STATE OF INDIANA
TOWN OF BROWNSBURG

ORDINANCE NO. 2012-14

A ZONING MAP AMENDMENT ORDINANCE AMENDING ORDINANCE 1993-42 HOLLAWAY HILLS PUD

BE IT ORDAINED by the Civil Town of Brownsburg, Hendricks County, Indiana, that:

WHEREAS, Two West, LLC ("Owner") of approximately 89.08 acres of real estate commonly known as 4 Hollaway Boulevard, in the Town of Brownsburg, Brown Township, Hendricks County, Indiana, Parcel Numbers 32-02-32-400-006.000-028, 32-02-32-400-001.000-028, and 32-07-04-100-001.000-026 ("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; and

WHEREAS, the Owner petitions the Town to amend Ordinance 1993-42 for the Property; and

WHEREAS, the Advisory Plan Commission for the Town of Brownsburg ("Commission") has considered said Zoning Map Amendment at a public meeting, on August 27, 2012, and by a vote of its members has made a FAVORABLE RECOMMENDATION that zoning on the above-described Property; and

WHEREAS, the Commission has further found that the amendment does not adversely affect the master 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, by the powers vested in the Town Council of the Town of Brownsburg, Hendricks County, Indiana, said Council finds that the zoning sought is in conformity with the master plan and Municipal Plan of the Town of Brownsburg, Hendricks County, Indiana.

THEREFORE, it is ordered and ordained that the zoning for the Property above-described is amended subject to and conditioned upon the following:

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 Official Zoning Map for the Town of Brownsburg shall be amended to reflect this zoning classification;
3. The establishment of a new section of the PUD Ordinance pursuant to Exhibit 'C'; and
4. That the following commitments 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:
    a. Prior to the conversion of the clubhouse into any residential use, the Real Estate must be subdivided pursuant to the applicable Subdivision Control regulations of the Town of Brownsburg. All other applicable residential development standards (e.g. fencing, landscaping, lighting, etc. shall comply with the *R-1 Single-Family* district standards, or similar low-density regulations in place at the time of subdivision.
    b. At the time a residential use is established on said Real Estate, in whole or in part, the owner will notify the Town of Brownsburg Building Department & Fire Territory to complete a Occupancy/Life Safety Inspection, and that any defects; code violations or life safety issues discovered by the Town and/or Fire Territory will be corrected by the owner prior to taking occupancy or issuance of Occupancy Permit.
    c. Each change in the use of said Real Estate (commercial clubhouse to residential and vice-versa) shall require the structure(s) to come into compliance with applicable building codes.
    d. If/when the clubhouse and golf course properties are under the same, single, ownership that the two properties must then be combined back into one single tract (parcel) pursuant to the Subdivision Control regulations of the Town of Brownsburg in place at such time.
    e. All golf course related operations including but not limited to a golf shop, pro-shop, kitchen, golf cart storage, and maintenance must be housed in a permanent structure; complete with structural footing and foundation, and no temporary structure may be used for any portion of the golf course operations.

SAID ORDINANCE OF REZONING is hereby PASSED and ADOPTED THIS ____ DAY of _____, 2012.

TOWN OF BROWNSBURG
HENDRICKS COUNTY, INDIANA

By:_____

DRAFT

Dwayne Sawyer, President

ATTESTED BY:

_____

Jeanette Brickler, Clerk-Treasurer

Prepared by:

Town of Brownsburg
61 North Green Street
Brownsburg IN 46112

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).

DRAFT

EXHIBIT 'A'

LEGAL DESCRIPTION

A part of the Southeast Quarter of Section 32, Township 17 North, Range 1 East, and a part of the Northwest Quarter of Section 4, Township 16 North, Range 1 East, all east of the Second Principal Meridian, Hendricks County, Indiana, being more particularly described as follows:

