenities shall be completed within six (6) months of the issuance of a building permit for fifty (50) houses.

11.05 DESIGN STANDARDS FOR PARCEL Q:

Within six (6) months of the issuance of a building permit for the sixth building, the Developer, or the Builder, shall have completed the development of five (5) of the following:

- A. Minimum 2,000 SF pool and bathhouse facility;
- B. Parking lot;
- C. Tennis court(s);
- D. Quarter- to full-scale basketball court(s);
- E. Neighborhood-scale pavilion;
- F. Bicycle rack(s);
- G. Neighborhood-scale playground with multi-use structure(s);
- H. Picnic tables;
- I. Grilling station;
- J. Landscaping, consisting of no fewer than twenty-four (24) shade trees at 1-1/2" caliper and twenty-four (24) evergreen trees at 5' minimum height.

11.06 ADDITIONAL OPEN SPACE: Approximately twelve (12) acres on the south side of Northfield Drive, as designate on the site map, shall remain as passive open/green space and Developer shall have the option to deed it to an entity for public use.

12.01 PURPOSE

The purpose of the signage regulations is to encourage the effective use of signs as a means of communication within the development; to maintain and enhance the aesthetic environment, and to enhance the development's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable fair and consistent enforcement of the restrictions contained herein.

12.02 APPLICABILITY EFFECT

A sign may be erected, placed, established, painted, created, or maintained within the development provided such facility is in strict conformance with the standards, procedures, exemptions, and other requirements of this contained herein.

12.03 PERMITS REQUIRED

- A. Signs requiring a permit under the provisions of this Ordinance shall secure such approval prior to the construction, placement, erection, or modification of an existing sign, pursuant to, and in accordance with, the requirements of the Brownsburg Zoning Ordinance.
- B. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of all applicable ordinances.

12.04 EXEMPT SIGNS

- A. Signs designated as "exempt" within the Brownsburg Zoning Ordinance shall be relieved from any obligation to obtain an Improvement Location Permit (ILP), provided said signs comply with all applicable provisions contained here-in.

12.05 ON-PREMISE SIGNS: COMMERCIAL/RETAIL

The following signage is permitted within Parcels R and S:

- A. Permitted Commercial/Retail/Office signs: No single business establishment or tenant shall be permitted to have more than three (3) of the signs identified in paragraphs numbered 1,3,4,5,6,10, and 11 of this section.
 - 1. Wall-mounted or Painted Signs:
 - a. External streets (C.R. 300 North, State Road #267, and Northfield Drive), the area of the signboard shall not exceed a maximum size of one (1) square foot

- per two (2) lineal feet of building frontage, nor exceed a maximum of one hundred (100) square feet.
- b. Internal streets (i.e. all streets and parking areas not defined as "external streets"), the area of the signboard shall be calculated using the same 1:2 ratio, provided that any business with less than fifty (50) feet of frontage shall be permitted up to twenty-five (25) square feet of signboard.
 - c. Limited to two (2) signs per business establishment and no more than one (1) sign per façade.
 - d. Wall signs may be illuminated only during operating hours of business.
 - e. Wall-mounted signs along the external streets and adjacent residential areas shall not be internally illuminated, except where those external streets abut or front along other commercial parcels.
 - f. Applied letters may be substituted for wall-mounted signs, if constructed of wood, metal, or stone. Applied plastic letters shall not be permitted; however, translucent inserts may be used as an accent material.
2. Building Directory Signs:
- a. Such sign(s) shall be mounted on the wall adjacent to the entrance.
 - b. Such signage shall project outward from the wall to which it is attached; however, such projection shall not exceed six (6) inches.
 - c. The area of the signboard shall not exceed twelve (12) square feet.
3. Projecting Signs:
- a. The signboard shall not exceed an area of eight (8) square feet unless a corner sign, which shall not exceed an area of nine (9) square feet.
 - b. The height of the top edge of the signboard shall not exceed (i) the height of the wall from which the sign projects, if attached to a single story building, (ii) the height of the sill or bottom of any second story window, if attached to a multi-story building and not a corner sign, or (iii) 50% of the distance between the building cornice or roof line and the sill or bottom of any second-story window if a corner sign located on a multi-story building.
 - c. The distance from the building wall to the signboard shall not exceed six (6) inches.
 - d. The width of the signboard shall not exceed four (4) feet.
 - e. Limited to one sign for each ground floor business establishment.
4. Window and/or door signs shall not exceed 30% of the window or door area.
5. Awning signs shall not exceed twelve (12) square feet in area
6. Freestanding Signs: provided that the following standards are met:
- a. Signs shall be set back a minimum of ten (10) feet from the property line.
 - b. The area of the signboard shall not exceed thirty (30) square feet.
 - c. The height of the top of the signboard, or of any posts, brackets, or other supporting elements shall not exceed six (6) feet from the ground.

- d. The signboard shall be architecturally compatible with the style, composition, materials, colors, and details of the building.
 - e. The signboard may be illuminated, but not after 11.00 PM, unless the business establishment is open later than 11:00 PM, at which time it shall not be illuminated after closing.
 - f. Limited to two (2) signs per building, and no more than one (1) sign per façade.
7. Incidental Signs shall be allowed for each entrance, shall not be illuminated, and shall not exceed four (4) square feet.
8. Directional Signs: may be either freestanding or wall-mounted on the rear façade or barrier (wall or fence), but shall be unlit and limited to four (4) square feet in area.
9. Eatery Signs: restaurants and cafes shall be allowed one (1) of the following additional signs:
- a. A wall-mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case, and clearly visible through a glass front. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five (5) feet, shall not exceed a total area of two (2) square feet, and may be illuminated.
 - b. Sandwich board signs, as follows:
 - i) The area of the signboard, single-sided, shall not exceed five (5) square feet.
 - ii) The signboard shall be constructed of wood, chalkboard, and/or finished metal.
 - iii) Letters can be painted or handwritten.
 - iv) The sign shall be located within four (4) feet of the main entrance to the business and its location shall not interfere with pedestrian and/or vehicular circulation.
 - v) The information displayed shall be limited to daily specials and hours of operation.
 - vi) The sign shall be removed at the end of the business day.
10. Historically Appropriate Illuminated Signs: (to the type of business conducted) sign area shall not exceed six (6) square feet.
11. Pylon Monument Signs:
- a. Size:
 - i. Commercial/office centers less than 25,000 building square feet in size shall be permitted one pylon monument sign per center, which shall be no greater than nine (9) feet in height and have no more than sixty (60) square feet of sign area per face;
 - ii. Commercial/office center which range in size from 25,000 building square feet to less than sixty thousand (60,000) building square feet shall be permitted one pylon monument sign per center, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face;
 - iii. Commercial/office centers greater than sixty thousand (60,000) building square feet shall be permitted one pylon monument sign per center,

