

**COMMON COUNCIL OF THE CITY OF HOBART, INDIANA**  
**ORDINANCE NO. 2014 - 13**

**An Ordinance to Amend the Boundary, Permitted Uses and Performance Standards of the North Wind Crossings Development, in an Established NORTHWIND PUD Zoning Classification**

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") adopted Ordinance Number 1994-09 on January 19<sup>th</sup>, 1994 which rezoned a parcel of real estate in the City from Single to Four Family Residence District ("R-3") to Planned Unit Development District with Light Manufacturing uses ("M-1 PUD") in connection with a development project known as North Wind Crossings; and

WHEREAS, said Ordinance was adopted upon the recommendation of the City Plan Commission after public hearing rendered on February 12, 2001, and amended and readopted as amended the Zoning Ordinance of the City of Hobart, Indiana (Ordinance No. 93-59 as amended by Ordinance No. 2001-41) particularly with regard to the zone maps which are a part of Ordinance No. 93-59 as amended; and

WHEREAS, Ordinance Number 1994-09 was amended by Ordinance Number 2004-01 on March 17, 2004 which allowed changes to the permitted uses for said PUD and

WHEREAS, Ordinance Number 2004-01 was amended by Ordinance Number 2005-40 on September 21, 2005 which allowed changes to the permitted uses for said PUD to include a Call Center, eight foot fence and parking space on Lot "D;" and

WHEREAS, Ordinance Number 2005-40 was amended by Ordinance Number 2010-28 on September 1, 2010 which amended the permitted uses governing a certain parcel of real estate in said PUD; and

WHEREAS, pursuant to Plan Commission Petition No. 14-20 ("Petition"), Becknell Development, LLC ("Becknell") petitioned the Plan Commission of the City of Hobart, Indiana ("Commission") to amend the boundary, list of permitted uses, and performance standards applicable to North Wind Crossings, and legally described as follows:

LOT "B" IN NORTH WIND CROSSINGS, A PLANNED UNIT DEVELOPMENT TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 95, PAGE 86, AS DOCUMENT NUMBER 2004-062080, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA;

AND LOT 1 IN RESUBDIVISION OF LOTS "C" & "D" IN NORTH WIND CROSSINGS, A PLANNED UNIT DEVELOPMENT TO THE CITY OF HOBART, LAKE COUNTY INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 97, PAGE 48, AS DOCUMENT NUMBER 2005-049811, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY INDIANA;

AND LOT 1A IN REPLAT #4 OF NORTH WIND CROSSINGS, A PLANNED UNIT DEVELOPMENT TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 105, PAGE 75, AS DOCUMENT NUMBER 2012-042273, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND LOT 1B IN REPLAT #4 OF NORTH WIND CROSSINGS, A PLANNED UNIT DEVELOPMENT TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 105, PAGE 75, AS DOCUMENT NUMBER 2012-042273, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND LOT 2A IN REPLAT #5 OF NORTH WIND CROSSINGS, A PLANNED UNIT DEVELOPMENT TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 105, PAGE 74, AS DOCUMENT NUMBER 2012-042274, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND LOT 2B IN REPLAT #5 OF NORTH WIND CROSSINGS, A PLANNED UNIT DEVELOPMENT TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 105, PAGE 74, AS DOCUMENT NUMBER 2012-042274, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND LOT 1 IN REPLAT #6 OF NORTH WIND CROSSINGS, A PLANNED UNIT DEVELOPMENT TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 107, PAGE 21, AS DOCUMENT NUMBER 2014-027989, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND LOT 2 IN REPLAT #6 OF NORTH WIND CROSSINGS, A PLANNED UNIT DEVELOPMENT TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 107, PAGE 21, AS DOCUMENT NUMBER 2014-027989, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND LOT 1 IN NORTH WIND CROSSINGS – UNIT TWO, AN ADDITION TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 100, PAGE 89, AS DOCUMENT NUMBER 2007-005993, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND LOT 2 IN NORTH WIND CROSSINGS – UNIT TWO, AN ADDITION TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 100, PAGE 89, AS DOCUMENT NUMBER 2007-005993, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND LOT 4 IN NORTH WIND CROSSINGS – UNIT TWO, AN ADDITION TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 100, PAGE 89, AS DOCUMENT NUMBER 2007-005993, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND LOT 3B IN REPLAT #1 OF NORTH WIND CROSSINGS – UNIT TWO, AN ADDITION TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 105, PAGE 73, AS DOCUMENT NUMBER 2012-042272, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND LOT 3C IN REPLAT #2 OF NORTH WIND CROSSINGS – UNIT TWO, AN ADDITION TO THE CITY OF HOBART, LAKE COUNTY, INDIANA, PER PLAT THEREOF RECORDED IN PLAT BOOK 106, PAGE 77, AS DOCUMENT NUMBER 2013-092423, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

