

**ORDINANCE NO. 2014 – 42**

**An Ordinance to Amend the City of Hobart Municipal Code Concerning Residential Parking and Parking-Related Structures**

WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”) has taken notice of a number of instances in which the current Municipal Code of the City (“Code”) fails properly to regulate the parking of vehicles at or near residential properties of the City; and

WHEREAS, the Council also notes instances where the Code prohibits common practices relating to residential parking which are not harmful to the peace and health of the City and the elimination of which will result in proper enforcement of other existing Code provisions which govern parking and structures related thereto; and

WHEREAS, certain other residential parking-related structures and practices should be the subject of regulation by ordinance and the Council believes that these should be the subject of immediate regulation; and

WHEREAS, the Council desires, through this Ordinance, to address these matters legislatively and to spread same upon the public record.

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

*SECTION ONE:* The Municipal Code of the City of Hobart, Indiana (“Code”) is hereby amended by striking out subsection (A) of §154.358, such subsection entitled “*Use of parking facilities,*” and inserting in lieu thereof the following new subsection (A):

(A) *Use of parking facilities.* Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section, including driveways for detached single dwellings or multi-units in R-1, R-2 and R-3 zoning classifications, as illustrated in subsection (H) of this section, shall be used solely for the parking of passenger automobiles, trailers or other vehicles with a Gross Vehicle Weight Rating of 11,000 pounds or less owned, leased or rented by an occupant or the employer of an occupant of the dwelling structure to which such facility, driveway or off-street parking location is accessory for guests, customers, or invitees of such occupant.

(1) Under no circumstances shall parking facilities accessory to residential structures, including driveways and off-street parking locations of detached single dwellings or multi-units in R-1, R-2 and R-3 zoning classifications, be used for the parking or storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, visitors, or customers of business or manufacturing establishments, except

that each occupant of a residentially zoned property shall be allowed to park one (1) commercial vehicle with a Gross Vehicle Weight Rating of 11,000 pounds or less owned, leased or rented by the occupant or the employer of the occupant of the dwelling structure to which such facility, driveway or off-street parking location is accessory.

(2) Vehicles and trailers parked in a driveway or unenclosed off-street parking location of a detached single dwelling or multi-unit in R-1, R-2 and R-3 zoning classifications must be in running order, and must have current registration.

(3) Up to a total of two (2) recreational trailers for boats, snowmobiles, 4-wheelers, motorized cycles, camping, golf carts or other recreational uses, and recreational vehicles owned by the resident that are in operating condition may be parked on driveways and off-street parking location of detached single dwellings or multi-units in R-1, R-2 and R-3 zoning classifications and in rear or side yards of same on any surface, (unless forbidden by applicable restrictive covenants) but parking such vehicle units in the front yard, other than upon a driveway, or off-street parking location properly constructed pursuant to the requirements of subsection (E) and (H) of this section, is prohibited.

(4) A single box trailer or commercial trailer that is in operating condition may be parked upon an improved driveway or off street parking location properly constructed pursuant to the requirements of subsection (E) and (H) of this section.

(5) There are no restrictions on the number or type of vehicles or trailers that may be parked in an enclosed parking facility.

*SECTION TWO:* The Code is hereby further amended by striking out sub-subsection (1) of subsection (E) of §154.358 entitled "*Access*" and inserting in lieu thereof the following new sub-subsection (1):

(1) Each required off-street parking space shall open directly upon an aisle or driveway of a width and design to provide safe and efficient means of vehicular access to the parking space, and pedestrian access to sidewalks. The width of the driveway through the front yard of the above-referenced dwellings shall not exceed 9' (nine feet) wider than the width of the dwelling's garage and one-half the width of the lot.

