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ORDINANCE NO. 111824

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA, AMENDING THE ZONING ORDINANCE OF
FISHERS, INDIANA – 1980, AS AMENDED.**

JMZ

WHEREAS, this is an ordinance to amend the Zoning Ordinance of the City of Fishers (the “City”).

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. RZ-24-3 as required by law in regard to the rezone; and

WHEREAS, the Plan Commission, at its meeting on the 8th day of January 2025 sent a favorable recommendation to the Common Council by a vote of 7 in favor and 0 opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 ET. SEQ., THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

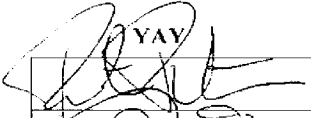
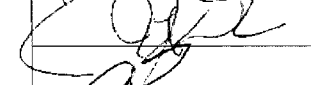
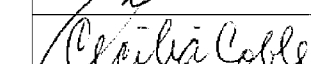
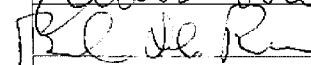
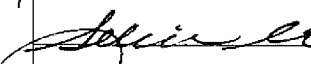
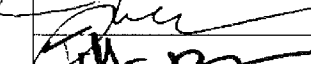

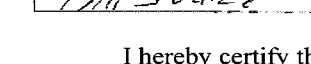
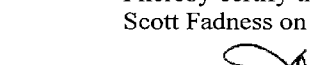
Section 1. Rezone. This Rezone amends the zoning district of the real estate outlined in the Planned Unit Development;

Section 2. Purpose Statement. The purpose of this ordinance is to rezone the following real estate as mixed use with the R5 – Residential and M2 – Multi-Family districts.


UNLESS SPECIFICALLY AMENDED BY REFERENCE HEREIN, ALL REMAINING TERMS AND CONDITIONS OF THE UDO SHALL CONTINUE IN FULL FORCE AND EFFECT AND ARE HEREBY RATIFIED AND AFFIRMED.

COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA

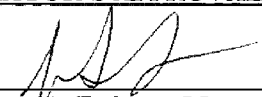
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YAY		NAY	ABSTAIN
	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the 13th day of January 2025 at 8:30 p.m.

ATTEST: 
Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL


Scott A. Fadness, Mayor

JANUARY 13, 2025
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey M. Bennett, Corporation Council, City of Fishers, Hamilton
County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"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." Lindsey M. Bennett



ORDINANCE NO. 111824

Exhibit A
Planned Unit Development Exhibit

ORDINANCE NO. 111824

2025

Balmoral Village PUD

Planning & Zoning Department
City of Fishers
Ordinance No. 111824



ORDINANCE NO. 111824

1.1. Declaration, Purpose and Intent, Applicability, and Allowed Uses

A. Declaratio

1. Ordinance No. 111824 (this "Ordinance")
2. Adopted: _____

B. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in Exhibit B.1 attached hereto and incorporated herein (the "Real Estate"), is hereby designated as a Planned Unit Development - Residential District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "Balmoral Village PUD."

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

C. Applicability

The standards of the UDO applicable to the R5 Residential District shall apply to the development of the Real Estate referenced in yellow on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. The standards of the UDO applicable to the M2 Multi-Family Residential District shall apply to the development of the Real Estate referenced in orange on the Concept Plan, except as modified, revised or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and Sec. 1.3.6. Transition Ordinance also shall apply to amendments.

D. Allowed Uses

All uses permitted in the R5 Residential District shall be permitted where single-family homes are shown on the Concept Plan. Only townhome shall be permitted in the M2 Multi-Family Residential District where townhomes are shown on the Concept Plan.

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1.2. Concept Plan

The Concept Plan, attached hereto as Exhibit B.2, is hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. If the Director determines that a Development Plan is not substantially consistent with the Concept Plan (the "Director's Determination"), then the Director shall notify the applicant in writing within ten (10) business days of receipt of the submitted Development Plan of: (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended quality and character of the Balmoral Village PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

1.3. Development Standards

A. Introductory Provisions

The regulations of CHAPTER 1. INTRODUCTORY PROVISIONS shall apply.

B. Administration

The regulations of CHAPTER 2. ADMINISTRATION shall apply.

C. Zoning Districts

The regulations of CHAPTER 3. ZONING DISTRICTS shall apply, except as modified by this Ordinance. The total maximum number of lots within the Balmoral Village PUD shall not exceed 174 lots.

1. Article 3.1. Establishment of Zoning Districts: Shall apply.
2. Article 3.2. Residential Districts: Shall apply, except as modified below:

(a) Sec. 3.2.6. R5 Residential District: Shall not apply. Instead the following shall apply to the Single-Family Detached Homes:

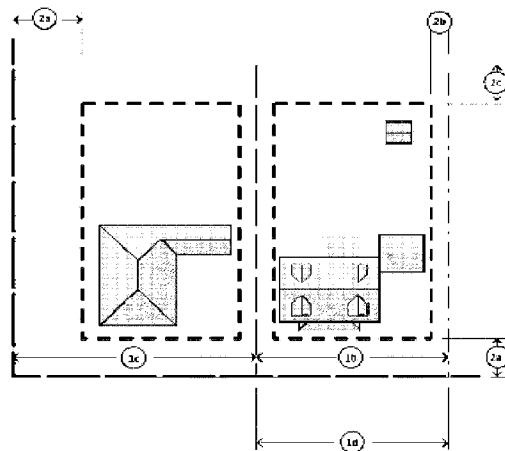
Single-Family Detached Homes Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	5,400 sf
1b. Lot width at building line – standard	43 feet
1c. Lot width at building line – corner	43 feet
1d. Lot frontage	43 feet

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2. Minimum Building Setbacks	
2a. Front - local street / other street type	15 feet
2b. Side	6 feet
2c. Rear	20 feet
2d. Minimum Building Separation	*12 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,800 sf
4b. Living unit area, 2-story (min)	2,000 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	20 feet
5c. Alternative standards	<i>Sec. 8.4.7. Conservation Development</i>
5e. Total structures per lot	<i>Sec. 6.8.1.G. Structures Per Lot</i>

* There shall be a minimum twelve (12) foot building separation as measured at the structure foundation (minor encroachments including overhangs and masonry shall be permitted within the building separation). If the building separation is less than twenty (20) feet, then a subsurface drain shall be required in the side yard between the structures.

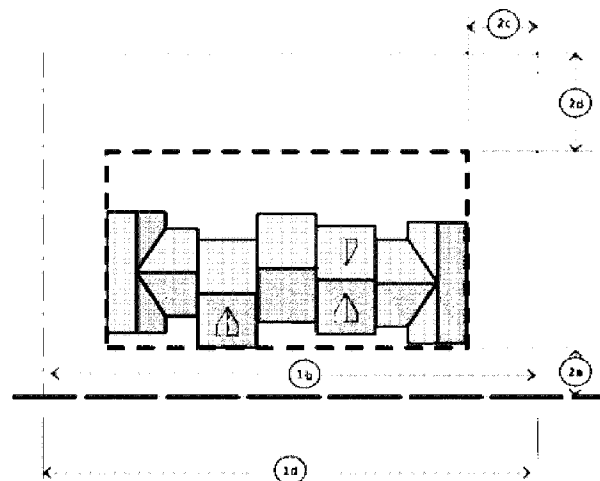


(b) Sec. 3.2.6. M2 Multi-Family Residential District: Shall not apply. Instead the following shall apply to the Townhomes:

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Townhome Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	N/A
1b. Lot width at building line – standard (per individual lot)	20 feet interior/24 feet end units
1c. Lot width at building line – corner (per individual lot)	20 feet interior/24 feet end units
1d. Lot frontage – on public street with access from (per individual lot)	20 feet interior/24 feet end units
2. Minimum Building Setbacks	
2a. Front – local street/other street type (if applicable)	15 feet
2b. Front – internal	15 feet
2c. Side	0 feet (internal)/ 20 feet (end units)
2d. Rear	20 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area (min)	1,700 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	85%



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D. Overlay Zoning District

The regulations of Chapter 4. OVERLAY ZONING DISTRICT shall apply.

E. Use Regulations

The regulations of Chapter 5. USE REGULATIONS shall apply.

F. Article 6.1 General Regulations: Shall apply.

G. Article 6.2 Accessory Structure Standards: Shall apply, except as modified below:

- 1) Sec. 6.2.6.D.1 Mechanical & Utility Equipment; Screening, Ground-mounted; Shall apply, except that ground-mounted mechanicals may be placed in the private backyard of each single-family residential dwelling unit or may be placed on the side or reach or each townhome without the use of screening.