- which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face;
- iv. Commercial/office monument signs shall have a minimum base height of six (6) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed six (6) feet; and
 - v. Sign caps and bases shall not be used for display or advertising purposes
- b. Entrance Signs:
 - i. In addition to a pylon monument sign, a commercial/office center shall be permitted one (1) entrance sign per point of ingress; and
 - ii. Commercial/office center entrance signs shall be limited to a maximum of six (6) feet in height, a sign area of thirty (30) square feet per sign face, and shall not contain tenant information.
 - c. Setbacks:
 - i. All signs shall conform to the side and rear yard setback requirements for structures as set forth in this PD Ordinance; and
 - ii. Signs shall have a minimum front yard or right-of-way setback requirement of five (5) feet from a property line or right-of-way.
- B. Permitted Other Temporary Signs for a period of not more than two years:
- 1. Project Identification Signs:
 - d. The design of the sign shall be consistent with the development's architectural character.
 - b. The maximum area per sign shall not exceed seventy-five (75) square feet.
 - c. The area surrounding the sign shall be appropriately landscaped.
 - d. The sign may be externally illuminated.
 - e. The sign shall not exceed fifteen (15) feet in height.
 - f. Matching signs, which border either side of one entrance, shall be treated as one sign, but both sign faces shall be used to calculate the total sign area.
 - 2. Construction Signs for each street frontage of a lot, upon which construction of any structure is in progress, shall be permitted provided the following standards are met:
 - a. The maximum sign area shall be thirty-two (32) square feet.
 - b. The maximum height of each sign shall be eight (8) feet.
 - c. The sign shall not be illuminated.
 - d. The sign shall be removed within seven (7) days after occupancy occurs for the intended use of the building.
 - e. Sign copy shall be limited to identification of the building, architects, engineers, contractors, and other persons involved with the construction, but shall not include any advertising or product other than a rendering of the building being constructed.
 - 3. Promotional Signs:
 - a. Signs depicting the site plan of a district, parcel, or sub-parcel assuming completion of development in accordance with the development plan, and indicating the location within the real estate of the person viewing the sign, provided the following standards are met:
 - i) The maximum size for each subject area sign shall be thirty-two (32) square feet.
 - ii) The maximum height shall be eight (8) feet.
 - iii) The sign may be externally illuminated until 11:00 PM each night.
 - iv) Promotional Signs shall be removed from a subject area when 95% of the lots or commercial space in that subject area has been sold.

- b. Signs containing a rendering of one or more buildings expected to be constructed on a lot or portion of the real estate, provided the following standards are met:
 - i) The maximum size for each subject area sign shall be forty (40) square feet.
 - ii) The maximum height shall be eight (8) feet.
 - iii) The sign may be externally illuminated until 11:00 PM each night.
 - iv) One sign shall be permitted for each street frontage of the lot or portion of real estate upon which construction of the depicted building is contemplated.
 - v) The sign shall be removed not later than thirty-six (36) months following installation thereof unless construction of the building has commenced prior to that date and, if construction commences, the sign shall be removed within seven (7) days after occupancy occurs for the intended use of the building.
- 4. Real Estate Sales and Leasing Signs: provided the following standards are met:
 - a. Maximum sign area shall be twenty (20) square feet.
 - b. The height of the sign shall not exceed eight (8) feet.
 - c. Limited to one sign for each street frontage of the lot, with no more than two (2) sign faces per sign.
 - d. The sign shall not be illuminated.
 - e. Signs shall be removed within seven (7) days after the date the unit is leased, sold, or occupied.
 - f. When 80% of the Commercial Center is sold or occupied, real estate signs are limited to a ground sign, a wall sign, or a window sign of six (6) square feet or less.

12.06 SIGNS: SINGLE FAMILY FOR PARCEL N

The following signage is permitted in the Single Family parcels of the Development:

All signage as permitted under the Brownsburg Zoning Ordinance for District R3.

12.07 SIGNS: MULTI- FAMILY FOR PARCELS O, P and Q

The following signage is permitted in the Multi-Family parcels of the Development:

All signage as permitted under the Brownsburg Zoning Ordinance for District M2 for Parcels O and P.

All signage as permitted under the Brownsburg Zoning Ordinance for District M3 for Parcels Q.

12.08 GENERAL REGULATIONS

- A. Design Standards: signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building.
- B. Premises identification:

1. The assigned premises identification of a building shall be displayed in such a manner so that the numeral can readily be seen from the street. Identification shall be displayed on the building, on or near the main entrance door, or displayed on a mailbox near the street in such a manner as they identify its corresponding building. If the mailboxes for several different buildings are grouped together, or if the location of individual mailboxes are not clearly associated with their respective buildings, then identification shall also be displayed on the building.
 2. Any dwelling or commercial building that abuts an alley or secondary access that could be used by motor vehicles must not only display the premises identification on the front, but shall also display its premises identification visible from the alternate access to the property.
 3. When numeral representing premises identification are removed or become illegible, such numeral shall be renewed or replaced by the owner or occupant of the building.
- C. Sign Maintenance: all signs and sign structures shall be kept and maintained in good repair and in a safe condition.
- D. Sign Proximity: no sign shall be permitted to be placed on any wall, fence, or standard unless fronting a thoroughfare, alley, or rear lane, or unless located in a side yard that fronts a thoroughfare, alley, or rear lane.

12.09 GENERAL PERMIT PROCEDURES

General permit procedures shall comply with the current Brownsburg Zoning Ordinance.

13.01 INTERPRETATION OF TERMS OR WORDS

For purposes of this Ordinance, certain terms or words are defined, and the words or terms used shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, corporation or other legal entity, as well as an individual;

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;

The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement;

The words "used" or "occupied" include the words "intended, designed, constructed, converted, altered or arranged to be used or occupied"; and

The word "lot" includes the words "plot, tract or parcel."

13.02 DEFINITIONS

All definitions within this PD shall comply with the Brownsburg Zoning Ordinance adopted February 1, 2013.

13.03 ENFORCEMENT

Enforcement of this Ordinance shall comply with the terms of enforcement contained within the Brownsburg Zoning Ordinance adopted February 1, 2013.

Exhibit A
Legal Description

All of the Northeast Quarter and a fractional part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 East, Lincoln Township, Hendricks County, Indiana, more fully described as follows:

Beginning at a R.R. Spike found marking the Northeast Corner of the Northwest Quarter of Section 26; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) along the East line of said Northwest Quarter, a distance of 1445.60 feet to an Iron Pipe with I.D. Cap found on the Westerly line of a parcel conveyed to the Indianapolis Water Company as described in Instrument No. 9800003900 of the records on file in the Office of the Hendricks County Recorder, said Westerly line also being the Easterly line of a 75' wide legal drain easement as per a survey by CrossRoad Engineers dated September 15, 1997; thence along said lines for the following six (6) courses: 1) South 55 degrees 36 minutes 57 seconds West a distance of 170.61 feet to an Iron Pipe with I.D. Cap found; 2) South 06 degrees 37 minutes 22 seconds West a distance of 617.30 feet to an Iron Pipe with I.D. Cap found; 3) South 25 degrees 20 minutes 06 seconds West a distance of 191.76 feet to an Iron Pipe with I.D. Cap Found; 4) South 35 degrees 48 minutes 46 seconds West a distance of 210.69 feet to an Iron Pipe with I.D. Cap found; 5) South 47 degrees 52 minutes 57 seconds West a distance of 89.78 feet to an Iron Pipe with I.D. Cap found; 6) South 65 degrees 34 minutes 36 seconds West a distance of 284.88 feet to an Iron Pipe with I.D. Cap found on the South line of the aforesaid Northwest Quarter; thence South 89 degrees 29 minutes 23 seconds West, along said South line, a distance of 598.85 feet to a 3/4" Iron Pipe with I.D. Cap set at the computed Southwest corner of the Southeast Quarter of said Northwest Quarter; Thence North 00 degrees 07 minutes 20 seconds East, along the West line of the East Half of said Northwest Quarter, a distance of 2669.38 feet to a P.K. Nail with I.D. Washer set marking the Northwest corner of the Northeast Quarter of said Northwest Quarter; thence North 89 degrees 25 minutes 51 seconds East, along the North line of said Northwest Quarter and along County Road 300 North, a distance of 1336.52 feet to the place of beginning, containing 74.826 acres, more or less and subject to all highways, rights-of-way and easements. And being subject to a 60' wide utility easement (as recorded in Inst. #9800003901), a 50' wide easement for ingress and egress (as recorded in Inst. #9800003902), a Highway Right-of-Way Agreement (as recorded in Inst. #2003-44818), a 30' wide storm sewer easement (as recorded in Inst. #2003-54107) and being subject to any other easements, rights-of-way or restrictions of record observable.

