

ORDINANCE NO. 2024-34

**AN ORDINANCE HENDRICKS COUNTY, INDIANA CONCERNING AMENDMENT
TO THE HENDRICKS COUNTY ZONING ORDINANCE**

This is a Planned Unit Development District Ordinance (to be known as the "**BROWNSBURG YOUTH SPORTS PUD DISTRICT**") to amend the Hendricks County, Indiana Zoning Ordinance (effective date of October 1, 2008, and any associated revisions prior to July 1, 2024) (the "Zoning Ordinance"), enacted by Hendricks County pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the Hendricks County Area Plan Commission, Hendricks County Indiana (the "County") and the Township of Brown, both of Hendricks County, Indiana are subject to the Zoning Ordinance;

WHEREAS, the Hendricks County Area Plan Commission (the "Commission") considered a petition (**Petition No. ZA 516/24**), requesting an amendment to the Zoning Ordinance and the Zoning Map real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. ZA 516/24** - to the Hendricks County Board of Commissioners (the "Commissioners") with a **Favorable** recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Commissioners on **August 21, 2024**;

WHEREAS, the Board of Commissioners is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Hendricks County Board of Commissioners, Hendricks County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Zoning Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Brownsburg Youth Sports PUD District**" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Zoning Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter ("*Chapter*") and Article ("*Article*") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Zoning Ordinance.
- 1.4 All provisions and representations of the Zoning Ordinance that conflict with the

provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance.

ZO: Hendricks County, Indiana Zoning Ordinance (effective date of October 1, 2008, and any associated revisions prior to July 1, 2024) (the "Zoning Ordinance")

Section 3. **Concept Plan.** The Concept Plan, attached hereto as **Exhibit B.** is hereby incorporated in accordance with ZO Section 6.3A.2 of the Zoning Ordinance, Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 4. **Underlying Zoning District(s).** The Underlying Zoning District shall be the ZO PP: Preservation and Park for recreation purposes.

Section 5. **Permitted Uses/Development Standards.**

5.1 **Permitted Uses.** The following uses described in the ZO PP: Preservation and Park Zoning District, as set forth in ZO Chapter 4, Section 4.20PP of the Zoning Ordinance shall be permitted for this recreation facility:

- A. **Agricultural**
agricultural use, low intensity
- B. **Communications / Utilities**
essential services, minor
- C. **Parks & Recreation**
nature preserve
recreation (active)
recreation (passive)

No Special Exception Use shall be permitted on the Real Estate.

5.2 **General Regulations.** The standards of ZO Chapter 4.20 PP: Preservation and Park Zoning District, Section D, Lot Standards, shall apply to the development of the District, except as otherwise modified herein.

Lot Standards Matrix (Comparison):

Standard		PUD	4.20 PP
Minimum Lot Size		10 acres	10 acres
Minimum Lot Width		100 ft.	100 ft.
Minimum Lot Frontage		100 ft.	100 ft.
Maximum Building Height	Principal	35 ft.	35 ft.
	Accessory	24 ft.	24 ft.
Front Setback	Urban	N/A	100 ft.
	Rural	30 ft.	100 ft.
Side Setback	Principal	30 ft.	100 ft.
	Accessory	30 ft.	100 ft.
Rear Setback	Principal	30 ft.	100 ft.
	Accessory	30 ft.	100 ft.
Agricultural Adjacency Setback (non-ag. res.)		N/A	--
Naturally Sensitive Areas Setback		10 ft.	10 ft.
Minimum Distance Between Structures on Same Lot		N/A	--
Minimum Ground Floor Living Area (Per Unit)	1 story	N/A	--
	2+ story	N/A	--
Total Minimum Living Area (Per Unit)		N/A	--
Minimum Living Area Façade Width		N/A	--
Maximum Lot Coverage (buildings and structures)		15%	10%
Maximum Lot Coverage (all impervious surfaces)		30%	15%

Section 6. Development Standards.

6.1 ZO Chapter 7, Development Standards of the Zoning Ordinance will be followed with the exception of those listed in Sections 6.2 – 6.5 below.

6.2 Off-Street Parking and Loading Standards:

A. ZO Chapter 7, Section 7.2, Off-Street Parking and Loading.

- 1) Off street parking spaces will be allowed in front of a structure (ZO 7.2.D.1.a.3).
- 2) Parking layout will be constructed substantially as shown on **Exhibit B** (ZO 7.2.D.3).
- 3) There will be no designated loading areas provided (ZO 7.2.Y).
- 4) There will be no minimum or maximum number of parking spaces. Parking spaces will be constructed substantially as shown on **Exhibit B** (ZO 7.2.Z.1).

6.3 Landscaping Standards:

A. Purpose: The purpose of this section is to provide a minimum standard for landscaping that enhances the sports park development. See **Exhibit C** for typical Landscape Plan.

B. Plant Standards: All plant material proposed to be used in accordance with any landscape plan shall meet the following specifications: Invasive trees and shrubs species are not to be planted. See Indiana Department of Natural Resources Invasive plant list (2024) for invasive trees and shrubs not to be planted.

- 1) Shade trees: A minimum of two and one-half (2 ½) inch caliper.
- 2) Ornamental trees: A minimum of one and one-half (1 ½) inch caliper.
- 3) Evergreen trees: A minimum height of six (6) feet.
- 4) Deciduous shrubs: A minimum height of twenty-four (24) inches.
- 5) Evergreen shrubs: A minimum height of twenty-four (24) inches.

C. Design Standards:

- 1) Wherever possible native species shall be used.
- 2) The placement of shade trees in pedestrian areas shall be sited to provide the optimum amount of shade to pedestrians.
- 3) Landscaping shall conform to the local sight triangle standards set forth in the zoning ordinances for Hendricks County.