COMMENCING at the northwest comer of the Southeast Quarter of said Section 32; thence South 00 degrees 11 minutes 08 seconds West along the west line of said Southeast Quarter 250.00 feet to the southwest corner of Countryside Estates Section One as per plat thereof recorded as Instrument Number 1374 in Plat Cabinet 1, Slide 29, in the Office of the Recorder of Hendricks County, Indiana, thus continuing on and along said west line (said line also being the westerly line of Hollaway Pointe, Section II as per plat thereof recorded as Instrument Number 9700016213 in said recorders office) South 00 degrees 11 minutes 08 seconds West 588.58 feet to the POINT OF BEGINNING (the next seven calls being on and along the southwesterly line of the said Hollaway Pointe Section II); (1) thence South 65 degrees 35 minutes 00 seconds East 314.77 feet; (2) thence North 90 degrees 00 minutes 00 seconds East 388.10 feet; (3) thence North 27 degrees 18 minutes 09 seconds East 87.73 feet; (4) thence North 41 degrees 43 minutes 22 seconds East 298.91 feet; (5) thence North 75 degrees 37 minutes 43 seconds East 71.06 feet; (6) thence North 90 degrees 00 minutes 00 seconds East 418.85 feet; (7) thence North 71 degrees 29 minutes 16 seconds East 143.89 feet to the southeast comer of said Hollaway Pointe, Section II (said comer also being the southwest comer of Hollaway Pointe, Section I, as per plat thereof recorded as Instrument Number 9600016318 in said recorders office (the next seven calls being on and along the southerly line of said Hollaway Pointe, Section I); (1) thence continuing North 71 degrees 29 minutes 16 seconds East 58.83 feet; (2) thence North 90 degrees 00 minutes 00 seconds East 262.12 feet; (3) thence South 70 degrees 04 minutes 35 seconds East 114.21 feet; (4) thence South 38 degrees 00 minutes 00 seconds East 465.11 feet; (5) thence South 61 degrees 37 minutes 44 seconds East 149.85 feet; (6) thence South 68 degrees 52 minutes 22 seconds East 142.84 feet; (7) thence South 89 degrees 22 minutes 33 seconds East 140.00 feet to the southeast comer of said Hollaway Pointe, Section I, (said point also being on the east line of the Southeast Quarter of said Section 32; thence South 00 degrees 37 minutes 27 seconds West on and along said east line 401.68 feet to the northeast comer of Hollaway Ridge, Section I as recorded in said recorders office in Plat Cabinet 2, page 2, Slide 188 and Page 1, Slide 189 (the next sixteen calls being on and along the northerly line of Hollaway Ridge, Section I); (1) thence North 89 degrees 22 minutes 33 seconds West 40.00 feet to a point on the westerly right-of-way of County Road 550 East; (2) thence South 00 degrees 37 minutes 27 seconds West on and along said right-of-way 207.33 feet to

EXHIBIT 'A' *continued*

LEGAL DESCRIPTION *continued*

the point of curvature of a tangent curve concave northwesterly having a central angle of 90 degrees 00 minutes 00 seconds and a radius of 20.00 feet; (3) thence southerly and westerly on and along said curve arc distance of31.42 feet (said arc being subtended by a chord having a bearing of South 45 degrees 37 minutes 27 seconds West and a length of 28.28 feet); (4) thence North 89 degrees 22 minutes 33 seconds West 314.99 feet to the point of curvature of a tangent curve concave southerly, having a central angle of 34 degrees 25 minutes 00 seconds and a radius of 224.00 feet; (5) thence westerly on and along said curve an arc distance of 134.55 feet (said arc being subtended by a chord having a bearing of South 73 degrees 24 minutes and 57 seconds West and a length of 132.54 feet); thence South 56 degrees 12 minutes 27 seconds West 362.33 feet; (7) thence North 33 degrees 47 minutes 33 seconds West 125.00 feet; (8) thence South 56 degrees 12 minutes 27 seconds West 115.50 feet; (9) thence South 50 degrees 10 minutes 32 seconds West 117.43 feet; (10) thence South 49 degrees 12 minutes 27 seconds West 231.45 feet; (11) thence South 32 degrees 59 minutes 57 seconds West 140.66 feet; (12) thence South 20 degrees 12 minutes 27 seconds West 310.02 feet; (13) thence South 77 degrees 01 minute 03 seconds West 60.89 feet; (14) thence South 90 degrees 00 minutes 00 seconds West 229.88 feet; (15) thence South 75 degrees 07 minutes 08 seconds West 145.63 feet; (16) thence South 65 degrees 47 minutes 00 seconds West 220.00 feet to the northwest corner of said Hollaway Ridge, Section I (said corner also being the northeast corner of Hollaway Ridge, Section III as recorded in said recorders office as Instrument Number 9600026038, the next two calls being on and along the northerly line of Hollaway Ridge, Section III); (1) thence South 78 degrees 46 minutes 13 seconds West 229.11 feet; (2) thence South 61 degrees 19 minutes 25 seconds West 187.24 feet to the northwest corner of said Hollaway Ridge, Section III; thence North 00 degrees 05 minutes 24 seconds East 183.42 feet to a point on the south line of the Southeast Quarter of said Section 32; thence South 89 degrees 39 minutes 06 seconds West 217.27 feet on and along said south line to the southwest corner of the Southeast Quarter of said Section 32; thence North 00 degrees 11 minutes 08 seconds East 1,830.33 feet on and along the west line of the Southeast Quarter of said Section 32 to the POINT OF BEGINNING.

Containing 89.08 acres and subject to all easements and rights-of-way of record.