*SECTION THREE:* The Code is hereby further amended by striking out subsection (F) of §154.358 entitled "*In Yards*" and inserting in lieu thereof the following new subsection (F):

(F) Off-street parking required for uses permitted in residential districts may be located in a required rear or side yard, but not in a required front yard, except on driveways and off-street parking locations, as illustrated in subsection (H) of this

section. Off-street parking for permitted uses in business or manufacturing districts may be located in a required rear or side yard, except for the 10 feet adjacent to the rear or side lot line adjacent to a residential district, and in the front yard except for the 10 feet adjacent to the front lot line.

*SECTION FOUR:* The Code is hereby further amended by striking out subsections (2) and (3) of subsection (G) of §154.358 entitled “*Surfacing*” and “*Screening and landscaping*” and inserting in lieu thereof the following new subsections (2) and (3):

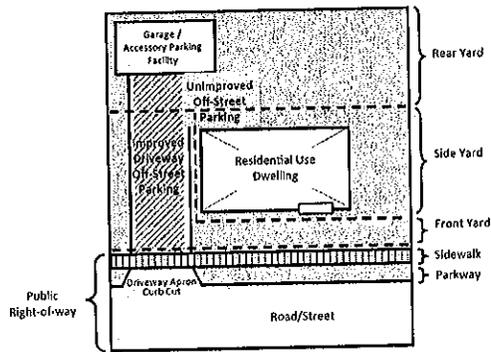
(2) *Surfacing.* All open off-street parking areas that are improved shall be improved with either a minimum of 5 inches of portland cement or a compacted macadam or equal base, not less than 4 inches thick, surfaced with asphaltic concrete or some comparable all-weather, dustless material.

(3) *Screening and landscaping.* All open automobile parking areas that contain more than 10 parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional property by a wall, fence or densely planted compact hedge not less than 5 feet nor more than 7 feet in height. The required screening shall conform with the front yard requirements of the district in which the parking is located. Any business or manufacturing off-street parking area located in the front yard shall be screened from the street by a 10-foot planting area which will effectively screen the parked cars. The Plan Commission shall approve the landscaping plan, prior to the issuance of a building permit.

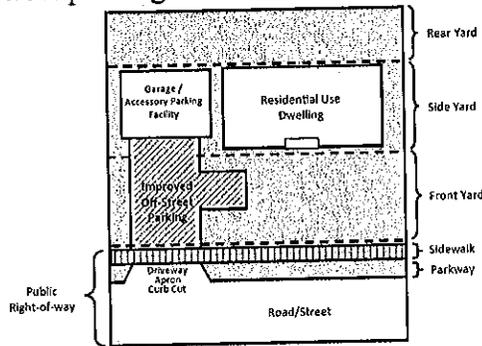
*SECTION FIVE:* The Code is hereby further amended by adding a new subsection, to be denominated subsection “(H),” to §154.358, such subsection to be entitled “*Illustrations of Permitted Off-Street Parking Location for Residential Zones R-1, R-2, R-3*” as follows:

(H) *Illustrations of Permitted Off-Street Parking Location for Residential Zones R-1, R-2, R-3:*  
*Note that the drawings are for illustrative purposes only. The language of the Code controls.*

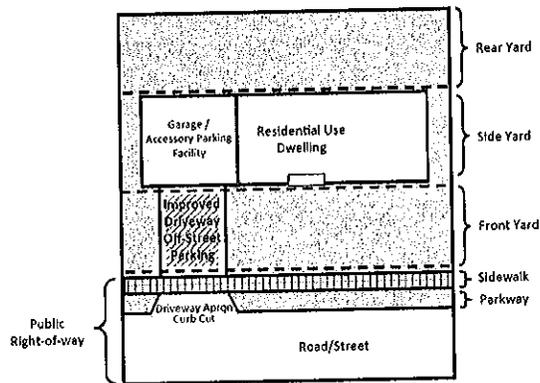
- (1) Detached accessory parking facility with unimproved rear yard off-street parking.