D. Parking Lot Landscaping:

- 1) Parking Lot Interior Planting.
 - a. Endcap island to be a minimum of one hundred eighty (180) square feet.
 - b. A minimum of one (1) tree per endcap island whether it be back-to-back or single parking spaces.
 - c. Endcap island ground cover to receive lawn/turf.
- 2) Parking lot Perimeter Planting.
 - a. A six (6) foot wide perimeter planting area shall be provided along the front (abutting street sides) of the parking area.
 - 1) Trees to be planted forty (40) feet on center.
 - 2) Shrubs to be planted four (4) feet on center.
 - 3) Shredded hardwood mulch to be used within all planting beds at a depth of three (3) inches.

E. Frontage Planting:

- 1) Plantings along County Road 900 E to receive Canopy Trees at fifty (50) feet on center outside of the right-of-way, but within twenty (20) feet of the edge of the right of way in order to contribute to the streetscape.
- 2) Plantings along County Road 700 N to receive Canopy Trees at one hundred (100) feet on center outside of the right-of-way, but within five (5) feet of the edge of the right of way in order to contribute to the streetscape.
- 3) Trees planted along each County Road to be placed linear or within clusters.

F. Native Plantings and Tree Preservation:

1) School Branch Creek Area.

- i. Existing vegetation/trees to be preserved as much as possible. It should be noted that this creek is part of the William Batz legal drain and possible ditch reconstruction could occur and vegetation will likely be removed.
- ii. As shown in **Exhibit C**, required detention and floodplain mitigation will be constructed in these areas between School Branch Creek and the north/south driveway, native plantings and grasses will be planted to enhance and create potential wildlife habitat.
- iii. It is the intent to provide future educational opportunities within this area that could include exhibits, unpaved walking paths, and other potential educational and recreational features.

6.4 Accessory Use and Structure Standards:

- A. Accessory structures may be located closer to the front lot line than the front façade of the primary structure (ZO 7.12.A.3).

6.5 Open Space Requirements:

- A. Open space, passive and active amenities will be developed similar to that shown on **Exhibit B**. There will be no specific requirement to be met for this standard (ZO 7.18).

Section 7. Design Standards.

7.1 Non-Residential Design Standards:

- A. ZO Chapter 8, Section 8.3, Non-Residential Design Standards of the Zoning Ordinance will be eliminated in its entirety. For building elements and materials, see **Exhibit E** for typical construction practices.

7.2 Community Design Considerations:

- A. ZO Chapter 8, Section 8.4, Community Design Considerations of the Zoning Ordinance will be eliminated in its entirety.

Section 8. Overlay Districts.

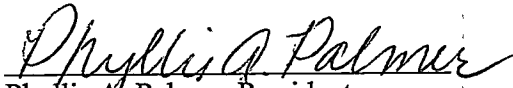
8.1 Ronald Reagan Corridor Overlay District (RR-OL):

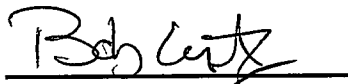
- A. ZO Chapter 14, Section 14.1, Ronald Reagan Corridor Overlay District of the Zoning Ordinance will be eliminated in its entirety.

Section 9. Rezoning Commitments. The development of the District shall be subject to certain rezoning commitments, substantially in the form of **Exhibit F**.

ALL OF WHICH IS ORDAINED/RESOLVED THIS 27th DAY OF August, 2024.

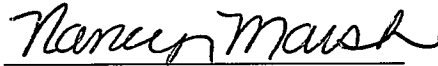
HENDRICKS COUNTY COMMISSIONERS


Phyllis A. Palmer, President


Bob Gentry, Vice President


Dennis W. Dawes, Member

ATTEST:



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: Jeffrey A. Banning, PE

This document prepared by: Jeffrey A. Banning, Banning Engineering, 853 Columbia Road, Suite 101, Plainfield, Indiana 46168

SCHEDULE OF EXHIBITS

Exhibit A	Legal Description
Exhibit B	Concept Plan
Exhibit C	Landscape Plan
Exhibit D	Conceptual Aerial View
Exhibit E	Character Renderings – Buildings, Dugouts, Etc.
Exhibit F	Rezoning Commitments