ALSO:

A fractional part of the Southwest Quarter of Section 23, Township 16 North, Range 1 East, Lincoln Township, Hendricks County, Indiana, more fully described as follows:

Commencing at a R.R. Spike found marking the Southeast corner of the Southwest Quarter of Section 23; thence South 89 degrees 25 minutes 51 seconds West along the South line of said Quarter and along County Road 300 North, a distance of 870.47 feet to a P.K. Nail with I.D. Washer set and the place of

Exhibit A
Legal Description

beginning; thence continuing South 89 degrees 25 minutes 51 seconds West, along said South line and along said County Road, a distance of 866.60 feet to a P.K. Nail with I.D. Washer set at the Southeast corner of a parcel conveyed to Light Development Corporation as described in Deed Record 328, page 591 of the records on file in the Office of the Hendricks County Recorder; thence North 00 degrees 03 minutes 37 seconds East, along the East line of said parcel and parallel to the West line of the aforesaid Southwest Quarter, a distance of 2308.51 feet to the South line of a parcel conveyed to Terry Tate as described in Deed Record 344, page 767 of the records on file in the Office of the Hendricks County Recorder, said line also being the former Southerly right-of-way line of the CSX Transportation Railroad (for reference, an iron pin was found North 03 degrees 45 minutes 25 seconds West a distance of 0.59 feet); thence South 74 degrees 00 minutes 33 seconds East, along the South line of said parcel a distance of 526.72 feet to a 3/4" Iron Pipe with I.D. Cap set at the Southeast corner of said parcel; thence North 00 degrees 03 minute 37 seconds East, along the East line of said parcel and parallel to the aforesaid West line of the Southwest Quarter, a distance of 103.99 feet to a 3/4" Iron Pipe with I.D. Cap set on the Southerly right-of-way line of the CSX Transportation Railroad; thence South 74 degrees 00 minutes 33 seconds East, along said Southerly right-of-way line, a distance of 369.09 feet to a 3/4" Iron Pipe with I.D. Cap set; thence South 00 degrees 04 minutes 36 seconds East, parallel to the East line of said Southwest Quarter, a distance of 2157.12 feet to the place of beginning, containing 44.101 acres, more or less and subject to all highways, rights-of-way and easements of record.

ALSO:

A fractional part of the Southwest Quarter of Section 23, Township 16 North, Range 1 East, Lincoln Township, Hendricks County, Indiana, more fully described as follows:

Commencing at a Railroad spike found marking the Southeast corner of the Southwest Quarter of Section 23; thence South 89 degrees 25 minutes 51 seconds West, along the South line of said Quarter and along County Road 300 North a distance of 870.47 feet to a P.K. Nail with I.D. Washer set; thence North 00 degrees 04 minutes 36 seconds West, parallel to the East line of said Quarter a distance of 2261.19 feet to a 3/4" iron pipe with I.D. Cap set on the Northerly right-of-way line of the CSX Transportation Railroad and the place of beginning; thence North 74 degrees 00 minutes 33 seconds West, along said Northerly right-of-way line and the extension thereof (now being the Northerly line of a parcel conveyed to Terry Tate as described in Deed Record 344, page 767 of the records on file in the Office of the Hendricks County Recorder), a distance of 895.54 feet to a 3/4" Iron Pipe with I.D. Cap set; thence North 00 degrees 03 minutes 37 seconds East, parallel to the West line of the Southwest Quarter, a distance of 159.60 feet to a 3/4" Iron Pipe with I.D. Cap set on the North line of the Northwest Quarter of the Southwest Quarter of Section 23 (as established in a survey by MSE Surveying dated December 11, 1991-Jeffrey A. Meyerrose R.L.S. #890003-IN); thence North 89 degrees 16 minutes 50 seconds East, along said North line, a distance of 377.90 feet to the Northwest corner of the Northeast Quarter of said Southwest Quarter (as established in said survey); thence North 89 degrees 30 minutes 26 seconds East, along the North line of the Northeast

Exhibit A
Legal Description

Quarter of said Southwest Quarter, a distance of 482.32 feet (for reference, an Iron Pin was found North 65 degrees 46 minutes 45 seconds West a distance of 0.54 feet); thence South 00 degrees 04 minutes 36 seconds East, parallel to the aforesaid East line of the Southwest Quarter of Section 23, a distance of 415.20 feet to the place of beginning, containing 5.685 acres, more or less and subject to all highways, rights-of-way and easements of record.

ALSO:

Part of the Northwest quarter of the Northwest quarter of Section 26, Township 16 North, Range 1 East of the Second Principal Meridian in Lincoln Township, Hendricks County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said quarter quarter section; thence South 89 degrees 12 minutes 36 seconds West (assumed bearing) on and along the North line of said quarter quarter section 450.00 feet; thence South 00 degrees 05 minutes 03 seconds East parallel to the East line of said quarter quarter section 817.78 feet; thence South 89 degrees 12 minutes 36 seconds West parallel to the aforesaid North line of said quarter quarter section 527.70 feet; thence South 00 degrees 05 minutes 03 seconds East parallel to the East line of said quarter quarter section 1850.46 feet to a point on the South line of said quarter quarter section; thence North 89 degrees 20 minutes 16 seconds East on and along said South line 977.68 feet to the Southeast corner of said quarter quarter section; thence North 00 degrees 05 minutes 03 seconds West on and along the East line of said quarter quarter section 2670.42 feet to the Point of Beginning. Containing 50.00 acres, more or less.

