

ORDINANCE NO. 19-07-20

**AN ORDINANCE OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY,
INDIANA CONCERNING AN AMENDMENT TO THE UNIFIED
DEVELOPMENT ORDINANCE AND "MERION" PLANNED DEVELOPMENT
ORDINANCE NO. 19-03-15**

Document Cross-Reference No: 2017-21350

This is an Ordinance to amend the Unified Development Ordinance of the City of Noblesville, Hamilton County, Indiana No. 62-12-95 (the "Unified Development Ordinance") and Ordinance No. 19-03-15, and all amendments thereto for the City of Noblesville, Hamilton County, Indiana, enacted by the City of Noblesville under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

WHEREAS, Ordinance No. 19-03-15, (the "Merion Planned Development"), was enacted on April 14, 2015; and,

WHEREAS, an amendment to the Merion Planned Development was enacted April 24, 2018 (the "First Amendment") modifying certain architectural standards; and,

WHEREAS, the Advisory Plan Commission of the City of Noblesville (the "Commission") has conducted a public hearing on Application No. 0044-2020 concerning the modification of an architectural requirement of the Merion Planned Development with regard to the subject real estate, more particularly described in **Exhibit A** attached hereto and made a part thereof (the "Real Estate"); and,

WHEREAS, the Commission forwarded Application No. 0044-2020 to the Common Council of the City of Noblesville, Hamilton County, Indiana (the "Common Council") with no recommendation with a vote of 8 AYES and 1 NAY and 1 ABSTENTION at their June 15, 2020 meeting.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the Unified

Development Ordinance, and the Merion Planned Development, and all amendments thereto are hereby amended as follows:

SECTION 1. That the subject real estate is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana and is currently zoned R-1/PD, Low Density Single-Family Residential/Planned Development. Said **Real Estate** is further described in **Exhibit A** and depicted in **Exhibit B** attached hereto and made a part thereof.

SECTION 2. That the restrictions defined in Section 6.4.A of the **Merion Planned Development** and Section 1.6.4.A & B of the **First Amendment** be amended to remove the minimum number of homes required to include basements and to add the following architectural requirements for homes without basements on the unplatted sections of **Merion Planned Development**:

- A. At least 64 square feet of additional garage square footage beyond the square footage a standard 2-car garage. This increased garage area may take the following forms:
 - (i) a garage bump out on the side façade of the home, which would possess an additional roofline;
 - (ii) a garage bump out on the front façade of the home, thereby increasing the depth of the home's garage area; or
 - (iii) a three-car garage.
- B. At least 100 square feet of covered patio, screened porch, sun room or breakfast nook area on the rear façade of the home.

SECTION 3. This ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law. All other terms and conditions of the Merion Planned Development and its amendments not in conflict with this Ordinance shall remain in full force and effect.

SECTION 4. Upon motion duly made and seconded, this Ordinance was fully passed by members of the Common Council this 28th day of July, 2020.

Approved on this 28th day of July, 2020 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Brian Ayer	<i>BA</i>	
<i>MB</i>	Mark Boice	<i>MB</i>	
<i>MJD</i>	Michael J. Davis		
<i>WH</i>	Wil Hampton		
	Gregory P. O'Connor	<i>GPO</i>	
<i>DP</i>	Darren Peterson		
<i>PS</i>	Pete Schwartz		
<i>AS</i>	Aaron Smith		
	Megan G. Wiles	<i>MGW</i>	

ATTEST: *Evelyn L. Lees*
 Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this 28th day of July, 2020 at 8:13 P.M.

Evelyn L. Lees
 Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

Chris Jensen
 Chris Jensen, Mayor

7-28-20
 Date

MAYOR'S VETO

Chris Jensen, Mayor

Date

ATTEST: 
Evelyn L. Lees, City Clerk



I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Matthew S. Skelton
Printed Name of Declarant

Prepared by Matthew S. Skelton, Church Church Hittle & Antrim, 2 North 9th Street, Noblesville, IN 46060
317.773.2190

EXHIBIT A
Legal Description

A part of the East Half of Section 9, Township 18 North, Range 5 East, City of Noblesville, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said East Half; thence South 00 degrees 18 minutes 15 seconds East along the East line of said Section a distance of 2,096.34 feet to the POINT OF BEGINNING of this description; thence continuing South 00 degrees 18 minutes 15 seconds East along said East line a distance of 623.39 feet to the northeast corner of a property identified as Parcel No. 10-11-09-00-00-010.001 in the Office of the Recorder of Hamilton County, Indiana, the following three (3) calls being along the north, west, and south boundary of said parcel; 1) South 89 degrees 11 minutes 44 seconds West 221.36 feet; 2) South 00 degrees 10 minutes 43 seconds West 198.97 feet; 3) South 89 degrees 57 minutes 49 seconds East 223.04 feet to a point on the aforesaid East line; thence South 00 degrees 18 minutes 15 seconds East along said East line a distance of 357.05 feet; thence South 89 degrees 37 minutes 47 seconds West 2,672.37 feet; thence North 00 degrees 13 minutes 24 seconds West 615.53 feet; thence North 89 degrees 35 minutes 53 seconds East 1,335.14 feet; thence North 00 degrees 52 minutes 32 seconds West 567.31 feet; thence North 89 degrees 40 minutes 04 seconds East 1,342.02 feet to the POINT OF BEGINNING, containing 54.19 acres, more or less, subject to all legal highways, rights-of-way easements, and restrictions of record.

EXCEPT:

The real estate situated in the City of Noblesville, County of Hamilton, State of Indiana described as Merion Section 1, the plat of which was recorded 11/22/2016 as Instrument #201600061915 in Plat Cabinet 5, Slide 598, in the Office of the Recorder of Hamilton County, Indiana.

ALSO EXCEPT:

The real estate situated in the City of Noblesville, County of Hamilton, State of Indiana described as Merion Section 2, the plat of which was recorded 3/7/2018 as Instrument #201800009243 in Plat Cabinet 5, Slide 808, in the Office of the Recorder of Hamilton County, Indiana.

EXHIBIT B

