



Ordinance No. 2021-30  
Brownsburg, Indiana  
Sept 23, 2021

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE  
TOWN OF BROWNSBURG, HENDRICKS COUNTY, INDIANA  
FOR CERTAIN REAL ESTATE LOCATED WEST OF AND ADJACENT TO N.  
GREEN STREET AND SOUTH OF CR 800 N.**

**WHEREAS**, Lennar Homes of Indiana (the “Applicant”) has filed for an amendment to the Official Zoning Map for the Town of Brownsburg, Hendricks County, Indiana (the “Proposal”) for certain real estate located on Parcel(s) 32-02-34-275-002.000-026, which is more particularly described on **Exhibit A** and generally depicted on **Exhibit B** (the “Property”) pursuant to I.C. 36-7-4-608, *et seq.*; and

**WHEREAS**, the Property is zoned IS (institutional); and,

**WHEREAS**, the Applicant’s Proposal is to rezone the property to R3 (high density single-family residential) for the purposes of constructing a residential subdivision; and,

**WHEREAS**, the Applicant’s Proposal is consistent with the goals, objectives and policies of the Comprehensive Plan, and the Owner’s desired use of the Property; and,

**WHEREAS**, the Applicant’s Proposal is compatible with the current conditions and overall character of the existing development in the immediate vicinity of the Property; and,

**WHEREAS**, the Applicant’s Proposal is the most desirable use for which the land in each district is adapted; and,

**WHEREAS**, the Applicant’s Proposal is expected to conserve property values throughout the jurisdiction; and,

**WHEREAS**, the Applicant’s Proposal is deemed responsible development and growth; and,

**WHEREAS**, the Plan Commission (the “Commission”) has considered said Proposal at a public meeting, on August 23<sup>rd</sup>, 2021 and forwards the request on the proposal to the Town Council (the “Council”) with a (5-1) **FAVORABLE RECOMMENDATION** and with the following conditions:

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- (1) All lots west of the creek will have a have a minimum lot width of 90'.
- (2) A minimum of 85% of the homes west of the creek shall include a side load garage or courtyard garage.
- (3) The maximum number of Lots will not exceed 110 Lots.
- (4) That the Preliminary Plat shall be in substantial compliance with the Concept Plan considered with the Rezone, subject to final engineering approval of the Preliminary Plat from the Town.
- (5) In the event that the Plan Commission and Council do not desire a connection from the Real Estate to the stub street on Windjammer Drive, as part of any Plat application request, Lennar shall seek a TECH Waiver(s) and any other necessary approvals from the requirement(s) that the stub street connect. In the event the TECH Waiver(s) is granted and any other approvals are obtained for the stub street not to connect and the development to substantially comply with the Concept Plan, Lennar will not connect the stub street, but will install any treatment in this area as may be required by the TECH Committee and/or Plan Commission (i.e.: emergency access only, etc.).
- (6) Building Permits for homes on Lots west of the creek shall not be issued until approved access is provided by means other than the stub street at Windjammer Drive.
- (7) Regarding home construction traffic: Lennar will install "No Construction Traffic" signs at the entrances to the Windridge Neighborhood for the period of home construction subject to the granting of approval by the owner(s) of real estate at the subdivision entrances allowing placement of the sign(s).
- (8) Regarding Landscaping:
  - (a) A twenty (20) foot Tree Preservation Area shall be provided along the west perimeter of the Real Estate as depicted on the Concept Plan. The 20' Tree Preservation area shall also be extended along the north perimeter of the real estate within the common areas.

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(b) In the event the preservation of existing trees within the Tree Preservation Area does not meet the landscaping planting requirements of the UDO Evergreen trees will be installed in order to meet the planting standards of the UDO. In addition to meeting the planting standards of the UDO, one evergreen tree (minimum 6 feet tall) will be added to the rear yard of each lot abutting the west perimeter of the Real Estate.

(9) In regard to the proposed bridge: Lennar shall seek input from the Indiana Department of Environmental Management (IDEM) regarding standards they have, if any, regarding the number of vehicular access points required for subdivisions served by a bridge.


(10) The approval of the Findings of Fact and Report of Determination by the Plan Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Brownsburg, Hendricks County, Indiana as follows:

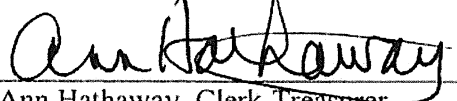
- 1) The above recitals are incorporated herein by reference as though set forth fully herein below.
- 2) The Applicant shall assume and be responsible for payment of all costs incurred in the preparation and filing of all changes in this ordinance.
- 3) The zoning on the Property, as shown on the Official Zoning Map, shall be changed to R3 (High Density Single-family Residential).

This Ordinance is hereby passed by the Town Council of the Town of Brownsburg, Indiana, this 23rd day of Sept, 2021.

**BROWNSBURG TOWN COUNCIL**

  
\_\_\_\_\_  
Travis Tschaenn, President

**ATTEST:**

  
\_\_\_\_\_  
Ann Hathaway, Clerk-Treasurer

This instrument prepared by Jodi Dickey, Town of Brownsburg, 61 N. Green Street, Brownsburg, Indiana 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. Jodi Dickey

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**EXHIBIT "A"**  
**Legal Description**

**LEGAL DESCRIPTION**

Lot Numbered Two (2) in the Replat of Connection Pointe, a subdivision in Town of Brownsburg, Brown Township, Hendricks County, Indiana, as per plat thereof recorded June 12, 2020, as Instrument No. 202015394 in Plat Cabinet 8, Slide 299, page 2ABCDEFGHI, in the office of the Recorder of Hendricks County, Indiana. Containing 65.920 acres more or less.