ALSO:

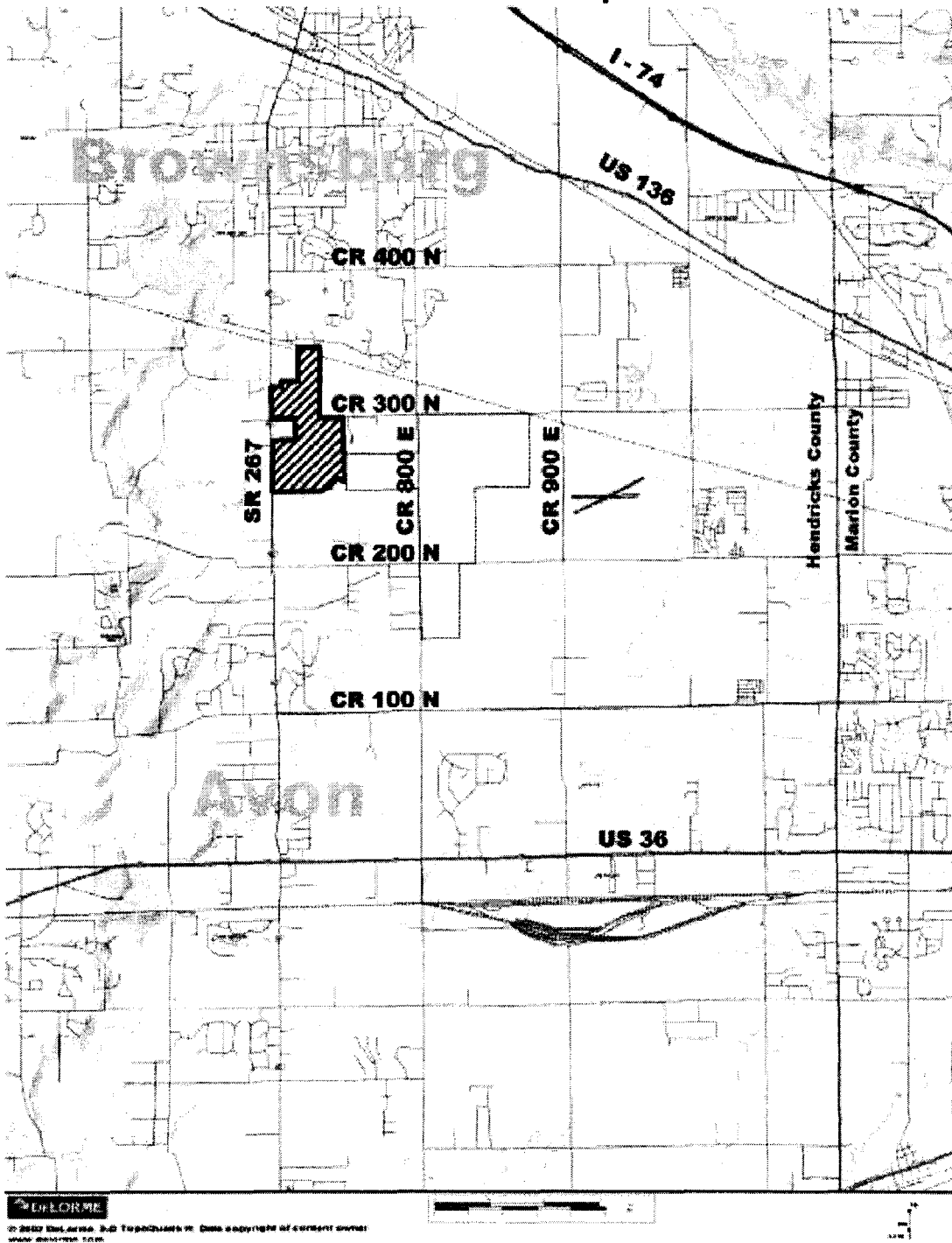
A part of the West half of the Southwest quarter of Section 23, Township 16 North, Range 1 East of the Second Principal Meridian in Hendricks County, Indiana, more particularly described as follows, to-wit:

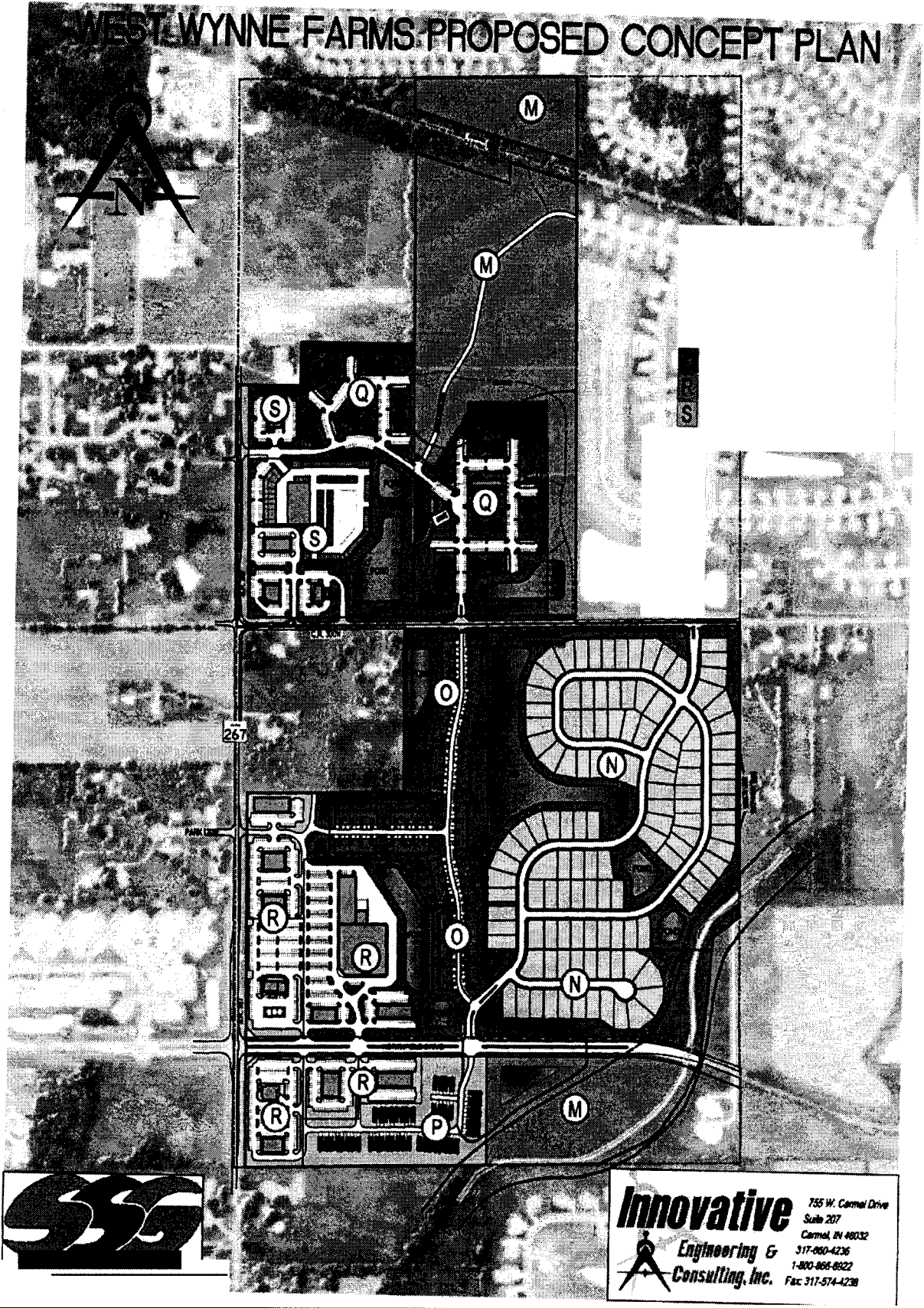
Beginning at a stone at the Southwest corner of said Section 23; thence South 89 degrees 57 minutes 36 seconds East on and along the South line of said section 935.96 feet; thence North 00 degrees 37 minutes 26 seconds East 1375.48 feet; thence North 88 degrees 41 minutes 54 seconds West 602.89 feet; thence South 01 degree 13 minutes 58 seconds West 211.07 feet; thence North 88 degrees 47 minutes 11 seconds West 330.84 feet to a point on the West line of said Section; thence South 00 degrees 37 minutes 26 seconds West on and along the West line of said section 1184.50 feet to the Point of Beginning. Containing 28.16 acres, more or less.