H. Article 6.3 Architectural Design Standards: Shall apply, except as modified below:

- 1) The "Illustrative Architectural Exhibit" included in Exhibit C is hereby incorporated into this Balmoral Village PUD to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit, however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit. Where there is a conflict between the Illustrative Architectural Exhibit and the Architectural Design Standards, compliance with the Illustrative Architectural Exhibit shall supersede and the dwelling design shall be permitted.
- 2) Vinyl siding shall be prohibited.
- 3) Section 6.3.4.B.4.e – Shall apply as illustrated in the examples of compliance in Exhibit D Garage Door Illustrations.
- 4) Section 6.3.4.B.4.c – Shall apply, however an additional storage area shall not be required.
- 5) Section 6.3.4.C.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (Exhibit C).
- 6) Section 6.3.4.D.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (Exhibit C).
- 7) Section 6.3.4.D.2.e – Shall not apply. Instead, Dwelling materials and percentages shall be as generally illustrated on Exhibit C, with the added requirement that all Single Family Detached Homes shall include brick or masonry wainscot on all elevations

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I. Article 6.4 Entrances & Driveways: Shall apply.

J. Article 6.5 Exterior Lighting Standards: Shall apply.

K. Article 6.6 Height Standards: Shall apply.

L. Article 6.7 Landscaping Standards: Shall apply, except as modified below:

- 1) The required landscaping in all common areas/open space and pond edging shall be native species selected from the City of Fishers list of approved species, and emphasis shall be given to selecting drought tolerant varieties, at the discretion of the developer and/or property owner. All required plantings initially on individual lots shall be native species. Non-native species may be installed with prior approval by City Staff.
- 2) Required landscaping that cannot be placed in a required location due to utility or infrastructure separation requirements may be planted elsewhere on the Real Estate.
- 3) Varying species of plantings shall be used to protect against pest and disease. No more than thirty percent (30%) of total plan material may be of one species.
- 4) **Section 6.7.4 Bufferyards** - Shall not apply.
- 5) **Section 6.7.5 – Lot Plantings:** Lot Plantings may be installed within Common Areas on the Real Estate if easements prevent placement on the subject lot.
- 6) **Section 6.7.6.A - Local Streets – Single-family and Townhome Lots:** Street trees shall be spaced one per 25 feet, which trees shall be one and the same as the trees required under Section 6.7.5.

M. Article 6.8 Lot Standards: Shall apply.

N. Article 6.9 Outdoor Display & Storage Standards: Shall apply.

O. Article 6.10 Parking & Loading Standards: Shall apply.

P. Article 6.11 Pedestrian Accessibility Standards: Shall apply.

Q. Article 6.12 Permitted Nonresidential Structure Standards: Shall apply.

R. Article 6.13 Property Identification Standards: Shall apply.

S. Article 6.14 Public Art Standards: Shall apply.

T. Article 6.15 Setback Standards: Shall apply, except as modified by this Ordinance.

U. Article 6.16 Signage Standards: Shall apply.

V. Article 6.17 Wall & Fence Standards: Shall apply.

W. Article 6.18 Water & Sewer Standards: Shall apply.

X. Article 6.19 Vision Clearance Standards: Shall apply.

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1.4. Planned Unit Development Design Standards

A. Cross Reference: The regulations of *Chapter 8: Subdivision and Planned Unit Development Design Standards* shall apply, except as modified below.

- 1) **Article 8.1 General Provisions:** Shall apply.
- 2) **Article 8.2.1 Block, Lot & Access Standards – Purpose & Intent:** Shall apply.
- 3) **Article 8.2.2. Block, Lot & Access Standards – Anti-Monotony:** Shall apply.
- 4) **Article 8.2.3 Block, Lot & Access Standards – Blocks:** Shall apply.
- 5) **Article 8.2.4 Block, Lot & Access Standards – Lots:** Shall apply.
- 6) **Article 8.2.5 Block, Lot & Access Standards – Subdivision Access:** Shall apply.
- 7) **Article 8.2.6 Block, Lot & Access Standards – Pedestrian Network:** Shall apply.
- 8) **Article 8.3 Street & Alley Standards:** Shall apply.

- 9) **Article 8.4 Open Space, Common Area & Amenity Standards:** Shall not apply; instead, the following shall apply:
 - a. The Concept Plan is hereby incorporated to illustrate conceptually the elements and anticipated design of the Open Space on the Real Estate. The final Open Space design may vary from the Concept Plan; however, the Open Space amenities will include trails and pond fountains or aeriated ponds.
 - b. In addition to the Open Space amenities provided above; at least two (2) of the following additional amenities will be provided:
 - i. Covered Structure
 - ii. Fire pit
 - iii. Dog Park
 - iv. Pond Overlook
 - v. Activated Linear Park

10) Article 8.5 Other Design Standards: Shall apply.

1.5. Floodplain Standards

The regulations of CHAPTER 9. FLOODPLAIN STANDARDS shall apply.

1.6. Procedures & Permits

The regulations of CHAPTER 10. PROCEDURES & PERMITS shall apply.

1.7. Enforcement & Penalties

The regulations of CHAPTER 11. ENFORCEMENT & PENALTIES shall apply.

1.8. Definitions

The regulations of CHAPTER 12. DEFINITIONS shall apply.

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1.9. Impact Fees

Regardless of the Real Estate's annexation status at the time a building permit is issued, all applicable road, bridge and park impact fees shall be paid, subject to any applicable credits.

1.9. Real Estate

See "Exhibit B.1" attached hereto.

(Legal Description and Location Map of property.)

2.0. Adoption

Exhibit B.1 – Legal Description

PARCEL 1:

Lot 1 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

EXCEPTING THEREFROM:

That part of the above described property conveyed to the Town of Fishers by Warranty Deeds recorded December 31, 2003, as Instruments Numbered 200306128275 and 200306128276, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

A part of Lot 1 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of said Lot 1; thence North 09 degrees 01 minute 51 seconds East (assumed bearing) 60.80 feet along the Northwest line of said Lot to the Northeast line of said Lot; thence South 63 degrees 03 minutes 26 seconds East, 4.34 feet along the Northeast line of said Lot; thence South 38 degrees 54 minutes 50 seconds West, 66.03 feet to the West line of said Lot; thence North 00 degrees 42 minutes 05 seconds West, 6.87 feet to the point of beginning, containing 0.006 acres, more or less.

PARCEL 2:

Lot 2 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

PARCEL 3:

Lot 3 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

EXCEPTING THEREFROM:

That part of the above described property conveyed to Bradley Trent and Christie M. Trent, by Quitclaim Deed recorded August 27, 2009, as Instrument Number 2009052005, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Part of Lot 3 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the iron rod with a Wiehe cap at the Southeast corner of Lot 3 in Hamilton Hills Third Section, as per plat of said Addition recorded in Plat Book 2, page 103 in the Office of Hamilton County, Indiana; thence on the South line of said Lot 3 South 89 degrees 54 minutes 19 seconds West, 175 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying" at the Southwest corner of said Lot 3; thence on the West line of said Lot 3 North 00 degrees 14 minutes 46 seconds East, 19 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying"; thence North 83 degrees 21 minutes 22 seconds East, 175.51 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying" on the East line of said Lot 3; thence South 00 degrees 14 minutes 46 seconds West, 4.50 feet to the Point of Beginning, containing 0.03 acres, more or less.

PARCEL 4:

Part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 17 North Range 4 East, Hamilton County, Indiana, described as follows:

Beginning at a point 554.7 feet North of the South line and 547.5 feet West of the East Line of said Quarter Quarter; thence West parallel to the South line thereof 711.30 feet to the Easterly right of way line of State Road 57; thence Southwesterly along said right of way line 11.97 feet; thence Southeasterly on a forward deflection angle to the left of 102 degrees 05 minutes, a distance of 55.87 feet to the point of curvature of a curve to the right, said curve having a radius of 200 feet and a delta angle of 62 degrees 30 minutes; thence in a southeasterly direction along said curve 216.42 feet to the point of tangency of said curve; thence southeasterly deflecting to the left from a tangent of said curve at its point of tangency 61 degrees 55 minutes, a distance of 160.82 feet to a point, said point being 264.7 feet North of the South line of said Quarter Quarter Section; thence East parallel to said South line 300 feet; thence northeasterly deflecting to the left 66 degrees 43 minutes a distance of 315.50 feet to the point of beginning. Containing 3.50 acres more or less.

EXCEPTING THEREFROM:

That portion of the above described property conveyed to the Town of Fishers, by Trustees' Deeds, recorded December 31, 2003, as Instruments Numbered 200306128279 and 200306128280, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

A part of the Northeast Quarter of Section 10, Township 17 North, Range 4 West, Hamilton County, Indiana, and being a part of the land of or formerly owned by Alberta M. Eaton (Instrument Number 8728940, Office of the Recorder), described as follows:

Commencing at the southeast corner of said Quarter Section; thence North 01 degree 10 minutes 57 seconds West (assumed bearing) 562.75 feet along the east line of said Section to the north line of the grantor's land; thence South 88 degrees 23 minutes 42 seconds West, 1,255.41 feet along the north line of the grantor's land to the point of beginning of this description; thence South 88 degrees 54 minutes 30 seconds west, 13.71 feet to the south line of the grantor's land; thence North 63 degrees 03 minutes 09 seconds West, 4.23 feet along the south line of the grantor's land to the southeastern boundary of Allisonville Road; thence North 39 degrees 01 minute 51 seconds East, 11.07 feet along the southeastern boundary of Allisonville Road to the north line of the grantor's land; thence North 88 degrees 23 minutes 42 seconds East, 5.42 feet to the point of beginning and containing 0.001 acres, more or less.

