STATE OF INDIANA
TOWN OF BROWNSBURG

ORDINANCE NO. 2011-09

AN ORDINANCE AMENDING THE WEST WYNNE FARMS PUD ZONING ORDINANCE

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

WHEREAS, Paul F. Rioux of Platinum Properties, LLC., ("Developer") of approximately 65.00 acres of real estate commonly known as Parcel "O" within the West Wynne Farms PUD, in the Town of Brownsburg, Lincoln Township, Hendricks County, Indiana, part of Parcel Number 32-07-26-100-003.000-016, ("Property") which real estate is more particularly described on Exhibit 'A' and generally depicted on Exhibit 'B', has filed a petition with the Town Council to amend the zoning standards of said real estate; and

WHEREAS, the Developer petitions the Town Council to amend sections 2.05 A. 2., 2.05 A. 7., 2.05 B., 5.03 J., 5.03 N., and 10.02 K. within the West Wynne Farms PUD; and

WHEREAS, the Advisory Plan Commission for the Town of Brownsburg ("Commission") has considered said Zoning Map Amendment at a public meeting, on March 28, 2011, and by a majority vote of its members has made a FAVORABLE RECOMMENDATION that zoning on the above-described Property be amended pursuant to the Advisory Plan Commission case PCCA-11-10-1056 West Wynne Farms PUD Amendment Parcel "O"; and

WHEREAS, the Commission has further found that the amendment does not adversely affect the master plan of the Town of Brownsburg, and has been favorably recommended by the Commission to the Town Council;

WHEREAS, the this property was annexed and zoned into the Town of Brownsburg, as a previously approved project through Hendricks County, by Ordinance 2008-25;

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 West Wynne Farms PUD Sections 2.05 A. 2., 2.05 A. 7., 5.03 J., 5.03 N., 2.05 B., and 10.02 K. for the Property above-described are amended to the following:

1. 2.05 A. 2. Minimum Lot Width: 60 feet, measured at the building setback

2. 2.05 A. 7. Minimum Front Yard Setback: 25 feet from the R.O.W. on subdivision streets

3. 2.05 B. Alley Access: This section is repealed.

4. 5.03 J. Design Standards: All operable windows on the front of the home shall have shutters unless otherwise enhanced with six (6") inch wood trim detail or the windows are inset in brick, stone, or other masonry material.

5. 5.03 N. Design Standards: Garage doors must be at or behind the front façade of the home. If garage doors exceed forty (40%) of the front façade decorative windows must be added.

6. 10.02 K. Design Standards: This section is repealed; and

7. That the alignment of South Odell Street be reconfigured to provide a better alignment within Parcel "M" of the West Wynne Farms project.

SAID ORDINANCE OF ZONING AMENDMENT is hereby PASSED and ADOPTED THIS ____ DAY of _____, 2011.

TOWN OF BROWNSBURG
HENDRICKS COUNTY, INDIANA

By:_____
Matthew S. Bowles, President

ATTESTED BY:

_____
Jeanette Brickler, Clerk-Treasurer

Prepared by:

Town of Brownsburg
61 North Green Street
Brownsburg IN 46112

EXHIBIT 'A'