EXHIBIT A
LEGAL DESCRIPTION

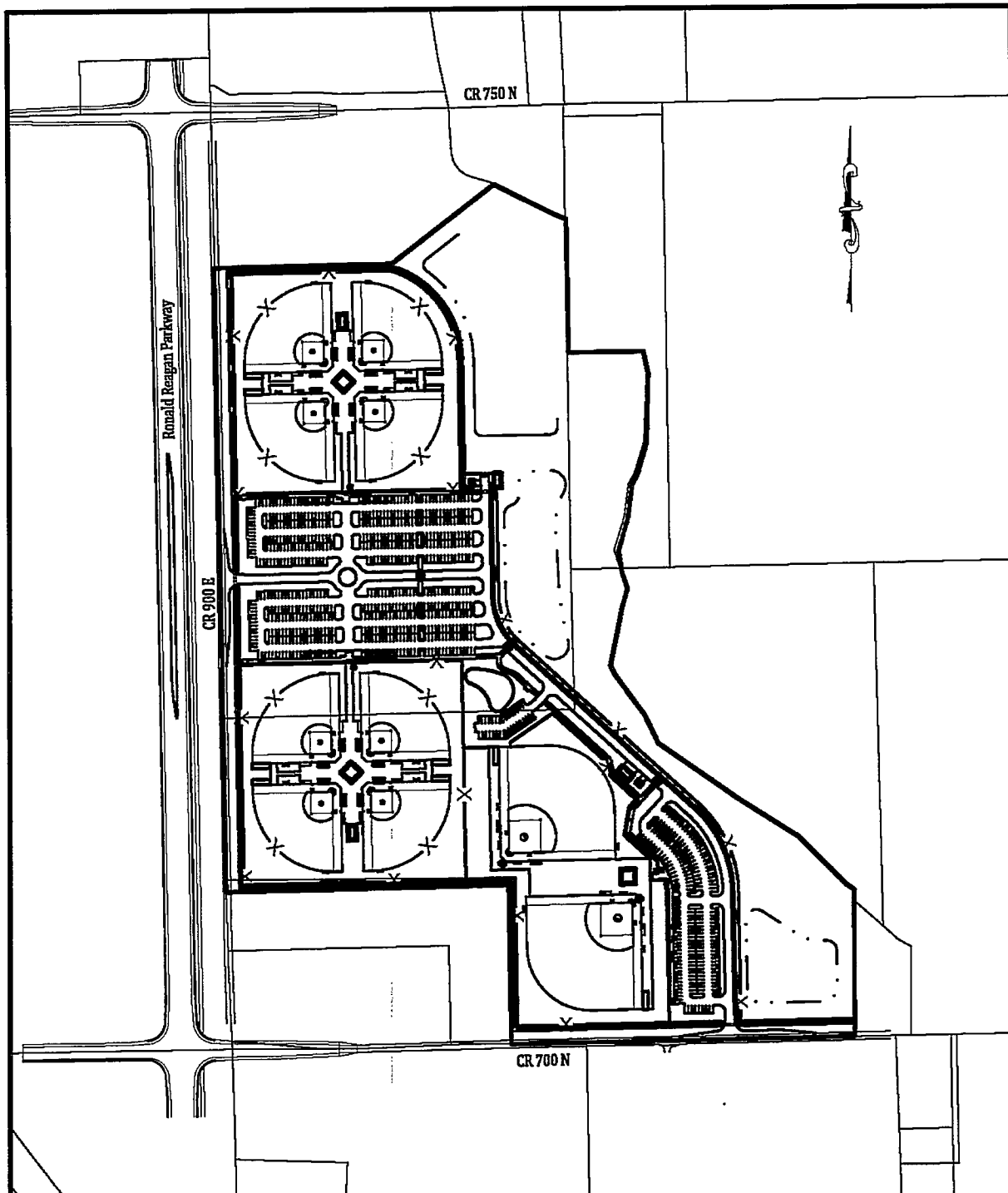
The Property of Brownsburg Community School Corporation
A part of Instrument Number 200400028517, 200400036240, & 200923488

Part of the Southeast Quarter of Section 36, Township 17 North, Range 1 East and the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 31, Township 17 North, Range 2 East, all of the Second Principal Meridian, Brown Township, Hendricks County, Indiana, based upon the Original Survey, dated December 2, 2020 by Donald R. Mosson, PS #9600013, with Central States Consulting, LLC, Project Number 20-128, more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of said Section 36, Township 17 North, Range 1 East; thence North 00 degrees 58 seconds 01 minutes West (Basis of Bearings: Indiana State Plane, West Zone, NAD 83) 450.00 feet along the West Line of said Southeast Quarter to the northwestern corner of the 4.26-acre tract of land granted to Micha Ross McClain and Mendy A. McClain ("McClain Tract") (recorded as Instrument Number 201607671 in the Office of the Recorder of Hendricks County, Indiana) (Note: all documents referenced herein are located in said Recorder's Office), being the POINT OF BEGINNING of this description; thence continue North 00 degrees 58 minutes 01 seconds West 1762.94 feet along said West Line to the southwestern corner of the 5.858-acre tract of land granted to The Hendricks County Board of Commissioners ("Parcel 9A") (recorded as Instrument Number 201907484) (the following two (2) courses are along the boundary of said Parcel 9A); (one) North 89 degrees 00 minutes 00 seconds East 503.83 feet (503.79 feet – deed); (two) North 52 degrees 28 minutes 14 seconds East 366.57 feet (369.60 feet – deed) to a southwestern boundary of the 1.790-acre tract of land granted to Allen P. Green, IV and Patricia Kay Green ("Green Tract") (recorded as Instrument Number 200923383) (the following two (2) courses are along the boundary of said Green Tract); (one) South 63 degrees 46 minutes 44 seconds East 193.08 feet; (two) South 67 degrees 21 minutes 30 seconds East 33.35 feet to the western boundary of Minor Plat #827 (recorded as Instrument Number 200000014406, Plat Cabinet 3, Slide 107, Page 2); thence South 00 degrees 51 minutes 59 seconds East 378.45 feet along said western boundary of Minor Plat #827 to the northwestern corner of the 2.686-acre tract of land granted to Brownsburg Community School Corporation ("School Tract") (recorded as Instrument Number 200923488) (the following eight (8) courses are along the boundary of said School Tract); (one) North 89 degrees 07 minutes 13 seconds East 211.66 feet parallel with the North Line of said Southeast Quarter to the approximate centerline of the Batz Legal Drain (reference to said drain is for informational purposes only: the courses and distances recited herein are to control the lines of this description) (courses two through eight (2-8) are along the approximate centerline of said Batz Legal Drain); (two) South 12 degrees 39 minutes 25 seconds East 62.32 feet; (three) South 01 degree 42 minutes 15 seconds West 197.13 feet; (four) South 16 degrees 10 minutes 13 seconds West 88.55 feet; (five) South 27 degrees 26 minutes 54 seconds West 36.24 feet; (six) South 07 degrees 08 minutes 09 seconds West 91.84 feet; (seven) South 15 degrees 58 minutes 38 seconds West 100.40 feet; (eight) South 08 degrees 50 minutes 08 seconds East 62.59 feet (62.80 feet – deed) to the southern boundary of said Minor Plat #827 and the South Line of the North Half of said Southeast Quarter; thence South 19 degrees 44 minutes 32 seconds East 45.97 feet to the approximate centerline of Batz Legal Drain (the following eleven (11) courses are along said approximate centerline); (one) thence South 15 degrees 13 minutes 50 seconds West 59.35 feet;