PARCEL 5:

A portion of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Hamilton County, Indiana; thence North 00 degrees 01 minutes 30 seconds West (bearing assumed) on and along the East line of said Northeast Quarter 553.08 feet to the Northeast corner of a tract of 17 acres off the South side of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North line of said tract 468.21 feet to the true place of beginning of portion herein described; thence South 02 degrees 09 minutes 47 seconds West, 185.92 feet; thence South 51 degrees 26 minutes 32 seconds East, 429.56 feet to the South line of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the South line of said Northeast Quarter 568.22 feet to the Southeast corner of the parcel of land described in Deed Record 271, page 486, in the office of the Recorder of Hamilton County, the Southeast corner of said parcel being on a non-tangent curve whose radius point bears South 75 degrees 08 minutes 26 seconds West, 150.00 feet from said Southeast corner; thence Northwesterly on and along the Northeast line of said parcel on said curve an arc distance of 36.61 feet; thence North 28 degrees 50 minutes 38 seconds West on and along the Northeast line of said parcel 118.93 feet to the point of curvature of a tangent curve whose radius point bears South 61 degrees 09 minutes 22 seconds West 300.00 feet from the point of curvature; thence Northwesterly on and along the Northeast line of said parcel on said curve an arc distance of 172.79 feet; thence North 61 degrees 50 minutes 39 seconds West on and along the Northeast line 115.78 feet to the East Right-of-Way line of Hamilton Hills Lane in Hamilton Hills Third Section, the plat of which is recorded in Plat Book 2, page 103 in the office of the Recorder of Hamilton County; thence North 00 degrees 04 minutes 22 seconds East on and along said East Right-of-Way line 26.29 feet to the South line of the land described in Deed Record 153, page 289 in the Office of the Recorder of Hamilton County; thence South 61 degrees 50 minutes 38 seconds East on and along the South line of said land 158.19 feet; thence North 89 degrees 47 minutes 09 seconds East on and along the South line of said land 300.00 feet; thence North 25 degrees 34 minutes 15 seconds East on and the East line of said land 315.15 feet to the North line of said tract; thence North 89 degrees 47 minutes 09 seconds East on and along the North Line of said tract 80.00 feet to the true place of beginning; containing 4.49 acres, more or less.

PARCEL 6:

A portion of the Northeast Quarter and Southeast Quarter of Section 10, Township 17 North, Range 4 East in Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Hamilton County, Indiana; thence North 00 degrees 01 minutes 30 seconds West (bearing assumed) on and along the East line of said Northeast Quarter 553.08 feet to the Northeast corner of a tract of 17 acres off the South side of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North Line of said tract 468.21 feet; thence South 02 degrees 09 minutes 47 seconds West, 185.92 feet; thence South 51 degrees 26 minutes 32 seconds East, 429.56 feet to the South line of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North line of the Southeast Quarter of said Section 10, 862.99 feet to the East right-of-way line of Hamilton Hills Lane in Hamilton Hills Third Section, the plat of which is recorded in Plat Book 2, page 103, in the office of the Recorder of Hamilton County; thence South 00 degrees 04 minutes 22 seconds West on and along said East Right-of-Way line 250.00 feet; thence North 89 degrees 47 minutes 09 seconds East parallel with the North line of said Southeast quarter 1116.41 feet to the East line of said Southeast Quarter; thence North 00 degrees 03 minutes 56 seconds East on and along the East line of said Southeast Quarter 250.00 feet to the point of commencement containing 11.47 acres, more or less.

EXCEPTING THEREFROM:

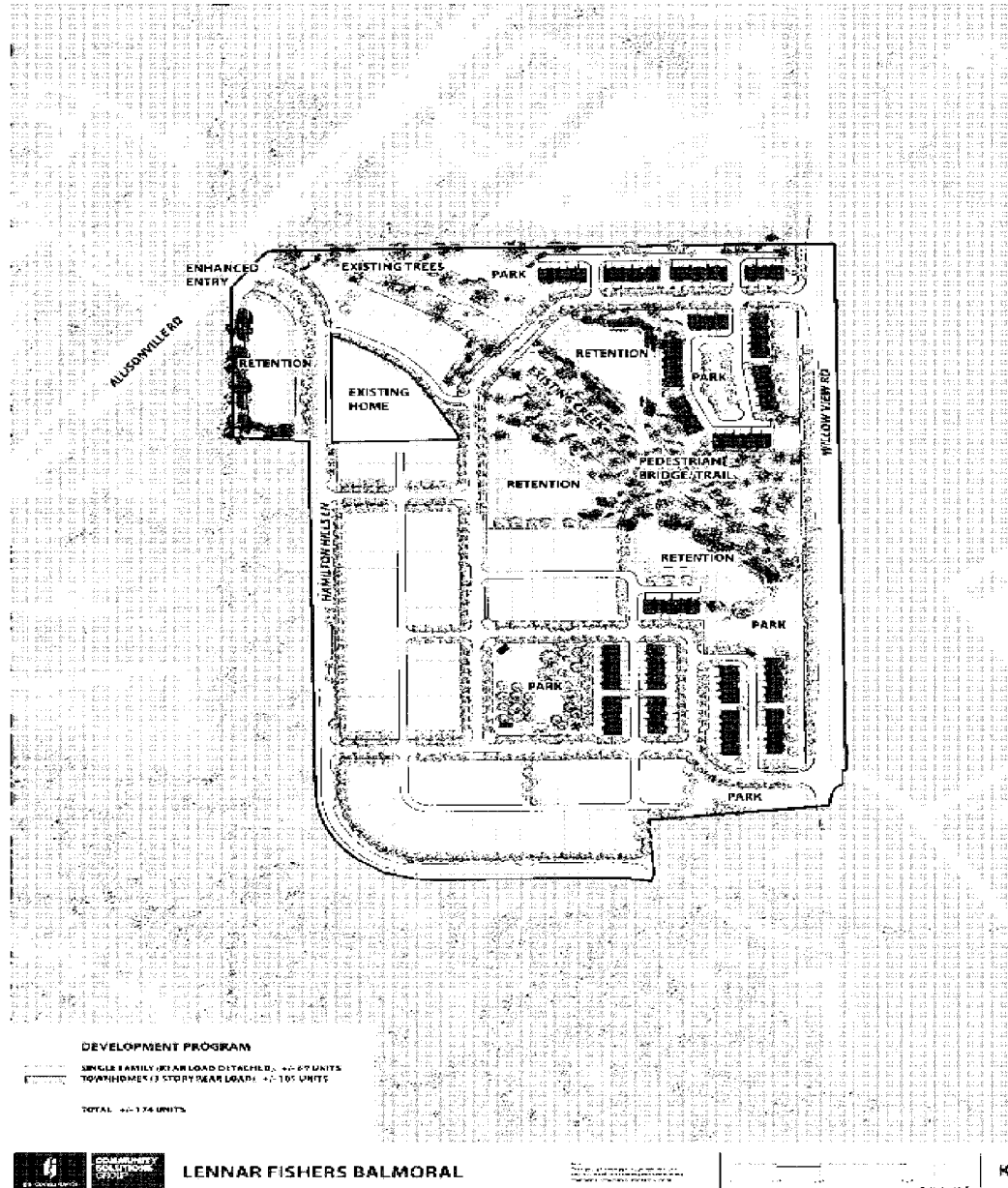
That portion of the above described property conveyed to Rick Eaton and Diane Eaton, by Special Limited Warranty Deed, recorded June 13, 2014, as Instrument Number 20140022553, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Part of the East Half of Section 10, Township 17 North, Range 4 East in Delaware Township, Hamilton County, Indiana, described as follows:

