

ORDINANCE NO. 2019 – 01

**An Ordinance to Amend the City of Hobart Municipal Code Concerning
Site Plans and Drainage Plans**

WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”) has taken notice of the need to strengthen certain regulations governing the construction of buildings in the City; and

WHEREAS, important goals of such regulation should include improved drainage and enhanced aesthetic appeal, which, in turn will promote the financial viability and stability of the City; and

WHEREAS, the Council also notes the desirability of improving the process of reviewing and evaluating development projects to address fully the aesthetic, drainage and financial impact of projects.

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 in Chapter 154 entitled “ZONING” by adding the following two subsections to §154.420 titled “PURPOSE:”

- (F) Promote and enhance drainage of stormwater throughout the City of Hobart through proper planning and verification that plans are properly implemented.
- (G) Promote and enhance the aesthetic nature and financial stability of buildings and properties throughout the City of Hobart.

SECTION TWO: The Municipal Code of the City of Hobart, Indiana (“Code”) is hereby amended by striking out the language contained in §154.422 entitled “APPLICABILITY OF REVIEW,” and inserting in lieu thereof the following new language:

§ 154.422. APPLICABILITY OF REVIEW.

(A) The following projects shall be required to undergo site plan review prior to issuance of preliminary subdivision approval, or in the case of a parcel already subdivided, prior to issuance of a fill permit or a building permit that involves adding or changing the size, shape or location of structures on the property or otherwise results in significant change to the topography of the property as determined by the City Engineer:

- (1) Residential developments or properties;

- (2) Industrially zoned developments or properties;
- (3) Highway-oriented business zoned developments or properties;
- (4) General business zoned developments or properties;
- (5) Planned unit developments or properties;
- (6) Office space zoned developments or properties.

(B) All site plan approvals shall expire 18 months from date of approval by the Plan Commission.

(C) Major site plan applications consisting of one or more acres shall require a public hearing; or as determined by the Plan Commission and City Planner where the proposed development would significantly impact surrounding properties.

(D) Site plans for individual residential properties may be approved or disapproved by the City Planner after review by the City Engineer and Stormwater Coordinator. If disapproved by the City Planner, the petitioner may request Site Plan review by the Plan Commission. The City Planner may refer any Site Plan to the Plan Commission if he/she feels there are special or unusual issues associated with the Site Plan that require review from the Plan Commission. The special or unusual issues that should cause the City Planner to refer the plan to the Plan Commission include drainage issues, noise issues, traffic issues, visual issues that may cause the property to appear inconsistent with neighboring structures or properties or any other issues that may negatively impact the aesthetic nature or financial stability of neighboring properties. The Plan Commission shall provide the City Planner with guidance on the other issues that it feels warrant its review of Site Plans. In situations where the Plan Commission is reviewing a Site Plan, it may require a Public Hearing with notification of neighboring property owners.

(E) All required Site Plans, other than those for individual residential properties, shall be reviewed and approved or disapproved by the Plan Commission.

SECTION THREE: The Municipal Code of the City of Hobart, Indiana ("Code") is hereby amended by adding the following new sub-sections to existing §154.423 entitled "COMPONENTS OF REVIEW:"

(G) Drainage impact.

(H) Aesthetic and ~~financial~~ economic impact on neighboring properties.

SECTION FOUR: The Municipal Code of the City of Hobart, Indiana ("Code") is hereby amended by adding the following new language to the end of existing §154.424 entitled "REVIEW FACTORS:"

(G) *Drainage impact.*

(1) The goals of reviewing drainage should be to:

- (a) minimize the impact of drainage and runoff on neighboring properties;
- (b) reduce and delay the impact of rain or thawing events on ditches, creeks, rivers and storm water management structures;
- (c) work towards the goal that rain and thawing snow should remain on the property as long as possible to slow its downstream impact and maximize the amount that is absorbed into the soil on site; and
- (d) when possible, work to correct existing drainage problems created by previous development activities.

(2) All site plans shall include a Drainage Plan that is prepared by a licensed professional engineer or licensed professional surveyor. The Drainage Plan shall include:

- (a) current property elevations;
- (b) proposed finished property elevations. In the case of developments with multiple properties that will be developed at a future time, the proposed property elevations shown in the Drainage Plan should be the elevations after the individual properties are developed in the future. In cases where the subdivision or installation of infrastructure in a development of lots that will be developed in the future, will change the topography of the property, the Drainage Plan should also include the planned elevations that will exist after subdivision and installation of infrastructure;
- (c) description of how water currently flows on the property;
- (d) size, location and elevation of all structures and driveways to be located on the property. In the case of developments with multiple properties that will be developed at a future time, a general description of the potential size and location of structures and driveways is all that is required;
- (e) detailed plans for any proposed changes to drainage plans or drainage structures; and
- (f) detailed plans for any proposed changes to drainage easements and plans on how they will be recorded.

(g) in cases where there is an approved Drainage Plan for the development where the property is located, the City Engineer may allow the petitioner to use the developments Drainage Plan to serve as the Drainage Plan for an individual property in the development, if they so desire, eliminating the need for an individual Drainage Plan for each property in the development, in which case the property must be developed as defined in the developments Drainage Plan and a foundation survey and post-development survey are still required for each property as described below.