AND THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 8 WEST, OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA.  
(BEING APPROX. 35.45 ACRES)

AND THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 8 WEST, OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA.  
(BEING APPROX. 20.01 ACRES)

the “Parcel;” and

WHEREAS, the Parcel lies within an area previously rezoned by Ordinance No. 1994-09 to zoning classification M-1 PUD, said Ordinance adopting a list of permitted uses which are set out in an attachment to the “Written Commitment Concerning the Use and Development of the Subject Real Estate” appended to the Ordinance; and

WHEREAS, Becknell’s Petition requests an amendment to *Use and Bulk Regulations in this Planned Unit Development*, (attached as Exhibit “A” *Northwind PUD Light Industrial District*) and;

WHEREAS, to locate and identify the parcels included in the amendment a park map is hereby attached as Exhibit “B;” and

WHEREAS, the Commission held public hearing upon Petition 14-20 on June 5, 2014, rendered its findings and approved the Petition on that date, and has recommended favorable action upon same to the Council.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart, Indiana as follows:

*SECTION ONE.* The *Use and Bulk Regulations in this Planned Unit Development*, previously set out in an attachment to the "Written Commitment Concerning the Use and Development of the Subject Real Estate" appended to said Ordinance Numbers 2005-40 & 2010-28 is hereby amended by striking out same in its entirety and inserting in lieu thereof the *Use and Bulk Regulations in this Planned Unit Development* and the other succeeding sections, enumerated II through and including XIX in the document attached hereto and made a part hereof as Exhibit "A."

*SECTION TWO:* All written commitments and special conditions previously attached to the Parcel, unless specifically amended herein, are reaffirmed.

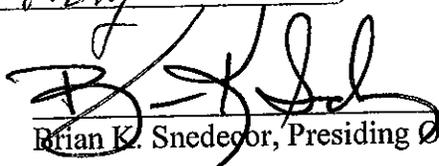
*SECTION THREE:* No building permit shall be issued by the City for improvements to be constructed upon the Parcel until the Petitioner in Plan Commission Petition 14-20 shall have submitted the certificate of compliance, by a registered professional engineer of the State, stating that the improvements meet the performance standards of the NORTHWIND PUD zoning classification applicable to said parcel as required by §154.485 of the Municipal Code of the City of Hobart.

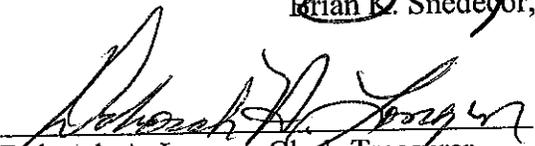
*SECTION FOUR:* The Council now finds that the above amendment to the City Zoning Ordinance and the subject PUD will not be injurious to the public health, safety, morals and general welfare of the community and the use or value of the area adjacent to the property included in this Ordinance will not be affected in a substantially adverse manner and the need for the change in zoning herein arises from a condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood. The Council further finds that the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property herein if this rezoning were not granted and this rezoning does not interfere substantially with the comprehensive plan.

*SECTION FIVE:* The City Engineer and/or City Planner is hereby authorized and directed upon the enactment and approval of this Ordinance, to cause a change to be made on the zone maps, to make certain notations in ink thereof and to record the date of passage of this Ordinance.

*SECTION SIX.* Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise provided for by law.

ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 2<sup>nd</sup> day of July, 2014.