Beginning on the South line of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, 483.93 feet South 89 degrees 47 minutes 09 seconds West (assumed bearing) of the Southeast corner thereof; thence South 00 degrees 04 minutes 22 seconds West, 250.00 feet to the South line of Tract A of the Real Estate described in Deed Book 348, pages 685 and 686 as found in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 47 minutes 09 seconds West, 630.45 feet on the South line of Tract A of the Real Estate described in said Deed Book 348, pages 685 and 686 to the East right-of-way of Hamilton Hills Lane in Hamilton Hills - Third Section, the plat of which is recorded in Plat Book 2, page 103, in said Recorder's Office; thence North 00 degrees 04 minutes 22 seconds East, 250.00 feet on said East right-of-way line to the Southwest corner of the real estate described in said Deed Record 271, page 486 in said Recorder's Office; thence North 89 degrees 47 minutes 09 seconds East, 294.67 feet on the South line of the real estate described in said Deed Record 271, page 486 to the Southeast corner of the real estate described in said Deed Record 271, page 486 being the point of curvature of a non-tangent curve concave Southwesterly having a radius length of 150.00 feet which bears South 75 degrees 08 minutes 26 seconds West from said point of curvature; thence Northwesterly on said curve (this and the following three (3) courses are on the Northeastly line of the real estate described in said Deed Record 271, page 486 a distance of 36.61 feet to the point of tangency thereof; thence North 28 degrees 50 minutes 38 seconds West, 118.93 feet to the point of curvature of a tangent curve concave Southwesterly having a radius length of 300.00 feet which bears South 61 degrees 09 minutes 22 seconds West from said point of curvature; thence Northwesterly on said curve 172.79 feet to the point of tangency thereof; thence North 61 degrees 50 minutes 39 seconds West, 115.78 feet to said East right-of-way line of Hamilton Hills Lane in Hamilton Hills - Third Section; thence North 00 degrees 04 minutes 22 seconds East on said East right-of-way line 26.29 feet to the South line of real estate described in Deed Record 153, page 289, in the Office of the Recorder of Hamilton County, Indiana; thence South 61 degrees 50 minutes 38 seconds East, 158.19 feet on the South line of the real estate described in said Deed Record 153, page 289; thence North 89 degrees 47 minutes 09 seconds East, 500.00 feet on the South line of the real estate described in said Deed Record 153, page 289; thence South 35 degrees 49 minutes 16 seconds East, 325.57 feet to the Beginning Point, containing 5.61 acres, more or less.

ORDINANCE NO. 111824

Exhibit B.2 – Concept Plan



ORDINANCE NO. 111824

**Exhibit C – Illustrative Architectural Exhibit
Single-Family Detached Homes**



Chartwell Elevation A



Chartwell Elevation B

ORDINANCE NO. 111824



Chartwell Elevation C



Halstead Elevation A

ORDINANCE NO. 111824



Halstead Elevation B



Halstead Elevation C

ORDINANCE NO. 111824



Milford Elevation A



Milford Elevation B

ORDINANCE NO. 111824



Milford Elevation C



Pennington Elevation A

ORDINANCE NO. 111824



Pennington Elevation B



Pennington Elevation C

ORDINANCE NO. 111824

**Exhibit C – Illustrative Architectural Exhibit
Townhomes**



Townhomes – 5 unit



Townhomes – 6 unit (front elevation example)

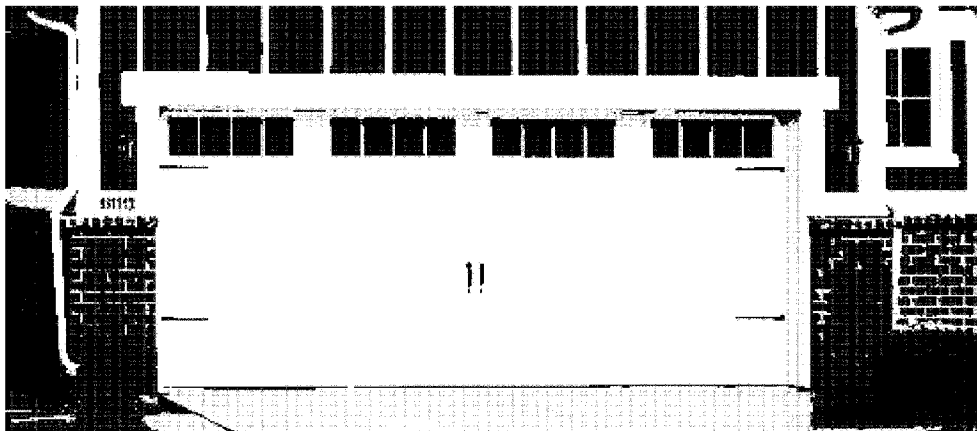
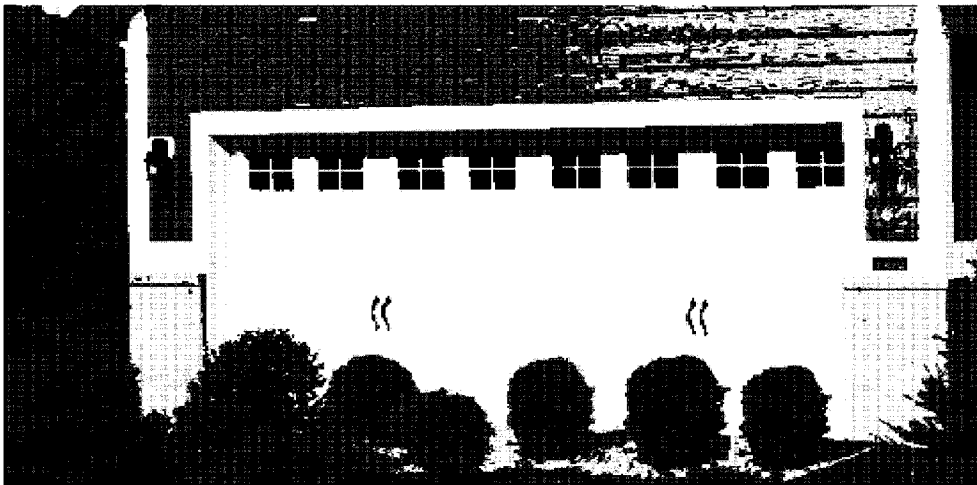
ORDINANCE NO. 111824

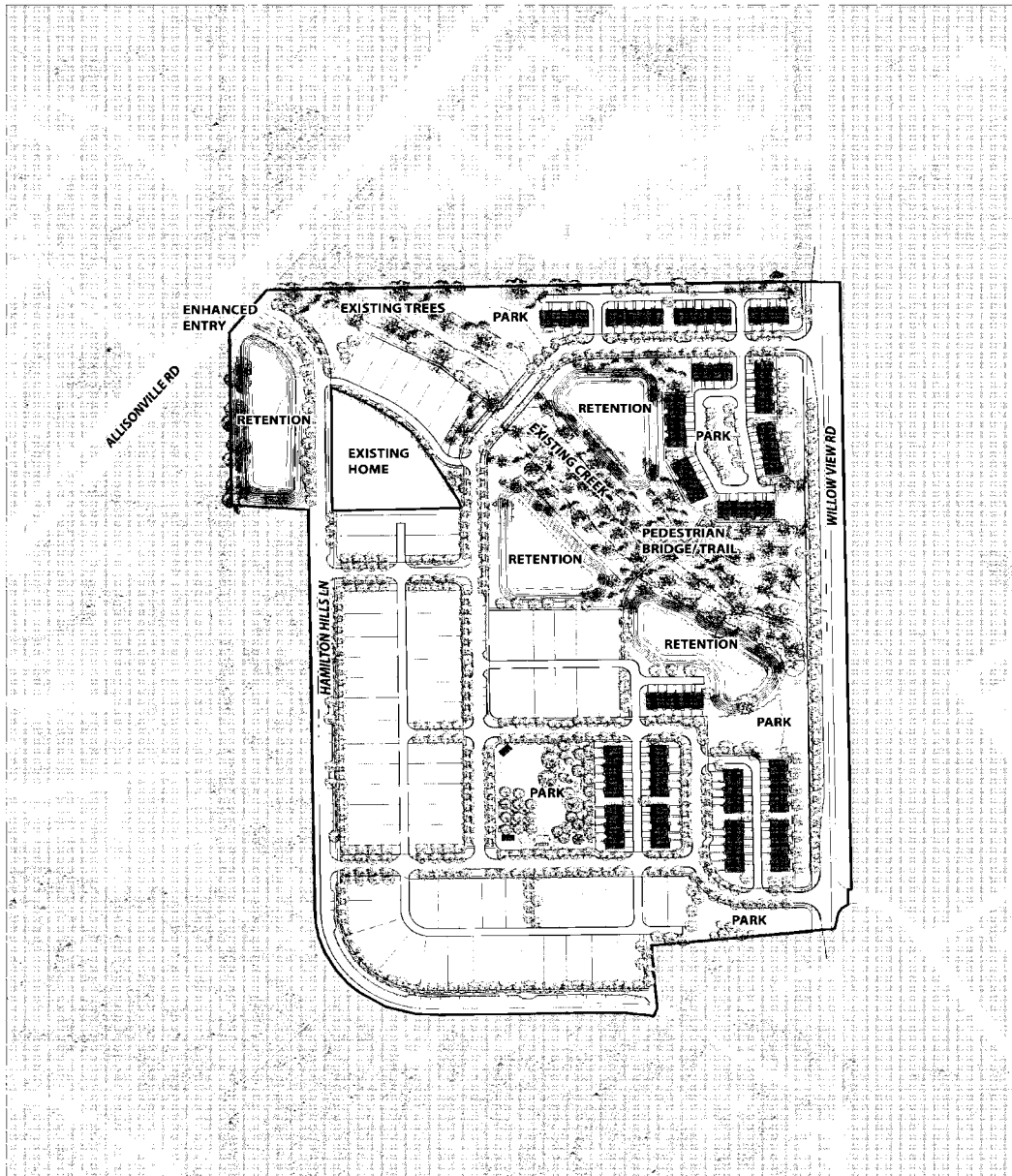


Townhomes – 5 unit (front elevation example)

ORDINANCE NO. 111824

Exhibit D – Garage Door Illustrations





DEVELOPMENT PROGRAM

SINGLE FAMILY (REAR LOAD DETACHED): +/- 69 UNITS
TOWNHOMES (3 STORY REAR LOAD): +/- 105 UNITS

TOTAL: +/- 174 UNITS



LENNAR FISHERS BALMORAL

THIS PLAN IS A PRELIMINARY DEVELOPMENT. A final plan will be submitted to the local government for review and approval. Engineering consultation is required.