DRAFT

EXHIBIT 'B'

GENERAL DEPICTION

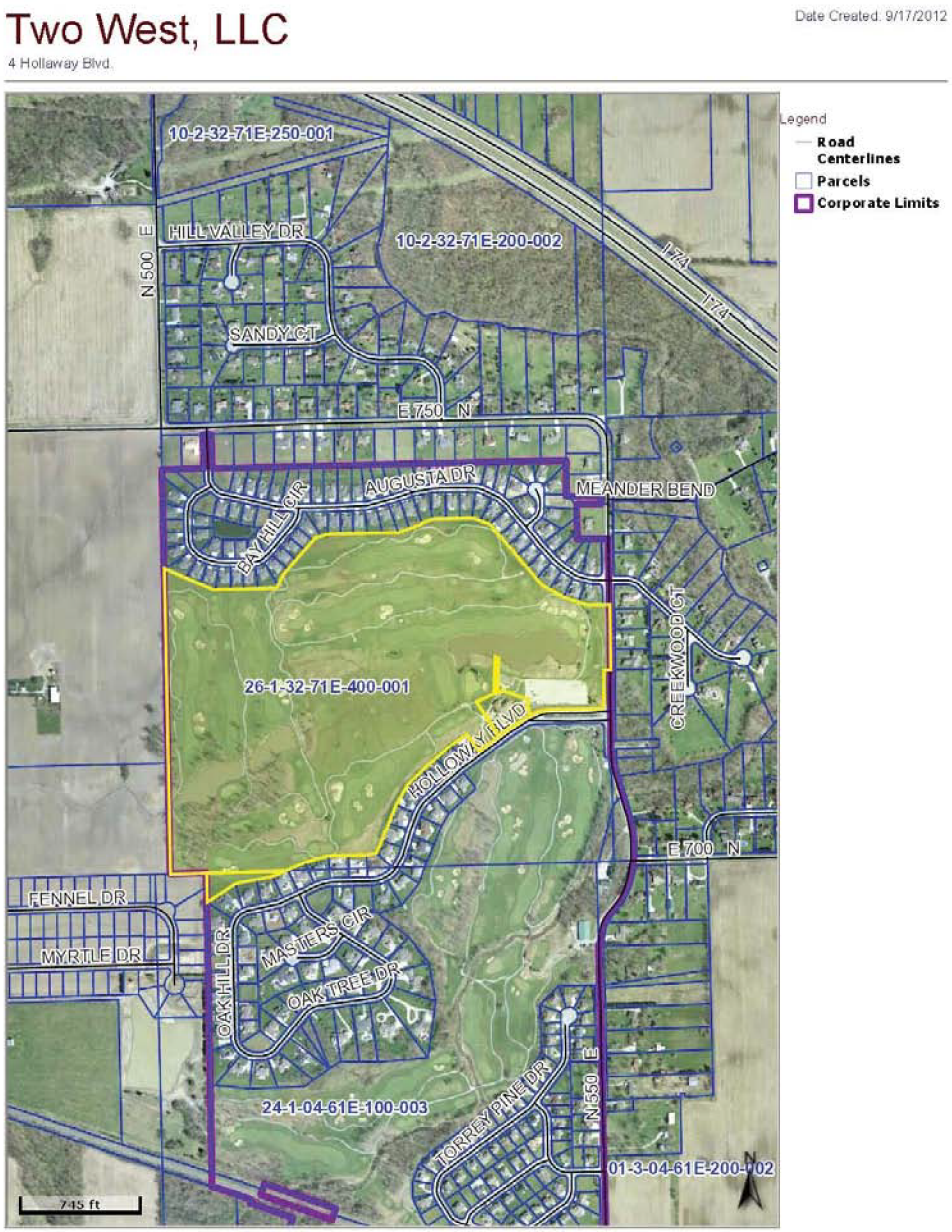

EXHIBIT 'C'

Section 7 – West Chase Golf Club

(A) PURPOSE.

(1) To permit Golf Course and Single-Family Residential uses on lots with centralized sewer and water connections.

(B) PRINCIPLE USES PERMITTED.

(1) Principle uses permitted within this section include:

(a) Single-Family Dwelling

(b) Golf Course Club House

(C) ACCESSORY USES PERMITTED.

(1) Accessory Uses shall be permitted as regulated by the Brownsburg Zoning Ordinance in the *R-1 Residential District*.

(D) SPECIAL EXCEPTION USES PERMITTED.

(1) Special Exception Uses shall be permitted as regulated by the Brownsburg Zoning Ordinance in the *R-1 Residential District*.

(E) DEVELOPMENT STANDARDS.

(1) The minimum standards for properties within this subdivision shall be as follows:

(a)	Maximum Number of Lots:	1
(b)	Minimum Lot Area:	60,000 square feet
(c)	Minimum Lot Width:	225 feet
(d)	Maximum Lot Coverage:	30%
(e)	Minimum Front Yard Setback:	25 feet
(f)	Minimum Side Yard Setback:	25 feet
(g)	Minimum Rear Yard Setback:	25 feet
(h)	Minimum Dwelling Unit Area:	11,000 square feet
(i)	Maximum Principle Structures:	1
(j)	Maximum Height:	
1.	Principle Structure:	50 feet
2.	Accessory Structure:	40 feet

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