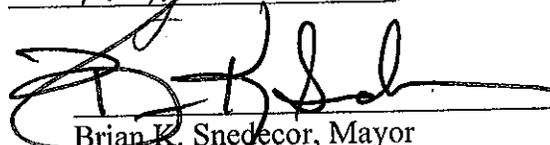
  
Brian K. Snedecor, Presiding Officer

ATTEST:   
Deborah A. Longer, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 2<sup>nd</sup> day of July, 2014 at the hour of 6:40 pm.

  
Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 2<sup>nd</sup> day of July, 2014.

  
Brian K. Snedecor, Mayor

ATTEST:   
Deborah A. Longer, Clerk-Treasurer

**EXHIBIT A**  
**NORTHWIND PUD LIGHT INDUSTRIAL DISTRICT**

**I. USE AND BULK REGULATIONS IN THIS PLANNED UNIT DEVELOPMENT.**

(A) Use and bulk regulations applying specifically to this PUD are set forth in this subchapter.

(B) Also applying this PUD are additional regulations set forth in other subchapters and sections of this chapter of the Hobart Municipal Code as follows:

- (1) Section 154.004, Zoning districts, establishment and application;
  - (2) Section 154.005, Rules and interpretation of district boundaries;
  - (3) Section 154.006, General provisions and supplementary district regulations;
  - (4) Section 154.007, Definitions;
  - (5) Sections 154.295 et seq., Planned Unit Development Districts;
  - (6) Sections 154.320 et seq., Mobile Homes and Mobile Home Parks;
  - (7) Sections 154.355 et seq., Off-Street Parking and Loading;
  - (8) Sections 154.375 et seq., Signs;
  - (9) Sections 154.420 et seq, Site Plan, Tree Preservation and Site Plan
  - (10) Conditional Uses (see editor's note at end of chapter analysis);
  - (11) Sections 154.460 et seq., Non-conforming Uses and Non-conforming Buildings;
- and
- (12) Sections 154.480 et seq., Administration and Enforcement.

(Prior Code, § 24-102) (Ord. 97-15; Ord. 2001-41)

Citations to the Hobart Municipal Code above shall to apply to the version of the code in effect at the adoption date of this ordinance and to any revision of said code shall apply to the same or similar subject which may be in acted in the future.

**II. PURPOSE.**

The purpose of this subchapter is to establish a district designed and intended to accommodate; retail, service, production, processing, cleaning, repair, testing, wholesaling and warehousing uses, and other miscellaneous uses which are most compatible with uses typically located in a light industrial park setting with access to major highways, expressways and railroads. Care is taken to insure minimal land use and traffic conflicts and to provide adequate separation from residences.

(Prior Code, § 24-103) (Ord. 97-15; Ord. 2001-41)

**III. LIMITATIONS OF USE.**

Permitted uses in this NORTHWIND PUD district are subject to the following additional general limitations:

- (A) Dwelling units are not permitted;

(B) All production, servicing and processing shall be conducted in completely enclosed buildings unless otherwise indicated hereafter. Within 150 feet of any residence district, all storage shall be within completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by a solid wall or by solid fences and as otherwise provided for in this chapter, unless otherwise permitted by section XX;

(C) However, open off-street loading facilities and open off-street parking of motor vehicles may be unenclosed, except for the screening of parking and loading facilities as may be required under the provisions as set forth in §154.355; and

(D) The following described parcel, also noted on Exhibit B shall only be used as open space for material borrow pits and/or storm-water retention. No permanent building structures permitted.

THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 8 WEST, OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA.  
(BEING APPROX. 20.01 ACRES)

#### IV. PERMITTED USES.

The following listed uses are permitted within this district provided the use does not violate any performance standards listed in the following section:

- (1) Warehousing
- (2) Distribution
- (3) Assembly
- (4) Laboratories
- (5) Office
- (6) Research and Development
- (7) Vehicle Repair and Maintenance- if contained within a completely enclosed building and accessory to a permitted use listed.
- (8) Equipment rental company with accessory fuel island. (Limit one operational rental company within the boundaries of the NORTHWIND PUD at a time)
- (9) Process Production
- (10) Manufacturing
- (11) Food Production
- (12) Beverage, bottling and distillation of alcoholic and non-alcoholic.
- (13) Retail Sales- if done in conjunction with a primary permitted use.
- (14) Indoor sports and recreation
- (15) Call Center or Data Center
- (16) Contractor and Construction Shop