1" = 100'
0 100 200
January 02, 2025

K



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Consideration of a rezone of 44.42 acres from R2 to PUDR, known as the Balmoral Village PUD. (RZ-24-3)			
SUBMITTED BY	Name & Title: Ross Hilleary, Director of Planning & Zoning Department:			
MEETING TYPE	<input type="checkbox"/> Work Session <input type="checkbox"/> Executive	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	<input type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> 3 rd Reading <input checked="" type="checkbox"/> Final Reading
	Ordinance #: 111824		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	<input type="checkbox"/> Contract required for this item		<input type="checkbox"/> Signed copy of contract attached	
	<input type="checkbox"/> Seeking award or other scenario & will provide contract at a later date		<input checked="" type="checkbox"/> No contract for this item	
	<input type="checkbox"/> Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input type="checkbox"/> Document must be recorded with the County Recorder's Office <input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office		<input checked="" type="checkbox"/> Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	<input type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input checked="" type="checkbox"/> Department Head	<input type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor	<input type="checkbox"/> Technical Advisory Committee
	<input type="checkbox"/> Mayor	<input type="checkbox"/> Other:
	<input type="checkbox"/> Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	<p>Nelson & Frankenberger, LLC on behalf of Lennar Homes request consideration of a rezone of 44.42 acres from R2 to PUDR, known as the Balmoral Village PUD. (RZ-24-3).</p> <p>The Balmoral Village PUD will consist of a mixture of two housing types consisting of approximately 69 single-family detached homes and approximately 105 townhomes, both which will be rear loaded. The Eller Run creek will be highlighted as part of open space requirements along with internal pocket parks.</p>	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold Final Reading
	2.	Continue
	3.	Deny
	4.	
PROJECT TIMELINE	<p>November 18, 2024 - 1st Reading - City Council December 11, 2024 - Neighborhood Meeting January 8, 2025 - Elevation Approval - PUD Committee January 8, 2025 - Public Hearing - Plan Commission January 13, 2025 - Proposed Final Reading - City Council</p>	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council hold Final Reading.	
SUPPLEMENTAL INFORMATION (List all attached documents)	<p>1. Concept Plan 2. Ordinance</p>	

ORDINANCE NO. 111824

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA, AMENDING THE ZONING ORDINANCE OF
FISHERS, INDIANA – 1980, AS AMENDED.**

WHEREAS, this is an ordinance to amend the Zoning Ordinance of the City of Fishers (the “City”).

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. RZ-24-3 as required by law in regard to the rezone; and

WHEREAS, the Plan Commission, at its meeting on the 8th day of January 2025 sent a favorable recommendation to the Common Council by a vote of 7 in favor and 0 opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 ET. SEQ., THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

Section 1. Rezone. This Rezone amends the zoning district of the real estate outlined in the Planned Unit Development;

Section 2. Purpose Statement. The purpose of this ordinance is to rezone the following real estate as mixed use with the R5 – Residential and M2 – Multi-Family districts.

UNLESS SPECIFICALLY AMENDED BY REFERENCE HEREIN, ALL REMAINING TERMS AND CONDITIONS OF THE UDO SHALL CONTINUE IN FULL FORCE AND EFFECT AND ARE HEREBY RATIFIED AND AFFIRMED.



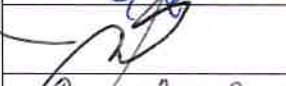
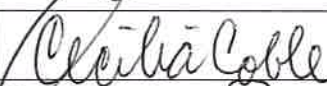
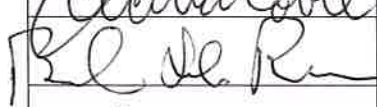
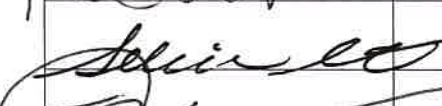
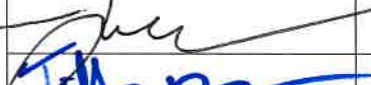
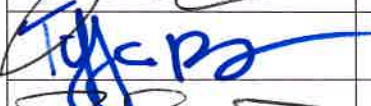

COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA

111824

YAY

NAY

ABSTAIN


	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the 13th day of January 2025 at 8:30 p.m.

ATTEST: 
Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL


Scott A. Fadness, Mayor

JANUARY 13, 2025
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey M. Bennett, Corporation Council, City of Fishers, Hamilton
County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"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." Lindsey M. Bennett

ORDINANCE NO. 111824

Exhibit A

Planned Unit Development Exhibit

2025

Balmoral Village PUD

Planning & Zoning Department

City of Fishers

Ordinance No. 111824



ORDINANCE NO. 111824

1.1. Declaration, Purpose and Intent, Applicability, and Allowed Uses

A. Declaratio

1. Ordinance No. 111824 (this "Ordinance")
2. Adopted: _____

B. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in Exhibit B.1 attached hereto and incorporated herein (the "Real Estate"), is hereby designated as a Planned Unit Development - Residential District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "Balmoral Village PUD."

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

C. Applicability

The standards of the UDO applicable to the R5 Residential District shall apply to the development of the Real Estate referenced in yellow on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. The standards of the UDO applicable to the M2 Multi-Family Residential District shall apply to the development of the Real Estate referenced in orange on the Concept Plan, except as modified, revised or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and Sec. 1.3.6. Transition Ordinance also shall apply to amendments.

D. Allowed Uses

All uses permitted in the R5 Residential District shall be permitted where single-family homes are shown on the Concept Plan. Only townhome shall be permitted in the M2 Multi-Family Residential District where townhomes are shown on the Concept Plan.

ORDINANCE NO. 111824

1.2. Concept Plan

The Concept Plan, attached hereto as Exhibit B.2, is hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. If the Director determines that a Development Plan is not substantially consistent with the Concept Plan (the "Director's Determination"), then the Director shall notify the applicant in writing within ten (10) business days of receipt of the submitted Development Plan of: (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended quality and character of the Balmoral Village PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

1.3. Development Standards

A. Introductory Provisions

The regulations of CHAPTER 1. INTRODUCTORY PROVISIONS shall apply.

B. Administration

The regulations of CHAPTER 2. ADMINISTRATION shall apply.

C. Zoning Districts

The regulations of CHAPTER 3. ZONING DISTRICTS shall apply, except as modified by this Ordinance. The total maximum number of lots within the Balmoral Village PUD shall not exceed 174 lots.

1. Article 3.1. Establishment of Zoning Districts: Shall apply.
2. Article 3.2. Residential Districts: Shall apply, except as modified below:

(a) Sec. 3.2.6. R5 Residential District: Shall not apply. Instead the following shall apply to the Single-Family Detached Homes:

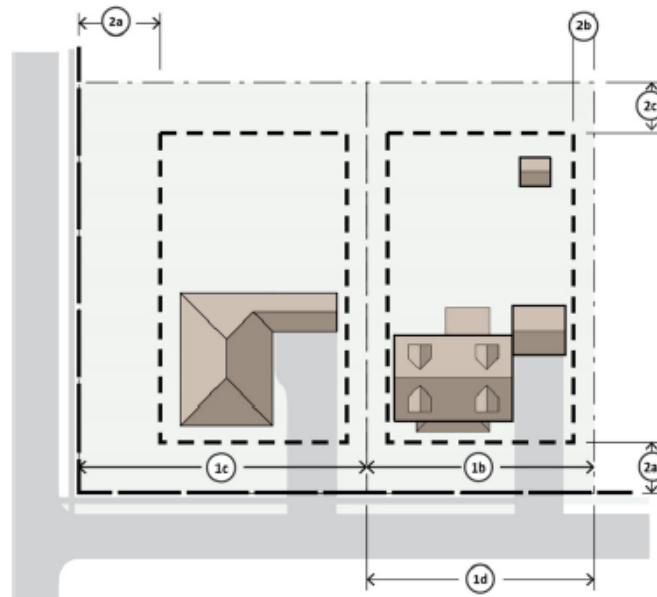
Single-Family Detached Homes Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	5,400 sf
1b. Lot width at building line – standard	43 feet
1c. Lot width at building line – corner	43 feet
1d. Lot frontage	43 feet