ALSO:

Lots numbered 2, 3, and 4 in Minor Plat Numbered Four (4) in Lincoln Township, Hendricks County, Indiana, as per plat thereof recorded April 7, 1978, in Plat Book 9, page 111, in the Office of the Recorder of Hendricks County, Indiana.

Site Location Map





Innovative 755 W. Carmel Drive
Suite 207
Carmel, IN 46032
Engineering & 317-660-4236
Consulting, Inc. 1-800-866-8522
Fax: 317-574-4238

DEVELOPER COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE

TOWN OF BROWNSBURG, INDIANA

Pursuant to Ind. Code 36-7-4-1015, the Owner of the real estate located in the Town of Brownsburg, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Owner of Record/Representative: Site Solutions Group, LLC, Developer

Parcel/Deed Information: 1993-16265
201305908
199921842
197812781
200538775
201123379
200707410
200810712

Legal Description: See Exhibit "A"

Statement of COMMITMENTS:

1. "Guerrettaz Buffer"(see exhibit "B" of previous Commitments in the Development Commitment Recording Form recorded April 24, 2007 as Instrument Number 200700010243 in the office of the Recorder of Hendricks County, Indiana): the developer shall maintain a minimum seventy (70) foot wide landscaped buffer yard consisting of a three (3) rail white PVC fence with a minimum of Five (5) Evergreen Plantings at least six (6) feet in height per every one hundred (100) foot of buffer yard length along the boundary of Parcel O adjacent to the former Guerrettaz, now Weaver, property. The foregoing shall be installed prior to the paving of streets in Parcel O.
2. "Musselman Buffer"(see exhibit "C" of previous Commitments in the Development Commitment Recording Form recorded April 24, 2007 as Instrument Number 200700010243 in the office of the Recorder of Hendricks County, Indiana): the developer shall maintain a minimum fifty (50) feet wide landscaped buffer yard consisting of a four (4) foot high mound with a minimum of Seven (7) Evergreen Plantings at least six (6) feet in height per every one

Exhibit D
Commitments

hundred (100) feet of buffer yard along the boundary of Parcels Q and S which are adjacent to the Scutt and Musselman properties. In addition, a six (6) foot high wooden shadow box privacy fence shall be installed along the top of the four (4) foot mound continuously along the entire length of the buffer yard. The foregoing shall be installed prior to the paving of streets in Parcels Q and S as each Q and S develop. The developer shall also install and maintain a minimum twenty (20) feet wide landscaped buffer yard consisting of a minimum of Five (5) Evergreen Plantings at least six (6) feet in height per every one hundred (100) feet of buffer yard along the boundary of Parcel M adjacent to the Musselman property. In addition, a six (6) feet high wooden shadow box privacy fence shall be installed along the entire length of the buffer yard adjacent to the Musselman property. The foregoing shall be installed prior to the paving of streets in M.

3. "Altmeyer Buffer" (see previous Commitments in the Development Commitment Recording Form recorded April 24, 2007 as Instrument Number 200700010243 in the office of the Recorder of Hendricks County, Indiana) shall be installed between the commercially zoned land in Parcel R and the Altmeyer property line with a Unit Value of 5. The buffer yard shall be twenty-five (25) feet in width and shall be installed prior to the paving of streets in Parcel R. In addition, the developer shall maintain a minimum twenty-five (25) feet wide landscaped buffer yard consisting of a three (3) to four (4) feet high undulating mound with a minimum of Five (5) Evergreen Plantings at least six (6) feet in height per every one hundred (100) feet of buffer yard along the northern boundary of Parcel R and adjacent to the property now owned by Gray. In addition, the developer shall maintain a minimum twenty-five (25) feet wide landscaped buffer yard consisting a minimum of Five (5) Evergreen Plantings at least six (6) feet in height per every one hundred (100) feet of buffer yard along the southern and eastern boundary of Parcel P and adjacent to the property now owned by Altmeyer.

4. Parcel Q: In the area along the east property line and adjacent to the existing Bersot Subdivision, the developer shall maintain a minimum of fifty (50) feet wide Tree preservation area within the existing wooded area of the site, and south of the woods for a distance of two hundred (200) feet, the developer shall maintain a minimum thirty (30) feet wide landscaped buffer yard consisting of a four (4) feet high mound with a minimum of Seven (7) Evergreen Plantings at least six (6) feet in height per every one hundred (100) feet of buffer yard length. In addition, a six (6) feet high wooden shadow box privacy fence shall be installed along the top of the four (4) feet mound continuously along the entire two hundred (200) feet length of the buffer yard.

5. Traffic Impact Agreement: The developer and future owners of the various parcels within the proposed development agree to construct, at their cost, the acceleration and deceleration lanes and road widening along State Road 267 and/or County Road 300 North along the frontage of their respective parcels at the time of the development of each parcel, excluding Northfield Drive, as recommended in the Traffic impact report from VS Engineering

Exhibit D
Commitments

dated June 19, 2013. In addition, to fund other intersection improvements in the immediate vicinity of West Wynne Farms, additional widening of State Road 267/Green Street and constructing additional turn lanes (5 lanes total) on Northfield Drive, the future developer and future owners of Parcels O, P, R and S agree to contribute a total amount of, and not to exceed, Three Hundred Twenty-four Thousand and no/100 dollars (\$324,000.00) to the Town of Brownsburg, calculated as follows. A total of One Hundred Fifty Thousand and no/100 dollars (\$150,000.00) (as previously agreed to be paid as cited in exhibit "D" of previous Commitments in the Development Commitment Recording Form recorded April 24, 2007 as Instrument Number 200700010243 in the office of the Recorder of Hendricks County, Indiana) of the contribution shall be collected from the outlot commercial owners in Parcel R consisting of 12.5 acres (4 acres currently owned by Jim White; 4 acres currently owned by Chester Blake; 4.5 acres currently owned by Burton). The contribution shall be paid at the time of application for a building permit fee for the respective acreages on a per acre basis of property of \$12,000 per acre. Additionally, One Hundred Seventy-Four Thousand and no/100 dollars (\$174,000.00) shall be contributed by the developer(s) of parcels O and P at a rate of One Thousand and no/100 dollars (\$1,000) per unit at time of applying for a building permit for each building. These funds will be utilized by the Town of Brownsburg for intersection improvements in the immediate vicinity of West Wynne Farms, the widening of State Road 267/Green Street and construction the five (5) lanes of Northfield Drive to be constructed south of Parcels R, O and N and north of Parcel P including the acceleration and deceleration lanes for intersections G and H as recommended in the Traffic Impact study by VS Engineering dated June 19, 2013. If a signal is determined to be required at a future date at Intersection H as recommended in the VS Engineering report, the cost of this signal shall be the responsibility of the owner of the large retail parcel located in Parcel R on the north side of Northfield Drive.