(two) thence South 11 degrees 31 minutes 12 seconds West 163.30 feet; (three) thence South 26 degrees 07 minutes 32 seconds East 30.79 feet; (four) thence South 36 degrees 52 minutes 10 seconds East 139.71 feet; (five) thence South 24 degrees 54 minutes 21 seconds East 87.93 feet; (six) thence South 55 degrees 43 minutes 15 seconds East 128.77 feet; (seven) thence South 54 degrees 33 minutes 16 seconds East 135.61 feet; (eight) thence South 57 degrees 40 minutes 57 seconds East 213.30 feet; (nine) thence South 45 degrees 31 minutes 14 seconds East 129.75 feet; (ten) thence South 43 degrees 41 minutes 53 seconds East 57.61 feet; (eleven) thence South 55 degrees 18 minutes 49 seconds East 32.06 feet to the northerly extension of the western boundary line of the 1.0816-acre tract of land granted to Zachary J. Huffman and Alyssa L. Huffman ("Huffman Tract") (recorded as Instrument Number 201800445); thence South 00 degrees 12 minutes 20 seconds East 414.79 feet along said northerly extension and said western boundary line to the southwestern corner thereof on the South Line of said Southeast Quarter; thence South 88 degrees 48 minutes 54 seconds West 974.45 feet along said South Line to the southeastern corner of said McClain Tract (the following two (2) courses are along the boundary of said McClain Tract); (one) North 00 degrees 58 minutes 01 second West 450.00 feet; (two) South 88 degrees 48 minutes 54 seconds West 800.00 feet parallel with said South Line to the POINT OF BEGINNING, containing 60.852 acres, more or less.

EXHIBIT B
CONCEPT PLAN



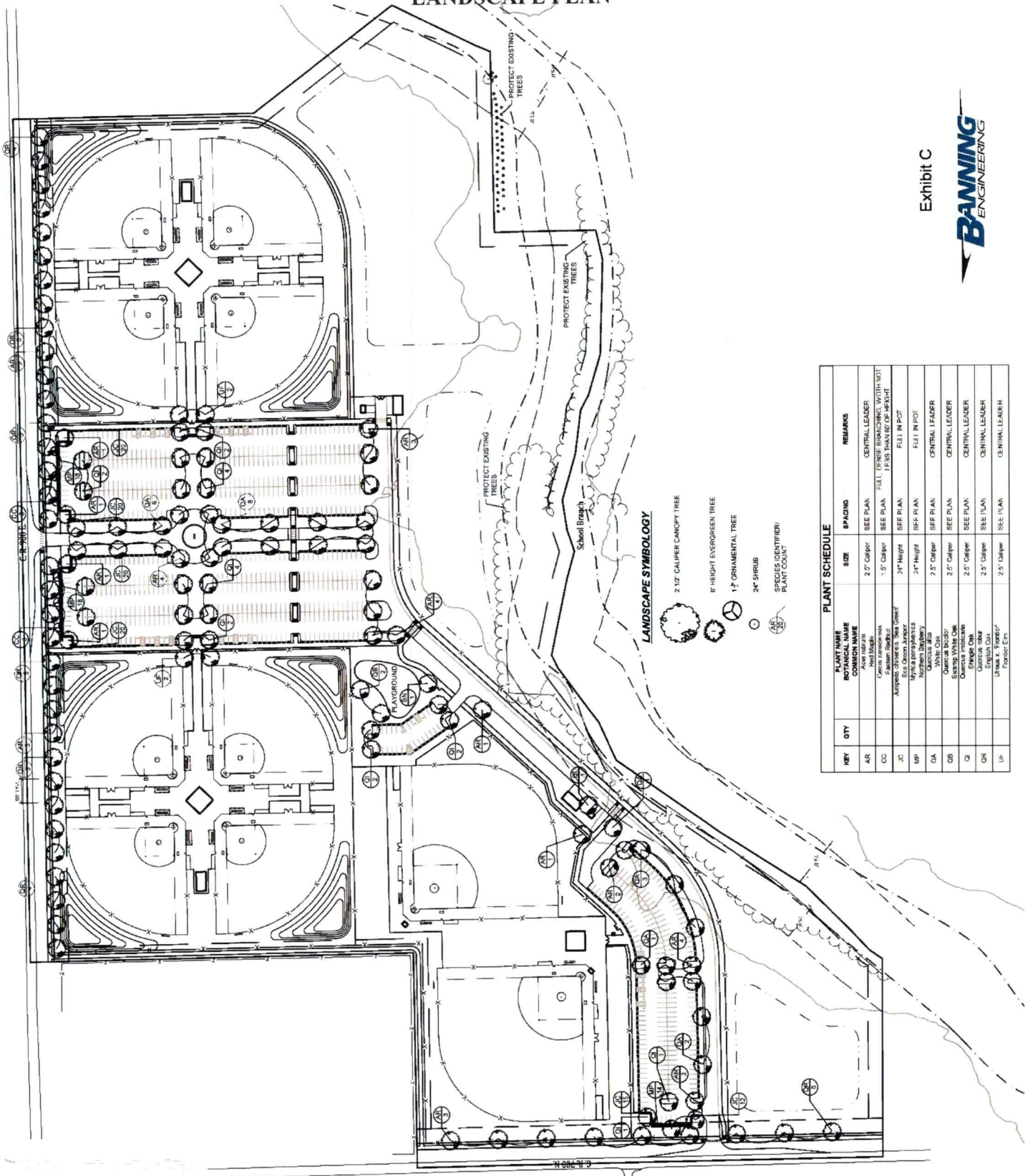
DRAWN BY: SJH
DATE: 07-11-2024
JOB #: 23253
SCALE: 1" = 400'
PAGE: 1 OF 1

OVERALL PLAN
BROWNSBURG YOUTH SPORTS
LINCOLN TOWNSHIP
BROWNSBURG, INDIANA

BANNING
ENGINEERING
853 COLUMBIA ROAD, SUITE #101
PLAINFIELD, IN 46168
BUS: (317) 707-3700, FAX: (317) 707-3800
E-MAIL: Banning@BanningEngineering.com
WEB: www.BanningEngineering.com