ORDINANCE NO. 111824

2. Minimum Building Setbacks	
2a. Front - local street / other street type	15 feet
2b. Side	6 feet
2c. Rear	20 feet
2d. Minimum Building Separation	*12 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,800 sf
4b. Living unit area, 2-story (min)	2,000 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	20 feet
5c. Alternative standards	<i>Sec. 8.4.7. Conservation Development</i>
5e. Total structures per lot	<i>Sec. 6.8.1.G. Structures Per Lot</i>

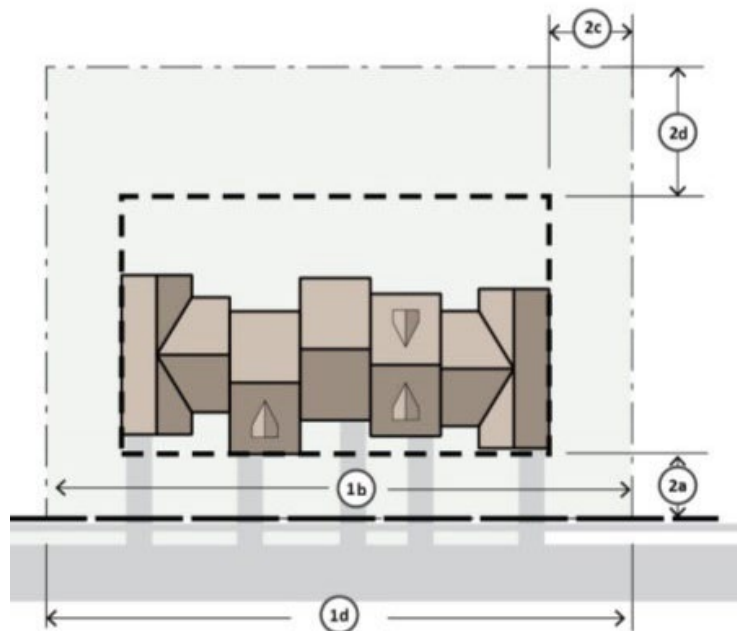
* There shall be a minimum twelve (12) foot building separation as measured at the structure foundation (minor encroachments including overhangs and masonry shall be permitted within the building separation). If the building separation is less than twenty (20) feet, then a subsurface drain shall be required in the side yard between the structures.



(b) Sec. 3.2.6. M2 Multi-Family Residential District: Shall not apply. Instead the following shall apply to the Townhomes:

Townhome Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	N/A
1b. Lot width at building line – standard (per individual lot)	20 feet interior/24 feet end units
1c. Lot width at building line – corner (per individual lot)	20 feet interior/24 feet end units
1d. Lot frontage – on public street with access from (per individual lot)	20 feet interior/24 feet end units
2. Minimum Building Setbacks	
2a. Front – local street/other street type (if applicable)	15 feet
2b. Front – internal	15 feet
2c. Side	0 feet (internal)/ 20 feet (end units)
2d. Rear	20 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area (min)	1,700 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	85%



ORDINANCE NO. 111824

D. Overlay Zoning District

The regulations of Chapter 4. **OVERLAY ZONING DISTRICT** shall apply.

E. Use Regulations

The regulations of Chapter 5. **USE REGULATIONS** shall apply.

F. Article 6.1 General Regulations: Shall apply.

G. Article 6.2 Accessory Structure Standards: Shall apply, except as modified below:

- 1) Sec. 6.2.6.D.1 Mechanical & Utility Equipment; Screening, Ground-mounted; Shall apply, except that ground-mounted mechanicals may be placed in the private backyard of each single-family residential dwelling unit or may be placed on the side or reach or each townhome without the use of screening.

H. Article 6.3 Architectural Design Standards: Shall apply, except as modified below:

- 1) The "Illustrative Architectural Exhibit" included in **Exhibit C** is hereby incorporated into this Balmoral Village PUD to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit, however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit. Where there is a conflict between the Illustrative Architectural Exhibit and the Architectural Design Standards, compliance with the Illustrative Architectural Exhibit shall supersede and the dwelling design shall be permitted.
- 2) Vinyl siding shall be prohibited.
- 3) Section 6.3.4.B.4.e – Shall apply as illustrated in the examples of compliance in **Exhibit D** Garage Door Illustrations.
- 4) Section 6.3.4.B.4.c – Shall apply, however an additional storage area shall not be required.
- 5) Section 6.3.4.C.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (**Exhibit C**).
- 6) Section 6.3.4.D.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (**Exhibit C**).
- 7) Section 6.3.4.D.2.e – Shall not apply. Instead, Dwelling materials and percentages shall be as generally illustrated on **Exhibit C**, with the added requirement that all Single Family Detached Homes shall include brick or masonry wainscot on all elevations

ORDINANCE NO. 111824

I. Article 6.4 Entrances & Driveways: Shall apply.

J. Article 6.5 Exterior Lighting Standards: Shall apply.

K. Article 6.6 Height Standards: Shall apply.

L. Article 6.7 Landscaping Standards: Shall apply, except as modified below:

- 1) The required landscaping in all common areas/open space and pond edging shall be native species selected from the City of Fishers list of approved species, and emphasis shall be given to selecting drought tolerant varieties, at the discretion of the developer and/or property owner. All required plantings initially on individual lots shall be native species. Non-native species may be installed with prior approval by City Staff.
- 2) Required landscaping that cannot be placed in a required location due to utility or infrastructure separation requirements may be planted elsewhere on the Real Estate.
- 3) Varying species of plantings shall be used to protect against pest and disease. No more than thirty percent (30%) of total plan material may be of one species.
- 4) **Section 6.7.4 Bufferyards** - Shall not apply.
- 5) **Section 6.7.5 – Lot Plantings:** Lot Plantings may be installed within Common Areas on the Real Estate if easements prevent placement on the subject lot.
- 6) **Section 6.7.6.A - Local Streets – Single-family and Townhome Lots:** Street trees shall be spaced one per 25 feet, which trees shall be one and the same as the trees required under Section 6.7.5.

M. Article 6.8 Lot Standards: Shall apply.

N. Article 6.9 Outdoor Display & Storage Standards: Shall apply.

O. Article 6.10 Parking & Loading Standards: Shall apply.

P. Article 6.11 Pedestrian Accessibility Standards: Shall apply.

Q. Article 6.12 Permitted Nonresidential Structure Standards: Shall apply.

R. Article 6.13 Property Identification Standards: Shall apply.

S. Article 6.14 Public Art Standards: Shall apply.

T. Article 6.15 Setback Standards: Shall apply, except as modified by this Ordinance.

U. Article 6.16 Signage Standards: Shall apply.

V. Article 6.17 Wall & Fence Standards: Shall apply.

W. Article 6.18 Water & Sewer Standards: Shall apply.

X. Article 6.19 Vision Clearance Standards: Shall apply.

ORDINANCE NO. 111824

1.4. Planned Unit Development Design Standards

A. Cross Reference: The regulations of *Chapter 8: Subdivision and Planned Unit Development Design Standards* shall apply, except as modified below.

- 1) **Article 8.1 General Provisions:** Shall apply.
- 2) **Article 8.2.1 Block, Lot & Access Standards – Purpose & Intent:** Shall apply.
- 3) **Article 8.2.2. Block, Lot & Access Standards – Anti-Monotony:** Shall apply.
- 4) **Article 8.2.3 Block, Lot & Access Standards – Blocks:** Shall apply.
- 5) **Article 8.2.4 Block, Lot & Access Standards – Lots:** Shall apply.
- 6) **Article 8.2.5 Block, Lot & Access Standards – Subdivision Access:** Shall apply.
- 7) **Article 8.2.6 Block, Lot & Access Standards – Pedestrian Network:** Shall apply.
- 8) **Article 8.3 Street & Alley Standards:** Shall apply.

- 9) **Article 8.4 Open Space, Common Area & Amenity Standards:** Shall not apply; instead, the following shall apply:
 - a. The Concept Plan is hereby incorporated to illustrate conceptually the elements and anticipated design of the Open Space on the Real Estate. The final Open Space design may vary from the Concept Plan; however, the Open Space amenities will include trails and pond fountains or aeriated ponds.
 - b. In addition to the Open Space amenities provided above; at least two (2) of the following additional amenities will be provided:
 - i. Covered Structure
 - ii. Fire pit
 - iii. Dog Park
 - iv. Pond Overlook
 - v. Activated Linear Park

- 10) **Article 8.5 Other Design Standards:** Shall apply.

1.5. Floodplain Standards

The regulations of CHAPTER 9. FLOODPLAIN STANDARDS shall apply.

1.6. Procedures & Permits

The regulations of CHAPTER 10. PROCEDURES & PERMITS shall apply.

1.7. Enforcement & Penalties

The regulations of CHAPTER 11. ENFORCEMENT & PENALTIES shall apply.

1.8. Definitions

The regulations of CHAPTER 12. DEFINITIONS shall apply.

ORDINANCE NO. 111824

1.9. Impact Fees

Regardless of the Real Estate's annexation status at the time a building permit is issued, all applicable road, bridge and park impact fees shall be paid, subject to any applicable credits.