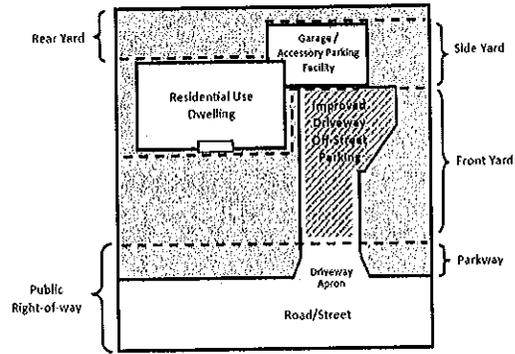
(2) Detached accessory parking facility with improved front yard off-street parking location.



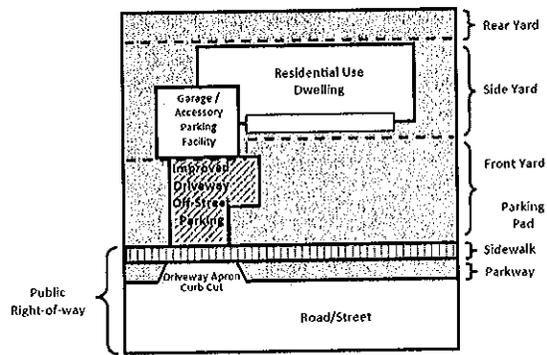
(3) Attached accessory parking facility with improved front yard off-street parking.



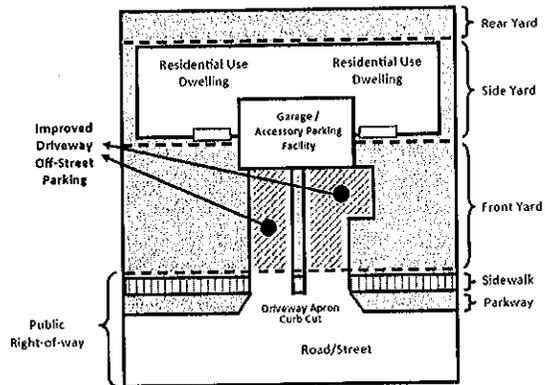
(4) Rear attached accessory parking facility with improved front yard off-street parking.



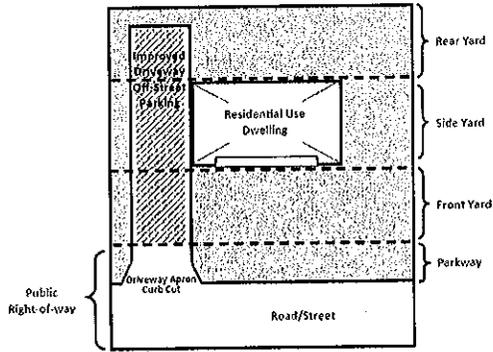
(5) Front attached accessory parking facility with improved front yard off-street parking location.



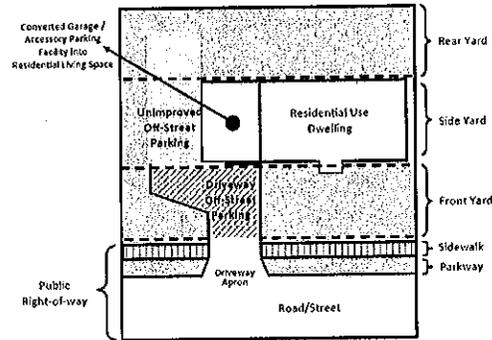
(6) Multi-unit dwelling with attached accessory parking facility with improved front yard off-street parking location.



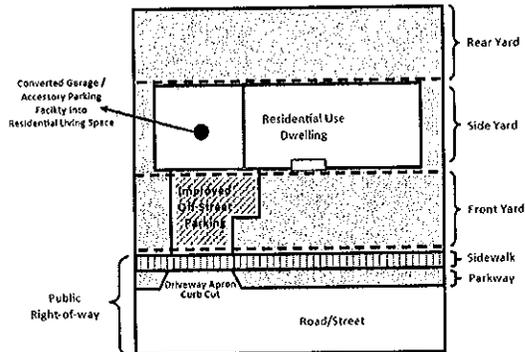
(7) No accessory parking facility with front, side, and rear yard improved off-street parking location.