EXHIBIT C
LANDSCAPE PLAN

Exhibit C



PLANT SCHEDULE				
KEY	QTY	PLANT NAME	SIZE	SPACING
AR		Botanical Name Common Name Tree Height	2" Caliper	SEE PLAN
CC		Carsonia indica Tree Height	1" 5" Caliper	SEE PLAN
JP		Japanese Spindle Tree Tree Height	2" Height	SEE PLAN
SA		Shade Tree Tree Height	2" Height	SEE PLAN
OS		Osage Tree Tree Height	2" Height	SEE PLAN
CI		Cornus Tree Height	2" Height	SEE PLAN
OH		Ohio Tree Tree Height	2" Height	SEE PLAN
UP		Ulmus Tree Height	2" Height	SEE PLAN

EXHIBIT D
CONCEPTUAL AERIAL VIEW



AERIAL VIEW

EXHIBIT E
CHARACTER RENDERINGS

BEAM CLAY®
Enclosed Dugouts

WHOLESALE PRICE LIST
EFFECTIVE: JANUARY 1, 2023

ENCLOSED DUGOUTS

29 GAUGE CORRUGATED METAL ROOFING OVER FULLY WELDED STEEL FRAMED ROOF STRUCTURE, VARIOUS STANDARD COLORS AVAILABLE

REMOVABLE LIFTING EYEBOLTS

STEEL FRAME STRUCTURE PRIMED & POWDER COATED TUBULAR STEEL DESIGN, VARIOUS STANDARD COLORS AVAILABLE

BASE PLATE MOUNT WITH ANCHORS (PROVIDED)

EXTERIOR SIDING OVER OSB SHEATHING AND HOUSEWRAP, VARIOUS STANDARD COLORS AVAILABLE

GALVANIZED STEEL TRACK AND STUDS 16" O.C. (IN WALL)

PAINTED MDO PANELING, VARIOUS STANDARD COLORS AVAILABLE

OPTIONAL: 6' STORAGE CLOSET WITH 36" STEEL ENTRY DOOR (UPCHARGE)

STANDARD & CUSTOM LENGTHS AVAILABLE

Dimensions: 9'7" (9'7"), 8'7" (8'7"), 8'2" (8'2"), 8'0" (8'0"), 7'6" (7'6")

YOUR "ONE-STOP" SOURCE FOR AMERICA'S BASEBALL, SOFTBALL & SPORTS SURFACES & SUPPLIES!

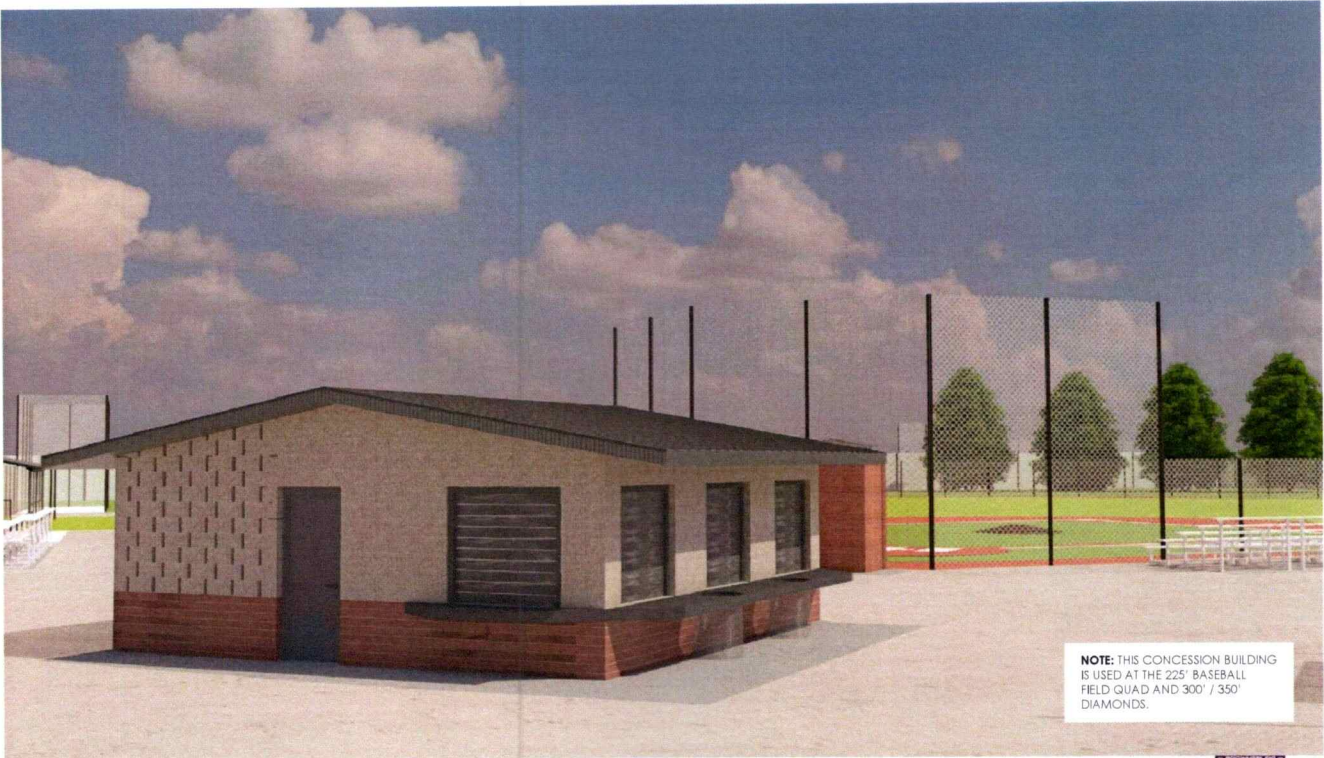
PRICES SUBJECT TO CHANGE & AVAILABILITY PLUS SHIPPING | VOLUME DISCOUNTS AVAILABLE | COOPERATIVE PURCHASING CONTRACT PRICING FOR 30 STATES