1.9. Real Estate

See "Exhibit B.1" attached hereto.

(Legal Description and Location Map of property.)

2.0. Adoption

ORDINANCE NO. 111824

Exhibit B.1 – Legal Description

PARCEL 1:

Lot 1 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

EXCEPTING THEREFROM:

That part of the above described property conveyed to the Town of Fishers by Warranty Deeds recorded December 31, 2003, as Instruments Numbered 200300128275 and 200300128276, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

A part of Lot 1 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of said Lot 1; thence North 09 degrees 01 minute 51 seconds East (assumed bearing) 60.80 feet along the Northwest line of said Lot to the Northeast line of said Lot; thence South 63 degrees 03 minutes 26 seconds East, 4.34 feet along the Northeast line of said Lot; thence South 38 degrees 54 minutes 30 seconds West, 66.00 feet to the West line of said Lot; thence North 00 degrees 42 minutes 05 seconds West, 6.87 feet to the point of beginning, containing 0.006 acres, more or less.

PARCEL 2:

Lot 2 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

PARCEL 3:

Lot 3 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

EXCEPTING THEREFROM:

That part of the above described property conveyed to Bradley Trent and Christie M. Trent, by Quitclaim Deed recorded August 27, 2009, as Instrument Number 2009052005, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Part of Lot 3 in Hamilton Hills, Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the iron rod with a Wiehe cap at the Southeast corner of Lot 3 in Hamilton Hills, Third Section, as per plat of said Addition recorded in Plat Book 2, page 103 in the Office of Hamilton County, Indiana; thence on the South line of said Lot 3 South 89 degrees 54 minutes 19 seconds West, 175 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying" at the Southwest corner of said Lot 3; thence on the West line of said Lot 3 North 00 degrees 14 minutes 46 seconds East, 19 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying"; thence North 83 degrees 21 minutes 22 seconds East, 175.51 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying" on the East line of said Lot 3; thence South 00 degrees 14 minutes 46 seconds West, 4.50 feet to the Point of Beginning, containing 0.05 acres, more or less.

PARCEL 4:

Part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 17 North Range 4 East, Hamilton County, Indiana, described as follows:

Beginning at a point 554.7 feet North of the South line and 547.5 feet West of the East Line of said Quarter Quarter; thence West parallel to the South line thereof 711.30 feet to the Easterly right of way line of State Road 37; thence Southwesterly along said right of way line 11.07 feet; thence Southeasterly on a forward deflection angle to the left of 102 degrees 05 minutes, a distance of 55.87 feet to the point of curvature of a curve to the right, said curve having a radius of 200 feet and a delta angle of 62 degrees 00 minutes; thence in a southeasterly direction along said curve 216.42 feet to the point of tangency of said curve; thence southeasterly deflecting to the left from a tangent of said curve at its point of tangency 61 degrees 55 minutes, a distance of 160.82 feet to a point, said point being 264.7 feet North of the South line of said Quarter Quarter Section; thence East parallel to said South line 300 feet; thence northeasterly deflecting to the left 66 degrees 43 minutes a distance of 315.50 feet to the point of beginning. Containing 3.50 acres more or less.

EXCEPTING THEREFROM:

That portion of the above described property conveyed to the Town of Fishers, by Trustees' Deeds, recorded December 31, 2003, as Instruments Numbered 200300128279 and 200300128280, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

A part of the Northeast Quarter of Section 10, Township 17 North, Range 4 West, Hamilton County, Indiana, and being a part of the land of or formerly owned by Alberta M. Eaton (Instrument Number 8728940, Office of the Recorder), described as follows:

Commencing at the southeast corner of said Quarter Section; thence North 01 degree 10 minutes 57 seconds West (assumed bearing) 552.75 feet along the east line of said Section to the north line of the grantor's land; thence South 88 degrees 23 minutes 42 seconds West, 1,255.41 feet along the north line of the grantor's land to the point of beginning of this description; thence South 38 degrees 54 minutes 30 seconds West, 13.71 feet to the south line of the grantor's land; thence North 63 degrees 03 minutes 09 seconds West, 4.23 feet along the south line of the grantor's land to the southeastern boundary of Allisonville Road; thence North 39 degrees 01 minute 51 seconds East, 11.07 feet along the southeastern boundary of Allisonville Road to the north line of the grantor's land; thence North 88 degrees 23 minutes 42 seconds East, 5.42 feet to the point of beginning and containing 0.001 acres, more or less.

ORDINANCE NO. 111824

PARCEL 5:

A portion of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Hamilton County, Indiana; thence North 00 degrees 01 minutes 30 seconds West (bearing assumed) on and along the East line of said Northeast Quarter 553.08 feet to the Northeast corner of a tract of 17 acres off the South side of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North line of said tract 468.21 feet to the true place of beginning of portion herein described; thence South 02 degrees 09 minutes 47 seconds West, 185.92 feet; thence South 31 degrees 26 minutes 32 seconds East, 429.56 feet to the South line of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the South line of said Northeast Quarter 568.32 feet to the Southeast corner of the parcel of land described in Deed Record 271, page 486, in the office of the Recorder of Hamilton County, the Southeast corner of said parcel being on a non-tangent curve whose radius point bears South 75 degrees 08 minutes 26 seconds West, 150.00 feet from said Southeast corner; thence Northwesterly on and along the Northeast line of said parcel on said curve an arc distance of 36.61 feet; thence North 28 degrees 50 minutes 38 seconds West on and along the Northeast line of said parcel 118.93 feet to the point of curvature of a tangent curve whose radius point bears South 61 degrees 09 minutes 22 seconds West 300.00 feet from the point of curvature; thence Northwesterly on and along the Northeast line of said parcel on said curve an arc distance of 172.79 feet; thence North 61 degrees 50 minutes 39 seconds West on and along the Northeast line 115.78 feet to the East Right-of-Way line of Hamilton Hills Lane in Hamilton Hills Third Section, the plat of which is recorded in Plat Book 2, page 103 in the office of the Recorder of Hamilton County; thence North 00 degrees 04 minutes 22 seconds East on and along said East Right-of-Way line 26.29 feet to the South line of the land described in Deed Record 153, page 289 in the Office of the Recorder of Hamilton County; thence South 61 degrees 50 minutes 38 seconds East on and along the South line of said land 158.19 feet; thence North 89 degrees 47 minutes 09 seconds East on and along the South line of said land 300.00 feet; thence North 23 degrees 34 minutes 18 seconds East on and the East line of said land 315.15 feet to the North line of said tract; thence North 89 degrees 47 minutes 09 seconds East on and along the North Line of said tract 80.00 feet to the true place of beginning; containing 4.49 acres, more or less.

PARCEL 6:

A portion of the Northeast Quarter and Southeast Quarter of Section 10, Township 17 North, Range 4 East in Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Hamilton County, Indiana; thence North 00 degrees 01 minutes 30 seconds West (bearing assumed) on and along the East line of said Northeast Quarter 553.08 feet to the Northeast corner of a tract of 17 acres off the South side of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North Line of said tract 468.21 feet; thence South 02 degrees 09 minutes 47 seconds West, 185.92 feet; thence South 31 degrees 26 minutes 32 seconds East, 429.56 feet to the South line of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North line of the Southeast Quarter of said Section 10, 862.99 feet to the East right-of-way line of Hamilton Hills Lane in Hamilton Hills Third Section, the plat of which is recorded in Plat Book 2, page 103, in the office of the Recorder of Hamilton County; thence South 00 degrees 04 minutes 22 seconds West on and along said East Right-of-Way line 250.00 feet; thence North 89 degrees 47 minutes 09 seconds East parallel with the North line of said Southeast quarter 1116.41 feet to the East line of said Southeast Quarter; thence North 00 degrees 03 minutes 56 seconds East on and along the East line of said Southeast Quarter 250.00 feet to the point of commencement containing 11.47 acres, more or less.