- (8) Converted accessory parking facility into living space with improved front yard off-street parking facility and unimproved side and rear yard off-street parking location.



- (9) Converted accessory parking facility into living space with improved front yard off-street parking location.



*SECTION SIX:* The Code is hereby further amended by striking out the language of §150.061, such section entitled “PERMIT REQUIRED; PAYMENT OF FEES” and inserting in lieu thereof the following new language:

§ 150.061 PERMIT REQUIRED; PAYMENT OF FEES

A permit shall be obtained before beginning construction, alteration or repair of any building or structure, garage, driveway, or off-street parking location including on site construction, or erection of any preassembled building or structure of which the value exceeds \$250.00, using forms furnished by the Building Department and all fees required by this code shall be paid to the City, payable at the Clerk-Treasurer's office. The City Building Official shall take into consideration drainage and runoff when approving such a permit request and may consult with the City Engineer and MS4 Coordinator to determine if any questionable drainage and runoff considerations require a topographic survey or professionally prepared drainage plan.

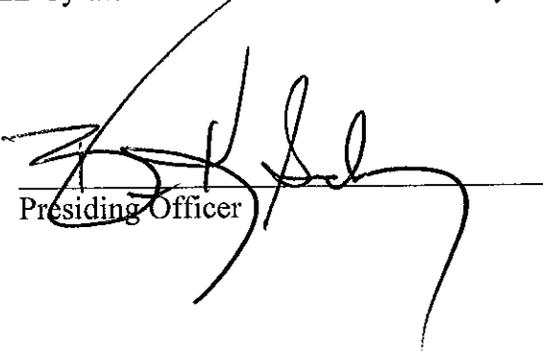
*SECTION SEVEN:* The Code is hereby further amended by striking out the language of subsection (2) of §94.67, such section entitled "PARKWAY MAINTENANCE" and inserting in lieu thereof the following new language:

(B) Unless granted authority by the Board of Public Works and Safety, no person may hereafter pave, repave or cause to be paved, all or any part of a parkway, or public right-of-way, except as part of a permitted driveway or driveway apron. The Board of Public Works and Safety may determine the materials and specifications for paving as it feels are appropriate.

*SECTION EIGHT:* This ordinance shall become effective upon its adoption in the manner required by law, and upon publication thereof pursuant to I.C. §36-3-4-6-14(b) in two newspapers of general circulation published within the City pursuant to I.C. §5-3-1-4 (a).

*SECTION NINE:* All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

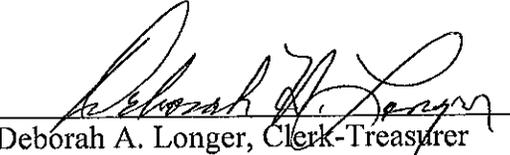
ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 4th day of February, 2015.

  
\_\_\_\_\_  
Presiding Officer

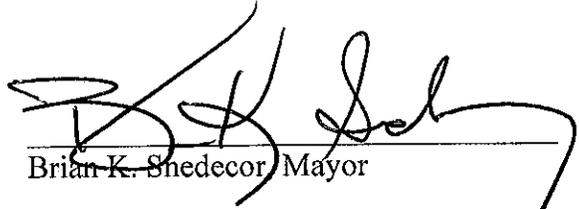
ATTEST:

  
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

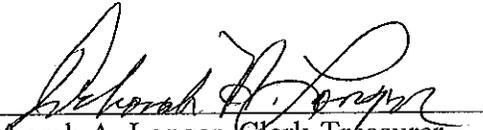
PRESENTED by me to the Mayor of the City of Hobart on the 4th day of February, 2015 at the hour of 6:45 pm.

  
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Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 4th day of February, 2015.



Brian K. Shedecor, Mayor

ATTEST:   
Deborah A. Longer, Clerk-Treasurer