- (17) Paper Product recycling
- (18) Welding or Soldering
- (19) Fabrication
- (20) Dry Cleaning and pressing plants.
- (21) Electrical Equipment
- (22) Pharmaceutical products
- (23) Textiles
- (24) Parking if accessory to a permitted use
- (25) Stamping
- (26) Printing
- (27) Training facility
- (28) Product Testing

## V. EXCLUSIONS

The following listed uses are excluded and prohibited within this district:

- (1) Auto body repair
- (2) Truck terminal or express facility
- (3) Truck Stop
- (4) Fur goods
- (5) Meat Processing of any type
- (6) Television, Cellular or Radio Towers
- (7) Concrete or Asphalt batch plant
- (8) Religious congregations
- (9) Smelting
- (10) Fuel Refining
- (11) Recycling Center (except paper products)
- (12) Salvage Yard
- (13) Foundry

## VI. PERFORMANCE STANDARDS; NOISE.

A. In this NORTHWIND PUD district, any process or equipment shall not produce noise on or beyond the boundary of the Premises as measured from the property line, in excess 75 dB for repetitive noise from the operation.

B. Exemptions. The following sources of noise are exempt from the specified maximum sound level:

- (1) Transportation vehicles including collision warning devices.
- (2) Occasionally used safety signals, warning devices, and emergency pressure relief valves;
- (3) Temporary construction activity between 7:00 a.m. and 7:00 p.m.

(Prior Code, § 24-107) (Ord. 97-15; Ord. 2001-41)

## VII. PERFORMANCE STANDARDS; ODOROUS MATTER.

In this NORTHWIND PUD district, the emission of noxious odorous matter in such quantities as to produce a public nuisance beyond the property boundaries is prohibited.  
(Prior Code, § 24-108) (Ord. 97-15; Ord. 2001-41)

## VIII. PERFORMANCE STANDARDS; VIBRATION.

In this NORTHWIND PUD district, any process or equipment which produces intense earth-shaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least 500 feet from the property boundaries on all sides, except for a property line adjoining an M-2 district where such set back shall not be mandatory. However, in no case shall such vibrations be allowed to create a public nuisance beyond the property boundaries.  
(Prior Code, § 24-109) (Ord. 97-15; Ord. 2001-41)

## IX. PERFORMANCE STANDARDS; TOXIC OR NOXIOUS MATTER.

In this NORTHWIND PUD district, no use of any property shall discharge across the boundaries of the property toxic and noxious matter in such concentrations as to be detrimental or to endanger the public health, safety, comfort or welfare or to cause injury or damage to other property or business.  
(Prior Code, § 24-110) (Ord. 97-15; Ord. 2001-41)

## X. PERFORMANCE STANDARDS; GLARE OR HEAT.

In this NORTHWIND PUD district, any operation producing intense glare or heat shall be performed within a completely enclosed building and effectively screened in such a manner as to not create a public nuisance or hazard along property boundaries.  
(Prior Code, § 24-111) (Ord. 97-15; Ord. 2001-41)

## XI. PERFORMANCE STANDARDS; EXPLOSIVE HAZARDS.

In this NORTHWIND PUD district, Explosives hazards are not permitted within the NORTHWIND PUD with the exception of DOT Class 1, division 1.5 and 1.6.

Division 1.5 – Very insensitive explosives that have a mass explosion hazard but are so insensitive that there is little probability of initiation or of transition from burning to detonation under normal conditions of transport.

Division 1.6 – Extremely insensitive articles that do not have a mass explosive hazard and that contain only extremely insensitive detonating substances and demonstrate a negligible probability of accidental initiation or propagation.