EXCEPTING THEREFROM:

That portion of the above described property conveyed to Rick Eaton and Diane Eaton, by Special/Limited Warranty Deed, recorded June 13, 2014, as Instrument Number 20140022553, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Part of the East Half of Section 10, Township 17 North, Range 4 East in Delaware Township, Hamilton County, Indiana, described as follows:

Beginning on the South line of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, 483.93 feet South 89 degrees 47 minutes 09 seconds West (assumed bearing) of the Southeast corner thereof; thence South 00 degrees 04 minutes 22 seconds West, 250.00 feet to the South line of Tract A of the Real Estate described in Deed Book 348, pages 685 and 686 as found in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 47 minutes 09 seconds West, 630.45 feet on the South line of Tract A of the Real Estate described in said Deed Book 348, pages 685 and 686 to the East right-of-way of Hamilton Hills Lane in Hamilton Hills - Third Section, the plat of which is recorded in Plat Book 2, page 103, in said Recorder's Office; thence North 00 degrees 04 minutes 22 seconds East, 250.00 feet on said East right-of-way line to the Southwest corner of the real estate described in said Deed Record 271, page 486 in said Recorder's Office; thence North 89 degrees 47 minutes 09 seconds East, 294.67 feet on the South line of the real estate described in said Deed Record 271, page 486 to the Southeast corner of the real estate described in said Deed Record 271, page 486 being the point of curvature of a non-tangent curve concave Southwesterly having a radius length of 150.00 feet which bears South 75 degrees 08 minutes 26 seconds West from said point of curvature; thence Northwesterly on said curve (this and the following three (3) courses are on the Northeasterly line of the real estate described in said Deed Record 271, page 486 a distance of 36.61 feet to the point of tangency thereof; thence North 28 degrees 50 minutes 38 seconds West, 118.93 feet to the point of curvature of a tangent curve concave Southwesterly having a radius length of 300.00 feet which bears South 61 degrees 09 minutes 22 seconds West from said point of curvature; thence Northwesterly on said curve 172.79 feet to the point of tangency thereof; thence North 61 degrees 50 minutes 39 seconds West, 115.78 feet to said East right-of-way line of Hamilton Hills Lane in Hamilton Hills - Third Section; thence North 00 degrees 04 minutes 22 seconds East on said East right-of-way line 26.29 feet to the South line of real estate described in Deed Record 153, page 289, in the Office of the Recorder of Hamilton County, Indiana; thence South 61 degrees 50 minutes 38 seconds East, 158.19 feet on the South line of the real estate described in said Deed Record 153, page 289; thence North 89 degrees 47 minutes 09 seconds East, 300.00 feet on the South line of the real estate described in said Deed Record 153, page 289; thence South 35 degrees 49 minutes 16 seconds East, 325.57 feet to the Beginning Point, containing 5.61 acres, more or less.

Exhibit B.2 – Concept Plan



LENNAR FISHERS BALMORAL

Note:
This plan is a Preliminary Concept only. It is not for
subject to regulatory review and engineering considerations and approvals.



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**Exhibit C – Illustrative Architectural Exhibit
Single-Family Detached Homes**



Chartwell Elevation A



Chartwell Elevation B

ORDINANCE NO. 111824



Chartwell Elevation C



Halstead Elevation A

ORDINANCE NO. 111824



Halstead Elevation B



Halstead Elevation C

ORDINANCE NO. 111824



Milford Elevation A



Milford Elevation B

ORDINANCE NO. 111824



Milford Elevation C



Pennington Elevation A

ORDINANCE NO. 111824



Pennington Elevation B



Pennington Elevation C

Exhibit C – Illustrative Architectural Exhibit
Townhomes



Townhomes – 5 unit



Townhomes – 6 unit (front elevation example)

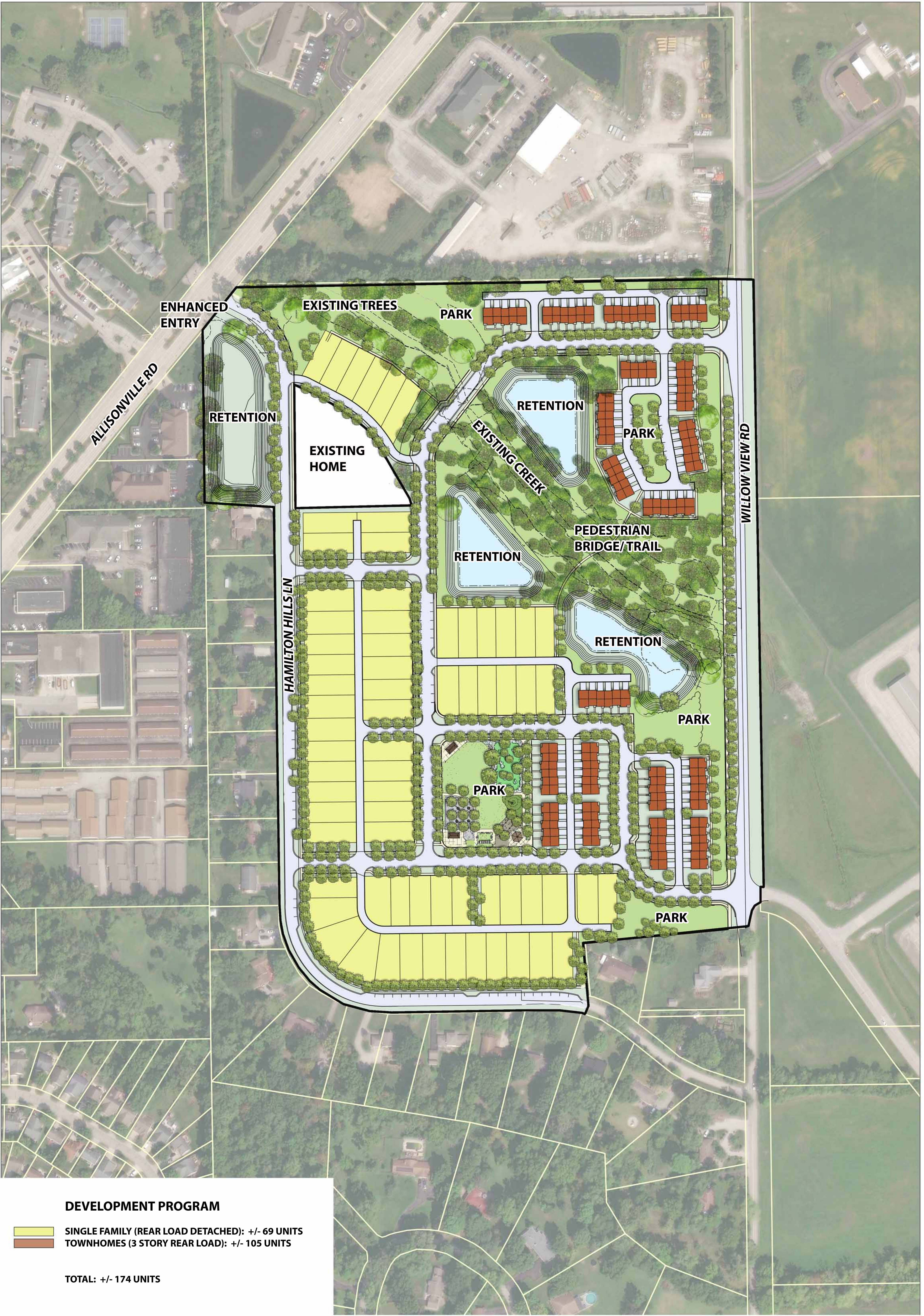
ORDINANCE NO. 111824



Townhomes – 5 unit (front elevation example)

Exhibit D – Garage Door Illustrations





DEVELOPMENT PROGRAM

- SINGLE FAMILY (REAR LOAD DETACHED): +/- 69 UNITS
- TOWNHOMES (3 STORY REAR LOAD): +/- 105 UNITS

TOTAL: +/- 174 UNITS



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Consideration of a rezone of 44.42 acres from R2 to PUDR, known as the Balmoral Village PUD. (RZ-24-3)			
SUBMITTED BY	Name & Title: Ross Hilleary, Director of Planning & Zoning			
	Department:			
MEETING TYPE	<input type="checkbox"/> Work Session <input type="checkbox"/> Executive	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	<input type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> 3 rd Reading <input checked="" type="checkbox"/> Final Reading
	Ordinance #: 111824		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	<input type="checkbox"/> Contract required for this item		<input type="checkbox"/> Signed copy of contract attached	
	<input type="checkbox"/> Seeking award or other scenario & will provide contract at a later date		<input checked="" type="checkbox"/> No contract for this item	
	<input type="checkbox"/> Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input type="checkbox"/> Document must be recorded with the County Recorder's Office <input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office		<input checked="" type="checkbox"/> Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	<input type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input checked="" type="checkbox"/> Department Head	<input type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor	<input type="checkbox"/> Technical Advisory Committee
	<input type="checkbox"/> Mayor	<input type="checkbox"/> Other:
	<input type="checkbox"/> Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	<p>Nelson & Frankenberger, LLC on behalf of Lennar Homes request consideration of a rezone of 44.42 acres from R2 to PUDR, known as the Balmoral Village PUD. (RZ-24-3).</p> <p>The Balmoral Village PUD will consist of a mixture of two housing types consisting of approximately 69 single-family detached homes and approximately 105 townhomes, both which will be rear loaded. The Eller Run creek will be highlighted as part of open space requirements along with internal pocket parks.</p>	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold Final Reading
	2.	Continue
	3.	Deny
	4.	
PROJECT TIMELINE	<p>November 18, 2024 - 1st Reading - City Council December 11, 2024 - Neighborhood Meeting January 8, 2025 - Elevation Approval - PUD Committee January 8, 2025 - Public Hearing - Plan Commission January 13, 2025 - Proposed Final Reading - City Council</p>	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council hold Final Reading.	
SUPPLEMENTAL INFORMATION (List all attached documents)	<p>1. Concept Plan 2. Ordinance</p>	