PREFAB DUGOUT



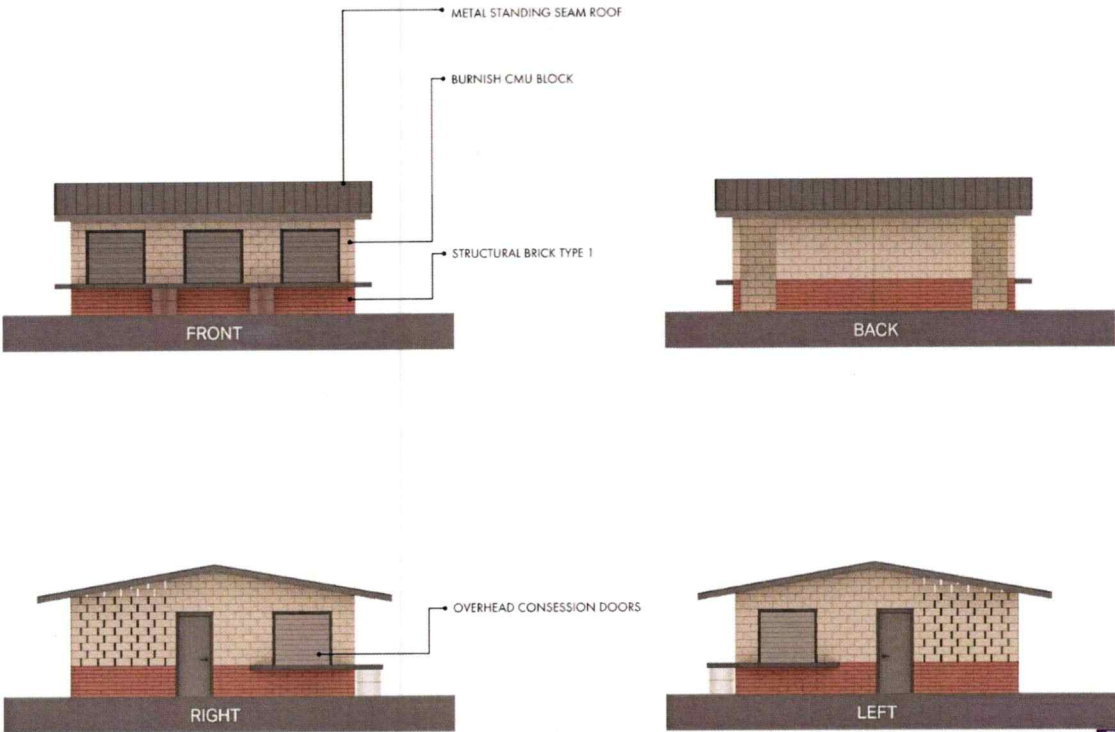
STUDIO **AXIS**
JULY 3, 2024

EXHIBIT E
CHARACTER RENDERINGS



CONSESSIONS- PERSPECTIVE

EXHIBIT E
CHARACTER RENDERINGS



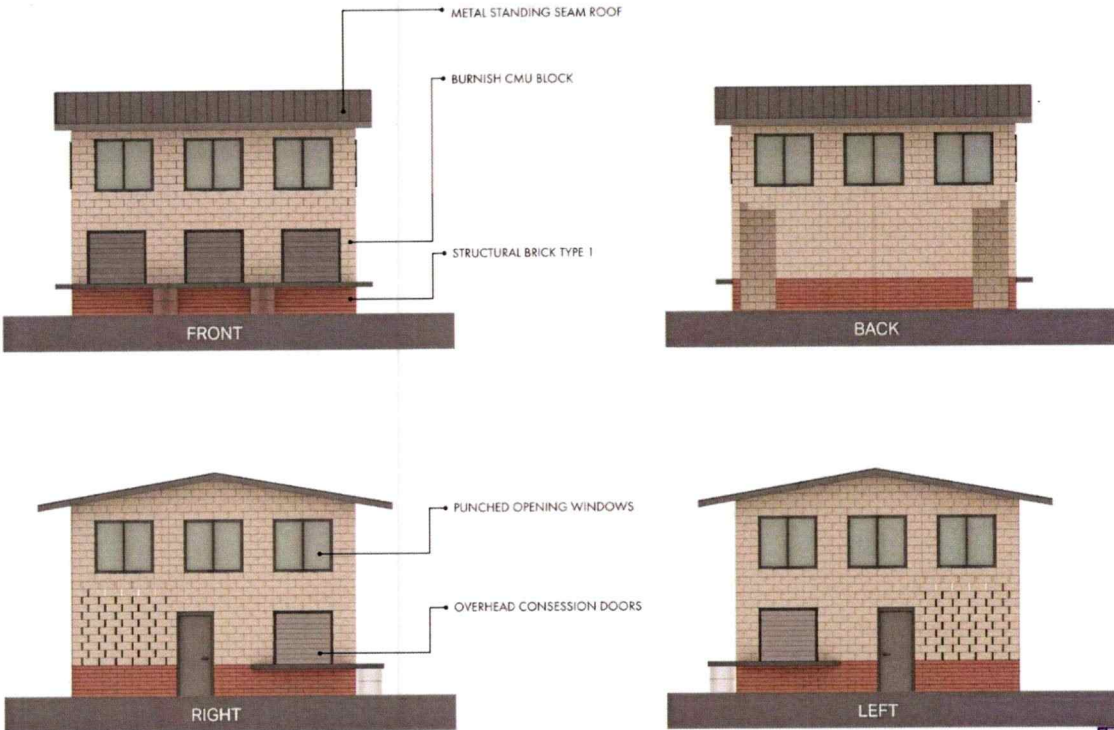
CONCESSIONS - BURNISH BLOCK

EXHIBIT E
CHARACTER RENDERINGS



CONSESSIONS- PERSPECTIVE

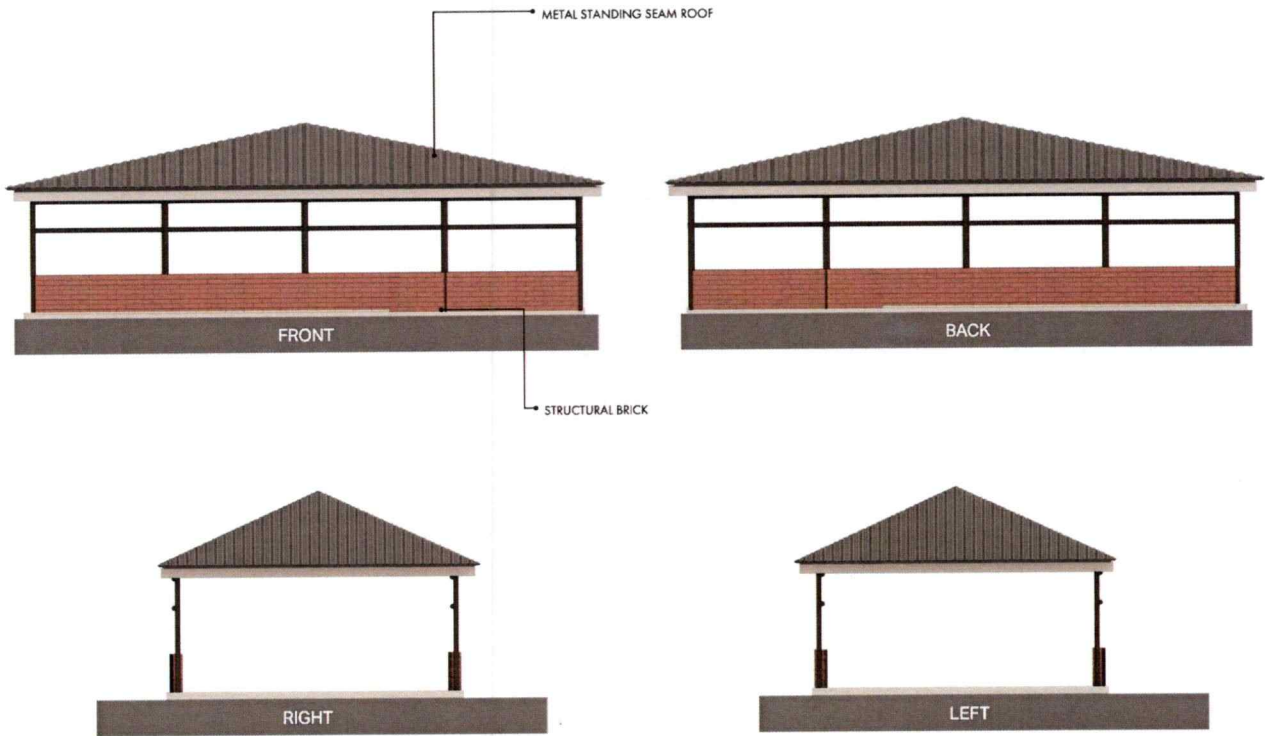
EXHIBIT E
CHARACTER RENDERINGS



NOTE: THIS CONCESSION BUILDING IS USED AT THE 225' SOFTBALL FIELD QUAD

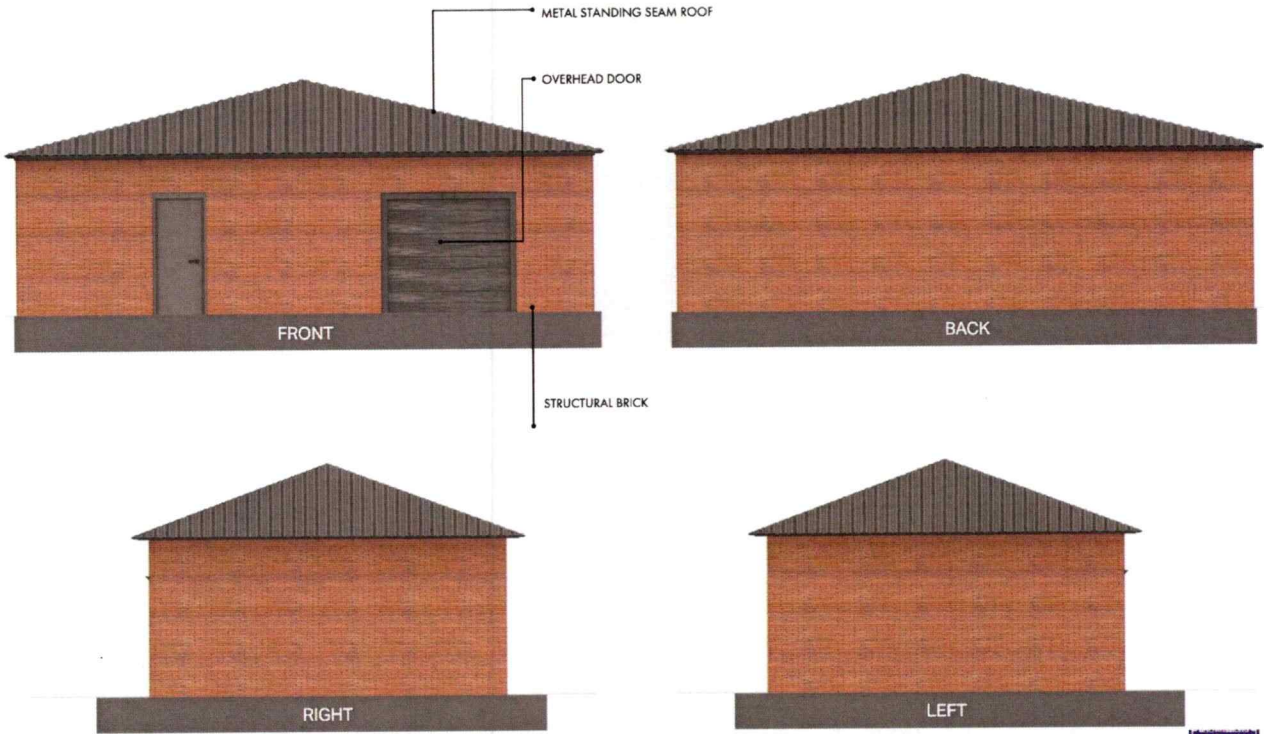
CONCESSIONS - BURNISH BLOCK

EXHIBIT E
CHARACTER RENDERINGS



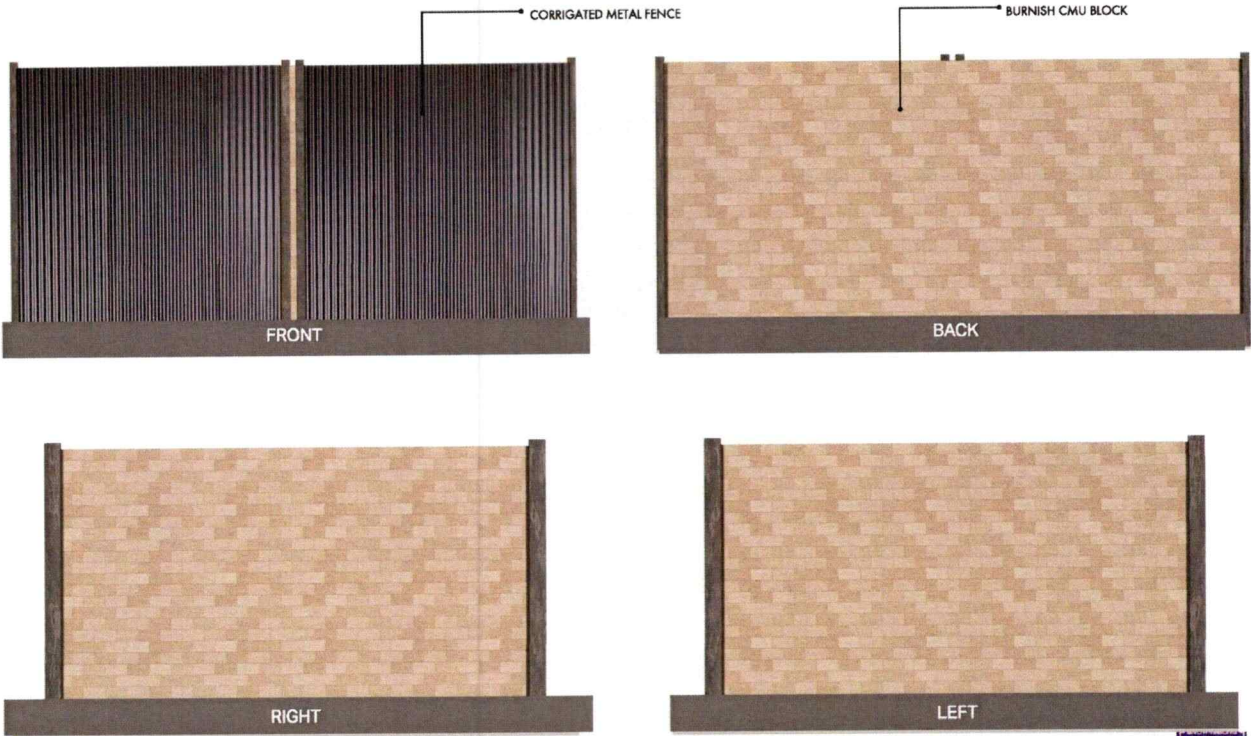
SHADE STRUCTURE- ELEVATIONS

EXHIBIT E
CHARACTER RENDERINGS



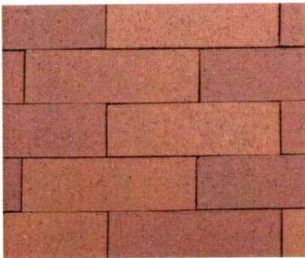
MAINTENANCE BUILDING - BRICK TYPE 1

EXHIBIT E
CHARACTER RENDERINGS



TRASH ENCLOSURE - BURNISH BLOCK

EXHIBIT E
CHARACTER RENDERINGS



INTERSTATE STRUCTURAL BRICK
COLOR : MOUTAIN RED



STANDING SEAM METAL ROOF