6. The developer commits to obtain a building permit for the development of a Commercial use in either Parcel R or S before fifty percent (50%) of the residential developments, Parcels N, O, P and Q, (as measured by number of permits issued) occurs.
7. The 5.7 acres located in Parcel M north of the B and O Trail; 27.5 acres located in Parcel M south of the B and O Trail; and approximately 12 acres located south of Parcel N and south of Future Northfield Drive shall remain as passive and/or active open/green space and the Developer shall have the option to deed it to an entity for public use.
8. In the area south of Northfield Drive, no dwelling shall be built east of a parallel line that is 1,295 feet from the west property line (centerline of SR 267) of West Wynne Farms. The existing north/south tree line in Parcel P will remain. The common east /west tree line between Woodcreek , Altmeyer and West Wynne Farms will remain in Parcels R, P and M.

Exhibit D
Commitments

9. A prohibition against storage sheds and out-buildings will be added to Declaration of Covenants, Conditions, and Restrictions.

10. Drainage: The Developers of each subject parcel shall be required to comply with all local Town of Brownsburg and applicable County drainage requirements. The Developer shall agree to work with the Town of Brownsburg to design specific parcels within the overall project to comply with "Building Green" development standards.

The foregoing Commitments are in addition to the previous Commitments in the Development Commitment Recording Form recorded April 24, 2007 as Instrument Number 200700010243 in the office of the Recorder of Hendricks County, Indiana. In the event of any conflict between these commitments dated _____, 2013 and recorded _____, 2013 and the commitments recorded April 24, 2007, the Commitments recorded April 24, 2007 shall prevail.

These COMMITMENTS shall run with the land, be binding on the Owner, subsequent owners of the real estate and other persons acquiring interest therein. These COMMITMENTS may be modified or terminated by a decision of the Advisory Plan Commission, made at a public hearing after notice has been given pursuant to the Advisory Plan Commission Rules of Procedure.

COMMITMENTS contained in this instrument shall be effective upon the approval of the petition PCMA-3-13-1136 West Wynne Farms and shall continue in effect until modified or terminated by the Advisory Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

- (1) The Town of Brownsburg, Advisory Plan Commission
- (2) Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval; and
- (3) Owners of homes within Woodcreek Commons, Woodcreek Farms, and the Reserve at Woodcreek.

The Undersigned hereby authorizes the Advisory Plan Commission to record this COMMITMENT form in the Office of the Recorder of Hendricks County, Indiana, upon final approval of petition PCMA-3-13-1136 West Wynne Farms.

Exhibit D
Commitments

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, 2013.

Site Solutions Property Group, LLC

Christopher R. White, Member

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Before me, a Notary Public in and for said County and State personally appeared Christopher R. White, Member of Site Solutions Property Group, LLC,,who acknowledged the execution of the above and foregoing instrument to be a voluntary act and deed and for the purposes stated therein.



Notary Public (*Signature*)

Notary Public (*Printed Name*)

My Commission expires: _____ Resident of _____ County, IN

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law, Amy Comer Elliott.

This instrument was prepared by Amy Comer Elliott, Attorney-at-Law, COMER LAW OFFICE, LLC, P.O. Box 207, Danville, IN 46122, (317-745-4300).

EXHIBIT 'D'

DEVELOPER COMMITMENTS

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
TOWN OF BROWNSBURG, INDIANA**

Pursuant to Ind. Code 36-7-4-1015, the Owner of the real estate located in the Town of Brownsburg, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Owner of Record/Representative: Site Solutions Group, LLC, Developer

Parcel/Deed Information: 1993-16265
201305908
199921842
197812781
200538775
201123379
200707410
200810712

Legal Description: See Exhibit "A"

Statement of COMMITMENTS:

1. "Guerrettaz Buffer" (see exhibit "B" of previous Commitments in the Development Commitment Recording Form recorded April 24, 2007 as Instrument Number 200700010243 in the office of the Recorder of Hendricks County, Indiana): the developer shall maintain a minimum seventy (70) foot wide landscaped buffer yard consisting of a three (3) rail white PVC fence with a minimum of five (5) Evergreen Plantings at least six (6) feet in height per every one hundred (100) feet of buffer yard length along the boundary of Parcel O adjacent to the former Guerrettaz, now Weaver, property. The foregoing shall be installed prior to the paving of streets in Parcel O.
2. "Musselman Buffer" (see exhibit "C" of previous Commitments in the Development Commitment Recording Form recorded April 24, 2007 as Instrument Number 200700010243 in the office of the Recorder of Hendricks County, Indiana): the developer shall maintain a minimum fifty (50) feet wide landscaped buffer yard consisting of a four (4) foot high mound with a minimum of seven (7) Evergreen Plantings at least six (6) feet in height per every one hundred (100) feet of buffer yard along the boundary of Parcels Q and S which are adjacent to the Scutt and Musselman properties. In addition, a six (6) foot high wooden shadow box privacy fence shall be installed along the top of the four (4) foot mound continuously along the entire length of the buffer yard. The foregoing shall be installed prior to the paving of streets in Parcels Q and S as each Q and S develop. The developer shall also install and

EXHIBIT 'D' continued

DEVELOPER COMMITMENTS

maintain a minimum twenty (20) feet wide landscaped buffer yard consisting of a minimum of Five (5) Evergreen Plantings at least six (6) feet in height per every one hundred (100) feet of buffer yard along the boundary of Parcel M adjacent to the Musselman property. In addition, a six (6) feet high wooden shadow box privacy fence shall be installed along the entire length of the buffer yard adjacent to the Musselman property. The foregoing shall be installed prior to the paving of streets in M.

3. "Altmeyer Buffer" (see previous Commitments in the Development Commitment Recording Form recorded April 24, 2007 as Instrument Number 200700010243 in the office of the Recorder of Hendricks County, Indiana) shall be installed between the commercially zoned land in Parcel R and the Altmeyer property line with a Unit Value of 5. The buffer yard shall be twenty-five (25) feet in width and shall be installed prior to the paving of streets in Parcel R. In addition, the developer shall maintain a minimum twenty-five (25) feet wide landscaped buffer yard consisting of a three (3) to four (4) feet high undulating mound with a minimum of Five (5) Evergreen Plantings at least six (6) feet in height per every one hundred (100) feet of buffer yard along the northern boundary of Parcel R and adjacent to the property now owned by Gray. In addition, the developer shall maintain a minimum twenty-five (25) feet wide landscaped buffer yard consisting a minimum of Five (5) Evergreen Plantings at least six (6) feet in height per every one hundred (100) feet of buffer yard along the southern and eastern boundary of Parcel P and adjacent to the property now owned by Altmeyer.
4. Parcel Q: In the area along the east property line and adjacent to the existing Bersot Subdivision, the developer shall maintain a minimum of fifty (50) feet wide Tree preservation area within the existing wooded area of the site, and south of the woods for a distance of two hundred (200) feet, the developer shall maintain a minimum thirty (30) feet wide landscaped buffer yard consisting of a four (4) feet high mound with a minimum of Seven (7) Evergreen Plantings at least six (6) feet in height per every one hundred (100) feet of buffer yard length. In addition, a six (6) feet high wooden shadow box privacy fence shall be installed along the top of the four (4) feet mound continuously along the entire two hundred (200) feet length of the buffer yard.
5. Traffic Impact Agreement: The developer and future owners of the various parcels within the proposed development agree to construct, at their cost, the acceleration and deceleration lanes and road widening along State Road 267 and/or County Road 300 North along the frontage of their respective parcels at the time of the development of each parcel, excluding Northfield Drive, as recommended in the Traffic impact report from VS Engineering dated June 19, 2013. In addition, to fund other intersection improvements in the immediate vicinity of West Wynne Farms, additional widening of State Road 267/Green Street and