(3) All foundation inspections shall include a survey of the foundation that is performed by a licensed professional surveyor. The survey must show that the foundation is properly located on the property and that it is at the correct height before the foundation is approved.

(4) All Drainage Plans must be verified with a post-development "as built" survey by a licensed professional surveyor that shows that the Drainage Plan was properly implemented as approved. This survey must be reviewed and approved by the City Engineer. Any failures in implementing the Drainage Plan must be corrected before a Certificate of Occupancy can be issued for the property.

(5) All Fill Permit requests that are presented to the Plan Commission for approval must include a Drainage Plan as described above and must have the post-development "as-built" survey approved by the City Engineer as described above. The City Engineer may require Drainage Plans and post-development "as-built" surveys on Fill Permits he/she approves if he/she feels it is necessary.

(6) Building Permits for adding auxiliary structures on previously developed properties or Demolition Permits for removing structures, do not require the creation of a Site Plan or Drainage Plan as long as the construction of the new auxiliary structure or removal of the existing structure does not negatively impact the drainage on the property. Before issuing a Building Permit for the construction of an auxiliary structure or issuing a Demolition Permit, the Building Commissioner may request the project be reviewed by the City Engineer, who may require a Site Plan and/or Drainage Plan be created if he/she feels the project may negatively impact the drainage on the property.

(H) Aesthetic and Financial Impact

(1) Goals

(a) minimize any negative financial impact on neighboring properties;

(b) harmonize, generally, the appearance of new buildings with existing buildings on neighboring properties;

(c) encourage the development of buildings that maintain and enhance the market value of surrounding properties;

(d) when possible, remedy existing aesthetic problems created by previous development activities.

(2) Comparison with neighboring buildings and properties: The following characteristics should be considered when comparing new buildings with existing buildings on neighboring properties:

- (a) density;
- (b) square footage;
- (c) building set back;
- (d) ground floor elevation;
- (e) building height;
- (f) materials used on exterior of the buildings;
- (g) Plantings and landscaping planned for the front yard;
- (h) style and size of fences

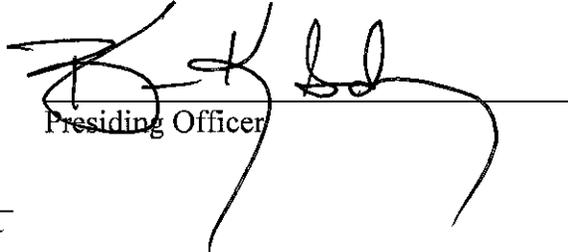
(3) Submitted opinions of impact: Property owners, neighbors or other concerned citizens may submit a Letter of Estimated Economic Impact from a Licensed Real Estate Broker or Appraiser at the time the Site Plan is being reviewed in support or opposition of the planned building or development. The Letter of Estimated Economic Impact should contain:

- (a) Name of the owner, neighbor or other concerned citizen who is submitting the letter;
- (b) Name and signature of the Licensed Real Estate Broker or Appraiser who is giving the opinion;
- (c) Address of the property being developed; and
- (d) Whether the Licensed Real Estate Broker or Appraiser believes the proposed property being developed will have a positive, neutral or negative financial impact on neighboring properties.

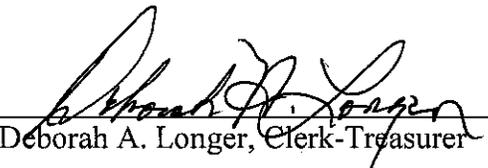
SECTION FIVE: This ordinance shall become effective upon its adoption in the manner required by law, and upon publication thereof pursuant to I.C. §36- 3-4-6-14(b) in two newspapers of general circulation published within the City pursuant to I.C. §5-3-1-4 (a).

SECTION SIX: 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 6th day of March, 2019.



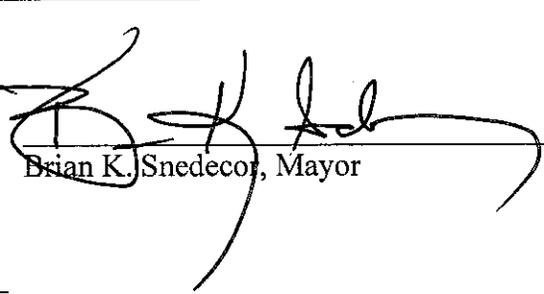
Presiding Officer

ATTEST: 
Deborah A. Longer, Clerk-Treasurer

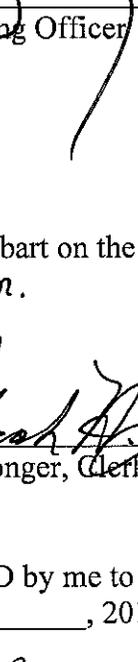
PRESENTED by me to the Mayor of the City of Hobart on the 6th day of March, 2019 at the hour of 6:25 pm.

Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 6th day of March, 2019.



Brian K. Snedecor, Mayor

ATTEST: 
Deborah A. Longer, Clerk-Treasurer