## XII. PERFORMANCE STANDARDS; AIR POLLUTION.

In this NORTHWIND PUD district, any use which may cause emission of pollutants into the air shall conform with applicable air quality regulations of the State of Indiana Department of Environmental Management and the United States Environmental Protection Agency. (Prior Code, § 24-113) (Ord. 97-15; Ord. 2001-41)

## XIII. PERFORMANCE STANDARDS; WATER POLLUTION.

In this NORTHWIND PUD district, any use which may cause emission of pollutants into streams, rivers, lakes, waterways or watercourses, or into the underground water supply and aquifers shall conform with applicable water quality regulations of the State of Indiana Department of Environmental Management and the United States Environmental Protection Agency and the Hobart Municipal Code. (Prior Code, § 24-114) (Ord. 97-15; Ord. 2001-41)

## XIV. MAXIMUM FLOOR AREA RATIO.

In this NORTHWIND PUD district, the maximum floor area ratio of all buildings and structures on a zoning lot shall not exceed 2.4. (Prior Code, § 24-115) (Ord. 97-15; Ord. 2001-41)

## XV. MINIMUM FRONT YARD.

In this NORTHWIND PUD district, on every zoning lot a front yard of not less than 25 feet shall be provided. There shall be no fencing or parking permitted in the set back required by this section. (Prior Code, § 24-116) (Ord. 94-69; Ord. 97-15; Ord. 2001-41)

## XVI. MINIMUM SIDE YARD.

In this NORTHWIND PUD district, on every zoning lot a side yard shall be provided along each side lot line. Each side yard shall be not less than 10% of the lot width, but need not exceed 20 feet in width, except as may be required for setbacks along residence district boundaries. (Prior Code, § 24-117) (Ord. 97-15; Ord. 2001-41)

## XVII. REGULATIONS ALONG RESIDENCE DISTRICT BOUNDARIES.

(A) In this NORTHWIND PUD district, on properties or portions thereof located directly across the street from a residence district, if any point on the exterior surface of any building or structure in an M-1 district is at a greater height than 40' feet above curb level, the point projected vertically on the ground shall in no case be nearer to the residence district boundary than a horizontal distance equal to 1 times the height of the point above curb level. However, stacks, tanks, bulkheads or ventilating equipment, including towers enclosing same, shall be exempt from the limitation if not exceeding in the aggregate 40 feet in lineal dimension parallel to the street for any 100 feet of street frontage. Parapets not exceeding 3 feet in height shall also be exempt from the limitation.

(B) Where the boundary line separating this NORTHWIND PUD from a residence district coincides with a property line or is separated by an alley, no building, structure or other obstruction in the manufacturing district shall be located within 20 feet of the side lot line or 30 feet of the rear lot line of the manufacturing district where it abuts a residence district. Further, if any point on the exterior surface of any building or structure in this NORTHWIND PUD district is at a greater height than 40 feet above curb level, the point projected vertically on the ground shall, in no case, be nearer to the side or rear lot line of any property in an adjacent residence district than a horizontal distance equal to the height of the point above curb level. However, stacks, tanks, bulkheads or ventilating equipment, including towers enclosing same, shall be exempt from the limitation if not exceeding in the aggregate 40 feet in lineal dimension parallel to the residential lot line for any 100 feet of length of such lot line. Parapets not exceeding 3 feet in height shall also be exempt from the limitation.

(Prior Code, § 24-118) (Ord. 97-15; Ord. 2001-41)

## XVIII. PERFORMANCE STANDARDS; STORMWATER

In this NORTHWIND PUD district, all developments must comply with current City, State and Federal storm water regulations in effect at the time of the development. A change in impervious area shall result in a review of the storm-water requirements by the City of Hobart.

## XIX. PERFORMANCE STANDARDS; OUTDOOR STORAGE

Outdoor storage is only permitted within 250' on lots adjacent to the Railroad right-of-way. Outside storage must be fenced using 8' tall, black, nylon coated chain link fence with black privacy slats or other approved Plan Commission screening. Storage yards must be paved with heavy-duty asphalt. All equipment stored in the yard must be arranged in an orderly, low profile, and maintained in a clean, and operable manner.

### Definitions:

**Process Production:** Mechanical or chemical steps used to create an object, usually repeated to create multiple units of the same item. Generally involves the use of raw materials, machinery and manpower to create a product

**Explosives:** An explosive is any substance or article, including a device, which is designed to function by explosion, i.e. an extremely rapid release of gas and heat, or which, by chemical reaction within itself, is able to function in a similar manner even if not designed to function by explosion, unless it is otherwise classified under the provision of the regulations