EXHIBIT 'D' continued

DEVELOPER COMMITMENTS

constructing additional turn lanes (5 lanes total) on Northfield Drive, the future developer and future owners of Parcels O, P, R and S agree to contribute a total amount of, and not to exceed, Three Hundred Twenty-four Thousand and no/100 dollars (\$324,000.00) to the Town of Brownsburg, calculated as follows. A total of One Hundred Fifty Thousand and no/100 dollars (\$150,000.00) (as previously agreed to be paid as cited in exhibit "D" of previous Commitments in the Development Commitment Recording Form recorded April 24, 2007 as Instrument Number 200700010243 in the office of the Recorder of Hendricks County, Indiana) of the contribution shall be collected from the outlot commercial owners in Parcel R consisting of 12.5 acres (4 acres currently owned by Jim White; 4 acres currently owned by Chester Blake; 4.5 acres currently owned by Burton). The contribution shall be paid at the time of application for a building permit fee for the respective acreages on a per acre basis of property of \$12,000 per acre. Additionally, One Hundred Seventy-Four Thousand and no/100 dollars (\$174,000.00) shall be contributed by the developer(s) of parcels O and P at a rate of One Thousand and no/100 dollars (\$1,000) per unit at time of applying for a building permit for each building. These funds will be utilized by the Town of Brownsburg for intersection improvements in the immediate vicinity of West Wynne Farms, the widening of State Road 267/Green Street and construction the five (5) lanes of Northfield Drive to be constructed south of Parcels R, O and N and north of Parcel P including the acceleration and deceleration lanes for intersections G and H as recommended in the Traffic Impact study by VS Engineering dated June 19, 2013. If a signal is determined to be required at a future date at Intersection H as recommended in the VS Engineering report, the cost of this signal shall be the responsibility of the owner of the large retail parcel located in Parcel R on the north side of Northfield Drive.

6. The developer commits to obtain a building permit for the development of a Commercial use in either Parcel R or S before fifty percent (50%) of the residential developments, Parcels N, O, P and Q, (as measured by number of permits issued) occurs.
7. The 5.7 acres located in Parcel M north of the B and O Trail; 27.5 acres located in Parcel M south of the B and O Trail; and approximately 12 acres located south of Parcel N and south of Future Northfield Drive shall remain as passive and/or active open/green space and the Developer shall have the option to deed it to an entity for public use.
8. In the area south of Northfield Drive, no dwelling shall be built east of a parallel line that is 1,295 feet from the west property line (centerline of SR 267) of West Wynne Farms. The existing north/south tree line in Parcel P will remain. The common east /west tree line between Woodcreek , Altmeyer and West Wynne Farms will remain in Parcels R, P and M.

EXHIBIT 'D' continued

DEVELOPER COMMITMENTS

9. A prohibition against storage sheds and out-buildings will be added to Declaration of Covenants, Conditions, and Restrictions.
10. Drainage: The Developers of each subject parcel shall be required to comply with all local Town of Brownsburg and applicable County drainage requirements. The Developer shall agree to work with the Town of Brownsburg to design specific parcels within the overall project to comply with "Building Green" development standards.

The foregoing Commitments are in addition to the previous Commitments in the Development Commitment Recording Form recorded April 24, 2007 as Instrument Number 200700010243 in the office of the Recorder of Hendricks County, Indiana. In the event of any conflict between these commitments dated _____, 2013 and recorded _____, 2013 and the commitments recorded April 24, 2007, the Commitments recorded April 24, 2007 shall prevail.

These COMMITMENTS shall run with the land, be binding on the Owner, subsequent owners of the real estate and other persons acquiring interest therein. These COMMITMENTS may be modified or terminated by a decision of the Advisory Plan Commission, made at a public hearing after notice has been given pursuant to the Advisory Plan Commission Rules of Procedure.

COMMITMENTS contained in this instrument shall be effective upon the approval of the petition PCMA-3-13-1136 West Wynne Farms and shall continue in effect until modified or terminated by the Advisory Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

- (1) The Town of Brownsburg, Advisory Plan Commission
- (2) Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval; and
- (3) Owners of homes within Woodcreek Commons, Woodcreek Farms, and the Reserve at Woodcreek.

The Undersigned hereby authorizes the Advisory Plan Commission to record this COMMITMENT form in the Office of the Recorder of Hendricks County, Indiana, upon final approval of petition PCMA-3-13-1136 West Wynne Farms.

EXHIBIT 'D' continued

DEVELOPER COMMITMENTS

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, 2013.

Site Solutions Property Group, LLC

Christopher R. White, Member

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Before me, a Notary Public in and for said County and State personally appeared Christopher R. White, Member of Site Solutions Property Group, I.L.C., who acknowledged the execution of the above and foregoing instrument to be a voluntary act and deed and for the purposes stated therein.



Notary Public (*Signature*)

Notary Public (*Printed Name*)

My Commission expires: _____ Resident of _____ County, IN

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law, Amy Comer Elliott.

This instrument was prepared by Amy Comer Elliott, Attorney-at-Law, COMER LAW OFFICE, LLC, P.O. Box 207, Danville, IN 46122, (317-745-4300).

EXHIBIT 'D' continued

DEVELOPER COMMITMENTS

EXHIBIT "A"
Legal Description

All of the Northeast Quarter and a fractional part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 East, Lincoln Township, Hendricks County, Indiana, more fully described as follows:

Beginning at a R.R. Spike found marking the Northeast Corner of the Northwest Quarter of Section 26; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) along the East line of said Northwest Quarter, a distance of 1445.60 feet to an Iron Pipe with I.D. Cap found on the Westerly line of a parcel conveyed to the Indianapolis Water Company as described in Instrument No. 9800003900 of the records on file in the Office of the Hendricks County Recorder, said Westerly line also being the Easterly line of a 75' wide legal drain easement as per a survey by CrossRoad Engineers dated September 15, 1997; thence along said lines for the following six (6) courses: 1) South 55 degrees 36 minutes 57 seconds West a distance of 170.61 feet to an Iron Pipe with I.D. Cap found; 2) South 06 degrees 37 minutes 22 seconds West a distance of 617.30 feet to an Iron Pipe with I.D. Cap found; 3) South 25 degrees 20 minutes 06 seconds West a distance of 191.76 feet to an Iron Pipe with I.D. Cap Found; 4) South 35 degrees 48 minutes 46 seconds West a distance of 210.69 feet to an Iron Pipe with I.D. Cap found; 5) South 47 degrees 52 minutes 57 seconds West a distance of 89.78 feet to an Iron Pipe with I.D. Cap found; 6) South 65 degrees 34 minutes 36 seconds West a distance of 284.88 feet to an Iron Pipe with I.D. Cap found on the South line of the aforesaid Northwest Quarter; thence South 89 degrees 29 minutes 23 seconds West, along said South line, a distance of 598.85 feet to a 3/4" Iron Pipe with I.D. Cap set at the computed Southwest corner of the Southeast Quarter of said Northwest Quarter; Thence North 00 degrees 07 minutes 20 seconds East, along the West line of the East Half of said Northwest Quarter, a distance of 2669.38 feet to a P.K. Nail with I.D. Washer set marking the Northwest corner of the Northeast Quarter of said Northwest Quarter; thence North 89 degrees 25 minutes 51 seconds East, along the North line of said Northwest Quarter and along County Road 300 North, a distance of 1336.52 feet to the place of beginning, containing 74.826 acres, more or less and subject to all highways, rights-of-way and easements. And being subject to a 60' wide utility easement (as recorded in Inst. #9800003901), a 50' wide easement for ingress and egress (as recorded in Inst. #9800003902), a Highway Right-of-Way Agreement (as recorded in Inst. #2003-44818), a 30' wide storm sewer easement (as recorded in Inst. #2003-54107) and being subject to any other easements, rights-of-way or restrictions of record observable.