COLOR : SLATE GREY



METAL CHAIN LINK FENCE
COLOR : BLACK

MATERIALS PALETTE

EXHIBIT F
REZONING COMMITMENTS

STATEMENT OF COMMITMENTS

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description:

See Exhibit "A" attached hereto and incorporated by reference (the "Subject Property")

Statement of COMMITMENTS:

- 1) No games will start prior to 8:00 AM, and all games will end no later than 11:00 PM.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Hendricks County Area Plan Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition _____ by the Hendricks County Area Plan Commission changing the zoning classification of the real estate from an AGR – Agriculture Residential zoning classification to a PUD zoning classification;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the PUD zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced by the Hendricks County Area Plan Commission or the Board of Commissioners of Hendricks County.

The undersigned hereby authorizes the secretary of the Hendricks County Area Plan Commission to record this Commitment in the office of the Recorder of Hendricks County, Indiana, upon final approval of petition _____.

IN WITNESS WHEREOF, the applicant has executed this instrument this ____ day of _____, 2024.

By:

Signature: _____
Printed: _____
Title: _____

STATE OF _____)
COUNTY OF _____) SS:

Before me, a Notary Public in and for said County and State, personally appeared _____, a _____ of _____, an Indiana limited partnership, who acknowledged the execution of the foregoing instrument for and on behalf of said limited partnership.

Witness my hand and Notarial Seal, this ____ day of _____, 2024.

Notary Public – Signature

Notary Public – Printed

My Commission Expires: _____ My County of Residence: _____

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.

This instrument was prepared by _____.