

**BROOKSTON PLACE  
ORDINANCE NO. 120496**

AN ORDINANCE AMENDING ORDINANCE NO. 010693A

BE IT ORDAINED by the Town Council of Fishers, Indiana ("Town Council"), that the Ordinance No. 010693A, adopted by the Town Council on May 5, 1993 ("Ordinance"), is hereby amended as follows:

**SECTION 1: LAND USE**

*Section 2. Land Use* shall be amended by the addition of the following:

The provisions of this ordinance notwithstanding, the real estate legally described on Exhibit "A" hereto ("Real Estate") shall be used for single-family residential use, subject to the following development standards:

- A. Minimum Lot Area: 5500 square feet
- B. Maximum Density: 3.9 lots per gross acre
- C. Maximum number of Lots: 210
- D. Minimum Lot Width: 55 feet
- E. Minimum Front Yard: 20 feet
- F. Minimum Side Yard: 5 feet
- G. Minimum Building Separation - Side Yard: 15 feet
- H. Minimum Rear Yard: 20 feet
- I. Living Unit Area (Minimum) (Exclusive of basements, porches, garages, carports, and accessory uses)

Parcel I:

One story: 1,300 square feet

Two story: 1,700 square feet

Parcel II:

One story: 1,850 square feet

Two story: 2,100 square feet

- J. Maximum Structure Height:
  - Primary: 35 feet
  - Accessory: 15 feet

**SECTION 2. DEVELOPMENT PLAN.** The Real Estate shall be developed in substantial compliance with the development plan attached hereto as Exhibit "B" ("Development Plan"), except for such modifications as required or recommended by the Technical Advisory Committee and the P.D. Committee.

**SECTION 3. ADDITIONAL DEVELOPMENT STANDARDS.** The development standards of the Ordinance are replaced and superseded in their entirety by the development standards of the Zoning Ordinance of the Town of Fishers and the development standards of this Ordinance.

**SECTION 4. SUBSEQUENT APPROVAL.** The Development Plan, following approval by the Technical Advisory Committee, shall serve as the primary plat for the Real Estate.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after its passage by the Town Council.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana, on the 18th day of December, 1996.

THE TOWN COUNCIL OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

By: Walter F. Kelly /s/  
Walter F. Kelly

By: Roy G. Holland /s/  
Roy G. Holland

By: James P. Roederer

By: Deborah Heckart /s/  
Deborah Heckart

By: Timothy O. Lima /s/  
Timothy O. Lima

By: Stuart F. Easley  
By: Scott A. Faultless /s/  
Scott A. Faultless

ATTEST:

Linda Gaye Cordell /s/  
Linda Gaye Cordell, Clerk-Treasurer

Prepared by: James J. Nelson, Nelson & Frankenberger  
3021 East 98th Street, Suite 220, Indianapolis, Indiana 46280

#### EXHIBIT A

#### LEGAL DESCRIPTION OF PARCELS #1 AND 2, HAMILTON PROPER

Part of the East Half of the Northwest Quarter and part of the West half of the Northeast Quarter of Section 10, Township 17 North, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of Lot 1 in Lake View Addition, the plat of which is recorded in Deed Record 130, page 612 as Instrument #4514 in the Office of the Recorder of Hamilton County, Indiana, which said beginning point lies North 00 degrees 32 minutes 16 seconds East (astronomic bearing) along the West line of the East Half of the said Northwest Quarter 150.00 feet from the Southwest corner thereof; thence North 89 degrees 26 minutes 51 seconds East along the North line of said Lake View Addition 935.96 feet (937.20 feet-deed) to a point which lies 400.00 feet Westerly along the North line of said Lake View Addition from a point on the East line of said Northwest Quarter which lies North 00 degrees 31 minutes 23 seconds East along

said East line 150.00 feet from the Southeast corner thereof; thence North 00 degrees 31 minutes 23 seconds East parallel with the East line of said Northwest Quarter 326.70 feet; thence North 89 degrees 26 minutes 51 seconds East parallel with the South line of the said Northwest Quarter 400.00 feet to the said East line; thence North 00 degrees 31 minutes 23 seconds East 892.28 feet (892.38 feet-deed) to a point which lies South 00 degrees 31 minutes 23 seconds West along said East line 1254.00 feet from the Northeast corner of the said Northwest Quarter; thence North 33 degrees 40 minutes 28 seconds East (along a line running in the general Northeasterly direction of Brooks School Road and lying Easterly thereof, and if extended, would intersect the North line of the said Northeast Quarter Section at a point North 89 degrees 17 minutes 04 seconds East 831.00 feet from the Northwest corner of the said Northeast Quarter Section) 633.22 feet to the Southeast corner of a 3.100 acre tract of land conveyed to Mansur Development Corp. per Warranty Deed recorded as Instrument #8825060 in the said Recorder's Office; thence North 88 degrees 03 minutes 36 seconds West along the Southerly line of said "Mansur" tract and its extension thereof 1682.04 feet to the West line of the East Half of the said Northwest Quarter Section; thence South 00 degrees 32 minutes 16 seconds West along the said West line 1815.80 feet to the point of beginning, containing 53.921 acres, more or less.

Together with a nonexclusive ingress-egress easement over and across lot 5 in Lake-View Addition, as per plat thereof, recorded in Deed Record 130, page 612, in the Office of the Recorder of Hamilton County, Indiana.

#### EXHIBIT B