LEGAL DESCRIPTION

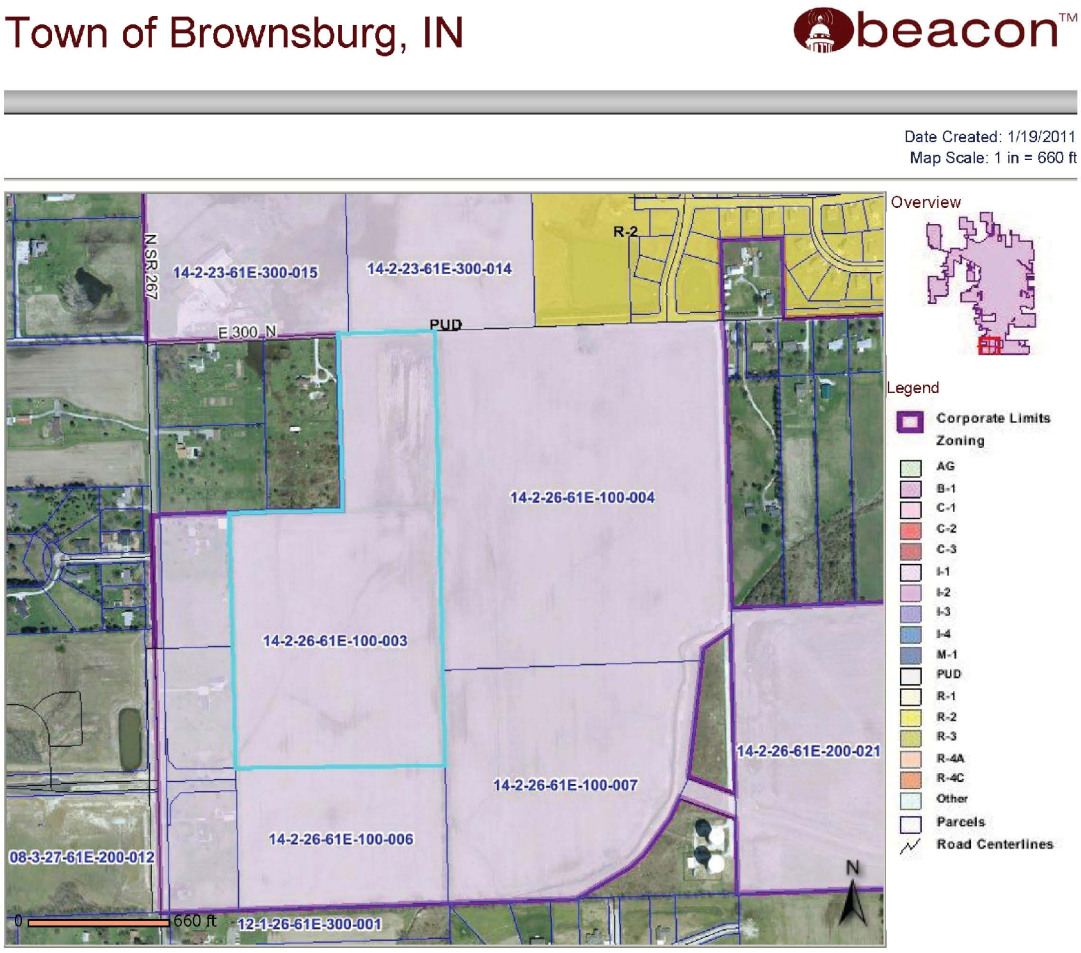
("Parcel-O" of West Wynne Farms PUD)

Instrument Number 2003-55163. 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 and subject to all legal highways, rights of way and easements of record.
>
> *There are call in the record deed description to "said quarter quarter" that appear to be incorrect. The two references in the fourth course of the legal description should be to "said quarter" (referring to the Northwest Quarter instead of the quarter quarter. The references in the fifth and sixth courses should be to the west half of the Northwest Quarter. The errors have been underlined in the legal description above.

Instrument Number 2007-07410. Except, part of the Southwest 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, and also a part of a parcel of land conveyed to Noble E. Taylor, Jr. and Stephanie A. Marcum described in Instrument Number 200300055163 in the Office of the Recorder, Hendricks County, Indiana, being more particularly described as follows:

> BEGINNING at the Southeast corner of said Quarter-Quarter Section, also being the Southeast corner of said Taylor/Marcum parcel; thence North 00 degrees 05 minutes 03 seconds West on and along the East line of said Quarter-Quarter Section and the East line of said parcel 668.35 feet; thence South 89 degrees 20 minutes 16 seconds West parallel with the South line of said Quarter-Quarter Section and the South line of said parcel 977.68 feet to a pOint on the West line of said parcel; thence South 00 degrees 05 minutes 03 seconds East on and along said West line and parallel with the East line of said Quarter-Quarter Section 668.35 feet to a point on the south line of said Quarter-Quarter Section, said point also being the southwest corner of said parcel; thence North 89 degrees 20 minutes 16 seconds East on and along said South line 977.68 feet to the POINT OF BEGINNING of this description, containing 15.00 acres, more or less.

EXHIBIT 'B'

GENERAL DEPICTION