ALSO:

A fractional part of the Southwest Quarter of Section 23, Township 16 North, Range 1 East, Lincoln Township, Hendricks County, Indiana, more fully described as follows:

Commencing at a R.R. Spike found marking the Southeast corner of the Southwest Quarter of Section 23; thence South 89 degrees 25 minutes 51 seconds West along the South line of said Quarter and along County Road 300 North, a distance of 870.47 feet to a P.K. Nail with I.D. Washer set and the place of beginning; thence continuing South 89 degrees 25 minutes 51 seconds West, along said South line and along said County Road, a distance of 866.60 feet to a P.K. Nail with I.D. Washer set at the Southeast corner of a parcel conveyed to Light Development Corporation as described in Deed Record 328, page 591

EXHIBIT 'D' continued

DEVELOPER COMMITMENTS

of the records on file in the Office of the Hendricks County Recorder; thence North 00 degrees 03 minutes 37 seconds East, along the East line of said parcel and parallel to the West line of the aforesaid Southwest Quarter, a distance of 2308.51 feet to the South line of a parcel conveyed to Terry Tate as described in Deed Record 344, page 767 of the records on file in the Office of the Hendricks County Recorder, said line also being the former Southerly right-of-way line of the CSX Transportation Railroad (for reference, an iron pin was found North 03 degrees 45 minutes 25 seconds West a distance of 0.59 feet); thence South 74 degrees 00 minutes 33 seconds East, along the South line of said parcel a distance of 526.72 feet to a 3/4" Iron Pipe with I.D. Cap set at the Southeast corner of said parcel; thence North 00 degrees 03 minute 37 seconds East, along the East line of said parcel and parallel to the aforesaid West line of the Southwest Quarter, a distance of 103.99 feet to a 3/4" Iron Pipe with I.D. Cap set on the Southerly right-of-way line of the CSX Transportation Railroad; thence South 74 degrees 00 minutes 33 seconds East, along said Southerly right-of-way line, a distance of 369.09 feet to a 3/4" Iron Pipe with I.D. Cap set; thence South 00 degrees 04 minutes 36 seconds East, parallel to the East line of said Southwest Quarter, a distance of 2157.12 feet to the place of beginning, containing 44.101 acres, more or less and subject to all highways, rights-of-way and easements of record.

ALSO:

A fractional part of the Southwest Quarter of Section 23, Township 16 North, Range 1 East, Lincoln Township, Hendricks County, Indiana, more fully described as follows:

Commencing at a Railroad spike found marking the Southeast corner of the Southwest Quarter of Section 23; thence South 89 degrees 25 minutes 51 seconds West, along the South line of said Quarter and along County Road 300 North a distance of 870.47 feet to a P.K. Nail with I.D. Washer set; thence North 00 degrees 04 minutes 36 seconds West, parallel to the East line of said Quarter a distance of 2261.19 feet to a 3/4" iron pipe with I.D. Cap set on the Northerly right-of-way line of the CSX Transportation Railroad and the place of beginning; thence North 74 degrees 00 minutes 33 seconds West, along said Northerly right-of-way line and the extension thereof (now being the Northerly line of a parcel conveyed to Terry Tate as described in Deed Record 344, page 767 of the records on file in the Office of the Hendricks County Recorder), a distance of 895.54 feet to a 3/4" Iron Pipe with I.D. Cap set; thence North 00 degrees 03 minutes 37 seconds East, parallel to the West line of the Southwest Quarter, a distance of 159.60 feet to a 3/4" Iron Pipe with I.D. Cap set on the North line of the Northwest Quarter of the Southwest Quarter of Section 23 (as established in a survey by MSE Surveying dated December 11, 1991-Jeffrey A. Meyerrose R.L.S. #890003-IN); thence North 89 degrees 16 minutes 50 seconds East, along said North line, a distance of 377.90 feet to the Northwest corner of the Northeast Quarter of said Southwest Quarter (as established in said survey); thence North 89 degrees 30 minutes 26 seconds East, along the North line of the Northeast Quarter of said Southwest Quarter, a distance of 482.32 feet (for reference, an Iron Pin was found North 65 degrees 46 minutes 45 seconds West a distance of 0.54 feet); thence South 00 degrees 04 minutes 36 seconds East, parallel to the aforesaid East line of the Southwest Quarter of Section 23, a distance of 415.20 feet to the place of beginning, containing 5.685 acres, more or less and subject to all highways, rights-of-way and easements of record.

EXHIBIT 'D' continued

DEVELOPER COMMITMENTS

ALSO:

Part of the Northwest quarter of the Northwest quarter of Section 26, Township 16 North, Range 1 East of the Second Principal Meridian in Lincoln Township, Hendricks County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said quarter quarter section; thence South 89 degrees 12 minutes 36 seconds West (assumed bearing) on and along the North line of said quarter quarter section 450.00 feet; thence South 00 degrees 05 minutes 03 seconds East parallel to the East line of said quarter quarter section 817.78 feet; thence South 89 degrees 12 minutes 36 seconds West parallel to the aforesaid North line of said quarter quarter section 527.70 feet; thence South 00 degrees 05 minutes 03 seconds East parallel to the East line of said quarter quarter section 1850.46 feet to a point on the South line of said quarter quarter section; thence North 89 degrees 20 minutes 16 seconds East on and along said South line 977.68 feet to the Southeast corner of said quarter quarter section; thence North 00 degrees 05 minutes 03 seconds West on and along the East line of said quarter quarter section 2670.42 feet to the Point of Beginning. Containing 50.00 acres, more or less.

ALSO:

A part of the West half of the Southwest quarter of Section 23, Township 16 North, Range 1 East of the Second Principal Meridian in Hendricks County, Indiana, more particularly described as follows, to-wit:

Beginning at a stone at the Southwest corner of said Section 23; thence South 89 degrees 57 minutes 36 seconds East on and along the South line of said section 935.96 feet; thence North 00 degrees 37 minutes 26 seconds East 1375.48 feet; thence North 88 degrees 41 minutes 54 seconds West 602.89 feet; thence South 01 degree 13 minutes 58 seconds West 211.07 feet; thence North 88 degrees 47 minutes 11 seconds West 330.84 feet to a point on the West line of said Section; thence South 00 degrees 37 minutes 26 seconds West on and along the West line of said section 1184.50 feet to the Point of Beginning. Containing 28.16 acres, more or less.

ALSO:

Lots numbered 2, 3, and 4 in Minor Plat Numbered Four (4) in Lincoln Township, Hendricks County, Indiana, as per plat thereof recorded April 7, 1978, in Plat Book 9, page 111, in the Office of the Recorder of Hendricks County, Indiana.